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4 MARKUP OF H.R. 1147, THE LEGAL WORKFORCE ACT;

5 H.R. 1149, THE PROTECTION OF CHILDREN ACT OF 2015;

6 H.R. 1153, THE ASYLUM REFORM AND BORDER PROTECTION ACT OF
7 2015; AND

8 H.R. 1148, THE MICHAEL DAVIS, JR. IN HONOR OF STATE AND LOCAL
9 LAW ENFORCEMENT ACT (PART 2)

10 Wednesday, March 4, 2015

11 House of Representatives

12 Committee on the Judiciary

13 Washington, D.C.

14 The committee met, pursuant to call, at 10:18 a.m., in
15 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
16 [chairman of the committee] presiding.

17 Present: Representatives Goodlatte, Sensenbrenner,

18 Smith, Chabot, Issa, Forbes, King, Franks, Gohmert, Jordan,
19 Poe, Chaffetz, Marino, Gowdy, Labrador, Farenthold, Collins,
20 DeSantis, Walters, Buck, Ratcliffe, Trott, Bishop, Conyers,
21 Nadler, Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Chu,
22 Deutch, Gutierrez, Richmond, DelBene, Jeffries, Cicilline,
23 and Peters.

24 Staff Present: Shelley Husband, Majority Staff
25 Director; Branden Ritchie, Majority Deputy Staff
26 Director/Chief Counsel; Allison Halataei, Majority
27 Parliamentarian; Kelsey Williams, Majority Clerk; George
28 Fishman, Majority Chief Counsel; Andrea Loving, Majority
29 Counsel; Dimple Shah, Majority Counsel; Perry Apfelbaum,
30 Minority Staff Director; Danielle Brown, Minority
31 Parliamentarian; Tom Jawetz, Minority Counsel; and Maggie
32 Lopatin, Minority Clerk.

33

34 Chairman Goodlatte. Good morning. The Judiciary
35 Committee will come to order. And without objection, the
36 chair is authorized to declare a recess of the committee at
37 any time.

38 Pursuant to notice, I now call up H.R. 1149 for purposes
39 of markup and move that the committee report the bill
40 favorably to the House. The clerk will report the bill.

41 Ms. Williams. H.R. 1149, to amend the William
42 Wilberforce Trafficking Victims Protection Reauthorization
43 Act of 2008 to provide for the expedited removal of
44 unaccompanied alien children who are not victims of a severe
45 form of trafficking in persons and who do not have a fear of
46 returning to their country of nationality or last habitual
47 residence, and for other purposes.

48 Chairman Goodlatte. Without objection, the bill is
49 considered as read and open for amendment at any point.

50 [The information follows:]

51

52 Chairman Goodlatte. And I will begin by recognizing
53 myself for an opening statement.

54 There has been a tsunami hitting our Nation's southern
55 border, unaccompanied alien minors arriving in unprecedented
56 numbers. Central American minors, largely teenagers, are
57 making a perilous journey through Mexico and then walking
58 miles across a hostile border environment, assisted by
59 smugglers, and coming to the United States in violation of
60 the law.

61 In fiscal year 2011, the number of unaccompanied minors
62 apprehended at the border was 6,560. In 2014, the number
63 caught at the border surged to 68,541, which represents a 945
64 percent increase.

65 The administration claims that these aliens are coming
66 to the U.S. based upon generalized violence in their home
67 countries. It is true that this factor has always played a
68 role in Central Americans coming to the U.S. illegally.
69 However, the reasons for the recent and unprecedented surge
70 are very different than those claimed by the administration.

71 A May 28, 2014, Rio Grande Valley Sector Intelligence
72 Report summarized interviews conducted with hundreds of
73 apprehended Central American minors. When these individuals

74 were asked why they made the journey to the United States,
75 approximately 95 percent indicated that the main reason was
76 to take advantage of the new U.S. law that grants a free pass
77 or permit from the U.S. Government to unaccompanied alien
78 minors and women traveling with minors.

79 While no new law has been enacted, the truth is that
80 this administration has dramatically altered immigration
81 enforcement policies. The timing of the change in policies
82 correlates closely with the steep uptick of minors showing up
83 at the border.

84 Word has spread throughout Central America that, thanks
85 to the administration's lax enforcement policies, once
86 encountered by Border Patrol agents and processed, minors
87 will likely never be removed. In fact, the unaccompanied
88 minors who the administration entices to make the perilous
89 journey to the U.S. are ushered into the interior of the
90 United States.

91 Most are ultimately released, often into the hands of
92 those who paid smugglers to bring them here in the first
93 place. It is unclear whether they will ever show up for
94 their removal proceedings years in the future.

95 Judge John Carter's bill sends the urgently needed

96 message to minors from Central America contemplating the
97 dangerous journey to the U.S. that once apprehended, they
98 will not be released into our communities. Rather, they will
99 be swiftly and safely returned to their home countries. This
100 is the single most important step that Congress can take to
101 end the surge at our borders and dissuade minors from risking
102 their lives to come here illegally.

103 The Carter bill works by modifying the Trafficking
104 Victims Protection Reauthorization Act of 2008. That
105 legislation created two distinct sets of rules regarding
106 unaccompanied minors, one for minors apprehended from
107 contiguous countries, such as Mexico, and one for minors from
108 noncontiguous countries.

109 Minors from contiguous countries can be immediately
110 returned if they consent, have not been trafficked, and don't
111 have a credible fear of persecution. However, minors from
112 other countries must be placed in a very lengthy removal
113 proceeding in immigration court during which they are usually
114 released into the United States, often to the very parents
115 who attempted to smuggle them into the U.S.

116 Mr. Carter's bill eliminates the conflicting rules and
117 subjects all minors to expeditious return if they have not

118 been trafficked and don't have a credible fear of
119 persecution. The bill also provides authority for the
120 Secretary of State to negotiate agreements with foreign
121 countries regarding unaccompanied minors, including
122 protections for minors who are returned to their country of
123 nationality.

124 As for those unaccompanied minors who will be awaiting
125 immigration court proceedings, Judge Carter's bill provides
126 for greater transparency and safety. It requires the
127 Department of Health and Human Services to provide DHS with
128 biographical information regarding the sponsors or family
129 members to whom they are released.

130 Currently, there is no requirement to share sponsor or
131 family information with DHS. Without this information, there
132 is a danger that minors will be lost in the system or, worse,
133 be inadvertently delivered into the hands of criminals or
134 abusers.

135 The bill also mandates that DHS follow up with the
136 sponsors with whom the minors are placed to verify their
137 immigration status and issue notices for them to appear in
138 immigration court where appropriate.

139 Finally, the bill reaffirms the privilege of

140 unaccompanied minors to have access to counsel to represent
141 them in immigration court, but at no expense to the United
142 States taxpayer.

143 I urge my colleagues to support this important bill. We
144 must prevent another mass influx of minors along our southern
145 border and the suffering that inevitably comes along with it.

146 It is now my pleasure to recognize the ranking member of
147 the committee, the gentleman from Michigan, Mr. Conyers, for
148 his opening statement.

149 Mr. Conyers. Thank you, Mr. Chairman.

150 This is a markup of H.R. 1149, the Protection of
151 Children Act. But contrary to its name, it does nothing to
152 protect children. Instead, it strips crucial protections for
153 unaccompanied children who are fleeing trafficking and
154 persecution in their home countries.

155 Let me be clear. This legislation will lead to the
156 victimization and endangerment of children at the hands of
157 the United States Government.

158 First, this legislation would authorize the lengthy
159 detention of children in Department of Homeland Security
160 facilities that are not suitable for children. Why do I say
161 that? Because it extends the length of time that

162 unaccompanied children can be held in Border Patrol stations
163 from 72 hours up to 30 days. Actually, for unaccompanied
164 children who do not pass the cursory screening performed by
165 Border Patrol agents, the bill establishes no time limit for
166 their detention.

167 We have long held that children deserve heightened care.
168 This standard should be no different for immigrant children.
169 Incarcerating children for long periods of time in Border
170 Patrol stations, and in Department of Homeland Security
171 facilities no less, is not the American way.

172 Also this legislation would return children to a parent
173 in their home country who has abandoned, abused, or neglected
174 them. It does this by changing a crucial eligibility
175 requirement for special immigrant juvenile status.

176 Under the guise of protecting children, this legislation
177 says that if you are a child who is abused, neglected, or
178 abandoned, the United States Government will return you to
179 your abuser solely because you have the added misfortune of
180 being an immigrant. This is not the American way.

181 And finally, this bill will send children who are
182 fleeing persecution and trafficking back to the terror from
183 which they fled without an opportunity to make their case for

184 protection. This is not the way we should be doing things in
185 the Judiciary Committee.

186 Last summer, I had the opportunity to hear stories of
187 immigrant refugee children at a Congressional Progressive
188 Caucus hearing. They spoke bravely and honorably about their
189 experiences in their home countries, about the journey north,
190 and about what they had experienced in our country. They
191 spoke of being assaulted and having witnessed murders in
192 their home countries.

193 The decision to leave their homes was often made because
194 it was the last choice they had when their countries were
195 unable to provide them with safety. Now while not all
196 immigrant children will qualify for legal relief, don't we
197 have a responsibility to give them a fair opportunity to
198 pursue their claims under our refugee protection laws?

199 So, in closing, this legislation strikes me, frankly, as
200 particularly mean-spirited, as well as shortsighted. Our
201 immigration system is broken, but instead of working on
202 comprehensive solutions to meet the needs of American
203 families, businesses, and our economy, we are here this
204 morning considering legislation to target children for swift
205 deportation.

206 Thank you, Mr. Chairman. I yield back the balance of my
207 time.

208 Chairman Goodlatte. The chair thanks the gentleman.

209 It is my understanding that the gentlewoman from
210 California, the ranking member of the Immigration and Border
211 Security Subcommittee, has an opening statement. And she is
212 recognized for 5 minutes.

213 Ms. Lofgren. Thank you, Mr. Chairman.

214 As has been mentioned, the bill, titled the Protection
215 of Children Act, which was drafted by our colleague Judge
216 John Carter, would cause tremendous damage to our efforts to
217 protect vulnerable children.

218 Last summer, we heard dozens of stories regarding
219 children who fled from Honduras, El Salvador, and Guatemala
220 to find refuge and others who were actually brutally murdered
221 before they had the chance to flee. Other children were
222 trafficked for sex or labor and fled their home country,
223 hoping to find protection in the United States. And I would
224 note children also fled to neighboring countries, to Belize
225 and Nicaragua, to escape the violence and abuse.

226 Now I have full faith that Judge Carter was well
227 intentioned in his desire to find a solution to the surge,

228 but the result of this bill would be rapid and prompt
229 deportation of children, many of whom have real international
230 protection and sex trafficking claims. Contrary to its name,
231 the bill does nothing to protect children but, instead,
232 strips protections designed to protect them.

233 For example, the bill removes the provision in the
234 Trafficking Victims Protection Reauthorization Act that
235 requires DHS to determine whether a child is able to make an
236 independent decision to withdraw her application for
237 admission to America. This provision was intended and
238 crafted to protect young children and those with reduced
239 mental capacity.

240 In practice, Customs and Border Protection agents and
241 officers transfer children under the age of 14 to Health and
242 Human Service custody because it is understood that young
243 children lack the capacity to make a decision about their
244 immigration case in an expedited fashion. Transfer to HHS
245 allows these children to undergo a longer screening process
246 with HHS social workers and allows them the opportunity to
247 have a hearing before an immigration judge.

248 If this bill was actually intended to protect children,
249 this provision, the one that ensures that young children and

250 those with diminished capacity would not be subject to rapid
251 screening, would have remained in TVPRA. Instead, I fear
252 that my majority colleagues are proposing a short-term
253 solution that would result in rapid deportation of vulnerable
254 young children.

255 Last summer, critics of TVPRA complained about a
256 loophole they said in the law that allowed children from
257 noncontiguous countries, mostly the three Central American
258 countries, to be treated better than children from contiguous
259 countries, mostly Mexico. Critics argue that the so-called
260 loophole needed to be closed and that children from all
261 countries should be subjected to the same expedited screening
262 mechanism as Mexican children.

263 The problem with this conclusion is it ignores what we
264 have actually learned about the screening of Mexican
265 children. Namely, that it has proven to be ineffective. At
266 our Government's request, the United Nations reviewed our
267 treatment of Mexican children and concluded we are returning
268 Mexican children to face sex trafficking and persecution.

269 Rather than fix the flaw in our treatment of Mexican
270 children and end the practice of returning Mexican children
271 to dangerous situations, the bill would subject all

272 unaccompanied children to that flawed procedure. But it
273 doesn't stop there. The bill then authorizes the indefinite
274 detention of children who pass the screening and allows
275 children who do not pass the screening to remain in DHS
276 custody for up to 30 days.

277 Now we all saw the heartbreaking photos of children
278 languishing in Border Patrol stations, and some of us,
279 including me, traveled down to the Southwest border to see
280 the situation for ourselves. I met several Border Patrol
281 agents who were clearly trying the best they could in a
282 difficult situation.

283 But we should not expect these officers to have the
284 responsibility of caring for children, little children for
285 such lengthy periods of time. I know that they would be the
286 very first people to tell us -- in fact, they did tell us
287 that a Border Patrol station is no place for a child,
288 certainly not for 30 days or more.

289 This change in the law just makes no sense. And as my
290 colleagues know, I am always willing to look for a common
291 sense solution to our broken immigration system. This isn't
292 it.

293 I share my majority colleague's concern over last

294 summer's border surge and agree that we should examine our
295 response closely. However, our solution should not be to
296 strip crucial protections to vulnerable children. That will
297 not solve the problem. It will only place more children in
298 dangerous situations. And like my colleagues at the U.S.
299 Conference of Catholic Bishops have explained, "It would be
300 like sending fleeing children into a burning building that
301 they just fled."

302 Our laws protecting asylum seekers, trafficking victims,
303 and abandoned children save real lives. These vulnerable
304 children deserve better than what this bill provides, and the
305 American people expect more of us than what we are giving
306 today.

307 I would just like to say that these cases need to be
308 dealt with in a meaningful way, one by one, without
309 prejudging the outcome. And I feel very sad, actually, that
310 the broad, bipartisan consensus that brought us the
311 trafficking victims bill, fueled by religious people across
312 the United States, has come to this, stripping protections
313 from child sex victims.

314 And I yield back.

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

316 1149?

317 Mr. Conyers. Mr. Chairman?

318 Chairman Goodlatte. For what purpose does the gentleman
319 from Michigan --

320 Mr. Conyers. Mr. Chairman, I have an amendment at the
321 desk, and I ask that it be reported.

322 Chairman Goodlatte. The clerk will report the
323 amendment.

324 Ms. Williams. Amendment to H.R. 1149, offered by Mr.
325 Conyers. In Section 2(a) --

326 Chairman Goodlatte. Without objection, the amendment
327 will be considered read.

328 [The amendment of Mr. Conyers follows:]

329

330 Chairman Goodlatte. And the gentleman is recognized for
331 5 minutes on his amendment.

332 Mr. Conyers. Thank you very much.

333 Members of the committee, under current law,
334 unaccompanied children from Mexico and Canada receive fewer
335 procedural protections than children from all other
336 countries, strange enough. Strangely enough. While children
337 from all other countries are transferred to the custody of
338 Health and Human Services and are placed in removal
339 proceedings, almost all Mexican children are quickly screened
340 before being returned without any real process at all.

341 We are told by the majority that this bill is simply one
342 that eliminates this disparate treatment and treats all
343 unaccompanied children the same. They are right. The bill
344 would treat all unaccompanied children the same. Children
345 from Honduras, El Salvador, and Guatemala fleeing violence
346 and persecuted will be treated the same as children from
347 Mexico. But the bill would actually treat all children,
348 Mexican and otherwise, far worse than any child is treated
349 today.

350 The law currently requires the Department of Homeland
351 Security to evaluate whether a child from Mexico is capable

352 of making an independent decision to return to her home
353 country. In practice, this provision ensures greater
354 protection for young children under the age of 14 who are
355 presumed to be incapable of making such an independent
356 decision. It also protects children with a reduced
357 intellectual capacity.

358 But this bill eliminates that requirement for all
359 children. This rollback of current law was not discussed at
360 the hearing on this bill and is not discussed in the
361 majority's memo for this markup. So I am anxious to hear why
362 they believe we should stop evaluating the ability of
363 children to make an independent decision to return home.

364 My amendment would preserve this crucial protection.
365 The amendment would continue to require the Department of
366 Homeland Security officers to decide whether a child is
367 independently able to make a decision that would allow the
368 child to be transferred to Homeland Security custody, where
369 trained child welfare professionals would be able to conduct
370 the screening and provide child-appropriate services.

371 In a letter on the treatment of unaccompanied children,
372 law professors specializing in child welfare law explained
373 that our legal system is rooted in the philosophy that

374 children are vulnerable and need to be protected and that we,
375 as a society, have an obligation to do so. They explained
376 that this protection is even more crucial when children
377 arriving at our border present signs of past trauma,
378 violence, and abuse.

379 I ask, Mr. Chairman, unanimous consent to enter that
380 letter into the record.

381 Chairman Goodlatte. Without objection, it will be made
382 a part of the record.

383 [The information follows:]

384

385 Mr. Conyers. Thank you.

386 We have all heard many of the terrible stories of
387 Central American youth fleeing violence and arriving at our
388 Southwest border, and I hope that we can all agree that we
389 should not remove provisions that protect the most vulnerable
390 of this group.

391 I urge my colleagues to support my amendment, and I
392 yield back the balance of my time.

393 Chairman Goodlatte. The chair thanks the gentleman and
394 recognizes himself in opposition of the amendment.

395 This amendment goes in exactly the wrong direction of
396 what was intended by Judge Carter, who represents a district
397 in the State of Texas, a border State that has experienced
398 much of the difficulty that has arisen as a result of the
399 border surge and the fact that unaccompanied minors have
400 increased by 945 percent in the past few years.

401 In fact, the survey of those minors indicates that they
402 come here because they understand that there is a change in
403 the law, not because of some of the concerns raised by the
404 gentleman and by the gentlewoman from California. And in
405 point of fact, the Carter bill provides for protection for
406 those minors about whom they have expressed concern.

407 So minors who are apprehended at the border should be
408 returned expeditiously and safely to their home countries, so
409 long as they don't have a credible fear of persecution and
410 have not been trafficked. This is the only way we can
411 dissuade minors from making the perilous journey to the
412 United States.

413 It should not be up to the minor to decide whether to
414 accept being returned safely and expeditiously. Expeditious
415 and safe return should be a matter of policy, so long as they
416 don't have a credible fear of persecution and have not been
417 trafficked.

418 Therefore, it is irrelevant whether the minor can make
419 an independent decision to accept return to their home
420 country. We must send the message that minors will be
421 returned.

422 And I urge my colleagues to oppose this amendment.

423 The question occurs on the amendment offered by the
424 gentleman from Michigan.

425 Ms. Jackson Lee. Mr. Chairman?

426 Chairman Goodlatte. For what purpose does the
427 gentlewoman from Texas seek recognition?

428 Ms. Jackson Lee. Mr. Chairman, I rise to support the

429 gentleman from Michigan's amendment.

430 Chairman Goodlatte. The gentlewoman is recognized for 5
431 minutes.

432 Ms. Jackson Lee. And strike the last word. Sorry, Mr.
433 Chairman.

434 Thank you so very much.

435 I am well aware of the intent of Judge Carter, a fellow
436 Texan. But my concern and my support for Mr. Conyers'
437 amendment is that as many of us traveled to the border and
438 actually encountered the unaccompanied children and saw the
439 varying ages of the unaccompanied children, and my colleague
440 who is sitting here today, both of us were at a bus
441 destination, Congresswoman Lofgren and myself, and were
442 watching the age groups that were coming off.

443 And the amendment that Mr. Conyers offers recognizes
444 that credible fear and persecution are decisions that
445 children may be of a certain age and are not able to
446 comprehend or to explain their circumstance even with counsel
447 or with HHS or with Border Patrol agents in the short period
448 of time that would advocate for them to be returned so
449 quickly. And it looks as if the way this legislation is
450 written that its basic infrastructure is to get rid of these

451 children as quickly as we possibly can because of the uproar
452 that was created, frankly, by many who did not understand the
453 circumstances.

454 I would offer to say that it was actually under control,
455 except for the moving of children into HHS facilities may not
456 have been as seamless as we would have liked. But the
457 facilities were there. HHS was working with Border Patrol
458 agents. They came in such numbers that they might not have
459 moved out as quickly as we would have liked, and so there
460 were certainly horror stories of numbers of children in
461 facilities that they should not have been in.

462 But the idea that we worked on in this committee, the
463 history of this protection is to give authorities with the
464 children to get the right answers. The language, as I
465 understand, in this legislation is not going to allow the
466 right answers.

467 You are giving a powder puff protection that says, well,
468 if these children are fleeing for reasons that they are in
469 fear of persecution, have been trafficked, those are legal
470 and technical terms that I don't know whether removing this
471 language is going to be helpful to the child understanding
472 what has happened to them. And that is why we had a process

473 that deliberated on their situation.

474 So I ask my colleagues to oppose the underlying bill,
475 but to note that Mr. Conyers is attempting to bring a
476 rational answer to minors who, one, are not speaking the
477 language and who have previously been documented through the
478 surge that we saw in the last couple of months that we could
479 pretty much document that these children have come because of
480 fear of their life. But if they are 5 years old or if they
481 are in diapers, it is sort of difficult for them to be able
482 to articulate their situation.

483 One of the other points was that children from Mexico
484 were not treated in the same way, and that was true. And I
485 join with colleagues to ask for a consideration of the same
486 fairness for children who fled from Mexico on the basis of
487 persecution and were, in fact, unaccompanied.

488 I don't see where this takes us to any higher ground.
489 And effectively, meaning the bill, effectively protects
490 children as we saw necessary to do in the 2000s when we
491 looked at this language and worked with Congresswoman Lofgren
492 on the HHS process.

493 Mr. Conyers' amendment recognizes these are minors,
494 recognizes these are babies, recognizes that we have at least

495 a humanitarian responsibility to process these individuals.
496 And what I think would be the better approach is, hopefully,
497 to enhance the resources for those who are engaged in the
498 review of these cases, including immigration judges, that
499 does not logjam those who come from Mexico and put them in a
500 more disadvantaged position if their situation is warranted
501 and is in a crisis.

502 So I ask my colleagues to support the Conyers amendment.

503 Mr. Conyers. Would the gentlelady yield?

504 Ms. Jackson Lee. I would be happy to yield to the
505 gentleman.

506 Mr. Conyers. I want to thank the gentlelady for her
507 explanation.

508 Chairman Goodlatte. The time of the gentlelady has
509 expired. Without objection, she is recognized for an
510 additional minute to --

511 Ms. Jackson Lee. I thank you, and I yield to the
512 gentleman from Michigan. Thank you so very much.

513 Mr. Conyers. Thank you both.

514 But this bill eliminates that requirement of those who
515 are presumed to be incapable of making such an independent
516 decision. And so, this rollback of current law that hasn't

517 been discussed before, not discussed in the memo for this
518 markup, and I think my amendment would, as the gentlelady
519 from Texas says, would preserve this crucial amendment
520 protection.

521 The amendment would continue to require Department of
522 Health and Human Services officers to decide whether a child
523 is able to make a decision and would allow the child to be
524 transferred where trained child welfare professionals would
525 be able to conduct a screening and provide child-appropriate
526 services.

527 I thank the gentlelady, and I yield back.

528 Ms. Jackson Lee. I thank the gentleman, and I ask for
529 the support of the Jackson Lee amendment. And I yield back.

530 Chairman Goodlatte. The question occurs on the
531 amendment offered --

532 Ms. Jackson Lee. I am sorry. The Conyers amendment.

533 Chairman Goodlatte. The questions occurs on the
534 amendment offered by the gentleman from Michigan.

535 All those in favor, respond by saying aye.

536 Those opposed, no.

537 In the opinion of the chair, the noes have it. And the
538 amendment is not agreed to.

539 Mr. Conyers. Could I have a record vote?
540 Chairman Goodlatte. A recorded vote is requested, and
541 the clerk will call the roll.
542 Ms. Williams. Mr. Goodlatte?
543 Chairman Goodlatte. No.
544 Ms. Williams. Mr. Goodlatte votes no.
545 Mr. Sensenbrenner?
546 [No response.]
547 Ms. Williams. Mr. Smith?
548 [No response.]
549 Ms. Williams. Mr. Chabot?
550 Mr. Chabot. No.
551 Ms. Williams. Mr. Chabot votes no.
552 Mr. Issa?
553 [No response.]
554 Ms. Williams. Mr. Forbes?
555 [No response.]
556 Ms. Williams. Mr. King?
557 Mr. King. No.
558 Ms. Williams. Mr. King votes no.
559 Mr. Franks?
560 Mr. Franks. No.

561 Ms. Williams. Mr. Franks votes no.
562 Mr. Gohmert?
563 Mr. Gohmert. No.
564 Ms. Williams. Mr. Gohmert votes no.
565 Mr. Jordan?
566 Mr. Jordan. No.
567 Ms. Williams. Mr. Jordan votes no.
568 Mr. Poe?
569 [No response.]
570 Ms. Williams. Mr. Chaffetz?
571 [No response.]
572 Ms. Williams. Mr. Marino?
573 Mr. Marino. No.
574 Ms. Williams. Mr. Marino votes no.
575 Mr. Gowdy?
576 Mr. Gowdy. No.
577 Ms. Williams. Mr. Gowdy votes no.
578 Mr. Labrador?
579 Mr. Labrador. No.
580 Ms. Williams. Mr. Labrador votes no.
581 Mr. Farenthold?
582 Mr. Farenthold. No.

583 Ms. Williams. Mr. Farenthold votes no.
584 Mr. Collins?
585 Mr. Collins. No.
586 Ms. Williams. Mr. Collins votes no.
587 Mr. DeSantis?
588 Mr. DeSantis. No.
589 Ms. Williams. Mr. DeSantis votes no.
590 Ms. Walters?
591 Ms. Walters. No.
592 Ms. Williams. Ms. Walters votes no.
593 Mr. Buck?
594 [No response.]
595 Ms. Williams. Mr. Ratcliffe?
596 [No response.]
597 Ms. Williams. Mr. Trott?
598 [No response.]
599 Ms. Williams. Mr. Bishop?
600 [No response.]
601 Ms. Williams. Mr. Conyers?
602 Mr. Conyers. Aye.
603 Ms. Williams. Mr. Conyers votes aye.
604 Mr. Nadler?

605 Mr. Nadler. Aye.

606 Ms. Williams. Mr. Nadler votes aye.

607 Ms. Lofgren?

608 Ms. Lofgren. Aye.

609 Ms. Williams. Ms. Lofgren votes aye.

610 Ms. Jackson Lee?

611 Ms. Jackson Lee. Aye.

612 Ms. Williams. Ms. Jackson Lee votes aye.

613 Mr. Cohen?

614 Mr. Cohen. Si.

615 Ms. Williams. Mr. Cohen votes aye.

616 Mr. Johnson?

617 [No response.]

618 Ms. Williams. Mr. Pierluisi?

619 [No response.]

620 Ms. Williams. Ms. Chu?

621 Ms. Chu. Aye.

622 Ms. Williams. Ms. Chu votes aye.

623 Mr. Deutch?

624 [No response.]

625 Ms. Williams. Mr. Gutierrez?

626 [No response.]

627 Ms. Williams. Ms. Bass?
628 [No response.]
629 Ms. Williams. Mr. Richmond?
630 Mr. Richmond. Aye.
631 Ms. Williams. Mr. Richmond votes aye.
632 Ms. DelBene?
633 Ms. DelBene. Aye.
634 Ms. Williams. Ms. DelBene votes aye.
635 Mr. Jeffries?
636 [No response.]
637 Ms. Williams. Mr. Cicilline?
638 Mr. Cicilline. Aye.
639 Ms. Williams. Mr. Cicilline votes aye.
640 Mr. Peters?
641 [No response.]
642 Chairman Goodlatte. The gentleman from Wisconsin?
643 Mr. Sensenbrenner. No.
644 Ms. Williams. Mr. Sensenbrenner votes no.
645 Chairman Goodlatte. The gentleman from Texas, Mr.
646 Smith?
647 Mr. Smith. No.
648 Ms. Williams. Mr. Smith votes no.

649 Chairman Goodlatte. The gentleman from Virginia?
650 Mr. Forbes. No.
651 Ms. Williams. Mr. Forbes votes no.
652 Chairman Goodlatte. The gentleman from Colorado?
653 Mr. Buck. No.
654 Ms. Williams. Mr. Buck votes no.
655 Chairman Goodlatte. The gentleman from Illinois?
656 Mr. Gutierrez. Yes.
657 Ms. Williams. Mr. Gutierrez votes yes.
658 Chairman Goodlatte. Has every Member voted who wishes
659 to vote?
660 [No response.]
661 Chairman Goodlatte. The clerk will report.
662 Voice. Oh, wait. Wait. One more.
663 Chairman Goodlatte. One more. The gentleman from
664 Puerto Rico?
665 Mr. Pierluisi. Aye.
666 Ms. Williams. Mr. Pierluisi votes aye.
667 Chairman Goodlatte. The gentleman from Michigan?
668 Mr. Trott. No.
669 Ms. Williams. Mr. Trott votes no.
670 Chairman Goodlatte. The clerk will report.

671 Ms. Williams. Mr. Chairman, 11 Members voted aye; 18
672 Members voted no.

673 Chairman Goodlatte. And the amendment is not agreed to.

674 Are there further amendments to H.R. 1149? For what
675 purpose does the gentleman from New York seek recognition?

676 Mr. Nadler. Mr. Chairman, I have an amendment at the
677 desk.

678 Chairman Goodlatte. The clerk will report the
679 amendment.

680 Ms. Williams. Amendment to H.R. 1149, offered by Mr.
681 Nadler. Strike Section 4 of the bill --

682 Chairman Goodlatte. Without objection, the amendment is
683 considered read.

684 [The amendment of Mr. Nadler follows:]

685

686 Chairman Goodlatte. And the gentleman from New York
687 will be recognized for 5 minutes on his amendment.

688 Mr. Nadler. Thank you, Mr. Chairman.

689 Mr. Chairman, this amendment would strike Section 4 of
690 the bill and simply maintain current law regarding asylum
691 applications by unaccompanied children. Under current law
692 when an unaccompanied minor is apprehended, he or she has the
693 right to initially present an asylum claim to an officer with
694 CIS in a nonadversarial proceeding rather than to a judge in
695 an immigration court.

696 If the application is denied, he or she still has the
697 opportunity to present the claim to an immigration judge at a
698 later proceeding. But the initial determination is made by a
699 specially trained asylum officer in an office setting better
700 suited to unaccompanied and often unrepresented children.

701 This important protection was contained in the
702 Trafficking Victims Protection Reauthorization Act, which was
703 signed into law by President Bush in 2008. The so-called
704 Protection of Children Act, however, which in reality would
705 do nothing of the kind, would strike this provision and
706 require children to present their initial claims in an
707 adversarial proceeding in immigration court as if they were

708 adults.

709 We provide initial jurisdiction to an asylum officer in
710 these cases in recognition that children are, in fact, not
711 adults, that they are developmentally different from adults
712 and must be treated differently. They have different levels
713 of cognition, of language skills, of emotional development,
714 and maturity of judgment.

715 That is why CIS guidelines require an asylum officer to
716 conduct "child-appropriate interviews, taking into account
717 age, stage of language development, background, and level of
718 sophistication." This bill, however, would subject children
719 to rigorous cross-examination by an ICE trial attorney about
720 their past traumas, which may include sexual abuse, child
721 abuse, and other violent experiences.

722 And since there is no guarantee of legal representation,
723 many of them, many small children would be forced to defend
724 themselves in an intimidating adversarial setting. Many of
725 these children have escaped unspeakable violence in their
726 home countries and risked their lives to find safety in the
727 United States.

728 They are scared, alone, and likely do not speak English.
729 It is absurd to expect them to represent themselves in a

730 formal legal proceeding. It is not a loophole when we treat
731 children as children. It is the protection that a civilized
732 society grants to the most vulnerable people among us.

733 My amendment asks for no greater protection than is
734 already provided under current law. We enacted that law for
735 a reason because we saw the inequities perpetrated upon child
736 victims of trafficking. We should leave the present system
737 in place and continue to treat children in a reasonable and
738 humane fashion.

739 It is not reasonable to subject 7-, 8-, 9-year-olds to
740 cross-examination by a hostile attorney in a court without --
741 often without legal representation, without first giving them
742 the opportunity -- without first asking them and seeking to
743 elicit the information about the grounds for their asylum
744 claims by someone who is expert at dealing with children, who
745 will talk with them sympathetically in an age-appropriate
746 manner and try to find out the information rather than try to
747 demolish their claims as an adversarial attorney would do.

748 It is only fair to children. That is why we enacted the
749 law. The law should not be changed in this respect.

750 I urge support for the amendment, and I yield back the
751 balance of my time.

752 Chairman Goodlatte. The chair thanks the gentleman and
753 recognizes himself in opposition to the amendment.

754 The Trafficking Victims Protection Act of 2008 included
755 provisions for minors applying for asylum. Amongst numerous
756 changes made by the bill making it easier for minors to seek
757 asylum, the TVPRA amended the procedure for processing asylum
758 applications of unaccompanied alien minors.

759 An asylum officer from USCIS has initial jurisdiction
760 over any asylum application filed by an unaccompanied alien
761 minor, including applications filed by minors in removal
762 proceedings. This allows a minor who would normally have
763 been placed directly in removal proceedings to get two bites
764 at the apple for the purposes of their asylum claim.

765 They can have their asylum case heard first before an
766 asylum officer and again, if their claim is not granted,
767 before an immigration judge in removal proceedings.
768 Currently, USCIS is granting 60 percent of unaccompanied
769 minor applications at the first bite.

770 If an asylum officer does not approve the application,
771 it is referred to an immigration judge. Approval rates by
772 immigration judges in affirmative cases have increased from
773 51 percent in 2007 to 74 percent in 2013. Combining these

774 two bites at the apple with lax adjudication standards at
775 USCIS, where fraud detection is not a priority in asylum
776 applications, the vast majority of minors who affirmatively
777 seek asylum are now successful in their claims.

778 And according to HHS, the vast majority of these minors
779 are 15 to 17 years of age and are essentially considered
780 adults in their home country. Unaccompanied minors should
781 get the same one bite of the apple as do all other
782 individuals who are crossing our borders in search of asylum.

783 The bill makes this important reform, which the
784 amendment strikes. Hence, I urge my colleagues to oppose the
785 amendment.

786 The question occurs --

787 Mr. Cicilline. Mr. Chairman?

788 Chairman Goodlatte. For what purpose does the gentleman
789 from Rhode Island seek recognition?

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

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

793 Mr. Cicilline. Mr. Chairman, I seek recognition in
794 support of this amendment. It is difficult to understand how
795 this piece of legislation could be described as the

796 Protection of Children Act of 2015. It is sort of a false
797 advertising because what it does is, in fact, strips away all
798 of the protections that we provide for children.

799 This amendment attempts to restore at least one portion
800 of that, and that is to allow the existing provisions that
801 provide for a preliminary determination by the CIS officers
802 on an asylum application for unaccompanied children.

803 This isn't to provide two bites at the apple. This is
804 because of a recognition that children require special care,
805 that the fact-finding that we want to engage in to determine
806 what are the real circumstances for the child's arrival in
807 the United States are most reliable if they are collected
808 under circumstances in which the child's cognition is
809 recognized.

810 Experts, law professors specializing in child welfare
811 cases have said, and I quote, "Children and even adolescents
812 are not mini adults. Rather, they have not fully matured in
813 the areas of cognition, language skills, emotional
814 development, and maturity of judgment. The manner of
815 questioning, the content of the questions, and the way in
816 which the interview is conducted must match the child's
817 linguistic development, cognitive abilities, knowledge base,

818 and emotional functioning."

819 So this process isn't to provide an appeal, but it is a
820 recognition that if you do this interview in the right
821 setting, you are most likely to get accurate information that
822 will protect a finding that either the child is entitled or
823 not entitled to an asylum consideration.

824 And so, I urge my colleagues to support this amendment.
825 We are judged by the way we treat children. That has often
826 been said. Children are in a special category. They are
827 entitled to special protection, and this system in place
828 ensures that that kind of assessment is done in a way which
829 would produce reliable results.

830 To strip that away and require them to go into an
831 adversarial proceeding does violence to our responsibilities
832 to protect children.

833 I urge passage of the amendment, and I yield back.

834 Chairman Goodlatte. For what purpose does the gentleman
835 from Iowa seek recognition?

836 Mr. King. Thank you, Mr. Chairman. I move to strike
837 the last word.

838 Chairman Goodlatte. The gentleman is recognized for 5
839 minutes.

840 Mr. King. And I would be happy to yield to the
841 gentleman from Virginia.

842 Chairman Goodlatte. I thank the gentleman for yielding.

843 I just want to say to the gentleman from Rhode Island
844 that we all agree that children are a very high priority, and
845 I know that the reason why Judge Carter selected the title of
846 this law as the Protection of Children Act of 2015, because
847 the best way to protect children is to dissuade them from
848 making the 1,000-plus mile journey that exposes them to all
849 kinds of dangers.

850 Some have been murdered. Many of them have been
851 trafficked. Many of them are the victims of the human
852 smugglers who profit from this enterprise in the first place.
853 And that is, in my opinion, an important reason to call this
854 the Protection of Children Act of 2015.

855 Secondly, it is also very true that children get special
856 attention, and they should get special attention. But it is
857 also very important for us to recognize that the vast
858 majority of them are not very young children. They are
859 children of 15 to 17 years of age and are essentially
860 considered adults in their home country.

861 So I again urge my colleagues to oppose this amendment

862 because I think that making the law compatible with the way
863 children from Mexico and Canada are treated is a very good
864 idea, and that is the foundation of this bill.

865 Mr. King. And reclaiming my time, if the gentleman is
866 yielding back?

867 Chairman Goodlatte. I yield back.

868 Mr. King. And reclaiming my time, I would like to
869 reiterate the chairman's statement, and having traveled down
870 to the border and visited location after location and watched
871 as children come across the border that are being encouraged
872 by the President's policy, and having discussions with people
873 that represent and having traveled to Guatemala as well and
874 met with individuals there, I would remind people that it is
875 a long journey. It is a dangerous journey, 1,500 miles from,
876 say, El Salvador on up to McAllen, Texas.

877 And every female sent from down there, according to
878 seven different sources, gets handed some type of
879 pharmaceutical contraceptive because the odds of rape are so
880 great that the parents or the grandparents or the family know
881 that. It is appalling to think that they are put into that
882 kind of exposure, and we need to do all we can to protect the
883 children.

884 I would yield back.

885 Chairman Goodlatte. I thank the gentleman for his
886 comments.

887 The question occurs on the amendment offered by the
888 gentleman from New York.

889 For what purpose does the gentleman from Tennessee seek
890 recognition?

891 Mr. Cohen. I would like to claim 5 minutes.

892 Chairman Goodlatte. The gentleman is recognized for 5
893 minutes.

894 Mr. Cohen. And then I would like to yield some time to
895 Mr. Nadler of New York.

896 Mr. Nadler. I thank the gentleman for yielding.

897 Mr. Chairman, I am not going to get into the fact that
898 the claim that the great number of asylum seekers of kids
899 coming to this country last summer was caused by somehow our
900 transmitting a message that anyone could come to the border
901 and anyone would be admitted. That has been debunked
902 thoroughly. I am not going to go into that again.

903 But the fact of the matter is that what this bill does
904 is to take away from children -- and some of them may be 15
905 to 17 years old. Maybe even many of them. But some of them

906 are 5 and 7 years old. And they are not equipped to go for
907 one shot before an immigration judge, or they should have an
908 age-sensitive treatment, which is what the law quite right
909 now gives them, which is why my amendment would just keep the
910 laws that is in that respect. It is a humane thing that we
911 did back in 2008.

912 And I would refer you, I mean to think about what we are
913 doing, to an article from last week, said deported children
914 face deadly new dangers on return to Honduras. And pointing
915 out how many of the children who are deported from the United
916 States because their asylum applications are rejected because
917 they claimed danger, that they would be endangered at home --
918 that is why they came here.

919 But somehow their applications were disbelieved and
920 rejected, and the moment they step off the bus in Honduras,
921 they are murdered. How many of these deportees, children,
922 are murdered as they come back, showing that we made a
923 mistake.

924 So I hope -- now we can't avoid all mistakes, obviously.
925 Human beings being human. But I hope you will give -- now it
926 says the victims are typically aged between 15 and 17, sent
927 back home after being detained by immigration authorities for

928 entering the country without authorization. But a report
929 released last year by UNHCR, titled "Children on the Run,"
930 found a significant number of minors from El Salvador,
931 Guatemala, and Honduras entering the U.S. irregularly might
932 be in need of international protection and points out how
933 many have been murdered within a short time after they arrive
934 back home, having been turned away from the United States.

935 So we have to give more than one bite at the apple. One
936 adjudicative bite at the apple, but one understanding bite at
937 the apple to try to understand what the circumstances are.

938 And that is why I urge the adoption of the amendment.

939 I thank Mr. Cohen.

940 Mr. Cohen. I reclaim the remainder of my time.

941 Mr. Nadler. And I yield to back to him.

942 Mr. Cohen. Thank you. And I yield to Ms. Jackson Lee.

943 Ms. Jackson Lee. I am going to strike the last -- are
944 you yielding back?

945 Mr. Cohen. I yield back the remainder of my time.

946 Mr. Nadler. Mr. Chairman?

947 Chairman Goodlatte. Do you have a unanimous consent
948 request?

949 Mr. Nadler. I just want to put this in the record.

950 Chairman Goodlatte. Yes. The gentleman from New York
951 is recognized for a unanimous consent request.

952 Mr. Nadler. I ask unanimous consent that this article I
953 referred to before be placed in the record.

954 Chairman Goodlatte. Without objection, the gentleman's
955 request will be granted.

956 [The information follows:]

957

958 Mr. Nadler. Thank you.

959 Chairman Goodlatte. For what purpose does the
960 gentlewoman from Texas seek recognition?

961 Ms. Jackson Lee. Thank you, Mr. Chairman. Let me say
962 that if there is anything that I --

963 Chairman Goodlatte. The gentlewoman is recognized for 5
964 minutes.

965 Ms. Jackson Lee. Again, Mr. Chairman, I ask to strike
966 the last word.

967 If there is any opportunity for us to work together on
968 this committee -- and we have many, might I add -- I can't
969 imagine that it is not around this issue of children. And as
970 I indicated, I am sure a number of Members from both sides of
971 the aisle, Mr. Farenthold included, experienced the issues at
972 the border and certainly had compassion and maybe have
973 different ways of approaching it.

974 But I recall, Mr. Chairman, that you, yourself, have
975 mentioned that children are a very high priority, and we have
976 done a number of good things in this committee regarding
977 children.

978 When we talked about the Conyers amendment, which would
979 have preserved the requirement that immigration officers

980 determine whether an unaccompanied child is capable of making
981 an independent decision and to voluntarily withdraw their
982 application for admission or return to their country, we
983 spoke about protecting children. And I know that you would
984 not think that those protections are irrelevant, and I would
985 hope that you would not cede to the point that these children
986 can understand enough to voluntarily return.

987 The Nadler amendment gives the appropriate stop in the
988 asylum office before these children are run into a court of
989 law, a frightening place, and suffering from the limited
990 access to these courts because of the numbers of judges that
991 we are in need of.

992 And as I saw, pointedly, children were varying of ages.
993 Mr. Nadler said they may be 15, 16, or 17. But likewise,
994 they may be 6 and 7. And as I indicated, they may be 2 years
995 old. The 2-year-old was there without adults because,
996 biblically, mothers were putting children on buses or in
997 hands of persons because they were fleeing for their lives.

998 And I don't think this country is diminished or it is
999 insecure without having the ability to protect children. Mr.
1000 Nadler's amendment provides a simple stopgap that allows
1001 individuals -- excuse me, children to have an unintimidated

1002 opportunity to articulate their circumstance or to help their
1003 circumstance.

1004 And I believe the country would be better off. This is
1005 not a situation of flowing or fleeing or individuals
1006 masquerading that they need to be in this country. These are
1007 children, and many of them are deported.

1008 And if the process suggests that they should be deported
1009 through the process, I don't hear any Democrats arguing
1010 against it, except we want there to be a fair process. That
1011 is one that addresses the frailties and the weaknesses and
1012 the almost inadequacies of children to protect themselves.

1013 I ask my colleagues to support the Nadler amendment, and
1014 I would be happy to yield to the gentleman from Illinois, Mr.
1015 Gutierrez, if he wishes to?

1016 Mr. Gutierrez. Thank you so much.

1017 Ms. Jackson Lee. Thank you. Let me indicate, Mr.
1018 Nadler, you desire yielding?

1019 With that, I ask for the support of the Nadler
1020 amendment, and I yield back.

1021 Chairman Goodlatte. The question occurs on the
1022 amendment offered by the gentleman from New York.

1023 All those in favor, respond by saying aye.

1024 Those opposed, no. Respond by saying no.

1025 In the opinion of the chair, the noes have it, and the
1026 amendment is not agreed to.

1027 Mr. Nadler. Roll call vote, please.

1028 Chairman Goodlatte. Roll call vote is requested, and
1029 the clerk will call the roll.

1030 Ms. Williams. Mr. Goodlatte?

1031 Chairman Goodlatte. No.

1032 Ms. Williams. Mr. Goodlatte votes no.

1033 Mr. Sensenbrenner?

1034 [No response.]

1035 Ms. Williams. Mr. Smith?

1036 Mr. Smith. No.

1037 Ms. Williams. Mr. Smith votes no.

1038 Mr. Chabot?

1039 [No response.]

1040 Ms. Williams. Mr. Issa?

1041 [No response.]

1042 Ms. Williams. Mr. Forbes?

1043 [No response.]

1044 Ms. Williams. Mr. King?

1045 Mr. King. No.

1046 Ms. Williams. Mr. King votes no.
1047 Mr. Franks?
1048 Mr. Franks. No.
1049 Ms. Williams. Mr. Franks votes no.
1050 Mr. Gohmert?
1051 [No response.]
1052 Ms. Williams. Mr. Jordan?
1053 [No response.]
1054 Ms. Williams. Mr. Poe?
1055 [No response.]
1056 Ms. Williams. Mr. Chaffetz?
1057 [No response.]
1058 Ms. Williams. Mr. Marino?
1059 Mr. Marino. No.
1060 Ms. Williams. Mr. Marino votes no.
1061 Mr. Gowdy?
1062 [No response.]
1063 Ms. Williams. Mr. Labrador?
1064 Mr. Labrador. No.
1065 Ms. Williams. Mr. Labrador votes no.
1066 Mr. Farenthold?
1067 Mr. Farenthold. No.

1068 Ms. Williams. Mr. Farenthold votes no.
1069 Mr. Collins?
1070 Mr. Collins. No.
1071 Ms. Williams. Mr. Collins votes no.
1072 Mr. DeSantis?
1073 [No response.]
1074 Ms. Williams. Ms. Walters?
1075 [No response.]
1076 Ms. Williams. Mr. Buck?
1077 Mr. Buck. No.
1078 Ms. Williams. Mr. Buck votes no.
1079 Mr. Ratcliffe?
1080 [No response.]
1081 Ms. Williams. Mr. Trott?
1082 [No response.]
1083 Ms. Williams. Mr. Bishop?
1084 Mr. Bishop. No.
1085 Ms. Williams. Mr. Bishop votes no.
1086 Mr. Conyers?
1087 Mr. Conyers. Aye.
1088 Ms. Williams. Mr. Conyers votes aye.
1089 Mr. Nadler?

1090 Mr. Nadler. Aye.

1091 Ms. Williams. Mr. Nadler votes aye.

1092 Ms. Lofgren?

1093 Ms. Lofgren. Aye.

1094 Ms. Williams. Ms. Lofgren votes aye.

1095 Ms. Jackson Lee?

1096 Ms. Jackson Lee. Aye.

1097 Ms. Williams. Ms. Jackson Lee votes aye.

1098 Mr. Cohen?

1099 Mr. Cohen. Aye.

1100 Ms. Williams. Mr. Cohen votes aye.

1101 Mr. Johnson?

1102 [No response.]

1103 Ms. Williams. Mr. Pierluisi?

1104 Mr. Pierluisi. Aye.

1105 Ms. Williams. Mr. Pierluisi votes aye.

1106 Ms. Chu?

1107 Ms. Chu. Aye.

1108 Ms. Williams. Ms. Chu votes aye.

1109 Mr. Deutch?

1110 [No response.]

1111 Ms. Williams. Mr. Gutierrez?

1112 Mr. Gutierrez. Aye.

1113 Ms. Williams. Mr. Gutierrez votes aye.

1114 Ms. Bass?

1115 [No response.]

1116 Ms. Williams. Mr. Richmond?

1117 Mr. Richmond. Aye.

1118 Ms. Williams. Mr. Richmond votes aye.

1119 Ms. DelBene?

1120 Ms. DelBene. Aye.

1121 Ms. Williams. Ms. DelBene votes aye.

1122 Mr. Jeffries?

1123 [No response.]

1124 Ms. Williams. Mr. Cicilline?

1125 Mr. Cicilline. Aye.

1126 Ms. Williams. Mr. Cicilline votes aye.

1127 Mr. Peters?

1128 Mr. Peters. Aye.

1129 Ms. Williams. Mr. Peters votes aye.

1130 Chairman Goodlatte. The gentleman from Wisconsin?

1131 Mr. Sensenbrenner. No.

1132 Ms. Williams. Mr. Sensenbrenner votes no.

1133 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

1134 Mr. Poe. No.

1135 Ms. Williams. Mr. Poe votes no.

1136 Chairman Goodlatte. The gentleman from Virginia?

1137 Mr. Forbes. No.

1138 Ms. Williams. Mr. Forbes votes no.

1139 Chairman Goodlatte. The gentleman from Georgia?

1140 Mr. Johnson. Yes.

1141 Ms. Williams. Mr. Johnson votes yes.

1142 Chairman Goodlatte. Has every Member voted who wishes

1143 to vote?

1144 [No response.]

1145 Chairman Goodlatte. The clerk will report.

1146 Ms. Williams. Mr. Chairman, 13 Members voted aye; 13

1147 Members voted no.

1148 Chairman Goodlatte. And the amendment is not agreed to.

1149 Are there further amendments to H.R. 1149?

1150 Ms. Lofgren. Mr. Chairman, I have an amendment at the

1151 desk.

1152 Chairman Goodlatte. The clerk will report the

1153 amendment.

1154 Ms. Williams. Amendment to H.R. 1149, offered by Ms.

1155 Lofgren. Strike Section 2 of the bill and insert the

1156 following: Section 2, Repatriation of --

1157 Chairman Goodlatte. Without objection, the amendment is

1158 considered as read.

1159 [The amendment of Ms. Lofgren follows:]

1160

1161 Chairman Goodlatte. And the gentlewoman is recognized
1162 for 5 minutes on her amendment.

1163 Ms. Lofgren. Mr. Chairman, this amendment would strike
1164 Section 2 and replace it with a provision that treats
1165 children from Mexico and Canada in the same manner that
1166 children from Central America are currently treated. This
1167 would ensure that Mexican children fleeing sex trafficking
1168 and persecution receive no fewer protection than all other
1169 kids simply by virtue of their place of birth.

1170 Now it is important to reiterate how the current system
1171 works. If a child is from a noncontiguous country and they
1172 arrive at our border, they are transferred from Customs and
1173 Border Patrol custody within 72 hours to Health and Human
1174 Services Office of Refugee Resettlement custody. Once in
1175 that custody, there are attempts made to place them in the
1176 least restrictive environment. And then here is what
1177 happens.

1178 Each one of those children, 100 percent, are placed in
1179 deportation proceedings. And that is to determine whether
1180 they are eligible for asylum, to find out whether they are
1181 victims of sex trafficking. These cases are reviewed by
1182 immigration judges and asylum officers, and those asylum

1183 officers receive special training in child interviews.

1184 In contrast, children from contiguous countries are not
1185 all placed in deportation proceedings. DHS allows the child
1186 to withdraw their application for admission only if it is
1187 clear that the child has not been a victim of a severe form
1188 of trafficking and there is no credible evidence that the
1189 child will be at risk of sex trafficking; if the child does
1190 not have a fear of returning to their home country; and
1191 further, that the child is capable of actually making that
1192 decision, they are old enough to actually understand and make
1193 a decision.

1194 Now that sounds like it would work out, but the truth is
1195 it hasn't. As I mentioned in my opening statement, we asked
1196 the U.N. High Commissioner for Refugees to come in and take a
1197 look at our system for dealing with kids from noncontiguous
1198 countries, and that followed a nonprofit group called
1199 Appleaseed that found that there were problems with it.

1200 Here is what they found. Almost all Mexican children
1201 are returned to Mexico, and they don't receive effective
1202 training.

1203 Most of the, or at least many of the, CBP agents and
1204 officers do not ask the Mexican children any or all of the

1205 required questions. They just immediately return them. The
1206 CBP supervisors are either unaware of the TVPRA requirements
1207 or they do not ensure that the inquiries regarding sex
1208 trafficking are actually made.

1209 Many CBP agents and officers do not know what
1210 persecution or trafficking is, two of the very things they
1211 are required to screen for. And the CBP agents and officers
1212 have no specialized training in how to work with children and
1213 do not use interview techniques appropriate for children.

1214 And so, here is what we find. You have got a guy with a
1215 badge and a gun asking a little kid whether they have been
1216 sex trafficked in front of other kids. Not surprisingly,
1217 that does not yield always accurate information. And, in
1218 fact, I think it is important to note there is not a police
1219 agency in the United States that would take a police officer
1220 in a badge, in a uniform with a gun, and interview a 10-year-
1221 old in front of a roomful of other children to find out
1222 whether that kid was a victim of sex trafficking.

1223 No law enforcement agency would do that, but that is
1224 what we do at the border with kids from Mexico. So it is not
1225 surprising that we are sending trafficking victims back to
1226 their victimizers if those children are born in Canada or

1227 Mexico. Now, this would change that provision and make sure
1228 that we have the same protections for all children to avoid
1229 sex trafficking.

1230 Now, I am under no delusions obviously. It looks like
1231 there is sort of a lockstep decision to avoid amendments to
1232 this bill. But I am remembering and recalling a time when we
1233 had a broad bipartisan consensus to fight international sex
1234 trafficking, and it was not seen as an immigration issue. It
1235 was seen as an effort to fight international sex trafficking,
1236 especially when it came to children victims of sex
1237 trafficking.

1238 I remember Governor Sam Brownback, then Senator
1239 Brownback, who led the charge in the Senate, and the
1240 evangelical community across the United States fueled our
1241 bipartisan efforts to stand up against sex trafficking. I am
1242 so gravely disappointed that that bipartisan consensus
1243 appears to have dissolved here in the year 2015. I would
1244 hope that we adopt this amendment and do the right thing.
1245 And I yield back.

1246 Chairman Goodlatte. The chair recognizes himself in
1247 strong opposition to this amendment. The chair and many,
1248 many others have watched with dismay as this Administration

1249 has failed to enforce our immigration laws, has effectively
1250 sent the word south that if you come to the United States,
1251 the new law will allow you to be admitted into this country.
1252 And the irony of this is that very message has resulted in
1253 far more sex trafficking of minors who leave their countries
1254 in Central America, travel a thousand miles across Mexico,
1255 often with human smugglers, who, it turns out, in many
1256 instances are themselves sex traffickers as well. And this
1257 change is necessary to keep them from coming and to make sure
1258 that they go home safely once they are arriving in this
1259 country in the hopes that they will not arrive in this
1260 country in numbers approaching 10 times the numbers they were
1261 just a few years ago.

1262 The William Wilberforce Trafficking Victims Protection
1263 Reauthorization Act of 2008, in addition to expanding
1264 protections for trafficking victims generally, made
1265 procedural and substantive changes to immigration law as it
1266 deals with apprehended, unaccompanied alien minors that have
1267 unfortunately contributed to the border surge.

1268 In 2014, an unprecedented number of unaccompanied alien
1269 minors were apprehended along our borders, nearly 70,000.
1270 Part of the reason for this surge and the reason why we have

1271 been unable to stop it is that the TVPRA of 2008 created two
1272 distinct sets of rules regarding UAMs apprehended from
1273 contiguous and non-contiguous countries. Under the TVPRA,
1274 minors from contiguous countries, such as Mexico, can be
1275 immediately returned if they consent, have not been
1276 trafficked, and do not have a credible fear of persecution.

1277 However, minors from other countries must be placed in
1278 often lengthy removal proceedings in immigration court, which
1279 court dates are years in the future. During this time, they
1280 are usually released into the United States, often to the
1281 very parents who paid to smuggle them across a thousand miles
1282 of Mexico into the U.S. According to the Executive Office of
1283 Immigration Review, over 40 percent never show up for their
1284 court dates.

1285 It is imperative that we end these conflicting rules and
1286 subject minors to expeditious and safe return if they have
1287 not been trafficked and do not have a credible fear of
1288 persecution. Otherwise, we will continue to see a dramatic
1289 surge of minors arriving at our borders actually seeking our
1290 Border Patrol agents in the belief that they will be released
1291 into the United States.

1292 The immigration law has to stop encouraging minors to

1293 make these dangerous treks. This amendment would actually
1294 place all apprehended unaccompanied minors into removal
1295 proceedings, doing the exact opposite of the reforms
1296 contained in this bill. It would expand the current
1297 dysfunctional system in which minors are released to their
1298 unlawful alien parents, often never to be heard from again.
1299 In order to end the surge, we must cease putting most
1300 apprehended minors in lengthy removal proceedings, and
1301 instead quickly send them back to their home countries. I
1302 urge my colleagues to oppose this amendment.

1303 For what purpose does the gentleman from New York seek
1304 recognition?

1305 Mr. Nadler. Strike the last word.

1306 Chairman Goodlatte. The gentleman is recognized for 5
1307 minutes.

1308 Mr. Nadler. Mr. Chairman, again, I fail to see how
1309 allowing a situation such as the gentlelady from California
1310 described of 10-year-olds being asked by law enforcement
1311 officers with guns and badges what their experiences were in
1312 front of other 10-year-olds, how allowing that situation,
1313 which cannot get accurate information, and which leads to
1314 deportation of kids to be murdered when they come home, how

1315 stopping that is going to lead to a great influx of kids.
1316 And you say that under the current situation we throw all
1317 these kids into the custody of the very parents who paid to
1318 smuggle them in.

1319 Well, maybe the parents paid to smuggle them in knowing
1320 that otherwise they would be murdered back home. If I were a
1321 parent and my kid were being threatened with murder or mayhem
1322 back in my home country, I would try to get them into a safe
1323 situation also. And they ought to get a proper hearing to
1324 determine the validity, and a proper hearing does not mean
1325 some officer with a gun asking them in public in front of
1326 other people what the story is when they are not of age to
1327 figure out how to reply properly.

1328 So this amendment is essential and humane. I commend
1329 the gentlelady for it, and I yield to her.

1330 Ms. Lofgren. Mr. Chairman, I would ask unanimous
1331 consent that the June 2015 UN High Commission on Refugee
1332 report that was performed at the request of the Customs and
1333 Border Patrol and released by DHS be made a part of the
1334 record. And the reason why is that it is absolutely --

1335 Chairman Goodlatte. The gentlewoman I think is only
1336 recognized for the purpose of making the unanimous consent --

1337 Ms. Lofgren. No, actually Mr. Nadler yielded me time.

1338 Chairman Goodlatte. All right, very well. In any

1339 event, the request is granted, and it will be made part of

1340 the record.

1341 [The information follows:]

1342

1343 Ms. Lofgren. I think it is important that we deal with
1344 the facts, and the fact is that we are making currently no
1345 inquiry as to the circumstances of child sex trafficking
1346 victims at our southern border, or, I might add, at the
1347 northern border. This is a failure of the United States to
1348 live up to its obligation to fight effectively the sex
1349 trafficking of children.

1350 Now, this is not a speculation. It is not my just
1351 guessing. We did a study. We found out what the problem
1352 was. And I would hope that members would be concerned about
1353 that. Yes, we disagree about immigration. We know that.
1354 But it used to be that we did not disagree about the sex
1355 trafficking of children. So I hope that the members of the
1356 committee will search their consciences before they vote no
1357 on this amendment.

1358 And I thank the gentleman for yielding me the time. I
1359 yield back to Mr. Nadler.

1360 Mr. Nadler. And I yield back.

1361 Chairman Goodlatte. The gentleman from Louisiana, for
1362 what purpose does he seek recognition?

1363 Mr. Richmond. I move to strike the last word.

1364 Chairman Goodlatte. The gentleman is recognized for 5

1365 minutes.

1366 Mr. Richmond. Mr. Chairman, in my short political
1367 career of probably about, I guess, 15 or 16 years of being
1368 elected now, I have to honestly say that today is probably
1369 the saddest day in it because we in America, we do not let
1370 our kids go to the zoo without a permission slip. We do not
1371 let them go on a field trip. We do not let them go to a
1372 museum without permission. They cannot see a PG-13 movie.
1373 But we are going to allow kids from other countries to be
1374 questioned by the police without parents in front of others,
1375 and make decisions that will affect the rest of their lives,
1376 like the decision to self-deport back to Guatemala, or
1377 Honduras, or other places where we know that they may face
1378 certain death.

1379 And part of the thing we said earlier was that, well,
1380 you know, children are making the decisions to come.
1381 Children are not making the decisions to come. Their parents
1382 are, with tears in their eyes, with only prayers and their
1383 thoughts are thinking this is the child's only hope to live
1384 is to make it to America. And they put those kids in the
1385 place to get here, and we are just going to send them back.

1386 But at the same time, we like to also brag about

1387 American exceptionalism and how great our country is, while
1388 we beg Jordan to take all these refugees from Syria and all
1389 these other places. And we are looking at these refugees
1390 coming from Guatemala and Honduras and the violence that is
1391 there because of drugs, which we use in the United States.
1392 And we are going to tell those parents or we are going to say
1393 to the world, we want you take Syrian refugees, but we are
1394 not going to take these children. We are going to send them
1395 back the way they came.

1396 And the only thing I can think of is we as a country
1397 have to be better than that, and we have debates in this
1398 Capitol all the time. Some people call themselves
1399 evangelicals. Some people call themselves the Christian
1400 right. Some people just call themselves the son of their
1401 grandmother who said you should always do the right thing.

1402 But it forces me to remember the story of Moses who was
1403 placed by the river because if he was found, he was going to
1404 face certain death. But the good thing is that the pharaoh's
1405 daughter found him and did not kill him. The only thing I am
1406 thinking now is if this committee was the pharaoh's daughter,
1407 we would bring the baby straight to the pharaoh and say, you
1408 did not kill this one also. And I just think that as a

1409 country, as people, as Americans, we are better than this.
1410 And I am not saying our way has to be the right way, your way
1411 has to be the wrong way. But as a committee, as people, as
1412 people of faith, we should be able to come together and come
1413 up with a better solution than running this bill without
1414 adopting this amendment at this time.

1415 I just cannot believe that in this country with our
1416 resources that we are going to take it out on children, and
1417 we are not even talking about their parents. We are not
1418 talking about anything else. We are talking about kids that
1419 are taking a thousand-mile trek on the top of trains, who you
1420 already admitted sometimes, and it may not have been you, but
1421 someone in the committee admitted that sometimes the parents
1422 have to give the young ladies birth control because they know
1423 they will be raped.

1424 Let us put ourselves in the place of those parents. How
1425 hard of a decision is that? But you know it is the only
1426 option that will keep that child alive, let that child reach
1427 adulthood, let that child reach dreams. They may have the
1428 cure to cancer. They may have the cure to AIDS. We will
1429 never know because the first thing we are going to do is
1430 allow them to self-deport or be put in a position where they

1431 are going to not answer a question honestly because they will
1432 be embarrassed or they are intimidated to do it.

1433 So with that, I would just ask everybody on the
1434 committee to support the amendment, take a hard look if this
1435 is the bill we want to pass, if this is the message we want
1436 to send to the world, if this is how we want to describe
1437 ourselves as people and as a country. And with that, Mr.
1438 Chairman, I yield back.

1439 Chairman Goodlatte. The chair thanks the gentleman.
1440 For what purpose does the gentleman from Michigan seek
1441 recognition?

1442 Mr. Conyers. I would like to strike the last word.

1443 Chairman Goodlatte. The gentleman is recognized for 5
1444 minutes.

1445 Mr. Conyers. And thank our colleague from Louisiana for
1446 his very moving and eloquent statement. I appreciate it very
1447 much.

1448 Members of the committee, we have heard for months and
1449 months that we need to strip protections from children in
1450 order to deter future children from making the dangerous
1451 journey to the United States. That is the entire reason we
1452 are told this draconian bill will protect children.

1453 Now, here is what is wrong with that. Many of the
1454 children know the dangers of the journey. Their parents know
1455 the dangers as well. But knowing the dangers they come
1456 anyway. Why? Because the dangers back home are greater.
1457 When the Catholic bishops traveled to Honduras last year and
1458 a mother was asked why she sent her child to the United
1459 States, she said this. It is very tragic. She said that she
1460 would rather her child die on the journey than on her
1461 doorstep at home.

1462 And I think this is a very sensitive area, and I hope
1463 the gentlemen and ladies of the committee will take Mr.
1464 Richmond's comments and my suggestion. I yield to the
1465 gentlelady from California.

1466 Ms. Lofgren. I appreciate that, Mr. Conyers. And I was
1467 going to ask for unanimous consent to put into the record
1468 letters in opposition to this bill from the Hebrew Immigrant
1469 Aid Society, the National Immigration Law Center, Human
1470 Rights First, the NGO Coalition, Lutheran Immigration
1471 Services, Women's Refugee Commission, Kids in Need of
1472 Defense, Service Employees International Network, the
1473 National Catholic Society, the General Assembly of the
1474 Presbyterian Church, the Disciples of Christ, Advocates for

1475 Human Rights, the National Council of Asian-Pacific
1476 Americans, We Belong Together, the Leadership Conference on
1477 Civil and Human Rights, U.S. Conference of Catholic Bishops,
1478 the Asian-Americans Advancing Justice, the Refugee Council
1479 USA, the Tahirih Justice Center, Farm Worker Justice, and the
1480 American Federation of State, County, and Municipal
1481 Employees. And I thank the gentleman --

1482 Chairman Goodlatte. Without objection, they will be
1483 made a part of the record.

1484 Mr. Conyers. I thank the gentlelady for putting these
1485 into the record, and I yield back the balance of my time.

1486 Chairman Goodlatte. The chair thanks the gentleman.

1487 The question occurs on the amendment offered by the
1488 gentlewoman from California.

1489 All those in favor, respond by saying aye.

1490 Those opposed, no.

1491 In the opinion of the chair, the noes have it.

1492 Ms. Lofgren. May I have a recorded vote, Mr. Chairman?

1493 Chairman Goodlatte. A recorded vote is requested, and
1494 the clerk will call the roll.

1495 Ms. Williams. Mr. Goodlatte?

1496 Chairman Goodlatte. No.

1497 Ms. Williams. Mr. Goodlatte votes no.
1498 Mr. Sensenbrenner?
1499 [No response.]
1500 Ms. Williams. Mr. Smith?
1501 [No response.]
1502 Ms. Williams. Mr. Chabot?
1503 [No response.]
1504 Ms. Williams. Mr. Issa?
1505 [No response.]
1506 Ms. Williams. Mr. Forbes?
1507 Mr. Forbes. No.
1508 Ms. Williams. Mr. Forbes votes no.
1509 Mr. King?
1510 Mr. King. No.
1511 Mr. Deterding. Mr. King votes no.
1512 Mr. Franks?
1513 Mr. Franks. No.
1514 Ms. Williams. Mr. Franks votes no.
1515 Mr. Gohmert?
1516 Mr. Gohmert. No.
1517 Ms. Williams. Mr. Gohmert votes no.
1518 Mr. Jordan?

1519 Mr. Jordan. No.

1520 Ms. Williams. Mr. Jordan votes no.

1521 Mr. Poe?

1522 Mr. Poe. No.

1523 Ms. Williams. Mr. Poe votes no.

1524 Mr. Chaffetz?

1525 Mr. Chaffetz. No.

1526 Ms. Williams. Mr. Chaffetz votes no.

1527 Mr. Marino?

1528 Mr. Marino. No.

1529 Ms. Williams. Mr. Marino votes no.

1530 Mr. Gowdy?

1531 [No response.]

1532 Ms. Williams. Mr. Labrador?

1533 Mr. Labrador. No.

1534 Ms. Williams. Mr. Labrador votes no.

1535 Mr. Farenthold?

1536 Mr. Farenthold. No.

1537 Ms. Williams. Mr. Farenthold votes no.

1538 Mr. Collins?

1539 Mr. Collins. No.

1540 Ms. Williams. Mr. Collins votes no.

1541 Mr. DeSantis?
1542 Mr. DeSantis. No.
1543 Ms. Williams. Mr. DeSantis votes no.
1544 Ms. Walters?
1545 Ms. Walters. No.
1546 Ms. Williams. Ms. Walters votes no.
1547 Mr. Buck?
1548 Mr. Buck. No.
1549 Ms. Williams. Mr. Buck votes no.
1550 Mr. Ratcliffe?
1551 [No response.]
1552 Ms. Williams. Mr. Trott?
1553 Mr. Trott. No.
1554 Ms. Williams. Mr. Trott votes no.
1555 Mr. Bishop?
1556 Mr. Bishop. No.
1557 Ms. Williams. Mr. Bishop votes no.
1558 Mr. Conyers?
1559 Mr. Conyers. Aye.
1560 Ms. Williams. Mr. Conyers votes aye.
1561 Mr. Nadler?
1562 Mr. Nadler. Aye.

1563 Ms. Williams. Mr. Nadler votes aye.
1564 Ms. Lofgren?
1565 Ms. Lofgren. Aye.
1566 Ms. Williams. Ms. Lofgren votes aye.
1567 Ms. Jackson Lee?
1568 Ms. Jackson Lee. Aye.
1569 Ms. Williams. Ms. Jackson Lee votes aye.
1570 Mr. Cohen?
1571 Mr. Cohen. Aye.
1572 Ms. Williams. Mr. Cohen votes aye.
1573 Mr. Johnson?
1574 [No response.]
1575 Ms. Williams. Mr. Pierluisi?
1576 Mr. Pierluisi. Aye.
1577 Ms. Williams. Mr. Pierluisi votes aye.
1578 Ms. Chu?
1579 Ms. Chu. Aye.
1580 Ms. Williams. Ms. Chu votes aye.
1581 Mr. Deutch?
1582 [No response.]
1583 Ms. Williams. Mr. Gutierrez?
1584 [No response.]

1585 Ms. Williams. Ms. Bass?

1586 [No response.]

1587 Ms. Williams. Mr. Richmond?

1588 [No response.]

1589 Ms. Williams. Ms. DelBene?

1590 Ms. DelBene. Aye.

1591 Ms. Williams. Ms. DelBene votes aye.

1592 Mr. Jeffries?

1593 [No response.]

1594 Ms. Williams. Mr. Cicilline?

1595 [No response.]

1596 Ms. Williams. Mr. Peters?

1597 [No response.]

1598 Chairman Goodlatte. The gentleman from Georgia?

1599 Mr. Johnson. Vote aye.

1600 Ms. Williams. Mr. Johnson votes aye.

1601 Chairman Goodlatte. The gentleman from Louisiana?

1602 Mr. Richmond. I vote aye.

1603 Ms. Williams. Mr. Richmond votes aye.

1604 Chairman Goodlatte. The gentleman from Wisconsin?

1605 Mr. Sensenbrenner. No.

1606 Ms. Williams. Mr. Sensenbrenner votes no.

1607 Chairman Goodlatte. The gentleman from Texas?

1608 Mr. Smith. No.

1609 Ms. Williams. Mr. Smith votes no.

1610 Chairman Goodlatte. Has every member voted who wishes

1611 to vote?

1612 [No response.]

1613 Chairman Goodlatte. The clerk will report.

1614 Ms. Williams. Mr. Chairman, 10 members voted aye, 19

1615 members voted no.

1616 Chairman Goodlatte. And the amendment is not agreed to.

1617 For what purpose does the gentlewoman from Texas seek

1618 recognition?

1619 Ms. Jackson Lee. Mr. Chairman, I have amendments at the

1620 desk that I would like to bring up en bloc, Jackson Lee

1621 Amendments Number 4 and 5.

1622 Chairman Goodlatte. Without objection, they will be

1623 considered en bloc, and the clerk will report the amendments.

1624 Ms. Williams. Amendment to H.R. 1149, offered by Ms.

1625 Jackson Lee, in Section 2(b), strike "2012" and insert "2012,

1626 except that the amendment made by subsection (a)(1)" --

1627 Ms. Jackson Lee. I ask unanimous consent that the

1628 amendment be considered as read.

1629 [The amendment of Ms. Jackson Lee follows:]

1630

1631 Chairman Goodlatte. The gentlewoman is recognized for 5
1632 minutes on her amendment.

1633 Ms. Jackson Lee. And that will be for my colleagues --
1634 I ask to strike the last word -- will be amendment number 4
1635 and 5, beginning with amendment number 4, which strikes the
1636 provisions which prescribe prolonged detention for children.
1637 And, again, I draw upon the comments of my colleague, both
1638 Congresswoman Lofgren and Congressman Richmond, and call upon
1639 the bipartisan collaboration that we have had on the issues
1640 of dealing with children.

1641 The Protection of Children authorizes a lengthy
1642 detention of unaccompanied children. This amendment strikes
1643 this provision and leaves the status quo requirement that DHS
1644 transfer a child within 72 hours. Last summer, as I
1645 indicated, we saw several photos of unaccompanied children
1646 languishing in crowded, dirty holding cells, and let me
1647 clarify that. We actually visibly saw them with little
1648 sanitation, little food, no specialized care. We know that
1649 it was a time when there was a large number, and we also saw
1650 heroic CBP officers with formula and diapers there to provide
1651 as much assistance as they possibly could, but they actually
1652 could not.

1653 And so, I ask my colleagues to realize that it is
1654 extremely important to process these children in an
1655 expeditious manner. That is what my amendment says.
1656 Children in DHS custody need specialized care when held in
1657 custody. This amendment, amendment number 4, requires the
1658 placement of children with child welfare professionals in
1659 certain DHS facilities, would provide additional protections
1660 for children in custody.

1661 Let me cite to you from a psychiatric report authored by
1662 a number of psychiatrists out of a number of institutions,
1663 including the University of Western Australia and Oxford.
1664 "Immigration detention can cause the development and
1665 maintenance of psychiatric difficulties with children in
1666 adolescence, and detention reporting increase rates of
1667 deliberate self-harm and suicidal behavior, voluntary
1668 starvation, severe depression, sleep difficulties, somatic
1669 complaints, anxiety, and post-traumatic stress. Reports are
1670 also common of poor nutritional access, regression and
1671 language development, bedwetting, and social withdrawal."

1672 I think my colleagues can really rise to the level of
1673 making our children our priority, children in the United
1674 States, but also these children that may ultimately be

1675 returned to their countries, but recognize the trauma which
1676 they have experienced, and that are drastically impacted by
1677 such. I refer to my colleagues to Laura, an 8-year-old girl
1678 from Honduras, who fled domestic violence and kidnapping.
1679 Mario is a 16-year-old male from Honduras who decided to make
1680 the journey to the United States after several of the male
1681 members of his family were killed by drug traffickers. Not
1682 attacked or beat up, but killed by drug traffickers. And
1683 Juan, a 12-year-old boy from Honduras, and his disabled
1684 sister, Maria, fled domestic violence and trafficking.

1685 I would argue that the Jackson Lee amendment should be
1686 accepted by my colleagues, and I move now to Jackson Lee
1687 amendment number 5, which is an amendment that I really hope
1688 that, if we adhere to the law, would follow. And that is, it
1689 authorizes new immigration judges before the amendments made
1690 by this act take effect.

1691 I have an amendment at the desk, and it is now with you.
1692 This amendment delays the effective date of the bill until
1693 the number of immigration judges increases to 70, which is
1694 legislation that we have introduced that speaks to the
1695 concerns I have heard from both sides of the aisle. This
1696 would allow the Department of Justice to be able to review

1697 cases of all children in a proper processing order. It would
1698 address the complaints of those that have argued that the
1699 children from Mexico are treated with a disparate response,
1700 and they would provide for the immediate processing of those
1701 who are in the legal process. And it would take care of the
1702 enormous, if you will, caseload of some immigration judges
1703 that exceed 3,000 cases. I know the immigration judges in my
1704 community. They are overwhelmed by these cases, and they are
1705 overwhelmed by cases that lawyers have had on their dockets
1706 for a long period of time through the legal process.

1707 Mr. Chairman, the lack of immigration judges has shown a
1708 current average delay of 578 days to hear over 366,000
1709 removal cases. So I ask my colleagues to realize that this
1710 is procedural amendment that would help us move forward and
1711 provide the legal system, which we all adhere to, that is
1712 justice for all and a process of immigration that adheres to
1713 the legal order of processes through the court system that we
1714 have asked these immigrants, both undocumented and those in
1715 the legal status process, to proceed to.

1716 I ask my colleagues to support the Jackson Lee amendment
1717 number 4 and 5. With that, I yield back my time.

1718 Chairman Goodlatte. Well, the chair thanks the

1719 gentlewoman, and recognizes himself in opposition to both
1720 amendments. First, with regard to amendment 4, the bill
1721 ensures a speedy court process for unaccompanied alien minors
1722 whereby they will have at least an initial hearing before an
1723 immigration judge within 14 days. Recently, Juan Osuna, head
1724 of the Executive Office for Immigration Review, testified in
1725 the Senate indicating that more than 40 percent of
1726 unaccompanied alien minors fail to appear for their
1727 immigration court dates.

1728 The faster court process will assist in ensuring that
1729 these minors appear for court and do not abscond and become
1730 immigration fugitives. This provision will ensure that
1731 unaccompanied alien minors do not wait for years on end for
1732 their hearings as they receive work authorization while their
1733 proceedings are pending. Indeed, the Justice Department has
1734 a special date reserved for thousands of immigrants awaiting
1735 their day in court, the day after Thanksgiving in 2019.
1736 Officials have begun sending out notices that thousands of
1737 immigrants awaiting hearings will have their cases pushed
1738 back nearly 5 years, a fresh sign of the pervasive backlogs
1739 and delays in the U.S. immigration court system. The delay
1740 apparently exists to accommodate cases caused last summer by

1741 a surge in unaccompanied alien minors and families crossing
1742 the border with Mexico.

1743 Both for the interest of minors in the proceedings and
1744 the integrity of our immigration system, a 14-day hearing
1745 requirement is essential. And the EOIR is already detailing
1746 judges down to the border to deal with the situation; hence,
1747 this amendment just causes delay. For these reasons, I must
1748 oppose this amendment.

1749 With regard to amendment number 5, this amendment
1750 creates a costly and convoluted system whereby welfare
1751 professionals are interjected into the immigration process.
1752 The goal of this amendment seems to be to further entrench
1753 unaccompanied alien minors here in the United States rather
1754 than ensuring their safe and prompt return home. Detention
1755 is already costly as ICE creates state-of-the-art facilities
1756 for children and families at an exorbitant cost. For
1757 example, the Delhi facility will cost \$500 million.

1758 For these reasons, I must oppose both of these
1759 amendments.

1760 Ms. Jackson Lee. Would the gentleman yield?

1761 Chairman Goodlatte. I would be happy to yield to the
1762 gentlewoman.

1763 Ms. Jackson Lee. First, Mr. Chairman, I would like to
1764 ask -- excuse me, I am sorry -- unanimous consent to put a
1765 statement in the record by *Comment*, volume 2, June 2014
1766 regarding the impact of detention on children.

1767 Chairman Goodlatte. Without objection, it will be made
1768 a part of the record.

1769 Ms. Jackson Lee. And just in conclusion on your yield,
1770 Mr. Chairman, let me say this, that there is every
1771 documentation of the impact on detention, but also the impact
1772 on children not being able to have the assistance that they
1773 need by detaining. That is amendment number 4. But
1774 amendment number 5 would answer your concern that you have
1775 expressed, which I disagree with. But the point is amendment
1776 number 4 has to do with making sure that we have the judicial
1777 system.

1778 You are loading the system, and you have no relief on
1779 that system. And so, you can put all the children you want
1780 through the process of being expeditiously deported, but you
1781 have judges that are entirely under siege and cannot follow
1782 through on any law passed. I ask that you consider amendment
1783 number 5, which adds 70 new judges on the immigration system.

1784 With that, I yield back and call for a vote. Thank you.

1785 Chairman Goodlatte. The chair thanks the gentlewoman.
1786 Does the gentlewoman one vote on both amendments en bloc or
1787 two separate votes?
1788 Ms. Jackson Lee. I would like to divide the question.
1789 Chairman Goodlatte. Okay. The question will be
1790 divided. The first question is on amendment 4.
1791 Ms. Jackson Lee. That is correct.
1792 Chairman Goodlatte. All those in favor of the Jackson
1793 Lee amendment number 4, respond by saying aye.
1794 Those opposed, no.
1795 Ms. Jackson Lee. I would like a roll call --
1796 Chairman Goodlatte. A recorded vote is requested, and
1797 the clerk will call the roll.
1798 Ms. Williams. Mr. Goodlatte?
1799 Chairman Goodlatte. No.
1800 Ms. Williams. Mr. Goodlatte votes no.
1801 Mr. Sensenbrenner?
1802 [No response.]
1803 Ms. Williams. Mr. Smith?
1804 Mr. Smith. No.
1805 Ms. Williams. Mr. Smith votes no.
1806 Mr. Chabot?

1807 [No response.]

1808 Ms. Williams. Mr. Issa?

1809 [No response.]

1810 Ms. Williams. Mr. Forbes?

1811 Mr. Forbes. No.

1812 Ms. Williams. Mr. Forbes votes no.

1813 Mr. King?

1814 Mr. King. No.

1815 Mr. Deterding. Mr. King votes no.

1816 Mr. Franks?

1817 Mr. Franks. No.

1818 Ms. Williams. Mr. Franks votes no.

1819 Mr. Gohmert?

1820 [No response.]

1821 Ms. Williams. Mr. Jordan?

1822 Mr. Jordan. No.

1823 Ms. Williams. Mr. Jordan votes no.

1824 Mr. Poe?

1825 [No response.]

1826 Ms. Williams. Mr. Chaffetz?

1827 Mr. Chaffetz. No.

1828 Ms. Williams. Mr. Chaffetz votes no.

1829 Mr. Marino?
1830 Mr. Marino. No.
1831 Ms. Williams. Mr. Marino votes no.
1832 Mr. Gowdy?
1833 [No response.]
1834 Ms. Williams. Mr. Labrador?
1835 Mr. Labrador. No.
1836 Ms. Williams. Mr. Labrador votes no.
1837 Mr. Farenthold?
1838 Mr. Farenthold. No.
1839 Ms. Williams. Mr. Farenthold votes no.
1840 Mr. Collins?
1841 Mr. Collins. No.
1842 Ms. Williams. Mr. Collins votes no.
1843 Mr. DeSantis?
1844 Mr. DeSantis. No.
1845 Ms. Williams. Mr. DeSantis votes no.
1846 Ms. Walters?
1847 Ms. Walters. No.
1848 Ms. Williams. Ms. Walters votes no.
1849 Mr. Buck?
1850 Mr. Buck. No.

1851 Ms. Williams. Mr. Buck votes no.
1852 Mr. Ratcliffe?
1853 [No response.]
1854 Ms. Williams. Mr. Trott?
1855 Mr. Trott. No.
1856 Ms. Williams. Mr. Trott votes no.
1857 Mr. Bishop?
1858 Mr. Bishop. No.
1859 Ms. Williams. Mr. Bishop votes no.
1860 Mr. Conyers?
1861 Mr. Conyers. Aye.
1862 Ms. Williams. Mr. Conyers votes aye.
1863 Mr. Nadler?
1864 Mr. Nadler. Aye.
1865 Ms. Williams. Mr. Nadler votes aye.
1866 Ms. Lofgren?
1867 Ms. Lofgren. Aye.
1868 Ms. Williams. Ms. Lofgren votes aye.
1869 Ms. Jackson Lee?
1870 Ms. Jackson Lee. Aye.
1871 Ms. Williams. Ms. Jackson Lee votes aye.
1872 Mr. Cohen?

1873 Mr. Cohen. Aye.

1874 Ms. Williams. Mr. Cohen votes aye.

1875 Mr. Johnson?

1876 Mr. Johnson. Aye.

1877 Ms. Williams. Mr. Johnson votes aye.

1878 Mr. Pierluisi?

1879 Mr. Pierluisi. Aye.

1880 Ms. Williams. Mr. Pierluisi votes aye.

1881 Ms. Chu?

1882 Ms. Chu. Aye.

1883 Ms. Williams. Ms. Chu votes aye.

1884 Mr. Deutch?

1885 [No response.]

1886 Ms. Williams. Mr. Gutierrez?

1887 [No response.]

1888 Ms. Williams. Ms. Bass?

1889 [No response.]

1890 Ms. Williams. Mr. Richmond?

1891 Mr. Richmond. Aye.

1892 Ms. Williams. Mr. Richmond votes aye.

1893 Ms. DelBene?

1894 Ms. DelBene. Aye.

1895 Ms. Williams. Ms. DelBene votes aye.

1896 Mr. Jeffries?

1897 Mr. Jeffries. Aye.

1898 Ms. Williams. Mr. Jeffries votes aye.

1899 Mr. Cicilline?

1900 Mr. Cicilline. Aye.

1901 Ms. Williams. Mr. Cicilline votes aye.

1902 Mr. Peters?

1903 [No response.]

1904 Chairman Goodlatte. The gentleman from Wisconsin?

1905 Mr. Sensenbrenner. No.

1906 Ms. Williams. Mr. Sensenbrenner votes no.

1907 Chairman Goodlatte. The gentleman from Texas?

1908 Mr. Gohmert. No.

1909 Ms. Williams. Mr. Gohmert votes no.

1910 Chairman Goodlatte. Has every member voted who wishes

1911 to vote?

1912 [No response.]

1913 Chairman Goodlatte. The clerk will report.

1914 Ms. Williams. Mr. Chairman, 12 members voted aye, 18

1915 members voted no.

1916 Chairman Goodlatte. And the amendment is not agreed to.

1917 The question now occurs on Jackson Lee amendment number
1918 5.
1919 All those in favor, respond by saying aye.
1920 Those opposed, no.
1921 In the opinion of the chair, the noes have it. The
1922 amendment is not agreed to.
1923 Ms. Jackson Lee. Roll call, Mr. Chairman.
1924 Chairman Goodlatte. A recorded is requested, and the
1925 clerk will call the roll.
1926 Ms. Williams. Mr. Goodlatte?
1927 Chairman Goodlatte. No.
1928 Ms. Williams. Mr. Goodlatte votes no.
1929 Mr. Sensenbrenner?
1930 [No response.]
1931 Ms. Williams. Mr. Smith?
1932 Mr. Smith. No.
1933 Ms. Williams. Mr. Smith votes no.
1934 Mr. Chabot?
1935 [No response.]
1936 Ms. Williams. Mr. Issa?
1937 [No response.]
1938 Ms. Williams. Mr. Forbes?

1939 Mr. Forbes. No.

1940 Ms. Williams. Mr. Forbes votes no.

1941 Mr. King?

1942 Mr. King. No.

1943 Mr. Deterding. Mr. King votes no.

1944 Mr. Franks?

1945 Mr. Franks. No.

1946 Ms. Williams. Mr. Franks votes no.

1947 Mr. Gohmert?

1948 Mr. Gohmert. No.

1949 Ms. Williams. Mr. Gohmert votes no.

1950 Mr. Jordan?

1951 Mr. Jordan. No.

1952 Ms. Williams. Mr. Jordan votes no.

1953 Mr. Poe?

1954 [No response.]

1955 Ms. Williams. Mr. Chaffetz?

1956 Mr. Chaffetz. No.

1957 Ms. Williams. Mr. Chaffetz votes no.

1958 Mr. Marino?

1959 Mr. Marino. No.

1960 Ms. Williams. Mr. Marino votes no.

1961 Mr. Gowdy?
1962 [No response.]
1963 Ms. Williams. Mr. Labrador?
1964 Mr. Labrador. No.
1965 Ms. Williams. Mr. Labrador votes no.
1966 Mr. Farenthold?
1967 Mr. Farenthold. No.
1968 Ms. Williams. Mr. Farenthold votes no.
1969 Mr. Collins?
1970 Mr. Collins. No.
1971 Ms. Williams. Mr. Collins votes no.
1972 Mr. DeSantis?
1973 Mr. DeSantis. No.
1974 Ms. Williams. Mr. DeSantis votes no.
1975 Ms. Walters?
1976 Ms. Walters. No.
1977 Ms. Williams. Ms. Walters votes no.
1978 Mr. Buck?
1979 Mr. Buck. No.
1980 Ms. Williams. Mr. Buck votes no.
1981 Mr. Ratcliffe?
1982 [No response.]

1983 Ms. Williams. Mr. Trott?
1984 Mr. Trott. No.
1985 Ms. Williams. Mr. Trott votes no.
1986 Mr. Bishop?
1987 Mr. Bishop. No.
1988 Ms. Williams. Mr. Bishop votes no.
1989 Mr. Conyers?
1990 Mr. Conyers. Aye.
1991 Ms. Williams. Mr. Conyers votes aye.
1992 Mr. Nadler?
1993 Mr. Nadler. Aye.
1994 Ms. Williams. Mr. Nadler votes aye.
1995 Ms. Lofgren?
1996 Ms. Lofgren. Aye.
1997 Ms. Williams. Ms. Lofgren votes aye.
1998 Ms. Jackson Lee?
1999 Ms. Jackson Lee. Aye.
2000 Ms. Williams. Ms. Jackson Lee votes aye.
2001 Mr. Cohen?
2002 Mr. Cohen. Aye.
2003 Ms. Williams. Mr. Cohen votes aye.
2004 Mr. Johnson?

2005 Mr. Johnson. Aye.

2006 Ms. Williams. Mr. Johnson votes aye.

2007 Mr. Pierluisi?

2008 Mr. Pierluisi. Aye.

2009 Ms. Williams. Mr. Pierluisi votes aye.

2010 Ms. Chu?

2011 Ms. Chu. Aye.

2012 Ms. Williams. Ms. Chu votes aye.

2013 Mr. Deutch?

2014 [No response.]

2015 Ms. Williams. Mr. Gutierrez?

2016 [No response.]

2017 Ms. Williams. Ms. Bass?

2018 [No response.]

2019 Ms. Williams. Mr. Richmond?

2020 Mr. Richmond. Aye.

2021 Ms. Williams. Mr. Richmond votes aye.

2022 Ms. DelBene?

2023 Ms. DelBene. Aye.

2024 Ms. Williams. Ms. DelBene votes aye.

2025 Mr. Jeffries?

2026 Mr. Jeffries. Aye.

2027 Ms. Williams. Mr. Jeffries votes aye.

2028 Mr. Cicilline?

2029 Mr. Cicilline. Aye.

2030 Ms. Williams. Mr. Cicilline votes aye.

2031 Mr. Peters?

2032 [No response.]

2033 Chairman Goodlatte. Has every member voted who wishes

2034 to vote?

2035 [No response.]

2036 Chairman Goodlatte. The clerk will report.

2037 Ms. Williams. Mr. Chairman, 12 members voted aye, 17

2038 members voted nay.

2039 Chairman Goodlatte. And the amendment is not agreed to.

2040 Are there further amendments to H.R. 1149?

2041 Mr. Johnson. Mr. Chairman, I have an amendment at the

2042 desk.

2043 Chairman Goodlatte. The clerk will report the amendment

2044 of the gentleman from Georgia.

2045 Ms. Williams. Amendment to H.R. 1149, offered by Mr.

2046 Johnson, strike Section 3 of the bill --

2047 Chairman Goodlatte. Without objection, the amendment

2048 will be considered as read.

2049 [The amendment of Mr. Johnson follows:]

2050

2051 Chairman Goodlatte. And the gentleman is recognized for
2052 5 minutes on his amendment.

2053 Mr. Johnson. Thank you, Mr. Chairman. I find it
2054 disgraceful that my Republican colleagues can be so
2055 insensitive to the hundreds of thousands of children who have
2056 the strength and courage to flee abusive situations.
2057 Currently, children can qualify for special immigrant
2058 juvenile status if they have been abused, abandoned, or
2059 neglected by one or both parents.

2060 Section 3 of H.R. 1153 would change that so that they
2061 will have to have been abused or neglected by both parents.
2062 I urge everyone here to strike Section 3 because that simply
2063 does not make sense. Take "M," for example, a 14-year-old
2064 girl who lived with her mother and father in San Pedro, Sula,
2065 Honduras.

2066 "M" and her mother were physically abused by her father,
2067 who refused to provide them with financial and emotional
2068 support. "M" and her mother fled to the U.S., where her
2069 mother was able to be appointed as her legal guardian and
2070 apply for SIJS. Had Section 3 been in place, she would not
2071 have been able to qualify for SIJS in the U.S. because she
2072 had not been abused or neglected by both parents.

2073 Changing the current system will prevent children from
2074 being reunited with their families and force children onto
2075 the streets if they receive SIJS protection in the U.S.
2076 Where are they supposed to go if they cannot be placed with a
2077 parent who may be living here in the U.S.?

2078 There are plenty of other topics we should be talking
2079 about today. SIJS is not one of them. It is one of the most
2080 underutilized immigration remedies. There were less than
2081 4,000 petitions filed in Fiscal Year 2013. It is
2082 procedurally complex, and it does not allow recipients to
2083 petition for lawful immigration status for either of their
2084 parents. I yield back.

2085 Chairman Goodlatte. The chair thanks the gentleman and
2086 recognizes himself in opposition to the amendment that
2087 strikes a part of the bill that is required in order to
2088 prevent the abuse of the U.S. immigration system.

2089 Alien minors who have been abused, neglected, or
2090 abandoned by their parents should be, and are, eligible for
2091 special immigration juvenile visas. However, an unintended
2092 consequence of the Trafficking Victims Protection
2093 Reauthorization Act of 2008 allows a minor to receive SIJ
2094 status, which grants permanent residence, even if only one of

2095 his or her two parents has abused or abandoned them, and even
2096 if the minor can still be safely reunited with their other
2097 parents. The TVPRA expanded the SIJ definition to allow for
2098 a juvenile court to consider if reunification is possible
2099 with one or both of the child's parents.

2100 Practitioners argue that the plain language of the
2101 statutory revision means that family reunification must only
2102 be not viable with one parent, even if reunification with the
2103 other parent is possible. H.R. 1153 corrects this unintended
2104 consequence so that aliens are eligible for SIJ status only
2105 if they cannot be reunified with either of their parents.
2106 And I urge my colleagues to oppose the amendment.

2107 The question occurs on the amendment offered by the
2108 gentleman from Georgia.

2109 All those in favor, respond by saying aye.

2110 Those opposed, no.

2111 In the opinion of the chair, the noes have it. The
2112 amendment is not agreed to.

2113 Mr. Johnson. Mr. Chairman, I ask for a recorded vote.

2114 Chairman Goodlatte. A recorded vote is requested, and
2115 the clerk will call the roll.

2116 Ms. Williams. Mr. Goodlatte?

2117 Chairman Goodlatte. No.

2118 Ms. Williams. Mr. Goodlatte votes no.

2119 Mr. Sensenbrenner?

2120 [No response.]

2121 Ms. Williams. Mr. Smith?

2122 Mr. Smith. No.

2123 Ms. Williams. Mr. Smith votes no.

2124 Mr. Chabot?

2125 [No response.]

2126 Ms. Williams. Mr. Issa?

2127 [No response.]

2128 Ms. Williams. Mr. Forbes?

2129 [No response.]

2130 Ms. Williams. Mr. King?

2131 Mr. King. No.

2132 Mr. Deterding. Mr. King votes no.

2133 Mr. Franks?

2134 Mr. Franks. No.

2135 Ms. Williams. Mr. Franks votes no.

2136 Mr. Gohmert?

2137 Mr. Gohmert. No.

2138 Ms. Williams. Mr. Gohmert votes no.

2139 Mr. Jordan?

2140 [No response.]

2141 Ms. Williams. Mr. Poe?

2142 [No response.]

2143 Ms. Williams. Mr. Chaffetz?

2144 [No response.]

2145 Ms. Williams. Mr. Marino?

2146 Mr. Marino. No.

2147 Ms. Williams. Mr. Marino votes no.

2148 Mr. Gowdy?

2149 [No response.]

2150 Ms. Williams. Mr. Labrador?

2151 Mr. Labrador. No.

2152 Ms. Williams. Mr. Labrador votes no.

2153 Mr. Farenthold?

2154 [No response.]

2155 Ms. Williams. Mr. Collins?

2156 Mr. Collins. No.

2157 Ms. Williams. Mr. Collins votes no.

2158 Mr. DeSantis?

2159 [No response.]

2160 Ms. Williams. Ms. Walters?

2161 Ms. Walters. No.

2162 Ms. Williams. Ms. Walters votes no.

2163 Mr. Buck?

2164 [No response.]

2165 Ms. Williams. Mr. Ratcliffe?

2166 [No response.]

2167 Ms. Williams. Mr. Trott?

2168 Mr. Trott. No.

2169 Ms. Williams. Mr. Trott votes no.

2170 Mr. Bishop?

2171 Mr. Bishop. No.

2172 Ms. Williams. Mr. Bishop votes no.

2173 Mr. Conyers?

2174 Mr. Conyers. Aye.

2175 Ms. Williams. Mr. Conyers votes aye.

2176 Mr. Nadler?

2177 Mr. Nadler. Aye.

2178 Ms. Williams. Mr. Nadler votes aye.

2179 Ms. Lofgren?

2180 [No response.]

2181 Ms. Williams. Ms. Jackson Lee?

2182 [No response.]

2183 Ms. Williams. Mr. Cohen?
2184 Mr. Cohen. Aye.
2185 Ms. Williams. Mr. Cohen votes aye.
2186 Mr. Johnson?
2187 Mr. Johnson. Aye.
2188 Ms. Williams. Mr. Johnson votes aye.
2189 Mr. Pierluisi?
2190 Mr. Pierluisi. Aye.
2191 Ms. Williams. Mr. Pierluisi votes aye.
2192 Ms. Chu?
2193 Ms. Chu. Aye.
2194 Ms. Williams. Ms. Chu votes aye.
2195 Mr. Deutch?
2196 [No response.]
2197 Ms. Williams. Mr. Gutierrez?
2198 [No response.]
2199 Ms. Williams. Ms. Bass?
2200 [No response.]
2201 Ms. Williams. Mr. Richmond?
2202 Mr. Richmond. Aye.
2203 Ms. Williams. Mr. Richmond votes aye.
2204 Ms. DelBene?

2205 Ms. DelBene. Aye.

2206 Ms. Williams. Ms. DelBene votes aye.

2207 Mr. Jeffries?

2208 Mr. Jeffries. Aye.

2209 Ms. Williams. Mr. Jeffries votes aye.

2210 Mr. Cicilline?

2211 Mr. Cicilline. Aye.

2212 Ms. Williams. Mr. Cicilline votes aye.

2213 Mr. Peters?

2214 [No response.]

2215 Chairman Goodlatte. The gentleman from Texas?

2216 Mr. Farenthold. No.

2217 Ms. Williams. Mr. Farenthold votes no.

2218 Chairman Goodlatte. The gentleman from Utah?

2219 Mr. Chaffetz. No.

2220 Ms. Williams. Mr. Chaffetz votes no.

2221 Chairman Goodlatte. The gentleman from Texas, Mr.

2222 Ratcliffe?

2223 Mr. Ratcliffe. No.

2224 Ms. Williams. Mr. Ratcliffe votes no.

2225 Chairman Goodlatte. Has every member voted who wishes

2226 to vote?

2227 [No response.]

2228 Chairman Goodlatte. The clerk will report.

2229 Ms. Williams. Mr. Chairman, 10 members voted aye, 14

2230 members voted no.

2231 Chairman Goodlatte. And the amendment is not agreed to.

2232 Are there further amendments to H.R. 1149?

2233 Ms. Chu. Mr. Chair, I have an amendment at the desk.

2234 Chairman Goodlatte. The clerk will report the

2235 amendment.

2236 Ms. Williams. Amendment to H.R. 1149, offered by Ms.

2237 Chu, strike Section 2(a)(3)(B) and insert the following --

2238 Chairman Goodlatte. Without objection, the amendment

2239 will be considered as read.

2240 [The amendment of Ms. Chu follows:]

2241

2242 Chairman Goodlatte. And the gentlewoman is recognized
2243 for 5 minutes on her amendment.

2244 Ms. Chu. Mr. Chair, the underlying bill strips all
2245 legal counsel programs for unaccompanied alien children, and
2246 forbids the government from spending money to provide
2247 representation to these children. My amendment strengthens
2248 due process protections for UACs by mandating the government
2249 appoint or provide counsel to unaccompanied children.

2250 Our current immigration removal system is failing to
2251 live up to American values. Under no circumstances should a
2252 child have to face a trial which determines whether they can
2253 stay in our country or must go all alone. But every year,
2254 thousands of children face this adversarial process alone.
2255 These are children like Belkis Rivera. When Belkis was 6
2256 years old, the gang that controlled her neighborhood in San
2257 Pedro Sula in Honduras killed her grandmother and her uncle,
2258 and then demanded that her brothers join the gang.

2259 Her mother fled to the U.S. with her brothers, leaving
2260 Belkis behind. When the gang started threatening Belkis, she
2261 fled her country, making the terrifying 6-month journey
2262 across Mexico alone. She was caught by Border Patrol while
2263 crossing the border, and placed into removal proceedings.

2264 After all this, Belkis faced more trauma, defending her case
2265 before our U.S. immigration court system alone.

2266 The lack of appointed counsel for children has become
2267 even more concerning in light of the influx of unaccompanied
2268 children that arrived at our border last year. Last summer,
2269 the number of minors arriving each day was outpaced by daily
2270 immigration proceedings. This issue is only exacerbated when
2271 immigration proceedings are slowed down for children without
2272 legal representation.

2273 And that is why this amendment is so important. It will
2274 ensure programs like AmeriCorps, which started last summer by
2275 the Department of Justice to provide lawyers to children
2276 facing deportations, and it allows them to continue to
2277 operate. Through government-funded grants awarded to NGOs,
2278 the program has enrolled about 100 lawyers and paralegals to
2279 represent immigrant children.

2280 This program was a great first step, but with the
2281 estimated 60,000 children who arrived at our borders this
2282 last Fiscal Year, we have to do more to ensure that these
2283 children have a fair shot at their immigration proceedings.
2284 We need a federally-funded public defender system for child
2285 refugees. If we give violent criminals government appointed

2286 lawyers, we should give them to refugee orphans.

2287 In fact, appointing government lawyers in these cases
2288 actually saves the government money. Giving children lawyers
2289 would help shorten the immigration proceedings by an average
2290 of 11 days, saving the American taxpayers an estimated \$2
2291 billion a year. And a 2014 study commissioned by the New
2292 York Bar Association confirms that a Federal defender program
2293 for immigrants in deportation proceedings would essentially
2294 pay for itself by reducing government expenditures to detain
2295 and remove immigrants.

2296 The U.S. has always been a beacon of hope for refugees.
2297 We take the tired, poor, and huddled masses. This situation
2298 is no different. Children do not decide to leave their home,
2299 travel alone through dangerous conditions, and take
2300 insurmountable risks to their lives if something is not
2301 terribly wrong. These children are running from abuse, from
2302 violence, from exploitation. They are running for their
2303 lives.

2304 According to the UN High Commissioner for Refugees, as
2305 high as 58 percent of the unaccompanied minors could qualify
2306 for potential international protection, but without proper
2307 counsel, these children are unable to assert their claim for

2308 relief. No one should have to face an adversarial
2309 immigration proceeding alone, let alone a vulnerable child
2310 trying to escape a violent life in his home country. My
2311 amendment ensures that our judicial system lives up to our
2312 American values.

2313 Thank you, and I yield back.

2314 Chairman Goodlatte. The chair thanks the gentlewoman,
2315 and recognizes himself in opposition to the amendment. I
2316 oppose this amendment that would allow taxpayer funds to be
2317 used to supply attorneys for unlawful aliens in removal
2318 proceedings. Section 292 of the Immigration and Nationality
2319 Act states that, "In any removal proceeding before an
2320 immigration judge, and in any appeal proceeding before the
2321 Attorney General from any such removal proceedings, the
2322 person concerned shall have the privilege of being
2323 represented at no expense to the government by such counsel."

2324 In Section 292, the phrase "at no expense to the
2325 government," is contained within the parenthesis. So the INA
2326 prohibits taxpayer funded counsel in immigration removal
2327 proceedings. But somehow the Obama Administration does not
2328 quite understand Section 292. In fact, the Administration's
2329 Fiscal Year 2015 budget requests \$50 million to provide

2330 attorneys for aliens in removal proceedings. So H.R. 1153
2331 amends Section 292 seeks to remove the prohibition from the
2332 parenthetical and adds a sentence that "in no instance shall
2333 the government bear any expense for counsel for any person in
2334 removal proceedings."

2335 The vast majority of aliens in removal proceedings are
2336 there because they have no right to be in the United States.
2337 They have entered illegally, overstayed a visa, or even
2338 committed an offense rendering them subject to deportation.
2339 American taxpayers are already forced to shoulder the
2340 government's expenses incurred placing someone in removal
2341 proceedings. They should not also be required to bear the
2342 cost of the alien fighting the very deportation process they
2343 are already funding on the government's side.

2344 H.R. 1153 will ensure that even the Obama Administration
2345 can understand that taxpayer funds shall not be used to
2346 represent aliens in removal proceedings. Those foundations,
2347 such as the Ford Foundation, that have spent more than \$300
2348 million over the last decade in grants to immigration rights
2349 groups, could easily afford to pay for aliens' attorneys in
2350 removal proceedings if they choose. The burden should not be
2351 placed on the taxpayer.

2352 I oppose this amendment, and urge my colleagues to do
2353 the same.

2354 The question occurs on the amendment offered by the
2355 gentlewoman from California.

2356 For what purpose does the gentleman from Puerto Rico
2357 seek recognition?

2358 Mr. Pierluisi. I move to strike the last word.

2359 Chairman Goodlatte. The gentleman is recognized for 5
2360 minutes.

2361 Mr. Pierluisi. This amendment makes sense. Children
2362 should not be required to appear in immigration court
2363 proceedings in front of an immigration judge in opposition to
2364 an ICE trial attorney without representation. We do not
2365 allow children to represent themselves in other legal
2366 proceedings, and immigration court should be no different.
2367 We should not expect children to act like adults. Children
2368 have unique developmental needs, and it is absurd to require
2369 them to represent themselves in a complex legal proceeding
2370 such as this type of immigration proceeding.

2371 There is also an issue here in the sense that the
2372 underlying bill takes a step back from longstanding
2373 bipartisan support for efforts to provide counsel to

2374 unaccompanied children. This happened in the Homeland
2375 Security Act of 2002 where Congress required the Office of
2376 Refugee Resettlement to develop a plan to ensure the timely
2377 appointment of counsel for each unaccompanied child. It also
2378 was the case with the Victims Protection Act of 2008.

2379 And the record is clear. This bill would put an end to
2380 these types of efforts and make it more likely that
2381 unaccompanied children would be forced to appear without a
2382 lawyer in immigration court, while the Federal government is
2383 represented by a trial attorney from Immigration and Customs
2384 Enforcement.

2385 One practical aspect is that children with attorneys are
2386 more likely to appear for their court dates. Children who
2387 have counsel have help in understanding the system and
2388 learning what relief they may or may not be eligible for. I
2389 should say that there should be no surprise that children who
2390 are represented are also more likely to win relief, and we
2391 should not be citing here. We should not be erring on the
2392 side of saying that these children should not be allowed in
2393 America. We should give them the benefit of the doubt, and
2394 counsel should be afforded to them. According to the
2395 National Association of Immigration Judges, legal

2396 representation is absolutely essential to ensure that
2397 children have meaningful access to asylum and other
2398 protections. This also improves the efficiency of the
2399 courts.

2400 So, Mr. Chairman, there are various reasons why this
2401 amendment should be favorably viewed, and I ask my colleagues
2402 to vote in support. I yield back.

2403 Chairman Goodlatte. The chair thanks the gentleman.
2404 For what purpose does the gentleman from New York seek
2405 recognition?

2406 Mr. Jeffries. Move to strike the last word.

2407 Chairman Goodlatte. The gentleman is recognized for 5
2408 minutes.

2409 Mr. Jeffries. Thank you, Mr. Chairman. I want to thank
2410 the distinguished gentlelady from California for introducing
2411 such a thoughtful amendment. I think simply in the context
2412 of the equities here, we are not talking about violent
2413 aliens, a phrase that many on the other side of the aisle
2414 like to use. These are unaccompanied children who are
2415 fleeing extreme violence largely from the Central American
2416 Northern Triangle countries, some of the most violent in the
2417 world.

2418 But aside from the equities, I think providing counsel,
2419 of course, would be consistent with our best values as a
2420 country. Studies have clearly shown, one of which was cited
2421 by Congresswoman Chu, that the efficient administration of
2422 justice is enhanced when counsel are provided to children.
2423 And when you enhance the efficient administration of justice,
2424 for instance, you have got some detentions that are
2425 unnecessary, and, therefore, are costing taxpayer dollars.
2426 In some instances you have got claims that are raised that
2427 have no merit under law that attorneys would not engage in
2428 moving forward.

2429 If you enhance the efficient administration of justice,
2430 you actually save taxpayer dollars. So this is not just an
2431 amendment that makes sense in the context of our best values
2432 as a country. It makes economic sense for the taxpayer, and
2433 that is why I urge a yes vote.

2434 Chairman Goodlatte. The chair thanks the gentleman.

2435 The question occurs on the amendment offered by the
2436 gentlewoman from California.

2437 All those in favor, respond by saying aye.

2438 Those opposed, no.

2439 In the opinion of the chair, the noes have it, and the

2440 amendment is not agreed to.

2441 Ms. Chu. I ask for a recorded vote.

2442 Chairman Goodlatte. A recorded vote is requested. The

2443 clerk will call the roll.

2444 Ms. Williams. Mr. Goodlatte?

2445 Chairman Goodlatte. No.

2446 Ms. Williams. Mr. Goodlatte votes no.

2447 Mr. Sensenbrenner?

2448 [No response.]

2449 Ms. Williams. Mr. Smith?

2450 Mr. Smith. No.

2451 Ms. Williams. Mr. Smith votes no.

2452 [No response.]

2453 Ms. Williams. Mr. Issa?

2454 [No response.]

2455 Ms. Williams. Mr. Forbes?

2456 [No response.]

2457 Ms. Williams. Mr. King?

2458 Mr. King. No.

2459 Mr. Deterding. Mr. King votes no.

2460 Mr. Franks?

2461 Mr. Franks. No.

2462 Ms. Williams. Mr. Franks votes no.
2463 Mr. Gohmert?
2464 [No response.]
2465 Ms. Williams. Mr. Jordan?
2466 [No response.]
2467 Ms. Williams. Mr. Poe?
2468 [No response.]
2469 Ms. Williams. Mr. Chaffetz?
2470 Mr. Chaffetz. No.
2471 Ms. Williams. Mr. Chaffetz votes no.
2472 Mr. Marino?
2473 Mr. Marino. No.
2474 Ms. Williams. Mr. Marino votes no.
2475 Mr. Gowdy?
2476 [No response.]
2477 Ms. Williams. Mr. Labrador?
2478 Mr. Labrador. No.
2479 Ms. Williams. Mr. Labrador votes no.
2480 Mr. Farenthold?
2481 [No response.]
2482 Ms. Williams. Mr. Collins?
2483 Mr. Collins. No.

2484 Ms. Williams. Mr. Collins votes no.
2485 Mr. DeSantis?
2486 [No response.]
2487 Ms. Williams. Ms. Walters?
2488 Ms. Walters. No.
2489 Ms. Williams. Ms. Walters votes no.
2490 Mr. Buck?
2491 [No response.]
2492 Ms. Williams. Mr. Ratcliffe?
2493 Mr. Ratcliffe. No.
2494 Ms. Williams. Mr. Ratcliffe votes no.
2495 Mr. Trott?
2496 Mr. Trott. No.
2497 Ms. Williams. Mr. Trott votes no.
2498 Mr. Bishop?
2499 Mr. Bishop. No.
2500 Ms. Williams. Mr. Bishop votes no.
2501 Mr. Conyers?
2502 Mr. Conyers. Aye.
2503 Ms. Williams. Mr. Conyers votes aye.
2504 Mr. Nadler?
2505 [No response.]

2506 Ms. Williams. Ms. Lofgren?
2507 [No response.]
2508 Ms. Williams. Ms. Jackson Lee?
2509 [No response.]
2510 Ms. Williams. Mr. Cohen?
2511 Mr. Cohen. Aye.
2512 Ms. Williams. Mr. Cohen votes aye.
2513 Mr. Johnson?
2514 Mr. Johnson. Aye.
2515 Ms. Williams. Mr. Johnson votes aye.
2516 Mr. Pierluisi?
2517 Mr. Pierluisi. Aye.
2518 Ms. Williams. Mr. Pierluisi votes aye.
2519 Ms. Chu?
2520 Ms. Chu. Aye.
2521 Ms. Williams. Ms. Chu votes aye.
2522 Mr. Deutch?
2523 Mr. Deutch. Aye.
2524 Ms. Williams. Mr. Deutch votes aye.
2525 Mr. Gutierrez?
2526 Mr. Gutierrez. Yes.
2527 Ms. Williams. Mr. Gutierrez votes yes.

2528 Ms. Bass?

2529 [No response.]

2530 Ms. Williams. Mr. Richmond?

2531 Mr. Richmond. Aye.

2532 Ms. Williams. Mr. Richmond votes aye.

2533 Ms. DelBene?

2534 Ms. DelBene. Aye.

2535 Ms. Williams. Ms. DelBene votes aye.

2536 Mr. Jeffries?

2537 Mr. Jeffries. Aye.

2538 Ms. Williams. Mr. Jeffries votes aye.

2539 Mr. Cicilline?

2540 Mr. Cicilline. Aye.

2541 Ms. Williams. Mr. Cicilline votes aye.

2542 Mr. Peters?

2543 [No response.]

2544 Chairman Goodlatte. The gentleman from Texas?

2545 Mr. Gohmert. No.

2546 Ms. Williams. Mr. Gohmert votes no.

2547 Chairman Goodlatte. Has every member voted who wishes

2548 to vote?

2549 [No response.]

2550 Chairman Goodlatte. The clerk will report.

2551 Ms. Williams. Mr. Chairman, 11 members voted aye, 13

2552 members voted no.

2553 Chairman Goodlatte. And the amendment is not agreed to.

2554 Are there further amendments to H.R. 1149?

2555 Mr. Gutierrez. Mr. Chairman?

2556 Chairman Goodlatte. For what purpose does the gentleman

2557 from Illinois seek recognition?

2558 Mr. Gutierrez. I have an amendment at the desk.

2559 Chairman Goodlatte. The clerk will report the

2560 amendment.

2561 Mr. Gutierrez. Amendment No. 1.

2562 Ms. Williams. Amendment to H.R. 1149, offered by Mr.

2563 Gutierrez. In subparagraph (D), as inserted by the amendment

2564 to --

2565 Chairman Goodlatte. Without objection, the amendment

2566 will be considered as read.

2567 [The amendment of Mr. Gutierrez follows:]

2568

2569 Chairman Goodlatte. And the gentleman is recognized for
2570 5 minutes on his amendment.

2571 Mr. Gutierrez. Thank you so much, Mr. Chairman.

2572 The provision would eliminate a section of the bill in
2573 which it is required that DHS investigate the immigration
2574 status of the sponsors of unaccompanied children and initiate
2575 removal proceedings against them.

2576 When the children arrive in the United States, we have
2577 established that they should be put in the least restrictive
2578 setting. And I cannot understand why someone would object to
2579 that child, while they are going through removal proceedings,
2580 while they are going through the court proceedings, while
2581 they are trying to figure out whether or not their lawyers
2582 and they can make an argument that they can stay in this
2583 country, why they can't simply be with their parents.

2584 Most people would say, well, the parents are
2585 undocumented, so let us not put them with the parents. Well,
2586 where would we put them? In foster care? With strangers?

2587 Now, I have to tell you, the father in and the parent in
2588 me says the best place for a child is with their parents,
2589 regardless of their immigration status. And I don't
2590 understand why we wouldn't want that child to be with their

2591 parents.

2592 Now, as a professional and someone who has worked as a
2593 social worker for the Department of Children and Family
2594 Services -- I wasn't a community organizer; I was a social
2595 worker -- it was our responsibility to make sure that those
2596 children, at all costs, stayed with their parents. When they
2597 couldn't stay with their parents, to find a grandmother, to
2598 find an aunt, to find a blood relative of that child, as the
2599 proceedings continued in the child courts, in case the child
2600 needed to be protected. Right? We needed to take custody of
2601 that child.

2602 We always looked for a place for that child to find
2603 familiarity, to find love.

2604 The last thing we did was try to put them in a group
2605 home, try to put them with a foster care family. We always
2606 tried to put them with family. And that, I am sure, makes
2607 sense to everybody, that children should stay with their
2608 family.

2609 Look, when they arrive, our law says that they are given
2610 a time in court, and that we should put them in the least
2611 restrictive -- and what is really interesting is, this really
2612 isn't a bill that was initiated by Democrats. It is a

2613 bipartisan proposal, but there was a Republican President who
2614 signed these bills into place called George Bush, and some of
2615 it was signed as he was leaving office.

2616 So at a time when people were thinking rationally,
2617 without trying to exploit the issue for some partisan,
2618 political advantage, it is what we did. I don't know why
2619 this Congress would want to treat children -- I don't know
2620 why my colleagues on the other side want to punish children
2621 who are already fleeing these devastating impacts on their
2622 lives, drug dealers, and murderers, and rapists. We should
2623 be protecting.

2624 I can't understand why we are almost crippled in our
2625 sense of compassion, in our sense of justice, in our sense of
2626 fairness, because 70,000 kids show up at our border.

2627 We, certainly, think it is a good thing for people in
2628 Turkey to take in over a million refugees, and they don't
2629 have to check in on the status of the other Syrians who are
2630 fleeing there, or the million who have fled to Lebanon, or
2631 the million who have fled to Jordan, all those millions.

2632 These kids are coming here, fleeing. This is the
2633 greatest country, the wealthiest, strongest, wealthiest
2634 country in the world. We should put them with their moms and

2635 with their dads, if that is the least restrictive setting.
2636 And it is the one that I think anybody would suggest a child
2637 should be placed in.

2638 Chairman Goodlatte. The chair thanks the gentleman and
2639 recognizes himself in opposition to the amendment.

2640 When an unaccompanied alien minor is apprehended, by
2641 law, they are placed in the custody of the Office of Refugee
2642 Resettlement within the Department of Health and Human
2643 Services, typically shortly after their entry into the United
2644 States.

2645 HHS has indicated that they operate a set of facilities
2646 with private nonprofits until a parent, relative, or sponsor
2647 can be identified. When committee staff asked what the
2648 definition was of a sponsor, DHS and HHS indicated that they
2649 would get back to us.

2650 The Federal Government must be required to obtain
2651 information on individuals with whom unaccompanied alien
2652 minors are placed, as they are often brought across the
2653 border by smugglers who are paid by the children's parents
2654 who are already in the U.S. illegally.

2655 On April 2, 2014, U.S. Customs and Border Protection
2656 conceded that the Obama administration's policies against

2657 deporting immigrant minors, as well as its practice of
2658 reuniting them with their parents, are factors in the steep
2659 increase in minors crossing the border without legal
2660 guardians.

2661 The Obama administration's policies on reuniting
2662 unaccompanied alien minors with relatives has drawn increased
2663 scrutiny since a Federal judge in Texas filed a court order
2664 last December, accusing DHS of delivering children to the
2665 parents who paid criminal organizations to smuggle them into
2666 the United States.

2667 To make matters worse, oftentimes, HHS does not even
2668 know who the "sponsors" are. Problems have occurred when the
2669 Government hands over unaccompanied alien minors to
2670 "guardians," quote/unquote, regardless of the guardian's
2671 immigration status, background checks, or even knowing if the
2672 guardian has any legal ties to the child.

2673 For example, a Honduran man unlawfully present in the
2674 United States living in Baltimore County faced Federal
2675 charges after a 16-year-old female unaccompanied minor sent
2676 to live with him told police he smuggled her into the United
2677 States, and he engaged in an inappropriate sexual
2678 relationship with her. Federal officials gave Pedro Lara

2679 Portillo, 42, guardianship over the girl, who is also from
2680 Honduras, through the HHS process.

2681 Clearly, whatever HHS is doing to identify sponsors for
2682 these minors is inadequate to protect their safety. This
2683 teenager was just one among tens of thousands of children who
2684 have come north from Central America, often traveling alone
2685 and sparking a crisis as officials try to figure out how to
2686 house them.

2687 For these reasons, HHS must obtain more information on
2688 who the minors are placed with. HHS must also share that
2689 information with DHS. If minors are being placed with
2690 unlawful aliens, DHS should have the ability to put those
2691 unlawful aliens in removal proceedings.

2692 Hence, I rise in opposition to this amendment to remove
2693 the requirements protecting UAMS from potential abusers, and
2694 urge my colleagues to do the same.

2695 The question occurs on the amendment offered by the
2696 gentleman from Illinois.

2697 All those in favor, respond by saying --

2698 Mr. Conyers. Mr. Chairman?

2699 Chairman Goodlatte. For what purpose does the gentleman
2700 from Michigan seek recognition?

2701 Mr. Conyers. I would like to support the amendment.

2702 Chairman Goodlatte. The gentleman is recognized for 5
2703 minutes.

2704 Mr. Conyers. Thank you very much, sir.

2705 This amendment offered by Mr. Gutierrez strikes the
2706 provision requiring DHS to deport people who care for
2707 unaccompanied children once they are released from custody.
2708 The Protection of Children Act requires that the Department
2709 of Homeland Security investigate the immigration status of
2710 any person who agrees to care for an unaccompanied child who
2711 is released from custody by Health and Human Services. It
2712 also requires DHS to deport any such person who is unlawfully
2713 present.

2714 Now, this would result in many children languishing in
2715 Federal custody for months or even longer, and many others
2716 being ripped from their homes and sent to foster care. The
2717 amendment would strike this provision from the bill.

2718 Now, requiring DHS to investigate and deport the
2719 sponsors of unaccompanied children would mean fewer people
2720 will come forward and thousands more children will remain in
2721 Federal custody. Requiring DHS to deport sponsors who are
2722 unlawfully present will send many more children into the

2723 State foster care system, especially because this provision
2724 is retroactive to June 15, 2012.

2725 And so for those reasons, I urge that the Gutierrez
2726 amendment be given our full support, and I yield back the
2727 balance of my time.

2728 Chairman Goodlatte. The question occurs on the
2729 amendment offered by the gentleman from Illinois.

2730 All those in favor, respond by saying aye.

2731 Those opposed, no.

2732 In the opinion of the chair, the noes have it. The
2733 amendment is not agreed to.

2734 Mr. Conyers. We ask for a recorded vote.

2735 Chairman Goodlatte. A recorded vote has been requested.

2736 The clerk will call the role.

2737 Ms. Williams. Mr. Goodlatte?

2738 Chairman Goodlatte. No.

2739 Ms. Williams. Mr. Goodlatte votes no.

2740 Mr. Sensenbrenner?

2741 [No response.]

2742 Ms. Williams. Mr. Smith?

2743 Mr. Smith. No.

2744 Ms. Williams. Mr. Smith votes no.

2745 Mr. Chabot?
2746 [No response.]
2747 Ms. Williams. Mr. Issa?
2748 [No response.]
2749 Ms. Williams. Mr. Forbes?
2750 [No response.]
2751 Ms. Williams. Mr. King?
2752 Mr. King. No.
2753 Mr. Deterding. Mr. King votes no.
2754 Mr. Franks?
2755 Mr. Franks. No.
2756 Ms. Williams. Mr. Franks votes no.
2757 Mr. Gohmert?
2758 Mr. Gohmert. No.
2759 Ms. Williams. Mr. Gohmert votes no.
2760 Mr. Jordan?
2761 [No response.]
2762 Ms. Williams. Mr. Poe?
2763 Mr. Poe. No.
2764 Ms. Williams. Mr. Poe votes no.
2765 Mr. Chaffetz?
2766 Mr. Chaffetz. No.

2767 Ms. Williams. Mr. Chaffetz votes no.
2768 Mr. Marino?
2769 Mr. Marino. No.
2770 Ms. Williams. Mr. Marino votes no.
2771 Mr. Gowdy?
2772 [No response.]
2773 Ms. Williams. Mr. Labrador?
2774 Mr. Labrador. No.
2775 Ms. Williams. Mr. Labrador votes no.
2776 Mr. Farenthold?
2777 Mr. Farenthold. No.
2778 Ms. Williams. Mr. Farenthold votes no.
2779 Mr. Collins?
2780 Mr. Collins. No.
2781 Ms. Williams. Mr. Collins votes no.
2782 Mr. DeSantis?
2783 [No response.]
2784 Ms. Williams. Ms. Walters?
2785 Ms. Walters. No.
2786 Ms. Williams. Ms. Walters votes no.
2787 Mr. Buck?
2788 Mr. Buck. No.

2789 Ms. Williams. Mr. Buck votes no.
2790 Mr. Ratcliffe?
2791 Mr. Ratcliffe. No.
2792 Ms. Williams. Mr. Ratcliffe votes no.
2793 Mr. Trott?
2794 Mr. Trott. No.
2795 Ms. Williams. Mr. Trott votes no.
2796 Mr. Bishop?
2797 Mr. Bishop. No.
2798 Ms. Williams. Mr. Bishop votes no.
2799 Mr. Conyers?
2800 Mr. Conyers. Aye.
2801 Ms. Williams. Mr. Conyers votes aye.
2802 Mr. Nadler?
2803 [No response.]
2804 Ms. Williams. Ms. Lofgren?
2805 [No response.]
2806 Ms. Williams. Ms. Jackson Lee?
2807 [No response.]
2808 Ms. Williams. Mr. Cohen?
2809 Mr. Cohen. Aye.
2810 Ms. Williams. Mr. Cohen votes aye.

2811 Mr. Johnson?

2812 Mr. Johnson. Aye.

2813 Ms. Williams. Mr. Johnson votes aye.

2814 Mr. Pierluisi?

2815 Mr. Pierluisi. Aye.

2816 Ms. Williams. Mr. Pierluisi votes aye.

2817 Ms. Chu?

2818 Ms. Chu. Aye.

2819 Ms. Williams. Ms. Chu votes aye.

2820 Mr. Deutch?

2821 Mr. Deutch. Aye.

2822 Ms. Williams. Mr. Deutch votes aye.

2823 Mr. Gutierrez?

2824 Mr. Gutierrez. Aye.

2825 Ms. Williams. Mr. Gutierrez votes aye.

2826 Ms. Bass?

2827 [No response.]

2828 Ms. Williams. Mr. Richmond?

2829 Mr. Richmond. Aye.

2830 Ms. Williams. Mr. Richmond votes aye.

2831 Ms. DelBene?

2832 Ms. DelBene. Aye.

2833 Ms. Williams. Ms. DelBene votes aye.

2834 Mr. Jeffries?

2835 Mr. Jeffries. Aye.

2836 Ms. Williams. Mr. Jeffries votes aye.

2837 Mr. Cicilline?

2838 Mr. Cicilline. Aye.

2839 Ms. Williams. Mr. Cicilline votes aye.

2840 Mr. Peters?

2841 [No response.]

2842 Chairman Goodlatte. The gentleman from Ohio?

2843 Mr. Chabot. No.

2844 Ms. Williams. Mr. Chabot votes no.

2845 Chairman Goodlatte. Has every member voted who wishes

2846 to vote?

2847 [No response.]

2848 Chairman Goodlatte. The clerk will report.

2849 Ms. Williams. Mr. Chairman, 11 members voted aye, 17

2850 members voted no.

2851 Chairman Goodlatte. And the amendment is not agreed to.

2852 Are there any further amendments to H.R. 1149?

2853 Mr. Gutierrez. Mr. Chairman, I have an amendment at the

2854 desk.

2855 Chairman Goodlatte. The clerk will report the
2856 amendment.

2857 Ms. Williams. Amendment to H.R. 1149, offered by Mr.
2858 Gutierrez of Illinois. Strike section 1 and insert the
2859 following: Section 1. Short title. This Act may be cited
2860 as the "Deporting Vulnerable Children Act."

2861 [The amendment of Mr. Gutierrez follows:]

2862

2863 Chairman Goodlatte. The gentleman is recognized for 5
2864 minutes on his amendment.

2865 Mr. Gutierrez. Thank you.

2866 Because in the end, you can call this whatever you want,
2867 but it will be understood as a deporting vulnerable children
2868 act, because that is really what we are doing here.

2869 And I think the chairman made a very eloquent case about
2870 how the children should be protected, but then at the end,
2871 the chairman came right back to their parents are
2872 undocumented, and if they are, we should know that, and they
2873 should be deported.

2874 We all know what is going to happen with vulnerable
2875 children when that happens. I don't know what the
2876 immigration status of a parent has to do with their ability
2877 to raise a child or nurture a child or love a child. I
2878 imagine that there are a lot of other considerations that
2879 should be taken in, too.

2880 But I just want to say that I had a wonderful weekend,
2881 to all my colleagues. I was in Tampa, Florida, with
2882 Congresswoman Castor. And I am sure you all should know that
2883 we were in an evangelical church, a Pentecostal church. And
2884 we were there with dozens of evangelical pastors.

2885 What was more striking about visiting is that, in the
2886 evangelical church, they have a refugee center in that
2887 church. Beautiful beds. My wife called me all excited. She
2888 said, honey, I found a place where they actually practice
2889 loving your neighbor as you love yourself. And I said, why,
2890 honey? She said because the beds of the children, that the
2891 refugee children are going to have, they are as good as the
2892 beds our own children have.

2893 And the clothes, you should have seen the clothes they
2894 are providing. Beautiful clothes, donated clothes, all
2895 brand-new, not hand-me-downs, beautiful clothes, Tommy
2896 Hilfiger. And it was all in these color-coordinated colors.

2897 So when the children arrive in Tampa, after fleeing drug
2898 dealers and murderers and rapists, this church feels that it
2899 is its mission, and dozens of other pastors. And the bishop
2900 of the Pentecostals came, and he said this is a place where
2901 we are going to protect the children. We feel that that is
2902 our mission.

2903 And it was wonderful. So we spent that day on Saturday
2904 there, Congresswoman Castor and I. They are getting ready,
2905 because the children are going to get there by the 15th of
2906 this month, when they arrive in the United States.

2907 You know, that is really wonderful. I mean, this is a
2908 place that I didn't think a Democrat like me would have been
2909 welcome, but I was, because we are in defending children.

2910 And then the next day, that wasn't the end, the next day
2911 we went to the largest evangelical church, Pentecostal
2912 church, in Orlando, Florida, and Pastor Mejia welcomed us
2913 there. And he and the coalition are putting together eight
2914 centers to receive the children across the country. That is,
2915 their churches are receiving children with love and with
2916 compassion.

2917 And it was 3,000 strong, and they stood up and they
2918 clapped, and they cheered the fact that this was their
2919 mission and their light.

2920 I asked someone, what do you think the political
2921 persuasion is of many of the people, the leaders of the
2922 church? And they said they are pretty conservative, probably
2923 most of them Republican. And yet, look at how it is. We can
2924 set aside our ideological kind of framework, our political
2925 framework, and put in a human framework to be able to protect
2926 those children.

2927 And from there, we went to see Sister Ann outside of
2928 Orlando.

2929 And you know, in the meantime, I want all my colleagues
2930 to know that I visited a home on Saturday night where the
2931 farmers were picking. They had picked food all day,
2932 strawberries in Tampa. And there was a dirt floor, and there
2933 were two families living together in the same apartment. And
2934 I want everybody to know that you are going to eat those
2935 strawberries. And I want you to know a little bit about the
2936 people.

2937 I think, in America, we just don't understand that
2938 foreign hands are picking our food right here in the United
2939 States of America, and that they are living in deplorable
2940 conditions. And we shouldn't be criminalizing them.

2941 We should really fix this. We should really feel
2942 ashamed of ourselves, that we open up cans of meat that we
2943 know were processed in meatpacking plants by immigrant labor,
2944 and our food, our lettuce, our tomatoes, everywhere I go, I
2945 see them.

2946 But they were there, the people there in Orlando and in
2947 Tampa, working.

2948 And lastly, I just want to take the last few seconds to
2949 say here is the wonder that I know we are living, that sooner
2950 than later, we are going to come right back here to this

2951 committee and we are going to write up a comprehensive
2952 immigration reform bill. We are going to do it, because
2953 there is only so much you can do.

2954 This question is going to be a key question that is
2955 going to be answered in the coming year, 2016, by November
2956 2016.

2957 Last, you know, you guys just should have just taken the
2958 victory when the judge said that he was going to put a
2959 temporary injunction against the President's Executive order.
2960 But yesterday, we received a greater victory.

2961 We stood fast and we said we are not going to deport 5
2962 million kids. We are going to stick with the President's
2963 Executive order, and the President said he is not going to
2964 deport any of them.

2965 You know, we had a great victory yesterday. We kept
2966 Homeland Security open, and we protected the children.
2967 Eventually, we are going to get around to protecting the
2968 children and protecting immigrants.

2969 Thank you so much, Mr. Chairman.

2970 Chairman Goodlatte. The chair thanks the gentleman.

2971 The question occurs on the amendment offered by the
2972 gentleman from Illinois.

2973 Mr. Cicilline. Mr. Chairman?

2974 Chairman Goodlatte. For what purpose does the gentleman
2975 from Rhode Island seek recognition?

2976 Mr. Cicilline. I move to strike the last word.

2977 Chairman Goodlatte. The gentleman is recognized for 5
2978 minutes.

2979 Mr. Cicilline. I just want to thank the distinguished
2980 gentleman from Illinois for this amendment.

2981 I said at the beginning of my remarks, it is difficult
2982 to understand how this bill is entitled the "Protection of
2983 Children Act" when it does everything to strip away
2984 protections from children. And I thank Mr. Gutierrez for at
2985 least requiring the committee to be honest about what we are
2986 doing.

2987 This is a bill that will lead to long-term detention of
2988 children because it eliminates the requirement that children
2989 be transferred within 72 hours to HHS, eliminates the right
2990 to counsel, takes caregivers into custody, eliminates
2991 prevailing standards, and forces young people and children
2992 into adversarial proceedings in courtrooms rather than having
2993 initial asylum determinations made by professional staff.

2994 This really does violence to a very longstanding

2995 tradition of protecting children. In the Homeland Security
2996 Act of 2002, Congress required the Office of Refugee
2997 Resettlement to develop a plan to ensure the timely
2998 appointment of counsel for each accompanied child. In 2005,
2999 ORR contracted with the Vera Institute to do that.

3000 In the Trafficking Victims Protection Act of 2008,
3001 Congress additionally required ORR to ensure, and I quote,
3002 "to the greatest extent practical, that all unaccompanied
3003 children are represented by counsel."

3004 And then the House Appropriations Committee report to
3005 the fiscal year 2014 CJS appropriation bill instructed the
3006 Department of Justice "to better serve vulnerable
3007 populations, such as children, and to improve court
3008 efficiency through pilot efforts aimed at improving legal
3009 representation."

3010 We are doing just the opposite. And with all due
3011 respect, to my colleagues on the other side of the aisle who
3012 are proud of what they are doing, they ought to be willing to
3013 embrace an accurate description of what they are doing.

3014 And this, in fact, will make vulnerable children more
3015 susceptible to deportation. It strips away basic,
3016 universally recognized rights. It is not something we should

3017 do.

3018 I urge my colleagues to support this amendment, because,
3019 at the very least, we should be honest about the action we
3020 are taking today.

3021 And with that, I yield back.

3022 Mr. Conyers. Mr. Chairman?

3023 Chairman Goodlatte. For what purpose does the gentleman
3024 from Michigan seek recognition?

3025 Mr. Conyers. I want to rise in support of the
3026 amendment.

3027 Chairman Goodlatte. The gentleman is recognized for 5
3028 minutes.

3029 Mr. Conyers. I rise in strong support of the gentleman
3030 from Illinois' amendment.

3031 This has been a particularly, to me, mean-spirited
3032 markup. This is a particularly mean-spirited bill. And I
3033 think that the amendment provides an appropriate short title
3034 for what we are doing here.

3035 Now, the majority voted to oppose an amendment to make
3036 sure we do not allow children who are incompetent to
3037 voluntarily agree to return to their home countries, children
3038 who are 10 years old, 8 years old, children with intellectual

3039 disabilities. The majority on this committee has voted to
3040 strip children of the opportunity to a nonadversarial
3041 interview before an asylum officer, so that we can instead
3042 flow them directly into deportation proceedings before a
3043 judge.

3044 Do we really want the record to show this?

3045 The majority voted to hold children in detention for 30
3046 days or longer without requiring that child welfare
3047 professionals are onsite to ensure that they are treated
3048 properly. And finally, they voted to send children into
3049 deportation proceedings against a government-trained
3050 prosecutor without providing counsel to those children, those
3051 8-year-old children.

3052 And so this bill is about deporting vulnerable children,
3053 and we should say so.

3054 Mr. Chairman, I yield back the balance of my time.

3055 Chairman Goodlatte. The chair thanks the gentleman.

3056 The question occurs on the amendment offered by the
3057 gentleman from Illinois.

3058 All those in favor, respond by saying aye.

3059 Those opposed, no.

3060 In the opinion of the chair, the noes have it. The

3061 amendment is not agreed to.

3062 Are there further amendments to H.R. 1149?

3063 Mr. Conyers. Could we have a recorded vote on --

3064 Chairman Goodlatte. A recorded vote is requested on the

3065 amendment from the gentleman from Illinois, and the clerk

3066 will call the role.

3067 Ms. Williams. Mr. Goodlatte?

3068 Chairman Goodlatte. No.

3069 Ms. Williams. Mr. Goodlatte votes no.

3070 Mr. Sensenbrenner?

3071 [No response.]

3072 Ms. Williams. Mr. Smith?

3073 Mr. Smith. No.

3074 Ms. Williams. Mr. Smith votes no.

3075 Mr. Chabot?

3076 Mr. Chabot. No.

3077 Ms. Williams. Mr. Chabot votes no.

3078 Mr. Issa?

3079 [No response.]

3080 Ms. Williams. Mr. Forbes?

3081 [No response.]

3082 Ms. Williams. Mr. King?

3083 Mr. King. No.

3084 Mr. Deterding. Mr. King votes no.

3085 Mr. Franks?

3086 Mr. Franks. No.

3087 Ms. Williams. Mr. Franks votes no.

3088 Mr. Gohmert?

3089 Mr. Gohmert. No.

3090 Ms. Williams. Mr. Gohmert votes no.

3091 Mr. Jordan?

3092 [No response.]

3093 Ms. Williams. Mr. Poe?

3094 [No response.]

3095 Ms. Williams. Mr. Chaffetz?

3096 Mr. Chaffetz. No.

3097 Ms. Williams. Mr. Chaffetz votes no.

3098 Mr. Marino?

3099 [No response.]

3100 Ms. Williams. Mr. Gowdy?

3101 [No response.]

3102 Ms. Williams. Mr. Labrador?

3103 Mr. Labrador. No.

3104 Ms. Williams. Mr. Labrador votes no.

3105 Mr. Farenthold?
3106 Mr. Farenthold. No.
3107 Ms. Williams. Mr. Farenthold votes no.
3108 Mr. Collins?
3109 Mr. Collins. No.
3110 Ms. Williams. Mr. Collins votes no.
3111 Mr. DeSantis?
3112 [No response.]
3113 Ms. Williams. Ms. Walters?
3114 Ms. Walters. No.
3115 Ms. Williams. Ms. Walters votes no.
3116 Mr. Buck?
3117 Mr. Buck. No.
3118 Ms. Williams. Mr. Buck votes no.
3119 Mr. Ratcliffe?
3120 Mr. Ratcliffe. No.
3121 Ms. Williams. Mr. Ratcliffe votes no.
3122 Mr. Trott?
3123 Mr. Trott. No.
3124 Ms. Williams. Mr. Trott votes no.
3125 Mr. Bishop?
3126 Mr. Bishop. No.

3127 Ms. Williams. Mr. Bishop votes no.
3128 Mr. Conyers?
3129 Mr. Conyers. Aye.
3130 Ms. Williams. Mr. Conyers votes aye.
3131 Mr. Nadler?
3132 [No response.]
3133 Ms. Williams. Ms. Lofgren?
3134 Ms. Lofgren. Aye.
3135 Ms. Williams. Ms. Lofgren votes aye.
3136 Ms. Jackson Lee?
3137 Ms. Jackson Lee. Aye.
3138 Ms. Williams. Ms. Jackson Lee votes aye.
3139 Mr. Cohen?
3140 [No response.]
3141 Ms. Williams. Mr. Johnson?
3142 Mr. Johnson. Aye.
3143 Ms. Williams. Mr. Johnson votes aye.
3144 Mr. Pierluisi?
3145 Mr. Pierluisi. Aye.
3146 Ms. Williams. Mr. Pierluisi votes aye.
3147 Ms. Chu?
3148 Ms. Chu. Aye.

3149 Ms. Williams. Ms. Chu votes aye.
3150 Mr. Deutch?
3151 Mr. Deutch. Aye.
3152 Ms. Williams. Mr. Deutch votes aye.
3153 Mr. Gutierrez?
3154 Mr. Gutierrez. Aye.
3155 Ms. Williams. Mr. Gutierrez votes aye.
3156 Ms. Bass?
3157 [No response.]
3158 Ms. Williams. Mr. Richmond?
3159 Mr. Richmond. Aye.
3160 Ms. Williams. Mr. Richmond votes aye.
3161 Ms. DelBene?
3162 Ms. DelBene. Aye.
3163 Ms. Williams. Ms. DelBene votes aye.
3164 Mr. Jeffries?
3165 Mr. Jeffries. Aye.
3166 Ms. Williams. Mr. Jeffries votes aye.
3167 Mr. Cicilline?
3168 Mr. Cicilline. Aye.
3169 Ms. Williams. Mr. Cicilline votes aye.
3170 Mr. Peters?

3171 [No response.]

3172 Chairman Goodlatte. The gentleman from Pennsylvania?

3173 Mr. Marino. No.

3174 Ms. Williams. Mr. Marino votes no.

3175 Chairman Goodlatte. The gentleman from Texas?

3176 Mr. Poe. No.

3177 Ms. Williams. Mr. Poe votes no.

3178 Chairman Goodlatte. Has every member voted who wishes
3179 to vote?

3180 [No response.]

3181 Chairman Goodlatte. The clerk will report.

3182 Ms. Williams. Mr. Chairman, 12 members voted aye, 17
3183 members voted no.

3184 Chairman Goodlatte. And the amendment is not agreed to.

3185 Are there further amendments to H.R. 1149?

3186 A reporting quorum being present, the question is on the
3187 motion to report the bill H.R. 1149 favorably to the House.

3188 Those in favor will say aye.

3189 Those opposed, no.

3190 The ayes have it, and the bill is ordered reported
3191 favorably.

3192 Mr. Conyers. Mr. Chairman, can we have a recorded vote?

3193 Chairman Goodlatte. A recorded vote is requested, and
3194 the clerk will call the role.

3195 Ms. Williams. Mr. Goodlatte?

3196 Chairman Goodlatte. Aye.

3197 Ms. Williams. Mr. Goodlatte votes aye.

3198 Mr. Sensenbrenner?

3199 [No response.]

3200 Ms. Williams. Mr. Smith?

3201 [No response.]

3202 Ms. Williams. Mr. Chabot?

3203 Mr. Chabot. Aye.

3204 Ms. Williams. Mr. Chabot votes aye.

3205 Mr. Issa?

3206 [No response.]

3207 Ms. Williams. Mr. Forbes?

3208 [No response.]

3209 Ms. Williams. Mr. King?

3210 Mr. King. Aye.

3211 Mr. Deterding. Mr. King votes aye.

3212 Mr. Franks?

3213 [No response.]

3214 Ms. Williams. Mr. Gohmert?

3215 [No response.]

3216 Ms. Williams. Mr. Jordan?

3217 [No response.]

3218 Ms. Williams. Mr. Poe?

3219 Mr. Poe. Yes.

3220 Ms. Williams. Mr. Poe votes yes.

3221 Mr. Chaffetz?

3222 Mr. Chaffetz. Aye.

3223 Ms. Williams. Mr. Chaffetz votes aye.

3224 Mr. Marino?

3225 Mr. Marino. Yes.

3226 Ms. Williams. Mr. Marino votes yes.

3227 Mr. Gowdy?

3228 [No response.]

3229 Ms. Williams. Mr. Labrador?

3230 Mr. Labrador. Yes.

3231 Ms. Williams. Mr. Labrador votes yes.

3232 Mr. Farenthold?

3233 Mr. Farenthold. Aye.

3234 Ms. Williams. Mr. Farenthold votes aye.

3235 Mr. Collins?

3236 Mr. Collins. Aye.

3237 Ms. Williams. Mr. Collins votes aye.

3238 Mr. DeSantis?

3239 [No response.]

3240 Ms. Williams. Ms. Walters?

3241 Ms. Walters. Aye.

3242 Ms. Williams. Ms. Walters votes aye.

3243 Mr. Buck?

3244 Mr. Buck. Aye.

3245 Ms. Williams. Mr. Buck votes aye.

3246 Mr. Ratcliffe?

3247 Mr. Ratcliffe. Yes.

3248 Ms. Williams. Mr. Ratcliffe votes yes.

3249 Mr. Trott?

3250 Mr. Trott. Yes.

3251 Ms. Williams. Mr. Trott votes yes.

3252 Mr. Bishop?

3253 Mr. Bishop. Yes.

3254 Ms. Williams. Mr. Bishop votes yes.

3255 Mr. Conyers?

3256 Mr. Conyers. No.

3257 Ms. Williams. Mr. Conyers votes no.

3258 Mr. Nadler?

3259 [No response.]

3260 Ms. Williams. Ms. Lofgren?

3261 Ms. Lofgren. No.

3262 Ms. Williams. Ms. Lofgren votes no.

3263 Ms. Jackson Lee?

3264 Ms. Jackson Lee. No.

3265 Ms. Williams. Ms. Jackson Lee votes no.

3266 Mr. Cohen?

3267 Mr. Cohen. No.

3268 Ms. Williams. Mr. Cohen votes no.

3269 Mr. Johnson?

3270 Mr. Johnson. No.

3271 Ms. Williams. Mr. Johnson votes no.

3272 Mr. Pierluisi?

3273 Mr. Pierluisi. No.

3274 Ms. Williams. Mr. Pierluisi votes no.

3275 Ms. Chu?

3276 Ms. Chu. No.

3277 Ms. Williams. Ms. Chu votes no.

3278 Mr. Deutch?

3279 Mr. Deutch. No.

3280 Ms. Williams. Mr. Deutch votes no.

3281 Mr. Gutierrez?

3282 Mr. Gutierrez. No.

3283 Ms. Williams. Mr. Gutierrez votes no.

3284 Ms. Bass?

3285 [No response.]

3286 Ms. Williams. Mr. Richmond?

3287 Mr. Richmond. No.

3288 Ms. Williams. Mr. Richmond votes no.

3289 Ms. DelBene?

3290 Ms. DelBene. No.

3291 Ms. Williams. Ms. DelBene votes no.

3292 Mr. Jeffries?

3293 Mr. Jeffries. No.

3294 Ms. Williams. Mr. Jeffries votes no.

3295 Mr. Cicilline?

3296 Mr. Cicilline. No.

3297 Ms. Williams. Mr. Cicilline votes no.

3298 Mr. Peters?

3299 [No response.]

3300 Chairman Goodlatte. The gentleman from Texas, Mr.

3301 Smith?

3302 Mr. Smith. No.

3303 Ms. Williams. Mr. Smith votes no.

3304 Chairman Goodlatte. The gentleman from Arizona?

3305 Mr. Franks. Aye.

3306 Ms. Williams. Mr. Franks votes aye.

3307 Chairman Goodlatte. The gentleman from Texas seeks

3308 further recognition here.

3309 Mr. Smith. Aye.

3310 Ms. Williams. Mr. Smith votes aye.

3311 Chairman Goodlatte. The gentleman from Texas, Mr.

3312 Gohmert?

3313 Mr. Gohmert. Aye.

3314 Ms. Williams. Mr. Gohmert votes aye.

3315 Chairman Goodlatte. Has every member voted who wishes

3316 to vote?

3317 [No response.]

3318 Chairman Goodlatte. The clerk will report.

3319 Ms. Williams. Mr. Chairman, 17 members voted aye, 13

3320 members voted no.

3321 Chairman Goodlatte. The ayes have it, and the bill is

3322 ordered reported favorably to the House. Members will have 2

3323 days to submit views.

3324 Pursuant to notice, I now call up H.R. 1153 for purposes

3325 of markup and move that the committee report the bill
3326 favorably to the House.

3327 The clerk will report the bill.

3328 Ms. Williams. H.R. 1153, to modify the treatment of
3329 unaccompanied alien children who are in Federal custody by
3330 reason of their immigration status, and for other purposes.

3331 Chairman Goodlatte. Without objection, the bill is
3332 considered as read and open for amendment at any point.

3333 [The information follows:]

3334

3335 Chairman Goodlatte. I will begin by recognizing myself
3336 for an opening statement.

3337 The Obama administration's immigration policy seems
3338 aimed at failing to enforce current laws against illegal
3339 immigration, consistently abusing the discretion given to the
3340 executive by Congress and even acting in direct contravention
3341 of the Immigration and Nationality Act and the preferences of
3342 the American people.

3343 The U.S. asylum system has several examples of such
3344 abuses of discretion, and one of those abuses within the
3345 credible fear grant process has become increasingly
3346 concerning over the past few years. Current law provides a
3347 very minimal standard allowing an alien who was apprehended
3348 at the border to allege a credible fear of persecution and
3349 then generally be released into U.S. communities while their
3350 asylum claim makes its way through the very lengthy
3351 immigration court process.

3352 While the minimal standard has been concerning for
3353 several years, raising that standard has become a necessity
3354 thanks to the administration's open border agenda that
3355 encourages foreign nationals to come to the United States.
3356 Word has gotten out that if you cross the border and seek out

3357 a Border Patrol agent, simply claim credible fear and you
3358 will be allowed to stay and likely be released from custody.

3359 H.R. 1153 raises the current credible fear standard in
3360 order to weed out baseless claims and curtail fraud. The
3361 bill also makes even more clear parts of the INA that this
3362 administration has chosen to disregard.

3363 For instance, section 292 of the INA prohibits taxpayer
3364 money from being used to pay for attorneys to represent aliens
3365 in removal proceedings. But this administration has chosen
3366 to disregard this prohibition and has requested \$50 million
3367 for lawyers to represent unaccompanied alien minors in
3368 removal proceedings. Section 2 of H.R. 1153 ensures that
3369 there will be no misunderstanding of Congress' intent to
3370 prevent Americans' hard-earned tax dollars from being used
3371 for such purposes.

3372 The Asylum Reform and Border Protection Act also
3373 provides additional resources to help process the surge in
3374 border crossings and asylum claims. It requires 50
3375 additional immigration judges and 60 additional ICE
3376 prosecutors for each of the next 3 fiscal years.

3377 And the bill makes other changes that make sense within
3378 the asylum system. For instance, it ensures that foreign

3379 national parents have an avenue to escape persecution by
3380 their home country based on the fact that they have chosen to
3381 homeschool their children. And the bill ensures that DHS can
3382 remove asylum seekers to safe third countries where they
3383 would have access to a full and fair procedure for applying
3384 for asylum without the current necessity for bilateral
3385 agreements with those countries.

3386 If an individual is simply trying to flee persecution in
3387 their home country, they should seek refuge in the first safe
3388 country they reach, not seek to come to the United States in
3389 order to take advantage of generous U.S. benefits.

3390 The Asylum Reform and Border Protection Act is a much
3391 needed piece of legislation. I commend my colleague, the
3392 gentleman from Utah, Mr. Chaffetz, for his hard work on this
3393 legislation and for his introduction of it, and I urge my
3394 colleagues to support it.

3395 I yield back the balance of my time.

3396 At this time, it is my pleasure to recognize the ranking
3397 member of the committee, the gentleman from Michigan, Mr.
3398 Conyers, for his opening statement.

3399 Mr. Conyers. Thank you, Mr. Chairman.

3400 Like many of the other bills in this markup, this bill,

3401 entitled the Asylum Reform and Border Protection Act, does
3402 not live up to its name.

3403 It does nothing to protect our border. And the only
3404 reform it achieves is the more rapid deportation of asylum-
3405 seekers and refugees seeking safety within our borders.

3406 I am concerned that under the guise of securing our
3407 borders and combating alleged fraud, this bill simply strips
3408 crucial productions from those who need them most, refugees,
3409 asylees, and children.

3410 Deporting asylum-seekers and refugees is simply not the
3411 American way.

3412 First, this bill targets unaccompanied children by
3413 subjecting nearly every child to the expedited removal
3414 process. This would result in the mass detention and
3415 deportation of nearly all unaccompanied children without any
3416 meaningful due process at all.

3417 While not all immigrant children will qualify for legal
3418 relief, shouldn't we give them a fair opportunity to pursue
3419 their claims under our refugee protection laws? Is
3420 restricting due process for children, many of whom are
3421 fleeing unimaginable violence, trafficking, and sexual abuse,
3422 really consistent with our values?

3423 This bill severely limits the use of executive parole
3424 power. The statutory parole authority is a longstanding
3425 provision that authorizes the Secretary of Homeland Security
3426 to parole certain individuals into the country.

3427 Several years ago, President Obama formalized an
3428 existing practice of paroling in place undocumented family
3429 members of military servicemembers and veterans. This allows
3430 loved ones to adjust their immigration status and honors our
3431 commitment to people who are serving our country or who
3432 served honorably.

3433 The bill before us eviscerates the broad definition of
3434 parole by enacting a restrictive and inflexible definition of
3435 parole authority. This would prevent asylum-seekers from
3436 being released from detention. It would end our military
3437 parole-in-place policy and result in more detentions and
3438 deportations.

3439 This bill would prevent the use of all government funds
3440 for counsel for unaccompanied children in removal
3441 proceedings. This would end programs such as the partially
3442 funded AmeriCorps program announced by the President last
3443 year.

3444 I am perplexed by the majority's opposition to

3445 government-funded counsel for kids. Given the complexity of
3446 immigration law and language and cultural barriers, why would
3447 we oppose counsel for these children? We do not expect
3448 children to represent themselves in other legal proceedings,
3449 and it is not clear why we would expect children to represent
3450 themselves in an immigration court.

3451 In closing, I am concerned that this bill would gut the
3452 very heart of our asylum and refugee program. This Nation
3453 has a longstanding commitment to refugee protection, and we
3454 should not abandon our principles today.

3455 I thank you, Mr. Chairman.

3456 Mr. Chaffetz. [presiding] Thank you.

3457 I now recognize myself as the prime sponsor of this bill
3458 for 5 minutes.

3459 The United States has a long history of welcoming
3460 foreign nationals who wish to make a new life, especially
3461 those fleeing persecution in their home country.
3462 Unfortunately, foreign nationals have been exploiting the
3463 asylum system for personal gain. Not only has the Obama
3464 administration not tried to end the exploitation, but it has
3465 actually made changes that encourage fraud and exploitation.

3466 For instance, the administration's continued promise of

3467 administrative amnesty and prevention of adequate enforcement
3468 of laws aimed at removing foreign nationals who are not
3469 eligible to be in the United States has led to an explosion
3470 of people crossing the Southwest border illegally and seeking
3471 asylum based on credible fear of prosecution.

3472 The number of credible fear claims has consistently
3473 risen since the current President took office, and it has
3474 actually skyrocketed in the last few years. For instance, in
3475 fiscal year 2008, the number was 5,369, but it rose to over
3476 51,000 in fiscal year 2014.

3477 The claims coupled with the extremely high grant rate
3478 under this administration, 92 percent and 80 percent in
3479 fiscal years 2013 and 2014, respectively, has become an
3480 immense problem. So it is time Congress takes another look
3481 at the very low standard required for an alien to show
3482 credible fear of prosecution and be able to continue in the
3483 United States asylum process.

3484 H.R. 1153 requires that in conjunction with showing a
3485 "significant possibility" exists that the individual may be
3486 found eligible for asylum, the individual must show that it
3487 is more probable than not that the statements made by the
3488 alien in support of the alien's claims are true.

3489 We are just asking for truth. It is not too much to ask
3490 that the alien seeking refuge in the United States be
3491 required to tell the truth.

3492 The Asylum Reform and Border Protection Act also
3493 corrects an unintended mistake of the Trafficking Victims
3494 Protection Reauthorization Act, acronym TVPRA, which some
3495 alien minors have been abusing. Alien minors who have been
3496 abused, neglected, or abandoned by their parents are eligible
3497 for special immigrant juvenile visas, the SIJ visa, which
3498 grants permanent residency. But a mistake in the TVPRA
3499 allows a minor to receive the SIJ status even if only one of
3500 their two parents has abused or abandoned them but they can
3501 still be safely reunited with their other parent.

3502 H.R. 1153 corrects that mistake.

3503 The bill also makes it more difficult for an
3504 administration to abuse the ability Congress has given it to
3505 parole aliens into the United States for certain purposes.
3506 The general parole statute provides that an alien who is
3507 ineligible for admission can be temporarily paroled in the
3508 United States where there are urgent humanitarian reasons or
3509 a significant public interest.

3510 The Obama administration has consistently stretched and

3511 abused the parole status to grant parole to entire categories
3512 of people. H.R. 1153 defines the meaning of urgent
3513 humanitarian reasons or a significant public benefit,
3514 referring to situations such as medical emergency or need to
3515 -- assistance in a criminal investigation, in order to
3516 prevent abuse of parole authority.

3517 It is sad that we have been forced to the point of
3518 curtailing discretion given in good faith by the Congress to
3519 the executive branch because the Obama administration has
3520 chosen to abuse that discretion for political gain. But this
3521 administration has forced our hands.

3522 The bill also requires an alien's asylum status to be
3523 terminated when an asylee returns to their home country from
3524 which they sought asylum, absent charged circumstances --
3525 changed circumstances or a change in country conditions. And
3526 unfortunately, we have seen many cases in which an asylee
3527 returns to their home country for a visit.

3528 But if an individual is afraid for his life to the
3529 extent that he flees his home country and seeks asylum in the
3530 United States, he should not return to that country. Such
3531 action calls into question the entire basis for the asylum
3532 claim, and such fraud should not be allowed to occur.

3533 They come to the country. They claim asylum because
3534 they are so deathly afraid, and then they go back and visit
3535 the same country to which they are claiming asylum. That
3536 doesn't make sense, and it needs to be rectified.

3537 H.R. 1153 makes several other changes to current law
3538 aimed at preventing fraud in and strengthening our asylum
3539 system. I urge my colleagues to support the bill, and with
3540 that, I will yield back the balance of my time.

3541 And I will actually recognize now the ranking member of
3542 the Immigration Subcommittee, Ms. Lofgren of California, for
3543 5 minutes.

3544 Ms. Lofgren. Thank you, Mr. Chairman.

3545 For decades, our country has had a legal commitment to
3546 protect refugees. This commitment is based on the principle
3547 of non-refoulement, which says that a nation must not remove
3548 a person to a country where that person would face
3549 persecution, violence, torture, death, trafficking, or other
3550 harm. This serves as the basis of our asylum and refugee
3551 protection process, and it is why we have enacted provisions
3552 throughout our laws.

3553 The so-called Asylum Reform and Border Protection Act
3554 rolls back a number of those protections, guaranteeing that

3555 we will fail to meet our obligations under domestic and
3556 international law. By eliminating many crucial protections
3557 for people fleeing persecution and abuse, this bill will
3558 result in deportation of people with legitimate protection
3559 claims.

3560 The majority has described this bill as merely closing
3561 loopholes, but what the majority describes as loopholes are
3562 actually carefully crafted provisions designed to protect
3563 vulnerable asylum seekers. For example, the bill creates a
3564 high evidentiary burden that an asylum seeker must meet by
3565 requiring that she prove her credible fear immediately upon
3566 arrival and with a high degree of certainty.

3567 When Congress created the credible fear process in 1996,
3568 and I was part of the committee when we did that, we did it
3569 together with expedited removal. But we deliberately set the
3570 standard below that of a final determination in recognition
3571 of the fact that many refugees do not arrive at our borders
3572 with the full evidence to support their claims for
3573 protection.

3574 This bill would require that a refugee essentially prove
3575 up his or her claim at the border, which will result in bona
3576 fide asylum seekers being deported to face torture and abuse

3577 at home.

3578 I want to point out that raising the credible fear
3579 standard will not only make it harder for a Guatemalan woman
3580 fleeing violence to obtain protection in the United States.
3581 It will also raise the bar for Iraqi Christians fleeing from
3582 ISIS or Chinese women escaping forced abortion.

3583 The bill also makes two changes in the safe third
3584 country and firm resettlement provisions of asylum law that
3585 will prevent refugees from being able to seek asylum in the
3586 U.S. These persons would be forced to return to a country
3587 they passed through on their way to the U.S., regardless of
3588 whether they had the ability to permanently reside in that
3589 country.

3590 These two provisions would set up a dangerous game of
3591 refugee ping pong when an individual with a protection claim
3592 would be denied an opportunity to seek relief in the U.S.,
3593 but also denied the opportunity to reside in the pass-through
3594 country. Being unable to avail themselves of protection from
3595 any one country, these stateless persons would be in an
3596 indefinite purgatory without status or protection anywhere.

3597 Like the bill we just considered, the Protection of
3598 Children Act, these bills roll back several protections for

3599 unaccompanied children fleeing persecution and violence. We
3600 have learned several important things during last summer's
3601 border surge.

3602 We learned that 58 percent of the unaccompanied children
3603 who were interviewed by the U.N. High Commissioner for
3604 Refugees spoke of serious harm that raised international
3605 protection concerns and that the countries they were fleeing
3606 -- Honduras, El Salvador, and Guatemala -- are undergoing a
3607 major breakdown in civil society that is marked by extreme
3608 levels of violence. Depending upon the source, either
3609 Honduras or El Salvador now has the world's highest murder
3610 rate, and all three countries are in the top five.

3611 Despite these facts, the majority has repeatedly argued
3612 that our system for screening unaccompanied children is one
3613 giant loophole. In every area of the law, we recognize that
3614 children have special needs that require heightened
3615 protection.

3616 We do not send a 10-year-old who committed a crime to an
3617 adult prison. We send them to juvenile rehabilitation
3618 because we understand that children have a lower cognitive
3619 capacity. We have special protections for child victims of
3620 abuse and for children in divorce proceedings. Why should we

3621 not have special protections to ensure that children are
3622 adequately protected in our immigration system?

3623 An important change in this bill is that it redefines
3624 the term "unaccompanied alien child" so broadly that almost
3625 no child who has fled to the U.S. would qualify. The
3626 majority likely views that as a virtue, but here is what
3627 would happen if this definition of the law became real.

3628 Virtually every child who comes to the country would be
3629 subject to expedited removal proceedings and detained by the
3630 Department of Homeland Security. Just as we do not place
3631 juvenile offenders in adult criminal jails, we should not use
3632 expedited removal for immigrant children. All children
3633 deserve special protections, including immigrant children.

3634 In conclusion, the bill contains several troubling
3635 provisions that would strip crucial protections. Most
3636 complex problems can't be solved with simple solutions. We
3637 can't fix our broken immigration system and the problem of
3638 illegal immigration by just increasing our enforcement of
3639 that broken system.

3640 Children and families fleeing extreme violence from
3641 Central America, showing up in our country in search of
3642 protection, we can't fix that problem by sealing the border

3643 and turning our back on our history as a country that was
3644 founded by people who were themselves fleeing persecution.

3645 I oppose this bill, and I yield back the balance of my
3646 time.

3647 Mr. Chaffetz. Thank the gentlewoman.

3648 Are there any amendments?

3649 Mr. Conyers. Mr. Chairman, I have an amendment at the
3650 desk.

3651 Mr. Chaffetz. I now recognize the gentleman from
3652 Michigan, Mr. Conyers, for his amendment, and the clerk will
3653 report the amendment.

3654 Ms. Williams. Amendment to H.R. 1153, offered by Mr.
3655 Conyers. Strike Section 4 of the bill --

3656 Mr. Chaffetz. Without objection, the amendment is
3657 considered as read.

3658 [The amendment of Mr. Conyers follows:]

3659

3660 Mr. Chaffetz. And the gentleman is recognized.

3661 Mr. Conyers. Thank you, sir.

3662 The amendment that I offer strikes Section 4 increasing
3663 the credible fear standard. Members of the committee, Mr.
3664 Chairman, the Asylum Reform and Border Protection Act
3665 unreasonably raises the credible fear standard to the point
3666 where it no longer acts as a threshold inquiry, but instead
3667 requires asylum seekers to prove their case almost
3668 immediately upon entry.

3669 This is an unworkable standard that would undoubtedly
3670 result in asylees being sent back to persecution, violence,
3671 dangers, and possibly their demise. This provision would gut
3672 the very heart of our asylum program, and that is why my
3673 amendment would strike Section 4 from the bill.

3674 Striking Section 4 keeps the status quo on the credible
3675 fear screening process. Current law requires that asylum
3676 applicants in expedited removal demonstrate that there is a
3677 significant possibility that they would be persecuted upon
3678 return to their home country.

3679 By striking this section in the bill, the intention and
3680 integrity of the credible fear screening process will be
3681 preserved. Accordingly, my amendment will ensure that we do

3682 not deport legitimate asylum seekers and will ensure that the
3683 United States asylum process remains consistent with our
3684 international legal obligations.

3685 Without this amendment, this bill will require asylum
3686 applicants to demonstrate immediately upon arrival that it is
3687 more probable than not that the statements made by the alien
3688 in support of the alien's claim are true. No asylum seeker
3689 comes to our borders with the documentary and evidentiary
3690 support they would need to prove that their claims of
3691 persecution are true. They do not come with an affidavit
3692 from their persecutor.

3693 In truth, many who come have already experienced torture
3694 and persecution. Many are traumatized, physically unwell,
3695 and afraid of our legal and governmental system. Requiring
3696 an asylum seeker to immediately establish a high burden upon
3697 entry would not prevent asylum fraud. It would only result
3698 in more deportations of asylum seekers with legitimate
3699 protection claims.

3700 In the past two Congresses, we have held several
3701 hearings in the Judiciary Committee on the topic of asylum
3702 and credible fear fraud. In every hearing, my majority
3703 colleagues argued that the system was rife with fraud, abuse,

3704 and USCIS rubberstamp approvals. But the facts simply do not
3705 support this conclusion.

3706 An increase in asylum applications and an increase in
3707 credible fear grant rates are not a reflection of fraud.
3708 They are a reflection of difficult realities outside our
3709 borders and the violent persecution that many individuals
3710 endure on a daily basis.

3711 In closing, this amendment would retain the integrity of
3712 our asylum and credible fear screening process by ensuring
3713 that asylum seekers are able to participate in the threshold
3714 credible fear screening process without an unnecessarily
3715 burdensome evidentiary requirement.

3716 And so, I urge the members of this committee to support
3717 the amendment, and Mr. Chairman, I yield back the balance of
3718 my time.

3719 Mr. Chaffetz. I thank the gentleman.

3720 I now recognize myself for 5 minutes, and let me be
3721 clear. I believe we need to fix legal immigration, but we
3722 also got to lock down and clamp down what is being used and
3723 abused to such high levels.

3724 It is not something we just simply made up. I point to
3725 the Fraud Detection National Security Directive Report that

3726 found roughly 70 percent of asylum cases had either proven or
3727 indications of fraud.

3728 And so, I strongly oppose this amendment. The surge of
3729 Central Americans coming to our border illegally with the
3730 hopes of benefiting from the Obama administration's lax
3731 immigration policies includes not just unaccompanied minors.
3732 It includes family and adults.

3733 In fact, we have seen nearly 70,000 family units and
3734 about 70,000 unaccompanied minors come here illegally in just
3735 the last year. Families apprehended along the border are
3736 able to game the immigration system by claiming credible
3737 fear, which are the magic words used to trigger the Obama
3738 administration's policy of releasing asylum seekers from
3739 detention into the interior of the United States before their
3740 claims are proven to be valid.

3741 In order to evade expedited removal proceedings, family
3742 units caught along the border or at ports of entry often
3743 claim credible fear of persecution in their home countries
3744 and seek a hearing before an immigration judge. While
3745 awaiting the hearing, they are released in the United States
3746 and receive work authorizations while their case is pending.

3747 With this administration's failure to enforce

3748 immigration laws, it is no surprise that 70 percent of the
3749 families released don't show up for their follow-up
3750 appointments or court dates, 70 percent. As long as the
3751 Obama administration refuses to enforce our immigration laws,
3752 unlawful immigrants will continue to be emboldened to take
3753 advantage of the situation.

3754 It is clear that we must enforce our immigration laws
3755 and raise the credible fear standard in order to deter people
3756 from breaking our immigration laws and gaming the system. We
3757 will still have an asylum process. It is going to be more
3758 fair, more honest, more true.

3759 No, it won't be more impossible. We just ask people to
3760 tell the truth. The Obama administration granted
3761 approximately 92 percent of all credible fear cases decided
3762 on the merits in fiscal year 2013 and 80 percent of their
3763 cases in 2014. And again, I point to the Fraud Detection
3764 National Security Directive that found that roughly 70
3765 percent of all these cases had some indication of fraud.

3766 Many of these grants were based on fraudulent and
3767 baseless claims. In fact, credible fear claims skyrocketed
3768 in the past few years from 5,369 in fiscal year 2008 to more
3769 than 51,000 in fiscal year 2014, as word is spread about the

3770 rubberstamping of applications.

3771 The bill tightens the credible fear standard to weed out
3772 baseless claims, and this amendment would return us to the
3773 current fraud-plagued system.

3774 I urge my colleagues to oppose this amendment. Yield
3775 back.

3776 Does any other Member wish to speak on this amendment?

3777 [No response.]

3778 Mr. Chaffetz. Hearing none, the question is on the
3779 amendment.

3780 Those in favor, say aye.

3781 Those opposed, say no.

3782 In the opinion of the chair, the noes have it, and the
3783 amendment is not agreed to.

3784 Mr. Conyers. Could we have a record vote, Mr. Chairman?

3785 Mr. Chaffetz. Of course. A recorded vote has been
3786 requested. The clerk will call the roll.

3787 Ms. Williams. Mr. Goodlatte?

3788 [No response.]

3789 Ms. Williams. Mr. Sensenbrenner?

3790 [No response.]

3791 Ms. Williams. Mr. Smith?

3792 [No response.]

3793 Ms. Williams. Mr. Chabot?

3794 [No response.]

3795 Ms. Williams. Mr. Issa?

3796 [No response.]

3797 Ms. Williams. Mr. Forbes?

3798 [No response.]

3799 Ms. Williams. Mr. King?

3800 Mr. King. No.

3801 Ms. Williams. Mr. King votes no.

3802 Mr. Franks?

3803 Mr. Franks. No.

3804 Ms. Williams. Mr. Franks votes no.

3805 Mr. Gohmert?

3806 Mr. Gohmert. No.

3807 Ms. Williams. Mr. Gohmert votes no.

3808 Mr. Jordan?

3809 [No response.]

3810 Ms. Williams. Mr. Poe?

3811 Mr. Poe. No.

3812 Ms. Williams. Mr. Poe votes no.

3813 Mr. Chaffetz?

3814 Mr. Chaffetz. No.

3815 Ms. Williams. Mr. Chaffetz votes no.

3816 Mr. Marino?

3817 Mr. Marino. No.

3818 Ms. Williams. Mr. Marino votes no.

3819 Mr. Gowdy?

3820 [No response.]

3821 Ms. Williams. Mr. Labrador?

3822 Mr. Labrador. No.

3823 Ms. Williams. Mr. Labrador votes no.

3824 Mr. Farenthold?

3825 [No response.]

3826 Ms. Williams. Mr. Collins?

3827 Mr. Collins. No.

3828 Ms. Williams. Mr. Collins votes no.

3829 Mr. DeSantis?

3830 Mr. DeSantis. No.

3831 Ms. Williams. Mr. DeSantis votes no.

3832 Ms. Walters?

3833 Ms. Walters. No.

3834 Ms. Williams. Ms. Walters votes no.

3835 Mr. Buck?

3836 Mr. Buck. No.

3837 Ms. Williams. Mr. Buck votes no.

3838 Mr. Ratcliffe?

3839 [No response.]

3840 Ms. Williams. Mr. Trott?

3841 Mr. Trott. No.

3842 Ms. Williams. Mr. Trott votes no.

3843 Mr. Bishop?

3844 Mr. Bishop. No.

3845 Ms. Williams. Mr. Bishop votes no.

3846 Mr. Conyers?

3847 Mr. Conyers. Aye.

3848 Ms. Williams. Mr. Conyers votes aye.

3849 Mr. Nadler?

3850 Mr. Nadler. Aye.

3851 Ms. Williams. Mr. Nadler votes aye.

3852 Ms. Lofgren?

3853 Ms. Lofgren. Aye.

3854 Ms. Williams. Ms. Lofgren votes aye.

3855 Ms. Jackson Lee?

3856 [No response.]

3857 Ms. Williams. Mr. Cohen?

3858 [No response.]

3859 Ms. Williams. Mr. Johnson?

3860 [No response.]

3861 Ms. Williams. Mr. Pierluisi?

3862 [No response.]

3863 Ms. Williams. Ms. Chu?

3864 Ms. Chu. Aye.

3865 Ms. Williams. Ms. Chu votes aye.

3866 Mr. Deutch?

3867 [No response.]

3868 Ms. Williams. Mr. Gutierrez?

3869 [No response.]

3870 Ms. Williams. Ms. Bass?

3871 [No response.]

3872 Ms. Williams. Mr. Richmond?

3873 [No response.]

3874 Ms. Williams. Ms. DelBene?

3875 Ms. DelBene. Aye.

3876 Ms. Williams. Ms. DelBene votes aye.

3877 Mr. Jeffries?

3878 [No response.]

3879 Ms. Williams. Mr. Cicilline?

3880 Mr. Cicilline. Aye.

3881 Ms. Williams. Mr. Cicilline votes aye.

3882 Mr. Peters?

3883 [No response.]

3884 Mr. Chaffetz. The gentleman from Virginia?

3885 Chairman Goodlatte. No.

3886 Ms. Williams. Mr. Goodlatte votes no.

3887 Mr. Chaffetz. The gentleman from California?

3888 Mr. Issa. No.

3889 Ms. Williams. Mr. Issa votes no.

3890 Mr. Chaffetz. The gentleman from Texas?

3891 Mr. Smith. No.

3892 Ms. Williams. Mr. Smith votes no.

3893 Mr. Chaffetz. All Members been recorded?

3894 [No response.]

3895 Mr. Chaffetz. The clerk will report.

3896 Ms. Williams. Mr. Chairman, 6 Members voted aye; 16

3897 Members voted no.

3898 Mr. Chaffetz. Thank you. Are there any other

3899 amendments?

3900 Pardon me. Before we get to that, the amendment is not

3901 agreed to.

3902 Are there any other amendments? The gentleman from New
3903 York?

3904 Mr. Nadler. Mr. Chairman, I have an amendment at the
3905 desk.

3906 Mr. Chaffetz. I now recognize the gentleman from New
3907 York for his amendment. The clerk will report the amendment.

3908 Ms. Williams. Amendment to H.R. 1153, offered by Mr.
3909 Nadler. Strike Section 19 of the bill and redesignate --

3910 Mr. Chaffetz. Without objection, the amendment is
3911 considered as read.

3912 [The amendment of Mr. Nadler follows:]

3913

3914 Mr. Chaffetz. And the gentleman from New York is
3915 recognized.

3916 Mr. Nadler. Thank you, Mr. Chairman.

3917 Mr. Chairman, my amendment would strike Section 19 of
3918 the bill, which unfairly and unreasonably limits the ability
3919 of individuals to seek asylum. Under current law, asylum may
3920 not be granted to an individual who was "firmly resettled in
3921 another country prior to arriving in the United States."

3922 By regulation, an individual is considered to be firmly
3923 resettled if they received an offer of permanent residence,
3924 citizenship, or some other permanent status.

3925 The bill, however, modifies this provision to declare
3926 that firm resettlement should be considered demonstrated by
3927 evidence that the individual can live in that country in any
3928 legal status without fear of persecution. Many refugees
3929 arrive in the United States by way of another country, often
3930 obtaining temporary status in that other country as they pass
3931 through.

3932 Under this legislation, even that temporary status could
3933 make such refugees categorically ineligible for asylum, no
3934 matter what persecution or threat to their lives they may be
3935 fleeing. That is because an immigration judge is prevented

3936 from even considering an asylum application if the person is
3937 deemed permanently resettled no matter how strong their claim
3938 of asylum. This provision is just one of many in this bill
3939 that would slam the doors of our country directly in the
3940 faces of people who need the protection the most.

3941 Furthermore, the bill does not require that the pass-
3942 through country actually be willing to accept the return of
3943 the refugees. Consequently, we could end up in a game of
3944 refugee ping pong. We can secure a final order of
3945 deportation but have no realistic ability to return them to
3946 their home country without threatening their life and find no
3947 other country willing to accept them.

3948 They would not be eligible for a green card or for
3949 citizenship here. That is not just inhumane. It is
3950 irrational.

3951 My amendment would retain current law and avoid leaving
3952 in limbo large numbers of people who would otherwise have a
3953 legitimate claim of asylum in the U.S. I urge its adoption
3954 and yield back the balance of my time.

3955 Mr. Chaffetz. I thank the gentleman.

3956 I will now recognize myself for 5 minutes. I must
3957 oppose the amendment. Under current law, an applicant is

3958 ineligible for asylum if the applicant "was firmly resettled
3959 in another country prior to arriving in the United States."
3960 However, pursuant to regulation, an alien is considered to be
3961 firmly resettled only if he or she receives an offer of
3962 permanent resident status, citizenship, or some other type of
3963 permanent resettlement.

3964 The bill clarifies that firm resettlement is established
3965 in another country if the alien can live in that country with
3966 any legal status without fear of persecution. The alien can
3967 rebut the indication of firm resettlement by showing a lack
3968 of legal status in that country.

3969 This provision is designed to limit asylum to those
3970 actually fleeing persecution, not those simply seeking the
3971 most advantageous country to immigrate to. The amendment
3972 strikes this common sense provision, and I urge my colleagues
3973 to oppose the amendment.

3974 Does any other Member wish to be recognized to speak on
3975 this amendment?

3976 [No response.]

3977 Mr. Chaffetz. Hearing none, the question is on the
3978 amendment.

3979 Those in favor, say aye.

3980 Those opposed, say no.

3981 In the opinion of the chair, the noes have it, and the
3982 amendment is not agreed to.

3983 Mr. Nadler. Mr. Chairman, I ask for a roll call vote.

3984 Mr. Chaffetz. A recorded vote has been requested. The
3985 clerk will call the roll.

3986 Ms. Williams. Mr. Goodlatte?

3987 [No response.]

3988 Ms. Williams. Mr. Sensenbrenner?

3989 [No response.]

3990 Ms. Williams. Mr. Smith?

3991 Mr. Smith. No.

3992 Ms. Williams. Mr. Smith votes no.

3993 Mr. Chabot?

3994 Mr. Chabot. No.

3995 Ms. Williams. Mr. Chabot votes no.

3996 Mr. Issa?

3997 Mr. Issa. No.

3998 Ms. Williams. Mr. Issa votes no.

3999 Mr. Forbes?

4000 [No response.]

4001 Ms. Williams. Mr. King?

4002 Mr. King. No.

4003 Ms. Williams. Mr. King votes no.

4004 Mr. Franks?

4005 Mr. Franks. No.

4006 Ms. Williams. Mr. Franks votes no.

4007 Mr. Gohmert?

4008 [No response.]

4009 Ms. Williams. Mr. Jordan?

4010 [No response.]

4011 Ms. Williams. Mr. Poe?

4012 Mr. Poe. No.

4013 Ms. Williams. Mr. Poe votes no.

4014 Mr. Chaffetz?

4015 Mr. Chaffetz. No.

4016 Ms. Williams. Mr. Chaffetz votes no.

4017 Mr. Marino?

4018 [No response.]

4019 Ms. Williams. Mr. Gowdy?

4020 [No response.]

4021 Ms. Williams. Mr. Labrador?

4022 [No response.]

4023 Ms. Williams. Mr. Farenthold?

4024 [No response.]

4025 Ms. Williams. Mr. Collins?

4026 Mr. Collins. No.

4027 Ms. Williams. Mr. Collins votes no.

4028 Mr. DeSantis?

4029 Mr. DeSantis. No.

4030 Ms. Williams. Mr. DeSantis votes no.

4031 Ms. Walters?

4032 Ms. Walters. No.

4033 Ms. Williams. Ms. Walters votes no.

4034 Mr. Buck?

4035 Mr. Buck. No.

4036 Ms. Williams. Mr. Buck votes no.

4037 Mr. Ratcliffe?

4038 [No response.]

4039 Ms. Williams. Mr. Trott?

4040 Mr. Trott. No.

4041 Ms. Williams. Mr. Trott votes no.

4042 Mr. Bishop?

4043 Mr. Bishop. No.

4044 Ms. Williams. Mr. Bishop votes no.

4045 Mr. Conyers?

4046 Mr. Conyers. Aye.

4047 Ms. Williams. Mr. Conyers votes aye.

4048 Mr. Nadler?

4049 Mr. Nadler. Aye.

4050 Ms. Williams. Mr. Nadler votes aye.

4051 Ms. Lofgren?

4052 Ms. Lofgren. Aye.

4053 Ms. Williams. Ms. Lofgren votes aye.

4054 Ms. Jackson Lee?

4055 [No response.]

4056 Ms. Williams. Mr. Cohen?

4057 [No response.]

4058 Ms. Williams. Mr. Johnson?

4059 [No response.]

4060 Ms. Williams. Mr. Pierluisi?

4061 [No response.]

4062 Ms. Williams. Ms. Chu?

4063 [No response.]

4064 Ms. Williams. Mr. Deutch?

4065 [No response.]

4066 Ms. Williams. Mr. Gutierrez?

4067 [No response.]

4068 Ms. Williams. Ms. Bass?
4069 [No response.]
4070 Ms. Williams. Mr. Richmond?
4071 [No response.]
4072 Ms. Williams. Ms. DelBene?
4073 Ms. DelBene. Aye.
4074 Ms. Williams. Ms. DelBene votes aye.
4075 Mr. Jeffries?
4076 [No response.]
4077 Ms. Williams. Mr. Cicilline?
4078 Mr. Cicilline. Aye.
4079 Ms. Williams. Mr. Cicilline votes aye.
4080 Mr. Peters?
4081 [No response.]
4082 Mr. Chaffetz. The chairman from Virginia?
4083 Chairman Goodlatte. No.
4084 Ms. Williams. Mr. Goodlatte votes no.
4085 Mr. Chaffetz. The gentleman from Texas?
4086 Mr. Gohmert. No.
4087 Ms. Williams. Mr. Gohmert votes no.
4088 Mr. Chaffetz. Is there any other Member wish to be
4089 recorded? Is Mr. Chabot recorded?

4090 Ms. Williams. Mr. Chabot votes no.

4091 Mr. Chaffetz. The gentleman from Pennsylvania?

4092 Mr. Marino. No.

4093 Ms. Williams. Mr. Marino votes no.

4094 Mr. Chaffetz. The gentlewoman from California?

4095 Ms. Chu. Aye.

4096 Ms. Williams. Ms. Chu votes aye.

4097 Mr. Collins. Mr. Chair, how am I recorded?

4098 Ms. Williams. Mr. Collins votes no.

4099 Mr. Chaffetz. The clerk will report.

4100 Ms. Williams. Mr. Chairman, 6 Members voted aye; 16

4101 Members voted no.

4102 Mr. Chaffetz. The noes have it. The amendment is not

4103 agreed to.

4104 Are there any other amendments?

4105 Ms. Lofgren. Mr. Chairman, I have an amendment at the

4106 desk.

4107 Mr. Chaffetz. The gentlewoman from California is

4108 recognized for her amendment. The clerk will report the

4109 amendment.

4110 Ms. Williams. Amendment to H.R. 1153, offered by Ms.

4111 Lofgren. Strike Section 8 of the bill and --

4112 Mr. Chaffetz. Without objection, the amendment is
4113 considered as read.

4114 [The amendment of Ms. Lofgren follows:]

4115

4116 Mr. Chaffetz. And the gentlewoman is recognized for 5
4117 minutes.

4118 Ms. Lofgren. Mr. Chairman, this amendment would strike
4119 Section 8 from the bill. As currently drafted, Section 8
4120 would dramatically change the definition of "unaccompanied
4121 child" so that the vast majority of children who arrive at
4122 our border would no longer be considered to be unaccompanied.

4123 This definition guts the very intention of the TVPRA so
4124 that only about 2 or 3 percent of the children would actually
4125 be considered unaccompanied. The rest would be placed in
4126 expedited removal proceedings.

4127 Now, currently, a child is considered to be
4128 unaccompanied if they do not simultaneously enter the country
4129 with a parent or legal guardian. This bill changes the
4130 definition of unaccompanied alien child so that a child who
4131 has virtually any relative living in the U.S., regardless of
4132 whether that relative is physically accompanying a child, is
4133 not considered an unaccompanied child.

4134 So, for example, if an 8-year-old comes to our border
4135 and has a sibling or a cousin over 8 years of age or an aunt
4136 or an uncle or a grandparent, even if they are unable to
4137 provide care or custody in the U.S., that child would not be

4138 considered unaccompanied.

4139 Now this expansive definition would have a pernicious
4140 result. It would result in the mass mandatory detention of
4141 children in DHS custody because the majority of children
4142 would not qualify for transfer to HHS custody, as is current
4143 law.

4144 Now I know how bad that is because when I went down to
4145 the border last year, I saw hundreds of 8-, 9-, 10-year-old
4146 children being held in jails, sleeping on cement floors in
4147 Border Patrol stations. It was completely unacceptable.
4148 This bill will ensure that we see more of that.

4149 The bill assumes, I guess, the children will ask for
4150 prompt removal rather than to stay sleeping on a cement floor
4151 for an extended period of time. But for children who are
4152 escaping extreme violence, I don't think that that is
4153 necessarily a good assumption.

4154 In 2002, Congress transferred all the responsibilities
4155 pertaining to the care of these children to the Office of
4156 Refugee Resettlement so that the best interests of these
4157 small children could be looked after. This bill would
4158 completely eliminate that process and would create, I guess,
4159 the appearance of complete deterrence by closing the door on

4160 vulnerable children.

4161 I think not only is this impractical, I think it is
4162 wrong. It is simply wrong. And I would hope that the
4163 committee would see fit to approve this amendment.

4164 I would just reflect back on some children I met last
4165 summer. It was a grandma who had come in with three little
4166 girls, two her grandchildren and the other a small girl who
4167 she had raised since infancy. This grandmother explained
4168 that the gangs had come and were going to take these little
4169 girls to be used for sexual exploitation purposes, the
4170 convenience of the gang members.

4171 That grandmother fled. She saved them from that fate.
4172 Under this bill, those little girls would be sent back to
4173 that nightmare, and I find it unconscionable.

4174 I hope that the amendment will be adopted and the bill
4175 will be defeated.

4176 And I yield back.

4177 Mr. Chaffetz. Thank the gentlewoman.

4178 I now recognize myself for 5 minutes.

4179 I will reiterate the position that there will still be
4180 asylum in this country. We are just going to make sure that
4181 we do it in a fair and orderly way and that we help those

4182 people that do need the help the most.

4183 But unfortunately, despite my personal affection for the
4184 gentlewoman from California, I must oppose this amendment.
4185 Under the Homeland Security Act of 2002, the term
4186 "unaccompanied alien" was defined to mean a child who has no
4187 lawful immigration status in the United States, has not
4188 attained 18 years of age, and has no parent or legal guardian
4189 in the United States or available to provide care.

4190 However, unaccompanied minors are often brought across
4191 the border by smugglers who are paid by the children's
4192 parents, who are already in the United States illegally.
4193 Indeed, there is a parent or legal guardian in the United
4194 States available to provide care.

4195 However, regardless of the fact, a minor remains
4196 classified as "unaccompanied" by DHS based on the initial
4197 determination made by Customs and Border Protection when they
4198 were encountered. This determination remains in place even
4199 though they are subsequently reunited with a family here in
4200 the United States.

4201 This is troublesome because the unaccompanied minors are
4202 eligible for more lenient treatment under our immigration
4203 laws. For example, they cannot be swiftly returned to their

4204 home countries, and they can have asylum claim heard twice
4205 before both an adjudicator and a judge.

4206 On April 2, 2014, CBP conceded that the Obama
4207 administration's policies against deporting immigrant minors,
4208 as well as its practice of reuniting them with their parents,
4209 are factors in the steep increase in minors illegally
4210 crossing the border.

4211 The Obama administration policies on reuniting
4212 unaccompanied minors with relatives has drawn increased
4213 scrutiny since a Federal judge in Texas filed a court order
4214 in December accusing DHS of delivering children to parents
4215 who paid criminal organizations to smuggle them into the
4216 United States.

4217 Indeed, White House officials said last June that the
4218 wave of unlawful immigrants is a humanitarian problem, not a
4219 border security problem, and it needs to be fixed with the
4220 placement of unaccompanied minors, education, health
4221 services, and transport to parents or friends living in the
4222 United States.

4223 Minors who are defined as unaccompanied must, indeed,
4224 have no parent or legal guardian in the United States
4225 available to provide care. That is what this bill provides,

4226 and it is undone by the present amendment.

4227 For this reason, I rise in opposition to the amendment,
4228 and I urge my colleagues to do the same.

4229 Yield back.

4230 Does any other Member wish to speak on this amendment?

4231 Mr. Cicilline. Mr. Chairman?

4232 Mr. Chaffetz. Yes. The gentleman is recognized for 5
4233 minutes.

4234 Mr. Cicilline. Thank you.

4235 I would like to speak in support of the amendment, and I
4236 would like to just share with the committee some stories
4237 because I think it is difficult to fully comprehend the
4238 damage that this proposed legislation would do and support
4239 this amendment, which attempts to correct at least a portion
4240 of it.

4241 I am going to read two specific stories, one from public
4242 counsel of Los Angeles that involves a young boy named Pedro
4243 from Guatemala. In Guatemala, Pedro witnessed the rape of
4244 his 9-year-old brother at the hands of a neighbor.

4245 Although Pedro courageously reported his brother's rape
4246 to Guatemalan police, the police did not protect Pedro and
4247 his brother. When the neighbor learned that Pedro had

4248 reported his crime, the neighbor began to threaten Pedro's
4249 entire family, saying that he would kill them and shooting
4250 guns near their home.

4251 Terrified for his safety, Pedro attempted to travel to
4252 the United States, where his mother resided. However,
4253 instead of bringing him to the United States, the Coyotes
4254 brought him to a house in Mexico where they held him against
4255 his will, forced him to cook and clean the house, and forced
4256 him to sell drugs to people who came to the home.

4257 Pedro did not want to do this work, but his captors
4258 threatened him with guns and threatened to kill his family.
4259 After a month, Pedro's captors let him leave, and he fled to
4260 the United States.

4261 Now 18, Pedro's only option to stay in the United States
4262 and avoid further harm is to pursue a difficult asylum case.
4263 But of course, under this proposed language, because his
4264 mother resided in the United States, he would be unable to
4265 seek that protection.

4266 I read another story from the Lutheran Immigration and
4267 Refugee Service about two young girls, Sonia and Julia,
4268 sisters who were recently apprehended at the border. They
4269 fled their home country of Honduras after receiving death

4270 threats from an uncle.

4271 Sonia has a mental disability. Julia witnessed the
4272 sexual abuse of Sonia by a family member. Julia told her
4273 aunt about the sexual abuse. When the aunt asked her husband
4274 to leave the home, he became so enraged and threatened to
4275 kill them all.

4276 Due to the lack of trust in the justice system, the aunt
4277 decided it was safest to take the girls far away. The next
4278 day, the aunt fled with the girls to the United States, where
4279 their mother was living. The girls are currently in
4280 transitional foster care working on reunification with their
4281 mother.

4282 They are also in the process of getting legal assessment
4283 regarding their potential leave for SIJS or asylum. Again,
4284 they would not fit in this proposed new definition because
4285 their aunt traveled with them.

4286 These are two examples, and there are thousands and
4287 thousands more of real consequences in the lives of children
4288 who are fleeing some of the most horrific circumstances and
4289 most dangerous conditions.

4290 I urge my colleagues to support his amendment in an
4291 effort to correct this in the legislation.

4292 I yield back.

4293 Mr. Chaffetz. I thank the gentleman.

4294 Does any other Member wish to be heard on this
4295 amendment?

4296 [No response.]

4297 Mr. Chaffetz. Hearing none, the question is on the
4298 amendment.

4299 Those in favor, say aye.

4300 Those opposed, say no.

4301 In the opinion of the chair, the noes have it, and the
4302 amendment is not agreed to.

4303 Ms. Lofgren. Chairman, I would like a recorded vote,
4304 please.

4305 Mr. Chaffetz. A recorded vote has been requested. The
4306 clerk will call the roll.

4307 Ms. Williams. Mr. Goodlatte?

4308 [No response.]

4309 Ms. Williams. Mr. Sensenbrenner?

4310 [No response.]

4311 Ms. Williams. Mr. Smith?

4312 [No response.]

4313 Ms. Williams. Mr. Chabot?

4314 Mr. Chabot. No.

4315 Ms. Williams. Mr. Chabot votes no.

4316 Mr. Issa?

4317 Mr. Issa. No.

4318 Ms. Williams. Mr. Issa votes no.

4319 Mr. Forbes?

4320 [No response.]

4321 Ms. Williams. Mr. King?

4322 Mr. King. No.

4323 Ms. Williams. Mr. King votes no.

4324 Mr. Franks?

4325 Mr. Franks. No.

4326 Ms. Williams. Mr. Franks votes no.

4327 Mr. Gohmert?

4328 Mr. Gohmert. No.

4329 Ms. Williams. Mr. Gohmert votes no.

4330 Mr. Jordan?

4331 Mr. Jordan. No.

4332 Ms. Williams. Mr. Jordan votes no.

4333 Mr. Poe?

4334 Mr. Poe. No.

4335 Ms. Williams. Mr. Poe votes no.

4336 Mr. Chaffetz?

4337 Mr. Chaffetz. No.

4338 Ms. Williams. Mr. Chaffetz votes no.

4339 Mr. Marino?

4340 Mr. Marino. No.

4341 Ms. Williams. Mr. Marino votes no.

4342 Mr. Gowdy?

4343 [No response.]

4344 Ms. Williams. Mr. Labrador?

4345 [No response.]

4346 Ms. Williams. Mr. Farenthold?

4347 [No response.]

4348 Ms. Williams. Mr. Collins?

4349 Mr. Collins. No.

4350 Ms. Williams. Mr. Collins votes no.

4351 Mr. DeSantis?

4352 Mr. DeSantis. No.

4353 Ms. Williams. Mr. DeSantis votes no.

4354 Ms. Walters?

4355 Ms. Walters. No.

4356 Ms. Williams. Ms. Walters votes no.

4357 Mr. Buck?

4358 Mr. Buck. No.

4359 Ms. Williams. Mr. Buck votes no.

4360 Mr. Ratcliffe?

4361 [No response.]

4362 Ms. Williams. Mr. Trott?

4363 Mr. Trott. No.

4364 Ms. Williams. Mr. Trott votes no.

4365 Mr. Bishop?

4366 Mr. Bishop. No.

4367 Ms. Williams. Mr. Bishop votes no.

4368 Mr. Conyers?

4369 [No response.]

4370 Ms. Williams. Mr. Nadler?

4371 Mr. Nadler. Aye.

4372 Ms. Williams. Mr. Nadler votes aye.

4373 Ms. Lofgren?

4374 Ms. Lofgren. Aye.

4375 Ms. Williams. Ms. Lofgren votes aye.

4376 Ms. Jackson Lee?

4377 [No response.]

4378 Ms. Williams. Mr. Cohen?

4379 Mr. Cohen. Aye.

4380 Ms. Williams. Mr. Cohen votes aye.
4381 Mr. Johnson?
4382 [No response.]
4383 Ms. Williams. Mr. Pierluisi?
4384 [No response.]
4385 Ms. Williams. Ms. Chu?
4386 Ms. Chu. Aye.
4387 Ms. Williams. Ms. Chu votes aye.
4388 Mr. Deutch?
4389 [No response.]
4390 Ms. Williams. Mr. Gutierrez?
4391 [No response.]
4392 Ms. Williams. Ms. Bass?
4393 [No response.]
4394 Ms. Williams. Mr. Richmond?
4395 [No response.]
4396 Ms. Williams. Ms. DelBene?
4397 Ms. DelBene. Aye.
4398 Ms. Williams. Ms. DelBene votes aye.
4399 Mr. Jeffries?
4400 Mr. Jeffries. Aye.
4401 Ms. Williams. Mr. Jeffries votes aye.

4402 Mr. Cicilline?

4403 Mr. Cicilline. Aye.

4404 Ms. Williams. Mr. Cicilline votes aye.

4405 Mr. Peters?

4406 [No response.]

4407 Mr. Chaffetz. The gentleman from Virginia?

4408 Chairman Goodlatte. No.

4409 Ms. Williams. Mr. Goodlatte votes no.

4410 Mr. Chaffetz. The gentleman from Texas?

4411 Mr. Smith. Mr. Chairman, I vote no.

4412 Ms. Williams. Mr. Smith votes no.

4413 Mr. Chaffetz. The gentleman from Michigan?

4414 Mr. Conyers. I vote aye.

4415 Ms. Williams. Mr. Conyers votes aye.

4416 Mr. Chaffetz. Have all Members been recorded?

4417 [No response.]

4418 Mr. Chaffetz. The clerk will report.

4419 Ms. Williams. Mr. Chairman, 8 Members voted aye; 17

4420 Members voted no.

4421 Mr. Chaffetz. The noes have it. The amendment is not

4422 agreed to.

4423 Ms. Lofgren. Mr. Chairman, could I be recognized for a

4424 unanimous consent request?

4425 Mr. Chaffetz. The gentlewoman is recognized.

4426 Ms. Lofgren. I would like to ask unanimous consent to
4427 enter into the record 24 letters signed by 65 different
4428 organizations, including the National Hebrew Immigrant Aid
4429 Society, the National Catholic Social Justice Lobby, the
4430 General Assembly of the Presbyterian Church, the Disciples of
4431 Christ, and the U.S. Catholic Conference -- Catholic Bishops
4432 in opposition to this bill.

4433 And I thank the gentleman for recognizing me.

4434 Mr. Chaffetz. Without objection, so ordered.

4435 [The information follows:]

4436

4437 Mr. Chaffetz. Does any other Member wish to have an
4438 amendment? Yes, the gentlewoman?

4439 Ms. DelBene. Mr. Chair, I have an amendment at the
4440 desk.

4441 Mr. Chaffetz. The gentlewoman from Washington is
4442 recognized for her amendment, and the clerk will report the
4443 amendment.

4444 Ms. Williams. Amendment to H.R. 1153, offered by Ms.
4445 DelBene. Strike Section 22 of the --

4446 Mr. Chaffetz. Without objection, the amendment is
4447 considered as read.

4448 [The amendment of Ms. DelBene follows:]

4449

4450 Mr. Chaffetz. And the gentlewoman is recognized for 5
4451 minutes.

4452 Ms. DelBene. Thank you, Mr. Chair.

4453 Under current law, asylum applicants receive three
4454 warnings to put them on notice of the consequences of filing
4455 a frivolous application. They receive a written warning in
4456 English on the I-589 form, an oral warning translated into
4457 the applicant's language during the asylum interview or court
4458 hearing, and by notarios, who are legally required to swear
4459 they have advised the applicant of the consequences in the
4460 applicant's language.

4461 The bill we are considering today contains a bizarre,
4462 irrational provision that would remove the requirement that
4463 asylum officers provide an oral warning to asylum applicants
4464 that frivolous applications will result in certain penalties.
4465 Section 22 of the bill would instead leave applicants with
4466 just a written warning in English.

4467 There is no question that many of the asylum applicants
4468 we are talking about today are coming from Central America
4469 and that their first language is not English. So if we are
4470 trying to cut down on frivolous applications, why would we
4471 want to take away an important protection for these

4472 individuals?

4473 Applicants already receive written warning in the I-589
4474 form, providing notice in English of the consequences of
4475 filing a frivolous application. So any suggestion that
4476 Section 22 provides new notice protection is entirely
4477 misleading.

4478 The I-589 form currently reads in part, "Applicants
4479 determined to have knowingly made a frivolous application for
4480 asylum will be permanently ineligible for any benefits under
4481 the Immigration and Nationality Act."

4482 And Mr. Chair, I would like to submit the I-589 form for
4483 the record.

4484 Mr. Chaffetz. Without objection, so ordered.

4485 [The information follows:]

4486

4487 Ms. DelBene. Thank you.

4488 As I said, most of the asylum applicants we are
4489 concerned about don't speak, read, or write English. The
4490 oral warning that Section 22 steals away allows asylum
4491 officers to use an interpreter to translate the warning into
4492 a language that applicants can understand.

4493 This is not a loophole. It is just a logical policy to
4494 help mitigate language obstacles in the asylum process. By
4495 stripping the law requiring an oral warning, Section 22 could
4496 result in the filing of more frivolous asylum applicants by
4497 individuals who couldn't read the warning in English.

4498 I urge my colleagues to support my amendment, striking
4499 this language from the bill, and ensuring that we do not take
4500 away applicants' ability to fully understand the consequences
4501 of filing a frivolous application for asylum. And I yield
4502 back.

4503 Mr. Chaffetz. The gentlewoman yields. I now recognize
4504 myself for 5 minutes in opposition to the amendment.

4505 I oppose this amendment. This provision simply states,
4506 as the Board of Immigration Appeals has ruled, that the
4507 notice contained in the asylum applications is signed under
4508 oath by the applicant and constitutes an adequate advisal

4509 regarding the repercussions of filing a frivolous asylum
4510 application. Though the BIA and courts have ruled these
4511 advisals are adequate, some have argued otherwise. For this
4512 reason, I rise in opposition to this amendment, and I yield
4513 back.

4514 Does any other member wish to be heard on this
4515 amendment?

4516 [No response.]

4517 Mr. Chaffetz. Hearing none, those in favor, say aye.

4518 Those opposed, say no.

4519 In the opinion of the chair, the noes have it.

4520 Ms. DelBene. Mr. Chair, could I have a recorded vote?

4521 Mr. Chaffetz. A recorded vote has been requested.

4522 Ms. DelBene. Thank you.

4523 Mr. Chaffetz. The clerk will call the roll.

4524 Ms. Williams. Mr. Goodlatte?

4525 Chairman Goodlatte. No.

4526 Ms. Williams. Mr. Goodlatte votes no.

4527 Mr. Sensenbrenner?

4528 [No response.]

4529 Ms. Williams. Mr. Smith?

4530 [No response.]

4531 Ms. Williams. Mr. Chabot?

4532 Mr. Chabot. No.

4533 Ms. Williams. Mr. Chabot votes no.

4534 Mr. Issa?

4535 Mr. Issa. No.

4536 Ms. Williams. Mr. Issa votes no.

4537 Mr. Forbes?

4538 [No response.]

4539 Ms. Williams. Mr. King?

4540 Mr. King. No.

4541 Mr. Deterding. Mr. King votes no.

4542 Mr. Franks?

4543 Mr. Franks. No.

4544 Ms. Williams. Mr. Franks votes no.

4545 Mr. Gohmert?

4546 Mr. Gohmert. No.

4547 Ms. Williams. Mr. Gohmert votes no.

4548 Mr. Jordan?

4549 Mr. Jordan. No.

4550 Ms. Williams. Mr. Jordan votes no.

4551 Mr. Poe?

4552 Mr. Poe. No.

4553 Ms. Williams. Mr. Poe votes no.
4554 Mr. Chaffetz?
4555 Mr. Chaffetz. No.
4556 Ms. Williams. Mr. Chaffetz votes no.
4557 Mr. Marino?
4558 [No response.]
4559 Ms. Williams. Mr. Gowdy?
4560 [No response.]
4561 Ms. Williams. Mr. Labrador?
4562 [No response.]
4563 Ms. Williams. Mr. Farenthold?
4564 [No response.]
4565 Ms. Williams. Mr. Collins?
4566 Mr. Collins. No.
4567 Ms. Williams. Mr. Collins votes no.
4568 Mr. DeSantis?
4569 Mr. DeSantis. No.
4570 Ms. Williams. Mr. DeSantis votes no.
4571 Ms. Walters?
4572 Ms. Walters. No.
4573 Ms. Williams. Ms. Walters votes no.
4574 Mr. Buck?

4575 Mr. Buck. No.

4576 Ms. Williams. Mr. Buck votes no.

4577 Mr. Ratcliffe?

4578 [No response.]

4579 Ms. Williams. Mr. Trott?

4580 Mr. Trott. No.

4581 Ms. Williams. Mr. Trott votes no.

4582 Mr. Bishop?

4583 Mr. Bishop. No.

4584 Ms. Williams. Mr. Bishop votes no.

4585 Mr. Conyers?

4586 Mr. Conyers. Aye.

4587 Ms. Williams. Mr. Conyers votes aye.

4588 Mr. Nadler?

4589 Mr. Nadler. Aye.

4590 Ms. Williams. Mr. Nadler votes aye.

4591 Ms. Lofgren?

4592 Ms. Lofgren. Aye.

4593 Ms. Williams. Ms. Lofgren votes aye.

4594 Ms. Jackson Lee?

4595 [No response.]

4596 Ms. Williams. Mr. Cohen?

4597 Mr. Cohen. Aye.

4598 Ms. Williams. Mr. Cohen votes aye.

4599 Mr. Johnson?

4600 [No response.]

4601 Ms. Williams. Mr. Pierluisi?

4602 [No response.]

4603 Ms. Williams. Ms. Chu?

4604 Ms. Chu. Aye.

4605 Ms. Williams. Ms. Chu votes aye.

4606 Mr. Deutch?

4607 [No response.]

4608 Ms. Williams. Mr. Gutierrez?

4609 [No response.]

4610 Ms. Williams. Ms. Bass?

4611 [No response.]

4612 Ms. Williams. Mr. Richmond?

4613 [No response.]

4614 Ms. Williams. Ms. DelBene?

4615 Ms. DelBene. Aye.

4616 Ms. Williams. Ms. DelBene votes aye.

4617 Mr. Jeffries?

4618 Mr. Jeffries. Aye.

4619 Ms. Williams. Mr. Jeffries votes aye.
4620 Mr. Cicilline?
4621 Mr. Cicilline. Aye.
4622 Ms. Williams. Mr. Cicilline votes aye.
4623 Mr. Peters?
4624 Mr. Peters. Aye.
4625 Ms. Williams. Mr. Peters votes aye.
4626 Mr. Chaffetz. The gentleman from Texas?
4627 Mr. Smith. No.
4628 Ms. Williams. Mr. Smith votes no.
4629 Mr. Chaffetz. The gentleman from Pennsylvania?
4630 Mr. Marino. No.
4631 Ms. Williams. Mr. Marino votes no.
4632 Mr. Chaffetz. Does any other member wish to be
4633 recorded?
4634 [No response.]
4635 Mr. Chaffetz. The clerk will report.
4636 Ms. Williams. Mr. Chairman, 9 members voted aye, 17
4637 members voted no.
4638 Mr. Chaffetz. The noes have it, and the amendment is
4639 not agreed to.
4640 Are there any other amendments?

4641 Mr. Jeffries. Mr. Chairman?

4642 Mr. Chaffetz. The gentleman from New York. I now
4643 recognize the gentleman from New York for his amendment, and
4644 the clerk will report the amendment.

4645 Ms. Williams. Amendment to H.R. 1153, offered by Mr.
4646 Jeffries of New York, in Section 2 of the bill, strike
4647 paragraphs 1 and 2 --

4648 Mr. Chaffetz. Without objection, the amendment is
4649 considered as read.

4650 [The amendment of Mr. Jeffries follows:]

4651

4652 Mr. Chaffetz. And the gentleman from New York is
4653 recognized for 5 minutes.

4654 Mr. Jeffries. Thank you, Mr. Chairman. This amendment
4655 would ensure that the most vulnerable individuals involved in
4656 immigration proceedings have access to counsel.
4657 Specifically, it would require the Attorney General to
4658 appoint counsel for unaccompanied minors and individuals with
4659 serious mental disabilities.

4660 Last year, according to the Department of Homeland
4661 Security, approximately 90,000 unaccompanied minors crossed
4662 the U.S. southern border. This, of course, represented a
4663 dramatic increase from prior years. These children, it is
4664 well established, were running for their lives. We have got
4665 to address this issue with an understanding of the root cause
4666 of this humanitarian crisis.

4667 These children, many of whom were victims of violence in
4668 their home countries, and have fled gang activity, drug
4669 trafficking, sexual abuse, and intimidation. The majority of
4670 them come from the Central American Northern Triangle
4671 countries of El Salvador, Guatemala, and Honduras, three of
4672 the most violent countries in the world. In fact, Honduras
4673 is the world's murder capital, while El Salvador and

4674 Guatemala are 4th and 5th on the list of the greatest number
4675 of homicides throughout the globe.

4676 All of the Central American countries outside of the
4677 Northern Triangle also experience an exponential increase in
4678 unaccompanied minors, suggesting, of course, that these
4679 children were not being drawn by the pull of the United
4680 States and the opportunity offered here, but, of course, were
4681 fleeing horrendous conditions, leading some of them to flee
4682 to the United States. But others went to Mexico, Belize,
4683 Panama, Costa Rica, and Nicaragua, all of which experience
4684 the significant increase in children, unaccompanied minors,
4685 coming to their country seeking asylum.

4686 Now, many of those children who have arrived at our
4687 shores do not have a valid, legal basis to remain in the
4688 United States. Of course, some of them will. According to
4689 current law, some will be eligible for asylum, some will be
4690 eligible for U visas, some will be eligible for special
4691 immigration juvenile status. In addition, according to
4692 statistics from Human Rights Watch, at least 15 percent of
4693 the total immigrant population in detention has a significant
4694 mental disability. Unlike the situation with unaccompanied
4695 minors, many of these mentally disabled individuals who

4696 confront deportation are long-time residents of the United
4697 States.

4698 My amendment would ensure that counsel is appointed to
4699 these vulnerable groups to help facilitate the efficient
4700 resolution and adjudication of immigration proceedings. Mr.
4701 Chairman, this amendment would also save roughly \$2 billion
4702 in taxpayer funds per year. Providing individuals with
4703 access to counsel would reduce the time that non-citizens
4704 spend in detention, and provide for rapid removal or rapid
4705 release from detention. According to the Department of
4706 Justice, immigration detainees that were presented
4707 information on their rights before undergoing their first
4708 hearing spent an average of 11 fewer days in detention,
4709 translating to a cost of \$164 per day per detained
4710 individual, equating to the savings that I referenced
4711 earlier.

4712 This amendment, of course, would also reduce the number
4713 of unnecessary immigration court proceedings, and increase
4714 the efficiency of a system that is already extremely
4715 backlogged. For these reasons, Mr. Chair, I urge that this
4716 committee support an amendment which has broad support from
4717 immigration judges, practitioners, and even, according to

4718 some public polls, the American public as well. I thank you,
4719 and I yield back the balance of my time.

4720 Mr. Chaffetz. I thank the gentleman. He has yielded
4721 back. I now recognize myself for 5 minutes.

4722 I rise in opposition to this amendment which would allow
4723 taxpayer funds to be used to supply attorneys for unlawful
4724 aliens in removal proceedings. Section 292 of the
4725 Immigration and Nationality Act states that, "In any removal
4726 proceeding before an immigration judge and in any appeal
4727 proceeding before the Attorney General from any such removal
4728 proceedings, the person concerned shall have the privilege of
4729 being represented at no expense to the government by such
4730 counsel."

4731 In Section 292, the phrase, "at no expense to the
4732 government," is contained in parenthesis. So the INA
4733 prohibits taxpayer funded counsel in immigration removal
4734 proceedings. But somehow the Administration does not quite
4735 understand Section 292. In fact, the Administration's Fiscal
4736 Year 2015 budget requests \$50 million be provided for
4737 attorneys for aliens in removal proceedings. It does not
4738 sound like a whole lot of savings.

4739 So H.R. 1153 amends Section 292 to remove the

4740 prohibition from the parenthetical and adds a sentence that
4741 says, "In no instance shall the government bear any expense
4742 for counsel for any person in removal proceedings," and it
4743 continues on before it ends at the quote. The vast majority
4744 of aliens in removal proceedings are there because they have
4745 no right to be in the United States. They have entered
4746 illegally, overstayed their visas, and even committed an
4747 offense rendering them subject to deportation.

4748 The American taxpayers are already forced to shoulder
4749 the government's expenses incurred by placing somebody in
4750 removal proceedings. They should not also be required to
4751 bear the cost of the alien fighting the very deportation that
4752 they have already funded on the government's side. H.R. 1153
4753 ensures that taxpayers' funds shall not be used to represent
4754 aliens in removal proceedings. I oppose the amendment and
4755 urge my colleagues to do the same.

4756 With that, I will yield back the balance of my time.

4757 Does any other member wish to be heard on this
4758 amendment?

4759 [No response.]

4760 Mr. Chaffetz. Hearing none, the question is on the
4761 amendment.

4762 Those in favor, say aye.

4763 Those opposed, say no.

4764 The amendment is not agreed to.

4765 Mr. Jeffries. I ask for a recorded vote.

4766 Mr. Chaffetz. The gentleman has asked for a recorded

4767 vote. The clerk will call the roll.

4768 Ms. Williams. Mr. Goodlatte?

4769 [No response.]

4770 Ms. Williams. Mr. Sensenbrenner?

4771 [No response.]

4772 Ms. Williams. Mr. Smith?

4773 Mr. Smith. No.

4774 Ms. Williams. Mr. Smith votes no.

4775 Mr. Chabot?

4776 Mr. Chabot. No.

4777 Ms. Williams. Mr. Chabot votes no.

4778 Mr. Issa?

4779 Mr. Issa. No.

4780 Ms. Williams. Mr. Issa votes no.

4781 Mr. Forbes?

4782 [No response.]

4783 Ms. Williams. Mr. King?

4784 [No response.]

4785 Mr. Deterding. Mr. Franks?

4786 Mr. Franks. No.

4787 Ms. Williams. Mr. Franks votes no.

4788 Mr. Gohmert?

4789 [No response.]

4790 Ms. Williams. Mr. Jordan?

4791 Mr. Jordan. No.

4792 Ms. Williams. Mr. Jordan votes no.

4793 Mr. Poe?

4794 Mr. Poe. No.

4795 Ms. Williams. Mr. Poe votes no.

4796 Mr. Chaffetz?

4797 Mr. Chaffetz. No.

4798 Ms. Williams. Mr. Chaffetz votes no.

4799 Mr. Marino?

4800 Mr. Marino. No.

4801 Ms. Williams. Mr. Marino votes no.

4802 Mr. Gowdy?

4803 [No response.]

4804 Ms. Williams. Mr. Labrador?

4805 [No response.]

4806 Ms. Williams. Mr. Farenthold?
4807 [No response.]
4808 Ms. Williams. Mr. Collins?
4809 Mr. Collins. No.
4810 Ms. Williams. Mr. Collins votes no.
4811 Mr. DeSantis?
4812 Mr. DeSantis. No.
4813 Ms. Williams. Mr. DeSantis votes no.
4814 Ms. Walters?
4815 Ms. Walters. No.
4816 Ms. Williams. Ms. Walters votes no.
4817 Mr. Buck?
4818 Mr. Buck. No.
4819 Ms. Williams. Mr. Buck votes no.
4820 Mr. Ratcliffe?
4821 [No response.]
4822 Ms. Williams. Mr. Trott?
4823 Mr. Trott. No.
4824 Ms. Williams. Mr. Trott votes no.
4825 Mr. Bishop?
4826 Mr. Bishop. No.
4827 Ms. Williams. Mr. Bishop votes no.

4828 Mr. Conyers?
4829 Mr. Conyers. Aye.
4830 Ms. Williams. Mr. Conyers votes aye.
4831 Mr. Nadler?
4832 Mr. Nadler. Aye.
4833 Ms. Williams. Mr. Nadler votes aye.
4834 Ms. Lofgren?
4835 Ms. Lofgren. Aye.
4836 Ms. Williams. Ms. Lofgren votes aye.
4837 Ms. Jackson Lee?
4838 [No response.]
4839 Ms. Williams. Mr. Cohen?
4840 Mr. Cohen. Aye.
4841 Ms. Williams. Mr. Cohen votes aye.
4842 Mr. Johnson?
4843 Mr. Johnson. Aye.
4844 Ms. Williams. Mr. Johnson votes aye.
4845 Mr. Pierluisi?
4846 [No response.]
4847 Ms. Williams. Ms. Chu?
4848 Ms. Chu. Aye.
4849 Ms. Williams. Ms. Chu votes aye.

4850 Mr. Deutch?

4851 Mr. Deutch. Aye.

4852 Ms. Williams. Mr. Deutch votes aye.

4853 Mr. Gutierrez?

4854 [No response.]

4855 Ms. Williams. Ms. Bass?

4856 [No response.]

4857 Ms. Williams. Mr. Richmond?

4858 Mr. Richmond. Aye.

4859 Ms. Williams. Mr. Richmond votes aye.

4860 Ms. DelBene?

4861 Ms. DelBene. Aye.

4862 Ms. Williams. Ms. DelBene votes aye.

4863 Mr. Jeffries?

4864 Mr. Jeffries. Aye.

4865 Ms. Williams. Mr. Jeffries votes aye.

4866 Mr. Cicilline?

4867 Mr. Cicilline. Aye.

4868 Ms. Williams. Mr. Cicilline votes aye.

4869 Mr. Peters?

4870 Mr. Peters. Aye.

4871 Ms. Williams. Mr. Peters votes aye.

4872 Mr. Chaffetz. The gentleman from Virginia?
4873 Chairman Goodlatte. No.
4874 Ms. Williams. Mr. Goodlatte votes no.
4875 Mr. Chaffetz. The gentleman from Texas?
4876 Mr. Gohmert. No.
4877 Ms. Williams. Mr. Gohmert votes no.
4878 Mr. Chaffetz. The gentleman from Iowa?
4879 Mr. King. No.
4880 Ms. Williams. Mr. King votes no.
4881 Mr. Chaffetz. Any other member wish to be recorded?
4882 [No response.]
4883 Mr. Chaffetz. The clerk will report.
4884 Ms. Williams. Mr. Chairman, 12 members voted aye, 17
4885 members voted no.
4886 Mr. Chaffetz. The amendment is not agreed to. The noes
4887 have it. The amendment is not agreed to.
4888 Ms. Lofgren. Mr. Chairman? May I ask unanimous
4889 consent --
4890 Mr. Chaffetz. The gentlewoman from California?
4891 Ms. Lofgren. I would ask unanimous consent to place
4892 into the record a letter from the Ignatian Solidarity Network
4893 in opposition to this bill, as well as H.R. 1149.

4894 Mr. Chaffetz. Without objection, so ordered.

4895 [The information follows:]

4896

4897 Mr. Chaffetz. Are there any other amendments? The
4898 gentleman from Louisiana?

4899 Mr. Richmond. Mr. Chairman, I have an amendment at the
4900 desk.

4901 Mr. Chaffetz. I will now recognize the gentleman from
4902 Louisiana for his amendment, and the clerk will report the
4903 amendment.

4904 Ms. Williams. Amendment to H.R. 1153, offered by Mr.
4905 Richmond --

4906 Mr. Richmond. Mr. Chairman, I would ask unanimous
4907 consent to dispense with the reading.

4908 Mr. Chaffetz. Without objection, the amendment is
4909 considered as read.

4910 [The amendment of Mr. Richmond follows:]

4911

4912 Mr. Chaffetz. And the gentleman is recognized for 5
4913 minutes.

4914 Mr. Richmond. Mr. Chairman, what this amendment simply
4915 does is amend the bill by striking the last two sentences,
4916 which sets the provisions for placing a child in a secure
4917 facility. And under current law, a child should not be
4918 placed in a secure facility absent a determination that the
4919 child poses a danger to self or others, or has been charged
4920 with having committed a criminal offense.

4921 And I think that that provision is very important
4922 because we do not want to hold children in a secure facility
4923 if we do not have a reason to do it. If they are not a
4924 threat to society, if they are not a threat to themselves or
4925 others, then we should not just throw them into a jail. And
4926 if you look at the current law, it makes sure that they set
4927 high standards to do it because all of the criminal justice
4928 reform experts around the country, all of the children's
4929 advocate understand that putting children in a secure
4930 facility is not in their best interests, and it is not in
4931 the best interests of society. You put them in a less
4932 restrictive environment, more nurturing environment, and
4933 something that helps them grow and all of those things.

4934 So we want to make sure that the bill, which, you know,
4935 however you feel about the bill, we want to make sure that we
4936 do not have an unintended consequence, which is placing these
4937 children into a secure facility. And we do not do that with
4938 American children. We do not do that with any children. So
4939 why should we pick this limited area and put immigrant
4940 children and hold them to a different standard, and put them
4941 in secured jails, which they do not belong there? And I
4942 think that is something that has been very consistent across
4943 the country. And this is stripping away that humane
4944 compassion that we have for juveniles and making sure that
4945 there has to be a true reason to put them in a jail-like
4946 facility.

4947 So with that, I would urge adoption of the amendment,
4948 and I would yield back the rest of my time.

4949 Mr. Chaffetz. I thank the gentleman. I will now
4950 recognize myself for 5 minutes.

4951 I stand in opposition to the amendment. As we have
4952 learned today, many minors are already fleeing HHS
4953 facilities, and many of the minors, 40 percent, are not
4954 appearing at court dates. Let us also remember that they are
4955 fleeing a fear of persecution. The idea that they could go

4956 to a secure facility because they have been fleeing
4957 persecution sounds like a pretty good deal.

4958 It is unfortunate that often in these cases we must put
4959 minors in secure facilities that they cannot escape from. We
4960 do that for not only their own safety, but the safety of
4961 others. Limiting the use of secure facilities by law in
4962 situations where the aliens are dangerous to themselves, but
4963 others, has to be addressed.

4964 Minors often on the cusp of 18 who are flight risks may
4965 be needed to be placed in secure facilities. Otherwise, the
4966 immigration system loses all credibility, and we simply
4967 encourage more minors to make the perilous journey to the
4968 United States, and simply continue to be entered into the
4969 United States unaccompanied at peril perhaps to themselves
4970 and perhaps to others. Until we learn this disposition, we
4971 are oftentimes going to have to do this, especially when you
4972 have a flight risk approaching the 40 percent range.

4973 And so, with that, I stand in opposition to the
4974 amendment. I encourage other members to vote no on this
4975 amendment. And with that, I will yield back.

4976 Ms. Lofgren. Mr. Chairman?

4977 Mr. Chaffetz. The gentlewoman from California is

4978 recognized for 5 minutes.

4979 Ms. Lofgren. I would move to strike the last word. I
4980 think this is an important amendment, and it really strikes
4981 to the core of who we are as a people. And I think some of
4982 the most disturbing things I have seen in the context of
4983 immigration as a member of Congress are seeing small children
4984 in a jail-like setting. That is not something we usually
4985 think is appropriate. I remember a number of years ago where
4986 we had, you know, 5-year-olds in prison uniforms down in
4987 Texas. And I thought, when was the last time that we put
4988 like 5- and 6-year-old children in prison uniforms, and I
4989 thought back to World War II. That is not really the America
4990 that we love.

4991 Now, a lot of the people in religious communities have
4992 stepped forward to provide home-like facilities on a
4993 temporary basis that would not meet your requirement of
4994 secure facilities. But I had the opportunity, along with
4995 other members, to visit a temporary facility run by the
4996 Baptists. And it was, yes, it was kind of like summer camp
4997 actually, and they were all little kids, I mean, 8-, 9-, 10-
4998 year-old kids who had fled from Central America, who were
4999 being kept safe, but they were not locked up.

5000 What the gentleman's amendment would make sure of is
5001 that we would have the ability to keep little children in the
5002 least restrictive environment that is safe. That is what the
5003 current situation is. The current law requires us to view.
5004 If we are going to put, you know, an 8-year-old in prison,
5005 there ought to be some constant review of that. Unless his
5006 amendment is adopted, we are going to fall back into a
5007 situation that I really think is not where America should be
5008 in terms of how we treat little children.

5009 And in terms of the failure to appear rate, a lot of
5010 discussion has been had on that subject, but I would note
5011 that the vast majority of cases for the children that enter
5012 the United States in the surge last year have not been heard.
5013 They have not been called, so to suggest that they are not
5014 going to appear, no one knows where they are going to appear
5015 because they have not been called yet. But we do know that a
5016 very large number historically of cases of unaccompanied
5017 children who are represented do show up, in excess of 90
5018 percent.

5019 So I do think and I do question the gentleman's concern
5020 that individuals show up for their trials. But probably the
5021 best way to ensure that is to make sure that they have access

5022 or are connected with the volunteers who are representing
5023 them, and that will ensure that they show up. But I do think
5024 Mr. Richmond's amendment is enormously important for how our
5025 country holds its head up in the world in terms of our
5026 treatment of little kids.

5027 So with that, unless Mr. Richmond desires to have extra
5028 time, in which case I would yield to him, I will yield back.

5029 Mr. Chaffetz. The gentlewoman yields back. Does any
5030 other member wish to be heard on this amendment?

5031 [No response.]

5032 Mr. Chaffetz. The question is on the amendment.

5033 Those in favor, say aye.

5034 Those opposed, no.

5035 In the opinion of the chair, the noes have it, and the
5036 amendment is not agreed to.

5037 Are there any other amendments?

5038 The gentleman actually would like a roll call vote. A
5039 recorded vote has been requested. The clerk will call the
5040 roll.

5041 Ms. Williams. Mr. Goodlatte?

5042 Chairman Goodlatte. No.

5043 Ms. Williams. Mr. Goodlatte votes no.

5044 Mr. Sensenbrenner?
5045 [No response.]
5046 Ms. Williams. Mr. Smith?
5047 Mr. Smith. No.
5048 Ms. Williams. Mr. Smith votes no.
5049 Mr. Chabot?
5050 Mr. Chabot. No.
5051 Ms. Williams. Mr. Chabot votes no.
5052 Mr. Issa?
5053 [No response.]
5054 Ms. Williams. Mr. Forbes?
5055 [No response.]
5056 Ms. Williams. Mr. King?
5057 Mr. King. No.
5058 Mr. Deterding. Mr. King votes no.
5059 Mr. Franks?
5060 Mr. Franks. No.
5061 Ms. Williams. Mr. Franks votes no.
5062 Mr. Gohmert?
5063 Mr. Gohmert. No.
5064 Ms. Williams. Mr. Gohmert votes no.
5065 Mr. Jordan?

5066 Mr. Jordan. No.

5067 Ms. Williams. Mr. Jordan votes no.

5068 Mr. Poe?

5069 Mr. Poe. No.

5070 Ms. Williams. Mr. Poe votes no.

5071 Mr. Chaffetz?

5072 Mr. Chaffetz. No.

5073 Ms. Williams. Mr. Chaffetz votes no.

5074 Mr. Marino?

5075 Mr. Marino. No.

5076 Ms. Williams. Mr. Marino votes no.

5077 Mr. Gowdy?

5078 [No response.]

5079 Ms. Williams. Mr. Labrador?

5080 [No response.]

5081 Ms. Williams. Mr. Farenthold?

5082 [No response.]

5083 Ms. Williams. Mr. Collins?

5084 Mr. Collins. No.

5085 Ms. Williams. Mr. Collins votes no.

5086 Mr. DeSantis?

5087 Mr. DeSantis. No.

5088 Ms. Williams. Mr. DeSantis votes no.
5089 Ms. Walters?
5090 Ms. Walters. No.
5091 Ms. Williams. Ms. Walters votes no.
5092 Mr. Buck?
5093 Mr. Buck. No.
5094 Ms. Williams. Mr. Buck votes no.
5095 Mr. Ratcliffe?
5096 [No response.]
5097 Ms. Williams. Mr. Trott?
5098 Mr. Trott. No.
5099 Ms. Williams. Mr. Trott votes no.
5100 Mr. Bishop?
5101 Mr. Bishop. No.
5102 Ms. Williams. Mr. Bishop votes no.
5103 Mr. Conyers?
5104 Mr. Conyers. Aye.
5105 Ms. Williams. Mr. Conyers votes aye.
5106 Mr. Nadler?
5107 Mr. Nadler. Aye.
5108 Ms. Williams. Mr. Nadler votes aye.
5109 Ms. Lofgren?

5110 Ms. Lofgren. Aye.

5111 Ms. Williams. Ms. Lofgren votes aye.

5112 Ms. Jackson Lee?

5113 [No response.]

5114 Ms. Williams. Mr. Cohen?

5115 Mr. Cohen. Aye.

5116 Ms. Williams. Mr. Cohen votes aye.

5117 Mr. Johnson?

5118 Mr. Johnson. Aye.

5119 Ms. Williams. Mr. Johnson votes aye.

5120 Mr. Pierluisi?

5121 [No response.]

5122 Ms. Williams. Ms. Chu?

5123 Ms. Chu. Aye.

5124 Ms. Williams. Ms. Chu votes aye.

5125 Mr. Deutch?

5126 [No response.]

5127 Ms. Williams. Mr. Gutierrez?

5128 [No response.]

5129 Ms. Williams. Ms. Bass?

5130 [No response.]

5131 Ms. Williams. Mr. Richmond?

5132 Mr. Richmond. Aye.

5133 Ms. Williams. Mr. Richmond votes aye.

5134 Ms. DelBene?

5135 Ms. DelBene. Aye.

5136 Ms. Williams. Ms. DelBene votes aye.

5137 Mr. Jeffries?

5138 Mr. Jeffries. Aye.

5139 Ms. Williams. Mr. Jeffries votes aye.

5140 Mr. Cicilline?

5141 Mr. Cicilline. Aye.

5142 Ms. Williams. Mr. Cicilline votes aye.

5143 Mr. Peters?

5144 Mr. Peters. Aye.

5145 Ms. Williams. Mr. Peters votes aye.

5146 Mr. Chaffetz. The gentlewoman from Texas?

5147 Ms. Jackson Lee. How am I recorded?

5148 Ms. Williams. Not recorded.

5149 Ms. Jackson Lee. Aye.

5150 Ms. Williams. Ms. Jackson Lee votes aye.

5151 Mr. Chaffetz. Does any other member wish to be

5152 recorded?

5153 [No response.]

5154 Mr. Chaffetz. The clerk will report.

5155 Ms. Williams. Mr. Chairman, 12 members voted aye, 16
5156 members voted no.

5157 Mr. Chaffetz. The noes have it. The amendment is not
5158 agreed to.

5159 Are there any other amendments?

5160 [No response.]

5161 Mr. Chaffetz. A reporting quorum --

5162 Mr. Cicilline. Mr. Chairman? I believe Mr. Johnson,
5163 and I have one left, but I will --

5164 Mr. Johnson. I do have an amendment at the desk, Mr.
5165 Chairman. Thank you, Mr. Cicilline.

5166 Mr. Chaffetz. I now recognize the gentleman from
5167 Georgia for his amendment. The clerk will report the
5168 amendment.

5169 Ms. Williams. Amendment to H.R. 1153, offered by Mr.
5170 Johnson, strike Section 3 of the bill --

5171 Mr. Chaffetz. Without objection, the amendment is
5172 considered as read.

5173 [The amendment of Mr. Johnson follows:]

5174

5175 Mr. Chaffetz. And the gentleman is recognized for 5
5176 minutes.

5177 Mr. Johnson. Thank you, Mr. Chairman. My Republican
5178 counterparts are trying to change special immigrant juvenile
5179 status from being granted to children who have been abused,
5180 abandoned, or neglected by one or both parents to children
5181 who have been abused or neglected by both parents. This
5182 makes it more difficult for children to receive SIJS status.

5183 Last summer when the U.S. had an influx of unaccompanied
5184 minors from Central America, 40 to 50 percent had a parent in
5185 the U.S. already. Had this new language been adopted,
5186 thousands of minors would have been sent back to the
5187 violence, abuse, and assault that they were trying to escape
5188 at the hands of one parent. Currently, to be eligible for
5189 this special status, a State court judge must commit to the
5190 child to the State or place the child in the custody of an
5191 individual or entity appointed by the court, determine that
5192 reunification with one or both parents is not possible
5193 because of abuse, abandonment, or neglect, and conclude that
5194 it would not be in the best interests of the child to return
5195 to their country.

5196 With Section 3 of H.R. 1153, Republicans are seeking to

5197 raise the requirements for children to seek relief under this
5198 program. This is unconscionable that any legislator
5199 entrusted with protecting the least among us would seek to do
5200 harm to this vulnerable population. As a parent I do not
5201 understand how this body can purposely make life harder for
5202 children. We cannot forget that these are children.
5203 Children. They are not coming to the U.S. for fun. They are
5204 coming here to escape abusive situations.

5205 Take the case of "J," for example. I cannot use his
5206 name since he is a minor, but his mother left him in the care
5207 of his father in Central America when she immigrated to the
5208 United States. Starting at the age of 6, his father
5209 prostituted him out to support his cocaine habit. As a
5210 teenager, "J" fled from Central America to the United States
5211 to reunite with his mother. She was granted sole custody of
5212 him in a U.S. State court after he was granted SIJS
5213 protection.

5214 If qualifications for SIJS had been changed, then the
5215 way that they seek to change it now with this proposal, "J"
5216 would have been sent back to Central America only to be put
5217 back in the care of his abusive father. And this is a
5218 callous and cruel disposition and makes no sense when the

5219 child could have been placed with his mother in the United
5220 States.

5221 We need to keep in mind that the courts use the best
5222 interests of the child standard when making SIJS
5223 determinations. Making it easier to send children back an
5224 abusive parent they have tried to escape from is clearly not
5225 looking out for the best interests of the child who is
5226 targeted by this underlying legislation unfortunately. I
5227 urge my colleagues to adopt my amendment and strike Section
5228 3.

5229 And with that, I yield back.

5230 Mr. Chaffetz. The gentleman yields back, and I will
5231 recognize myself for 5 minutes.

5232 I stand in opposition to the amendment that strikes a
5233 part of the bill that is required in order to prevent the
5234 abuse of the immigration system. H.R. 1153 corrects this
5235 unintended consequence. The TVPRA expanded the SIJ
5236 definition to allow for a juvenile court to consider if
5237 reunification is possible with one or both of the child's
5238 parents.

5239 Practitioners argue that the plain language of the
5240 statutory revision means that the family reunification must

5241 only be "not viable" with one parent, even if the
5242 reunification with the other parent is possible.
5243 Consequently, I urge my colleagues to oppose this amendment,
5244 and I yield back.

5245 Does any other member wish to be heard on this
5246 amendment?

5247 Mr. Cicilline. Mr. Chairman?

5248 Mr. Chaffetz. With a vote on the floor, at this point
5249 we are going to recess. So members have approximately 7 and
5250 a half minutes left in the vote, and we will stand in recess
5251 at this time.

5252 Ms. Lofgren. Are we coming back after the votes, Mr.
5253 Chairman?

5254 Mr. Chaffetz. We do not intend to come back after this
5255 vote. We will be given notification as to the continuance of
5256 this markup.

5257 Ms. Lofgren. All right.

5258 Mr. Chaffetz. Let the record reflect no opposition from
5259 the minority.

5260 [Laughter.]

5261 [Whereupon, at 2:19 p.m., the committee was adjourned.]