CONGRESSIONAL RECORD — HOUSE
June 29, 2017

Mr. RUSH changed his vote from "yea" to "nay."

Messrs. WALKER and WITTMAN changed their vote from "nay" to "yea."

The previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution. The resolution was agreed to.

Mr. RUSH changed his vote from "nay" to "yea." Mrs. NAPOLITANO. Mr. Speaker, I was absent due to the health of my spouse in California. Had I been present, I would have voted "nay" on the motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 3004—Kate’s Law.

NO SANCTUARY FOR CRIMINALS ACT

This Act may be cited as the “No Sanctuary for Criminals Act.”

SEC. 2. STATE NONCOMPLIANCE WITH ENFORCEMENT OF IMMIGRATION LAWS

(a) In General—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1323) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, or any other person from complying with the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act and regulations issued pursuant thereto), as an official, or personnel engaged in enforcing such immigration laws, as a violation of this section.”

(2) by striking subsection (b) and inserting the following:

“(b) Law enforcement activities.—Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, or any individual, may prohibit or in any way restrict, a Federal, State, or local government entity, official, or personnel from enforcing any of the following law enforcement activities as they relate to information regarding immigration laws:

(1) compliance with the immigration laws,

(2) issuance of an immigration notice or order,

(3) the execution of a warrant or other order for the arrest of a person suspected of having violated the immigration laws,

(4) the detention of a person during the pendency of an immigration proceeding, or

(5) the deportation of a person convicted of a serious crime.

No person may prohibit or in any way restrict the enforcement of the immigration laws by any person described in any of the preceding clauses.”
the citizenship or immigration status, lawful or unlawful, the inadmissibility or deportability, or the custody status, of any individual.

(2) Notifying the Federal Government regarding the presence of individuals encountered by law enforcement officials or other personnel of a State or political subdivision of the State, that is found not to be in compliance with subsection (a) or (b) and shall not be eligible to receive—

(A) any of the funds that would otherwise be allocated to the State or political subdivision of the State under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), the ‘‘Cops on the Beat’’ program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), or the Edward Byrne Memorial Justice Assistance Grant Program under section 1604 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.); or

(B) any other grant administered by the Department of Justice that is substantially related to law enforcement, terrorism, national security, immigration, or naturalization.

(2) Notifying the Federal Government regarding the presence of individuals who are the subject of a detainer issued pursuant to this section the court shall allow a prevailing attorney to be in compliance with subsection (a) or (b), regardless of whether the State or political subdivision of the State has issued a writ or warrant for the removal of the individual.

(3) Transfer of Custody of Certain Aliens Prohibited.—The Secretary shall not transfer an alien with a final order of removal of the aliens in the custody of the Department of Homeland Security to a State or political subdivision of a State for which an alien is found not to be in compliance with subsection (a) or (b).

(4) Annual Determination.—The Secretary shall determine for each calendar year whether any State or political subdivision of States are not in compliance with subsection (a) or (b) and shall report such determinations to Congress by March 1 of each succeeding calendar year (or provide Reliable assistance as provided in paragraph (1) for a minimum period of 1 year, and shall only become eligible again after the Secretary certifies that the jurisdiction has come into compliance.

(5) Reports.—The Secretary of Homeland Security shall issue a report concerning the compliance with subsections (a) and (b) of any particular State or political subdivision of a State at the request of the House or the Senate Judiciary Committee. Any jurisdiction that is found not to be in compliance shall be required to receive Federal financial assistance as provided in paragraph (1) for a minimum period of 1 year, and shall only become eligible again after the Secretary certifies that the jurisdiction has come into compliance.

(6) Reallocations.—Any funds that are not allocated to a State or to a political subdivision of a State shall be reallocated to States or to political subdivisions of States that comply with both such subsections.

(e) Construction.—Nothing in this section for their removal or for purposes of providing detention, acting in compliance with a Department of Homeland Security detention officer by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention.

(2) Federal Government as Defendant.—In any civil action brought against the United States Government shall be the proper party named as the defendant in the suit in regard to the detention resulting from compliance with the detainer.

(3) Bad Faith Exception.—Paragraphs (1) and (2) shall not apply to any mistreatment of an individual by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention.

(4) Private Right of Action.—Nothing in this section the court shall allow a prevailing attorney to bring any action against a State or political subdivision of a State in the appropriate Federal or State court if the State or political subdivision released the alien from custody prior to the commission of such crime as a consequence of the State or political subdivision’s declining to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1373(d)(1)).

(2) Limitation on Bringing Action.—An action brought under this subsection may not be brought later than ten years following the occurrence of the crime that resulted in the detainer as a result of such crime, whichever occurs later.

(3) Attorney’s Fee and Other Costs.—In any action or proceeding under this subsection the court shall award a prevailing attorney’s fee as part of the costs, and include expert fees as part of the costs.

SEC. 4. SARAH AND GRANT’S LAW.

(a) Detention of Aliens During Removal Proceedings.—(A) Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by striking ‘‘Attorney General’’ each place it appears (except in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)) has been convicted and sentenced to a term of imprisonment of at least one year, may bring an action against a State or political subdivision of a State in the appropriate Federal or State court if the State or political subdivision released the alien from custody prior to the commission of the crime as a consequence of the State or political subdivision’s declining to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1373(d)(1)).

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(3) Attorney’s Fee and Other Costs.—In any action or proceeding under this subsection the court shall award a prevailing attorney’s fee as part of the costs, and include expert fees as part of the costs.

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(b) Detention of Aliens During Removal Proceedings.—(A) Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by striking ‘‘Attorney General’’ each place it appears (except in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)) has been convicted and sentenced to a term of imprisonment of at least one year, may bring an action against a State or political subdivision of a State in the appropriate Federal or State court if the State or political subdivision released the alien from custody prior to the commission of the crime as a consequence of the State or political subdivision’s declining to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1373(d)(1)).

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(2) Limitation on Bringing Action.—An action brought under this subsection may not be brought later than ten years following the occurrence of the crime that resulted in the detainer as a result of such crime, whichever occurs later.

(3) Attorney’s Fee and Other Costs.—In any action or proceeding under this subsection the court shall award a prevailing attorney’s fee as part of the costs, and include expert fees as part of the costs.
The Chair recognizes the gentleman from Virginia (Mr. Goodlatte).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. Goodlatte. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the No Sanctuary for Criminals Act. This simple, straightforward bill combats dangerous sanctuary policies that permit illegal aliens who are all too familiar with how sanctuary policies have devastated families across the United States, to today we are taking action to prevent these senseless tragedies and save American lives.

For years, the lack of immigration enforcement and spread of sanctuary policies have cost too many lives. The Obama administration encouraged or, more accurately, instructed U.S. Immigration and Customs Enforcement from being able to effectively enforce Federal law. Foolhardy jurisdictions continue to pass legislation and implement policies aimed at stymieing and maligning Immigration and Customs Enforcement from fulfilling its duty to act on the part of the Department of Justice and Homeland Security. Eligibility for many of these grants programs is predicated on compliance with this provision in the Immigration and Nationality Act.

This section is also in line with a recent memo by Attorney General Sessions outlining compliance with this provision as the single factor that the Justice Department will use in identifying sanctuary jurisdictions.

Regarding detainer policy, Congress has long heard that jurisdictions will not comply with ICE requests to hold aliens from criminal detention facilities due to a lack of probable cause inherent in theicer. I am pleased that H.R. 3003 provides the necessary cause statutory language to ensure that ICE only places detainers on aliens for whom they have probable cause and are deportable.

In addition, the bill mandates that ICE must take custody of the subject of a detainer within 48 hours, excluding weekends and holidays. Jurisdictions who comply in good faith with detainer requests will be immune from liability associated with that detainer, and if such an action does arise, the U.S. Government will substitute itself as the defendant. This ensures that jurisdictions do not go bankrupt defending against never-ending litigation. And in those jurisdictions that refuse to honor a detainer resulting in an alien committing a crime, the victim or victim’s family will be provided with the opportunity to bring a lawsuit against that jurisdiction.

The third section of H.R. 3003 is named for Sarah Root and Grant Ronnebeck, two young people whose lives were subverted by criminal aliens who remain at large today. This section was originally introduced as separate bills by Judiciary Committee...
members STEVE KING and ANDY BIGGS, who worked tirelessly to bring these tragic cases to the attention of the committee and the Congress.

This section provides that aliens who are arrested or charged with serious crimes—result in death or serious bodily injury of another—must be held without bond during the pendency of their removal proceedings.

In addition, aliens convicted of even one drunk driving offense will also be ineligible for bond during their removal proceedings. The latter would have prevented the August 2010 death of Sister Denise Mosier, a Catholic nun in Virginia, at the hands of a drunk-driving alien who was released from ICE custody on bond. These classes of individuals present a clear and present danger to society and should not be permitted to roam our communities during the pendency of their removal hearings.

The commonsense provisions of H.R. 3003 will provide better immigration enforcement and the peace of mind that no criminal will be provided sanctuary on our immigration laws.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to be clear at the outset of this debate that this legislation does nothing to make our communities safer, and it does nothing to improve our immigration system. Instead, H.R. 3003 will trample the rights of States and localities to determine what is in the best interest of their public safety, and it will conscript law enforcement to enforce Federal immigration law.

The ultimate experts on community safety are communities themselves, and we have determined that, as community trust increases, crime decreases. This is because immigrants will come out of the shadows and report crimes to local law enforcement when they are not threatened with deportation. In fact, a recent study found that community trust jurisdictions are actually safer than their counterparts.

Against this considered judgment, H.R. 3003 forces localities to abandon community trust principles and mandates the conscription of local offices into Federal immigration enforcement. Some localities, of course, would rightfully resist this conscription. As punishment, H.R. 3003 would rob them of vital law enforcement funding that they depend on to protect their community, prosecute criminals, and boost community policing ranks.

Localities, therefore, would face a losing choice: they can abandon community trust policies and leave their communities in danger, or they can leave their community trust policies in place but forgo law enforcement funding, leaving their community in danger.

It is important that we consider that this is more than just bad policy. It is also unconstitutional for multiple reasons. First, H.R. 3003 likely violates the 10th Amendment by commandeering States to comply with detainee requests that drain their resources—precisely what the localities need.

In addition, the bill’s changes to the Department of Homeland Security’s detainee authority exacerbate the current Fourth Amendment concerns associated with immigration detention. The bill does not give the state the right to find about the individual that may form the basis of a probable cause determination and fails to provide for a prompt judicial determination of probable cause.

The bill further compounds constitutional concerns by eliminating the ability for a detained individual to obtain an independent, individualized review of his or her bond determination by a neutral decisionmaker. For these reasons and others—I urge my colleagues to please oppose this dangerous, mean-spirited, and constitutionally suspect legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), who is a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the chairman of the Judiciary Committee at large for working with and cooperating on all this legislation, but for the relentless work that has come forward in the committee. He has spent a lot of time on this floor and in committee, and we are getting some progress here today.

This is a big week, and we are starting to restore the rule of law. The sanctuary cities legislation, which is before us right now, is something I just looked back through my records and wondered, how long have I slammed away on this?

The first amendment I brought was in 2005 to cut off some funding to sanctuary cities. At each appropriations opportunity, along with CJS and Homeland Security, when there was a chance, I would bring another amendment and another amendment, 2005 on through 2014 and 2015. In 2015, then I introduced the broader sanctuary cities legislation which is the basis for this legislation.

I also had the misfortune and fortune of having the Root family as my constituents. Sarah Root was tragically killed by an illegal alien on the streets. Her father and mother both have been here to testify. Her mother is in town this day. Her father, Scott Root, testified before the committee. He said this: They bailed the killer of my daughter out of jail for less money than it took to bury her, and he was out of this country before we could have her funeral.

Those words were some of the most chilling and mournful words that I have heard in this Congress. This bill today honors his daughter’s life, Michelle’s daughter’s life, Sarah, and it also brings into play the enforcement that we need to have.

We have got to put an end to sanctuary cities and ban those policies—which the bill does—block the DOJ grants if they don’t comply with the Federal law—and force the states to the sanctuary cities because they will just release them on the streets and let ICE take custody of them within 48 hours. And then the good faith hold harmless for ICE detention, when they recognize the wrong recommendation of the Obama administration, this makes the right recommendation to local jurisdictions.

The private cause of action is also very useful to us. It is a good, solid bill. I thank the chairman and all those who put the work in this today, and I urge its passage.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LOFGREN), who is a senior member of the House Judiciary Committee.

Ms. LOFGREN. Mr. Speaker, this bill isn’t about fixing our immigration system. In fact, it makes the system more dysfunctional and puts communities in peril. This bill is about telling communities how to police themselves and protect their people. It says: We here in D.C. know better than you do, local police, across the United States.

Now, 600 or more local governments have engaged in what they call community trust policies. These policies promote, among other things, allowing immigrant victims and witnesses to crime to report these offenses to local authorities without fear of immigration consequences. Years of locally informed experience have proven that this approach best ensures these communities’ safety.

I think that is why we have received communications from the National League of Cities, the National Association of Counties, and CJS, the anti-drug enforcement bill, that this bill is actually helping to protect their community against crime.

ICE is not prohibited from doing their job, but as the San Jose Police Department has told me, San Jose police are not enforcing the security laws, they are not enforcing the Federal tax laws, and they are not enforcing the immigration laws of the United States. This bill is doing their job to protect their community against crime.

Now, because they are doing that, the threat is to remove funding from jurisdictions.

Now, what would that funding be? It is grants against violent gangs. It is grants for the Anti-Heroin Task Force and the Anti-Methamphetamine Program, grants on port security to
prevent terrorists from getting into the United States, and grants for the BioWatch Program to prevent terrorists from getting biohazards and killing us all.

That is not smart to take those programs away from local governments that are working with us to help keep America safe.

Now, I always think, as I said earlier, we are not doing bumper stickers here. We are doing laws. It is important to take a look at the details of what is in this proposed bill. In addition to banning collaborative grants with localities, the remedies it has made available is if a community has a community trust policy, the Department of Homeland Security can refuse to honor warrants—legal warrants—that are issued by that jurisdiction.

That is astonishing. That is simply astonishing because what the local governments have said on the detainer policies is that the Fourth Amendment prevents them from holding people whose sentences have been served. In fact, there are a number of Federal courts that have made that determination, you can’t hold somebody on a civil detainer request without violating the Fourth Amendment.

There is a remedy to that: get a warrant like anybody else. The Fourth Amendment means something, and there is a remedy. Go get a warrant. I don’t know why our Federal Government funds that they can upend constitutional law for their own convenience.

Now, there is a provision in this bill that I find shocking. What it says is that if local governments violate the law—violate a court order—that they cannot violate the Fourth Amendment, that they are immunized, the Federal Government is going to pay, go ahead and violate the law. I cannot remember a time when we had a bill before us that goes to States and localities: go ahead, violate the law because we are going to indemnify you for the violation.

That is not the way our Federal system should work, and it is not the way those of us who believe in our oath of office to support and defend the Constitution of the United States think that things ought to work.

Now, finally, it creates something that I think is truly astonishing: a private cause of action against a State or locality if because the detainer cannot be honored because of the Federal Court cases and a person is released and, for any reason, commits a crime that it is the locality that bears the cost, not the criminal. This is a crazy provision.

We should oppose this bill.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to say to the gentlewoman from northern California that what is crazy is what the city of San Francisco is doing with their tax-payer dollars, since it was reported just yesterday that San Francisco tax-payers could soon pay $190,000 in a law-suit settlement with an illegal immigrant who claimed he was reported to Federal immigration authorities in violation of the city of San Francisco’s sanctuary city ordinance.

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The city attorney’s office confirmed this, and the settlement is expected to be confirmed by San Francisco’s supervisors in future hearings.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds.

Now, people who are murdered, people who are injured by people who are unlawfully present in the United States should have their day in court with the city of San Francisco or any-one else just as well as they are apparently willing to pay money to people who are illegally in the country because they were properly turned over to Federal authorities to be deported from this country.

I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Judiciary Committee.

Mr. CHABOT. Mr. Speaker, I thank the gentleman from Virginia, our chairman, for his leadership on this, and I rise in strong support of the No Sanctuary for Criminals Act, which has been worked on by a whole number of Members of the House.

The adoption of dangerous sanctuary policies across the country makes it more difficult to adequately enforce our immigration laws, which, in turn, needlessly puts Americans’ lives at risk.

Unfortunately, sanctuary cities that fail to comply with Federal law and deliberately refuse to cooperate with Federal authorities become safe havens for undocumented criminal immigrants, because criminals know they are less likely to be detained in those cities, which are, by definition, sanctuary cities.

Far too many innocent lives are put at risk when a criminal alien convicted, for example, of drunk driving or charged with another serious offense is not detained so they could be appropriately dealt with and, if warranted, deported from our country according to the law.

That is why it is essential that we pass this resolution, which will force Federal authorities’ immigration laws, hold sanctuary cities accountable, and enhance public safety by requiring detention of criminal aliens.

The bottom line is, if we expect our Federal immigration authorities to enforce our Nation’s immigration laws and protect the American people, State and local officials need to cooperate, not defy Federal immigration laws. And those local officials who refuse to do so and instead give so-called sanctuary to those that have come to our country’s soil to commit crimes here, they are putting the very people who they were sworn to serve and to protect at risk. And unfortu-nately, this has been happening all over the country, where literally people come here illegally, commit crimes, and local entities decide not to enforce the law.

We need to pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. GUTIÉRREZ), a gentleman on the committee who has worked tirelessly with myself and Ms. LOFGREN to make this measure more understandable.

Mr. GUTIÉRREZ. Mr. Speaker, even since Donald Trump descended the golden escalators at Trump Tower to announce his candidacy by saying Mexican immigrants are rapists, murderers, and drug dealers, the Republican Party has had Mexican fever, and they have been working feverishly to paint immigrants all as criminals. And when something goes bad, they go back to their old favorite.

When Trump’s Muslim ban was blocked in the courts, out came the Attorney General to say they were doing everything they could to do more roundups and that no immigrant was safe in America.

The Russia investigation not going well for the dear leader at the White House? Hey, let’s whip out that Mexican thing, as Vice-President PENCE said. Maybe it will keep our voters happy and distracted.

Healthcare not going well? Let’s just hate some Mexicans today.

Listen, almost 8 out of 10 Latinos in the United States are citizens, 1 out of 10 legal permanent residents. That leaves 1 in 10 who are undocumented, but this policy is about going after all of us, whether we are citizens or not of the United States of America.

These bills are nothing new, and they are not really about fighting crime. They are about racial profiling and putting Latinos “in their place.” Latinos, African Americans, Muslims, women, they know what it is like to be targeted.

Ninety-nine percent of the votes for this bill today will come from people who do not have to worry about racial profiling for themselves, for their children, or the people they represent, but let’s be clear. Sheriff Joe Arpaio in Arizona is the poster child for the kinds of policies the Republicans want to impose on every city and county in the country, and we know the results.

Sheriff Arpaio embodies racial profiling and rounding up people because they are brown, we will sort out their papers later, he says, whether they are citizens or legal permanent residents or whatever.

I have talked to U.S. citizens who were detained by Sheriff Arpaio because they did not carry with them their birth certificate or a passport at all times in the country in which they were born.

Let’s be clear. Sheriff Arpaio has been sued successfully to stop his racial profiling, and he has been charged criminally in Federal court for his racial profiling tactics, and still the Republicans of the House want to make
the law he is being sued for legal in the United States of America.

Sometimes Democrats have to stand up for justice, for what is right when the chips are down. Well, the chips are down, and every immigrant family and every immigrant in America is going to stand up for them, and when they needed Democrats to fight to keep families together when the chips were down.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President or Vice President.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. BIGGS), a member of the Judiciary Committee.

Mr. BIGGS. Mr. Speaker, I thank Chairman GOODLATTE for yielding and for his leadership on this legislation. It is an honor to serve with him on the House Judiciary Committee. And I am grateful to Representative King as well for providing leadership.

Today, the House of Representatives can pass a crucial piece of legislation to codify the tenets of two of President Trump's executive orders on immigration enforcement.

H.R. 3003, the No Sanctuary for Criminals Act, will finally hold accountable States, cities, and local law enforcement agencies that provide safe haven to criminally violent illegal immigrants by refusing to cooperate with U.S. Immigration and Customs Enforcement.

You now what is astonishing and you know what is shocking, is that there are jurisdictions in this country that blatantly choose to endanger their communities by providing protection to criminals. Passage of H.R. 3003 ensures that these communities will no longer be given rewards for their dereliction of duty.

Importantly, this bill also contains a section to end Sarah and Grant's Law, which recognizes two young Americans who were murdered by criminally violent illegal aliens who had no right to be on our streets.

In January 2015, a 21-year-old convenience store clerk and constituent of mine, Grant Ronnebeck, was working the graveyard shift at QuickTrip in Mesa, Arizona. Just before 4 a.m., an illegal alien with a long criminal record, awaiting deportation proceedings, walked into the store, pulled a pack of cigarettes. When Grant tried to count the money before handing them over, the man shot him and left him to die.

Sarah and Grant are far from the only Americans who have been impacted by illegal immigration. In 2014, Mesa, Arizona, police officer Brandon Mendoza was killed in a wrong-way car crash by an illegal immigrant driving under the influence of drugs and alcohol.

Despite tragic stories like these, the Obama administration continued to promote policies that circumvented many of our immigration laws, allowing thousands of criminals to return to our communities. It is time for these reckless policies to end.

H.R. 3003 specifically targets illegals who commit serious crimes by preventing them from being released onto our streets during their deportation proceedings.

After 8 years of policies that have placed a priority on protecting all illegal aliens, including those who are violent criminals, over the rights and safety of Americans, it is refreshing to have a President who is willing to follow the rule of law. President Trump has taken active steps to reverse the failed policies of the previous administration.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BIGGS. I yield the gentleman an additional 30 seconds.

Mr. BIGGS. I thank the chairman for yielding.

Mr. Speaker, President Trump has taken active steps to reverse the failed policies of the Obama administration and has been vocally supportive of Congress' efforts to do the same.

Passing this bill is a positive step toward our duty of enforcing the Nation's immigration laws, and I urge my colleagues to vote 'yes' on this vital piece of legislation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Intellectual Properties Subcommittee.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to H.R. 3003. This legislation would withhold needed law enforcement funding from cities that choose not to assist Federal authorities in enforcing the immigration laws.

Besides being constitutionally suspect, this bill is also highly counterproductive. Recognizing that good policing is good for our country, driving drunk, collided with their ambulance and killed both of them.

Paul left behind his loving wife, Dawn, and his 6-year-old daughter, Allison, who you see here behind me. When I spoke with Paul's widow, she rightfully said that if our country wasn't 'too afraid or inept to enforce immigration law,' her husband would still be with her today, and she is absolutely right.

Both wives, both mothers, expressed to me sincere disbelief. They don't understand why this was allowed to happen, and, for the life of me, I can't understand why it is allowed either.

The bottom line is that should never happen to anyone. Sanctuary cities are a violation of the rule of law, they are absolutely unacceptable, they...
cannot be tolerated. We must enforce this rule of law.

It is, in fact, the right of every American to be protected by this government. It is not the right of anybody to spend one day, one moment, in our country illegally or without invitation.

Today, Congress is addressing this epidemic. Our bills, they crack down on dangerous sanctuary policies that put these kind of innocent lives at risk.

So let us ensure that unlawful immigration and crime are, in fact, detailed and are, in fact, deported.

Mr. Speaker, let’s pass these bills. More importantly, let us be convicted that what happened to Paul and what happened to Lahiri is never allowed to happen again.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Ms. JACQUELINE LEE), the ranking member of the Crime, Terrorism, Homeland Security and Investigations Subcommittee of the House Judiciary Committee.

Ms. JACQUELINE LEE. Mr. Speaker. I venture to say that none one of us who comes to this floor doubts that any local law enforcement, our neighbors, do any second-guessing to arrest drunk drivers, murderers, and others, and that they are held to the high calling of justice. I do not want to be associated with being mild-mannered and weak on those who would do serious harm, kill, and maim, no matter who they are. That is not this debate.

This debate is whether or not this bill interferes with the legitimate enforcement of the law and whether or not it takes away the mercy that we are known for in the United States. Let me tell you why.

Mr. Speaker. I include in the RECORD a letter from the Fraternal Order of Police—which, by no means, is shy about enforcing the law—writing to oppose this legislation, saying that local police departments answer to local civil- vian government, and it is the local government which enacts statutes and ordinances.

NATIONAL FRATERNAL ORDER OF POLICE, Washington, DC, 27 June 2017.

Hon. PAUL D. RYAN, Speaker of the House, House of Representatives, Washington, DC.

Hon. KERVIN O. MCCARTHY, Majority Leader, House of Representatives, Washington, DC.

Hon. NANCY P. PELOSI, Minority Leader, House of Representatives, Washington, DC.

Hon. STENY H. HOYER, Minority Whip, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND REPRESENTATIVES MCCARTHY, PELOSI AND HOYER: I am writing on behalf of the members of the Fraternal Order of Police to reiterate the FOP’s opposition to measures in legislation that would penalize law enforcement agencies by withholding Federal funding or resources from law enforcement assistance programs, as well as programs administered by the U.S. Department of Homeland Security.

The FOP has been very clear on this issue: we support sensible law enforcement agencies should cooperate with their Federal counterparts. That being said, withholding needed assistance to law enforce- ment initiatives which do not harm our policy—making role—also hurts public safety efforts.

Local police departments answer to local civilian government. The local government which enacts statutes and ordinances in their communities. Law enforce- ment officers have no more say in these matters than any other citizen and—within laws like the Hatch Act in place—it can be argued they have less. Law enforcement officers do not get to pick and choose which laws to en- force, and must carry out lawful orders at the direction of their commanders and the civilian government that employs them. It is unjust to penalize law enforcement and the citizens they serve because Congress dis- agrees with their enforcement priorities with respect to our nation’s immigration laws.

The FOP issued a statement in January of this year expressing its concerns about the Ad- ministration on sanctuary cities as outlined in President Trump’s Executive Order. The President recognized that it is unfair to penalize the local law enforcement serving these jurisdictions for the political decisions of local officials. It allows the U.S. Attorney General and Secretary of the U.S. Depart- ment of Homeland Security to make an in- formed decision about the public safety im- pact without an automatic suspension from Federal grant programs. In Section 2 of H.R. 3004 the FOP concludes it therefore undermines the Administration’s existing poli- cy.

The FOP opposed several bills in the previous Congress, which were outlined in a letter to the Senate leadership, and we will con- tinue to work against proposals that would reduce or withhold funding or resources from any Federal program for local and State law enforcement. If Congress wishes to effect policy changes in these sanctuary cities, it must find another way.

On behalf of the more than 300,000 members of the Fraternal Order of Police, I want to urge the House to reject H.R. 3003’s punitive approach to law enforcement and to find a better way to improve public safety in our communities.

Sincerely,

CHUCK CANTERBURY, National President.


CATHOLIC CHARITIES USA, 1100 Connecticut Avenue, N.W., Washington, DC.

DEAR REPRESENTATIVE: We write on behalf of the Committee on Migration of the U.S. Conference of Catholic Bishops (USCCB/ CCOM), and Catholic Charities USA (CCUSA) to express our opposition to H.R. 3003 and H.R. 3004.

The Catholic Church holds a strong interest in the welfare of migrants and how our nation welcomes and treats them. Our par- ishes include those with and without immi- gration status, including those who have witnessed or been victims of crime in the United States, including domestic violence, armed robbery, and assault. We understand the importance of fostering cooperation and information-sharing between immigrant communities and local law enforcement.

We oppose H.R. 3003 because it would im- pose obligations on local governments that we fear—and that many of them have warned—would undermine authority and dis- cipline of local law enforcement. This, in turn, would hamper the ability of local law enforcement officials to apprehend criminals and ensure public safety in all communities.

Furthermore, the legislation would deny to jurisdictions vital federal funding re- lated to law enforcement, terrorism, na- tional security, immigration, and natu- ralization of immigrants. The legislation is not humane or just, nor is it in our national interest.

Also, we oppose H.R. 3004 as it would lead to an expansion of incarceration and does not include adequate protections for people who re-enter the U.S. for humanitarian rea- sons or seek protection at the border. While H.R. 3004 makes notable efforts to protect our communities from violent offenders, the legislation goes far beyond this goal by expanding the government’s ability to prosecute illegal re-entry cases and heightening the criminal penalties in these cases. In an era of fiscal austerity, it is vital that important judicial resources are effi- ciently utilized to prosecute and convict the most violent offenders.

Expanding who is eligible to be prosecuted for entry or re-entry as well as enhancing sen- tencing requirements does not advance the common good nor will it ensure that commu- nities are safer. Furthermore, we are con- cerned that, as introduced, H.R. 3004 would also prevent vulnerable asylum seekers and unaccompanied children, who have pre- sented themselves repeatedly at the U.S. border in the flight from violence, from being able to access protection, and instead face fines, imprisonment, and family unity and places a greater emphasis on balancing the needs and rights of immi- grants with our nation’s best interests and security.

The United States has a long and proud history of leadership in welcoming new- comers regardless of their circumstances and promoting the common good. We stand ready to work with you on legislation that more closely adheres to this tradition and appre- ciate your serious consideration of our views in this regard.

Sincerely,

M OST REV. JOE VA SQUEZ, Bishop of Austin, Chairman, USCCB Committee on Migration.

SR. DONNA MARKHAM, OP, PHD, President & CEO, Catholic Charities USA.

[From the Houston Chronicle, Apr. 30, 2017]

JOHN ESPEJO

POLICE CHIEF: SB 4 IS A ‘LOSE-LOSE’ FOR TEXAS

(By Art Acevedo and James McLaughlin)

No one believes in the “rule of law” more than THE Texas Police Chiefs, who represent the Texas Major Cities Chiefs, which besides Houston include Arlington, Dallas,
Fort Worth and San Antonio. We work tirelessly to make our communities safer, within the confines of the U.S. Constitution, by arresting those who commit criminal actions that threaten our communities. We specifically target those individuals committing violent crimes and arrest anyone who threatens the safety of our communities, regardless of status.

Police chiefs across the state work extremely hard to develop law enforcement agencies that build and maintain trust, communicate better relationships with minority communities through community-based policing and outreach programs. So we know well that no good can come of Senate Bill 4, the sanctuary cities bill, but poses the idea of our values. What are our values? This church opposes the idea of our values. This church opposes the idea of our values.

States?

good can come to a similar bill in the in Texas' major cities who indicate in the manner where justice is had.

migrants, are able to be treated in a migrants and crime, even as immi-

ernent and ensure that victims of do-

ments of mayors and county leaders to ensure compliance, this bill coerces states and localities by imposing penalties that will deny federal funding for critical law enforcement, national security, drug treatment, and crime victim initiatives.

This divisive and vindictive administrative law enforcement scheme, Congress and the administration should enact legislation and adopt policies that build and maintain trust, communities that do not comply with the States, are reserved to the States re-

Cooperation policies.

Sixty-three percent of those illegal aliens who had prior convictions or had been marked a public safety concern. After being released, they went on to be rearrested nearly 4,300 times, committing nearly 7,500 new offenses. The facts are clear: States and local governments that do not comply with our immigration laws are putting American citizens at risk.

U.S. Sentencing Commission found that, in 2014, 75 percent of all criminal defendants who were convicted and sentenced for Federal drug offenses were illegal immigrants. As of 2014, illegal immigrants made up roughly 3.5 percent of our population but committed over 10 percent of all murders.

Refusing to turn over criminal illegal immigrants poses a threat to our society, our safety, and our economy. American citizens pay nearly $19 million a day to house the 450,000 criminal immigrants in jails and prisons who are all eligible for deporta-

When cities ignore Federal immigration laws, the results are often tragic. The sheriff of Travis County, Texas, decided she would only turn over illegal aliens who have committed a narrow list of crimes. Her policy allowed one illegal alien to be released on bail despite having sexually abused his girlfriend's 9-year-old daughter.

A Cook County sheriff released an illegal immigrant after he served a brief domestic assault sentence, despite an ICE detainer. Soon after, he went on to kill a 15-year-old girl.

America wept as 32-year-old Kate Steinle was killed by a stray bullet. The illegal immigrant who shot that gun had seven previous felony convictions.

There are thousands more stories of innocent lives lost, of families destroyed, and of crimes that could have been prevented, and of crimes that could have been investigated and of crimes that could have been prosecuted, and of crimes that could have been solved, and of crimes that could have been prevented.
been prevented. Every day in America, another family grieves because of the policies of sanctuary cities.

Mr. Speaker, I rise for the protection of our citizens, the safety of our communities, the defense of our country, and to ultimately see the end of sanctuary cities.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY), our Democratic Caucus chair.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman for yielding.

Much of the same rhetoric we are hearing right now from the other side of the aisle is similar to the same rhetoric we heard back in the 1840s, 1850s, and 1860s against the Irish when they came to America. We heard it said about Italian Americans in the 1880s and 1890s.

We continue to hear the same type of rhetoric about African Americans in our country in terms of the percentage of criminals that take place. What we have seen happen is the further incarcerations and enslavement of African Americans in our Nation today because of similar rhetoric.

I want to make it very clear: “Immigrants” are not synonymous. You make it out to be that way by the passage of this legislation.

Talking about law enforcement, in New York City, James O’Neill, the police commissioner, has said this law will make New York City less safe than it is today.

I remind my colleagues on the other side of the aisle that 9/11 happened in my hometown, in my city. Since then, we have been able to collect information—much of it from the undocumented community in our city—to prevent similar events from happening again. That is why this bill is so egregious.

The first responsibility of the Federal Government is to protect its citizens from foreign invasion, foreign attack, terrorist attacks. This bill will withhold terrorism money from New York City. It will prevent the city of New York from continuing to collect the information they and other cities around this country need to protect their citizens, to develop the trust that the community has to have in its police department and the police departments in the communities.

That is how law enforcement works, that is how they catch the criminals, and that is how they help the Federal Government deport criminals who have committed criminal offenses in a city like New York.

Mr. GOODLATTE. Mr. Speaker, may I inquire at this time how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Virginia has 12 minutes remaining. The gentleman from Michigan has 11 minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mrs. BLACK), the chairman of the Budget Committee.

Mrs. BLACK. Mr. Speaker, across the country, more than 300 municipalities have adopted policies to limit local law enforcement cooperation with Federal authorities, making it harder to keep our families and communities safe.

Back in my home State of Tennessee, the Nashville City Council has recently been advancing legislation to become one of these sanctuary cities. Giving a sanctuary city status defies logic and demands attention.

Yesterday, I offered an amendment to expand the bill before us today so that sanctuary cities would no longer have access to Community Development Block Grants and certain other economic development grants, as well, that send more than about 300 billion taxpayer dollars a year to local communities.

On its website, the Community Development Block Grant program says its purpose is to provide services to vulnerable communities and address issues that “pose an immediate threat to the health or welfare of the community.”

What population is more vulnerable than a 6-year-old girl in Lebanon, Tennessee, who was sexually molested while she was sleeping? Just last month, charges were brought against a criminal illegal immigrant for repeatedly breaking into her room at night and raping her while she was assaulted.

There is nothing this individual had been in police custody before.

For Kate Steinle, who has been talked about many times on the floor, her killer had a criminal record of not one, two, or three, but seven felonies. He had been deported not once, twice, or three times, but five times. Is that who liberal legislators around the country want to give “sanctuary”?

We need more communication and cooperation among local, State, and Federal law enforcement officers who are trying to keep our communities safe, not less. It is time to stop giving taxpayer dollars to these cities. I am voting for this bill today to do just that.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Speaker, I thank my friend, the distinguished ranking member of the opposite party.

I don’t know what our friend from Tennessee was talking about. I am not here as a liberal legislator. I am here as a local government person. I spent 14 years in local government.

We are not sanctuary cities. We are trying to cooperate by seeking cooperation from the immigrant community. This bill will make it harder. Most of our local police chiefs would tell you that—if you would listen to them.

Oddly enough, the Members supporting this bill are the same Members who sanctimoniously decry Federal mandates and overreach—except when they want one. Here we are, dictating how local governments should implement Federal immigration laws.

At the local level, we know effective, community-based policing relies on trust between the police and communities. This bill would erode that collaboration and that trust.

How can we expect our Nation’s immigrants to turn to the police if they witness or fall victim to a crime if they are afraid of being deported or separated from their families?

The bill will punish local police departments and those relationships. It should be defeated. This local government guy will oppose this bad policy bill.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. YOUNG).

Mr. YOUNG of Iowa. Mr. Speaker, yesterday, I was at the White House with President Trump and the parents and relatives of those daughters and sons who were killed by those who are here illegally. The stories were very hard. They should weigh on all of us.

One story that was shared was given by Michelle Root about her beautiful daughter who was struck down and killed in a senseless way by someone who was here illegally. Michelle is in the gallery here today, and she is a great advocate.

In late January 2016, Sarah’s parents, Michelle and Scott Root, started their day with joy. On that day, their beautiful daughter, Sarah, had the whole world ahead of her. But for Michelle and Scott, the day ended with loss and tragedy. It was the unimaginable loss of their daughter.

Sarah was killed by a drunk driver who was here illegally. It is so senseless. Sarah had her whole life in front of her.

Through incompetence and uncertainty about the law or the policy, or both—but for sure, a lack of common sense—Sarah’s killer was released. Today, Sarah’s killer is free.

Today, Sarah’s parents, Michelle and Scott, and Sarah’s brother, Scotty, fight for Sarah’s justice. They fight for her honor. They fight to make sure no other parent or loved one has to go through the tragic ordeal they had to go through.

My vote today is about policy, but it is in honor of Sarah Root. It is hard to find a love stronger than a parent has for their child. Sarah will always be loved and certainly not forgotten by her family and friends and those who never even met her. She has touched their hearts. They continue to advocate, and so must we.

Mr. Speaker, I want to thank the chairman, my colleague, in Iowa and those who support this legislation and fought for it to be incorporated into this bill.

God is taking care of Sarah now. Her memory lives on. I urge the passage of this legislation.

The SPEAKER pro tempore. It is not in order to refer to persons in the gallery.
Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a former justice to the Texas Supreme Court.

Mr. DOGGETT. Mr. Speaker, the only sanctuary involved here today is the state of Texas. This sorry bill provides for prejudice. This is the Trump counterpart to the outrageous SB4 that Governor Greg Abbott has been promoting in Texas. It all goes back to the rhetoric of last year about the “bad hombres” as well as the attacks on Mexico and Mexicans.

I will tell you, I want the bad hombres off the street no matter where they come from, but I look to my local police chiefs, to my local sheriffs, to my local law enforcement officers to tell me what the best way is to protect our families from crime. They say maintaining the confidence of the immigrant community is vital, and that measures like SB4, which simply have police-interstate warrants and Washington interfering with and attempting to intimidate local law enforcement officers, do exactly the opposite of what all these speeches claim that they do.

And therant, hype, what a way to leave for July Fourth from a Congress that has accomplished practically nothing but to attack immigrants as we depart instead of standing by and supporting local law enforcement and making our communities safe.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond and point out that many, many of the victims of these crimes are Hispanic, African American, and others, and they were seated around the Cabinet table at the White House yesterday pleading for this legislation because they had lost their loved ones. They would much much much support for Kate’s Law and H.R. 3003, for example.

These policies work. A January study in 2017 from the Washington Times article, nearly 500 jurisdictions have sanctuary policies that block—that block—that limit ICE from apprehending criminal aliens.

A January 2017 article from the Washington Examiner reported that, from January 2014 to September 2015, sanctuary jurisdictions rejected 17,000 ICE detainers. Those are 17,000 criminals that are out on the street that we know about that we let go.

Adding insult to injury, these sanctuary jurisdictions seek Federal funds to help them defy Federal law enforcement efforts to remove the dangerous criminal aliens from the streets.

Mr. Speaker, it is time to put America first, and we support the restoration of law and order by supporting these proposals.

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 21/2 minutes remaining, and the gentleman from Virginia has 3 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DUNN. Mr. Speaker, I rise today in support of H.R. 3003, the No Sanctuary for Criminals Act.

Congress has a responsibility to protect the rule of law in our country and to provide for the safety of our citizens. The American people overwhelmingly oppose sanctuary cities and believe that we should be doing more to enforce our Federal immigration laws.

The No Sanctuary for Criminals Act clarifies the authority of the Department of Homeland Security to order the detention of illegal immigrants arrested for crimes until they can be processed for deportation.

It also prevents Federal grants to cities and States that violate Federal immigration law. It is simple: If you don’t comply with the Federal immigration law, you are not eligible for certain Federal grants.

It is time for us to enforce our immigration laws.

National attention was brought to the consequences of the sanctuary city policies by the death of Kate Steinle, who was killed by an illegal immigrant who had previously been convicted of seven felonies and deported five times. If the city of San Francisco had worked with the Federal Government to enforce the Federal immigration law instead of releasing the criminal, Kate Steinle would be alive today.

Our current system of laws failed Kate and all those who have died at the hands of convicted felons in this country illegally. The people who I_am honored to represent and why some American cities get to flout the law and not cooperate with Federal officials. This legislation makes it clear that they don’t, that sanctuary cities are illegal. By holding these jurisdictions accountable and stopping sanctuary cities, we will make Americans of every background safer on our streets.

Mr. Speaker, I urge all of my colleagues to support this important legislation.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SCHAKOWSKY), a dedicated civil rights leader.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to H.R. 3003.

In jurisdictions within my district, Cook County, cities like Chicago, Evanston, and Skokie, which are immigrant rich, we have adopted sanctuary policies to reassure immigrants that they can, with safety, talk to law enforcement within our jurisdictions.

Skokie Mayor George Van Dusen said: “It has taken the Village of Skokie years—decades really—to form the bridges that we have of trust with our immigrant community.”

These policies work. A January study found that sanctuary cities tend to be safer and have stronger economies than not.

This bill would push communities to abandon sanctuary city policies, breaking down that hard-earned trust between immigrants and law enforcement. Turning law enforcement into immigration enforcement makes cities less safe.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. Mr. Speaker, I yield an additional 30 seconds to the gentleman from California (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, it makes immigrants less likely to report crimes. This bill protects criminals in our communities and not victims.

I urge my colleagues to vote for safer communities and vote against this bill.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PERRY).

Mr. PERRY. Mr. Speaker, I thank Chairman GOODLATTE for making sure this bill gets to the floor.

Ms. SCHAKOWSKY. Mr. Speaker, I believe that we should support for Kate’s Law and H.R. 3003, the No Sanctuary for Criminals—Act. I support these bills for the sake of Kate Steinle and every single one of those who share her tragic fate.

She was murdered in broad daylight by a violent, criminal illegal alien. This was an easily preventable and heartbreaking crime, and we simply cannot fail the American people by refusing to act on these bills.

The government’s first responsibility is the security and protection of our homeland, a duty that should not be abdicated or yielded based on convenience.

In 2011—2011—a GAO study found that aliens committed more than 25,000 homicides, more than 69,000 sexual offenses, 4,000 kidnappings, 42,000 robberies, and 213,000 assaults, among other offenses. Every single one of these is too many.

Very few things in this world we can get at 100 percent, but these are 100 percent preventable if these people would not have been here. These are preventable crimes. They are preventable, and we must stop the willful neglect of complacency by government officials who refuse to enforce existing—this is not new. This is existing law we are asking them to enforce, we are requiring them to enforce.

According to a March 2017 Washington Times article, nearly 500 jurisdictions have sanctuary policies that block—that block—that limit ICE from apprehending criminal aliens.

A January 2017 article from the Washington Examiner reported that, from January 2014 to September 2015, sanctuary jurisdictions rejected 17,000 ICE detainers. Those are 17,000 criminals that are out on the street that we know about that we let go.

Adding insult to injury, these sanctuary jurisdictions seek Federal funds to help them defy Federal law enforcement efforts to remove the dangerous criminal aliens from the streets.

Mr. Speaker, it is time to put America first, and we support the restoration of law and order by supporting these proposals.

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Virginia has 3 minutes remaining, and the gentleman from Michigan has 7 1/2 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN) for a unanimous consent request.

Ms. LOFGREN asked and was given permission to revise and extend her remarks.

Ms. LOFGREN. Mr. Speaker, I include in the RECORD letters from the National Fraternal Order of Police; Law Enforcement Immigration Task Force; National League of Cities; U.S. Conference of Mayors; and the National Association of Counties in opposition to this bill.
Dear Male of Congress:

Our immigration problem is a national problem—broad-based immigration reform.

Sincerely,

Chuck Canterbury
National President.
3. Compel local governments to honor Immigration and Customs Enforcement (ICE) detainee requests, even though the federal courts have determined that the ICE use of detention and the Fourth Amendment, and that localities may be held liable for honoring them.

4. Expand ICE’s detention authority by requiring localities to hold undocumented immigrants on warrants, which would not be what is currently allowed even if probable cause has not been shown. The bill also does not provide any additional funding to local governments to cover the costs associated with detaining the undocumented immigrants. Requiring cities to shoulder the financial burden being forced upon them with no input impacts their ability to pay for essential infrastructure and services such as roads, schools and libraries.

5. Create a “private right of action” that would allow crime victims or their family members to sue local governments if the crime was committed by someone who was released by the locality that did not honor an ICE detainer request. This provision could allow frivolous lawsuits against local governments by anyone who alleges that they were a victim of a crime committed by an immigrant.

6. Compel local governments to utilize their federal law enforcement resources to implement federal civil immigration enforcement in violation of the Tenth Amendment’s “commandeering” principle. The Tenth Amendment does not permit the federal government to force counties and cities to allocate local resources, including police officers, technology, and personnel, to enforce federal immigration law. The federal government also cannot withhold funds from localities refusing to participate in federal efforts if the programs affected are unrelated to the purpose of the federal program, or if the sanctions are punitive in nature.

Since the inception of the United States of America, lawful immigrants and refugees have played a vital role in the civic, economic and social life of cities. We recognize that local governments address issues associated with federal immigration laws in a variety of ways to meet the needs of all their residents. Some cities provide greater leniency towards undocumented immigrants who do not violate state and local laws by not demanding voluntary resources to enforce federal immigration laws. Unfortunately, these cities are wrongfully characterized as safe havens for undocumented immigrants, while other cities that comply with federal immigration authorities are beyond what is determined by local policy.

H.R. 3003 would do all of these things and more:

- It would jeopardize public safety by withholding critical public safety funding from jurisdictions that tell their police officers not to ask an individual their immigration status. Many departments have such policies to encourage crime victims and witnesses to report crimes and to build trust with immigrant communities.
- It would put jurisdictions at risk of violating a person’s Fourth Amendment rights; expend limited resources to act as immigration agents; or otherwise assist federal immigration authorities beyond what is determined by local policy.
- It would jeopardize public safety by withholding critical public safety funding from jurisdictions that tell their police officers not to ask an individual their immigration status. Many departments have such policies to encourage crime victims and witnesses to report crimes and to build trust with immigrant communities.
- It would put jurisdictions at risk of violating an individual’s Fourth Amendment rights by setting demands on localities that are not required under federal law. Numerous federal courts have found that continued detention under an ICE detainer, absent probable cause, would state a claim for a violation of the Fourth Amendment and subject the detaining officer to civil liability.
- It would put jurisdictions at risk of violating an individual’s Fourth Amendment rights by setting demands on localities that are not required under federal law. Numerous federal courts have found that continued detention under an ICE detainer, absent probable cause, would state a claim for a violation of the Fourth Amendment and subject the detaining officer to civil liability.
- It would jeopardize public safety by withholding critical public safety funding from jurisdictions that tell their police officers not to ask an individual their immigration status. Many departments have such policies to encourage crime victims and witnesses to report crimes and to build trust with immigrant communities.
- It would put jurisdictions at risk of violating an individual’s Fourth Amendment rights by setting demands on localities that are not required under federal law. Numerous federal courts have found that continued detention under an ICE detainer, absent probable cause, would state a claim for a violation of the Fourth Amendment and subject the detaining officer to civil liability.

While it says it would provide immunity to jurisdictions which comply with detainers and hold them harmless in any suits filed against them, it would still be subject to the Fourth Amendment challenges.

Further compelling and expanding compliance with certain enforcement provisions, such as the federal government cutting off federal funding to jurisdictions which do not comply with these provisions likely conflict with the Tenth Amendment.

H.R. 3003 is a bad bill for our cities and their residents and for our nation. It would jeopardize public safety, preempt local authority, and expose local governments to litigation and potential findings of damages. America’s mayors call on you to do the right thing and vote against H.R. 3003 when it is considered on the floor.

The U.S. Conference of Mayors urges you instead to focus on positive legislation that will fix our broken immigration system and make our cities safer.

Sincerely,

MATT ZONE,
President, League of Cities, Mayors of Chicago

MAYOR’S COUNCILMAN
must be strengthened, not weakened. While we appreciate Congress’ support for law enforcement, we strongly feel a law enforcement grant penalty solution would not only negate the need for law enforcement efforts across the country, but also not achieve its intended purpose.

Very Respectfully,

MICHAEL J. BOUCHARD,
Sheriff, Oakland County (MI), Vice President—Govern-ment Affairs, Major County Sheriffs of America (MCSA).

MATTHEW D. CHASE,
Executive Director, National Association of Counties (NACo).

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I am opposed to H.R. 3003 because, if this bill passed, it would punish our communities more than it would punish the criminals. As written, this bill would deny critical funding for our police departments.

As a former 20-year prosecutor in local counties, I know firsthand how much our local police rely on Federal funding not just to do their job, but to be safe when they keep our communities safe. Any decrease in any sort of funding would decrease the safety of our officers as they strive to protect and serve our communities. This law will not only affect our police officers’ safety, but it will negatively affect the sense of security in our communities.

Yes, the underlying intent of the law is to make it easier for ICE to target undocumented people who are criminals—I get it—but it is not that simple. In the past few months, my district has seen two large-scale raids by ICE. Yes, they swept up criminals, but they also snagged collaterals, law-abiding people who were here in the wrong place at the right time. Those operations cast a complete pall over the community that affected our ability to enforce our laws.

As a gang prosecutor, over and over I experienced people who were afraid to come forward out of fear of retaliation. Now they are afraid of the police, afraid of the courts, and afraid of our government. That is why I am opposed to H.R. 3003.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN), a senior member of the House Judiciary Committee.

Ms. LOFGREN. Mr. Speaker, I think it is important to reflect back on why localities adopt these community trust policies.

The chairman of the committee mentioned somebody in San Francisco who is suing the city. In a way, that shows the efficacy of the trust policies.

This man, Mr. Figueroa-Zaragoza, was a victim of crime. His truck was stolen. He went into the police department to report that his truck was stolen. There was a removal order that was 10 or 20 years old. He has an American citizen child. He is a working person. When he went outside, he was picked up by ICE. I think what that tells other people who are victims of crime who might have an outstanding removal order is: Don’t report the crime. It is one thing if you have lost your truck. It has been stolen.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlewoman an additional 1 minute.

Ms. LOFGREN. Not that I am for stealing trucks, but here is a bigger problem.

The cities of Houston and Los Angeles report a dramatic drop-off in reports of sexual violence. Why? Because immigrants are afraid to report; and not just because they might be undocumented, but they might have a sister or a next-door neighbor or a spouse who is undocumented, even if they are a citizen. So what has happened is these threats come an unwillingness of immigrants to report crime, to be witnesses to crime, to keep our communities safe.

These stories that we have heard of the victims of crime are heartbreaking, but we are not without remedies under current law.

The most important law in our country is the Constitution. The Constitution includes the Fourth Amendment.

Mr. CONYERS. Mr. Speaker, I yield an additional 1 minute to the gentlewoman.

Ms. LOFGREN. The Constitution is the most important law we have. We read it aloud on the first day of our Congress. It includes the Fourth Amendment, which requires probable cause and a judicial warrant. Don’t blame the local police. Look to the Department of Homeland Security for why they have dropped the ball and been unwilling to take the steps that are well within their authority today to make sure if there is someone that they need, they get a warrant and they obtain that person for whatever is the next step in their process.

To somehow suggest that this misguided bill is the answer is a big mistake.

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska (Mr. BACON).

Mr. BACON. Mr. Speaker, I stand in support of this bill today. I stand in support of the rule of law. I stand in support of our institutions.

I also stand in memory of Sarah Root, a young woman who was murdered by a drunk driver on January 16. She was killed in my district—or Nebraska 02—a short time after graduating from Bellevue University with a 4.0 grade point average, with a bright future ahead of her. She was loved by her parents and her extended family. If you see her picture, her beautiful smile would warm any room.

The perpetrator was here illegally from Honduras. He posted bail and never was seen again. ICE failed to hold him, and justice was denied. We can’t let this happen again.

The bill today will fix this. We can’t let a travesty of justice like this ever happen again. Our systems have to hold people accountable. When ICE lets people go like this and they leave, a travesty of justice occurs.

Today we stand with Michelle Root, the mother of Sarah Root, who is here, and we stand with Scott Root. We remember Sarah Root, and we say: Never again.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, H.R. 3003 is not making our communities safer. If it was, the bill’s sponsors would have heeded the strong opposition of organizations like the National Fraternal Order of Police, who stated that, “withholding needed assistance to law enforcement agen-cies—which have no policymaking role—hurts public safety efforts;” and the U.S. Conference of Mayors, who cautioned, “H.R. 3003 is a bad bill for our cities and their residents and for our Nation. It would jeopardize public safety, preempt local authority, and expose local governments to litigation and potential findings of damage.”

Instead, this legislation is a down payment on the President’s and the Republican majority’s mass deportation plan.

This bill, and the one that we will debate later today, is a portion of the mass deportation bill known as the “Davis-Oliver Act,” which has been cited as a priority for the Trump administration, and is supported by anti-immigrant groups, such as NumbersUSA and the Center for Immigration Studies.

I respectfully urge my colleagues to oppose this dangerous legislation, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 2½ minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

First, let me be clear: The only law enforcement agencies that risk losing any Federal grants because of this legislation are those agencies that, without any outside compulsion, deliberately choose to violate Federal law by outright prohibiting their law enforce-officials from voluntarily communicating with ICE and cooperating with it in the enforcement of Federal law.
Second, let me also be clear that this bill does not require State and local law enforcement agencies to comply with ICE detainers, and it does not seek to cut off any Federal grants to jurisdictions that choose not to comply.

Finally, it is a long-settled principle of constitutional law. And let me remind you that all of these law enforcement officers vowed to defend the Constitution, and the Constitution grants supremacy to Federal immigration law.

When there is a conflict with Federal immigration law, State laws that are in conflict are invalid, preempted by Federal law under the 10th Amendment. Under the 10th Amendment, State and local law enforcement agencies have no obligation to comply with unconstitutional provisions of State or local law that asks them to violate title 8, United States Code, section 1373.

Then, again, getting back to the amazing news that we have, the city of San Francisco has just agreed to pay $190,000 to an illegal alien because the San Francisco sheriff complied with an ICE detainer and turned the alien over to ICE, apparently in violation of San Francisco policy. That individual, under Federal law, because he was the victim of a crime, will be eligible to apply for a U visa.

Respect for the rule of law is the way to keep communities safe. Respect for the rule of law is the way to make sure that people like Kate Steinle are not murdered in the city of San Francisco, as we have heard of other murders all during the debate today, by people who are unlawfully present in the United States. Therefore, they are all preventable crimes.

Law enforcement in this country needs to cooperate. Most law enforcement officers want that to be done. Let’s support them, let’s support this legislation, and make sure that the rule of law is upheld.

Mr. Speaker, I yield back the balance of my time.

Ms. LOFGREN. Mr. Speaker, I include in the RECORD the following additional letters in opposition to H.R. 3003. These are additional letters of opposition that I mentioned earlier on H.R. 3003.


Dear Representative: We write on behalf of the National Taskforce to End Sexual and Domestic Violence, the National Taskforce to End Sexual and Domestic Violence, and the Conference of Catholic Bishops (USCCB/COM), and Catholic Charities USA (CCUSA) to express our opposition to H.R. 3003 and H.R. 3004.

The Catholic Church holds a strong interest in the welfare of migrants and how our nation welcomes and treats them. Our parishes include those with and without immigration status, unfortunately some who have witnessed or been victims of crime in the United States, including domestic violence, armed robbery, and assault. We understand the importance of fostering cooperation and information-sharing between immigrant communities and local law enforcement.

We understand, Mr. Speaker, because it would impose obligations on local governments that we fear—and that many of them have warned—would undermine authority and discretion of local law enforcement. This, in turn, would hamper the ability of local law enforcement officials to apprehend criminals and ensure public safety and community security.

Futhermore, Section 2 of H.R. 3003 would deny to jurisdictions vital federal funding related to law enforcement, terrorism, national security, immigration, and naturalization if those jurisdictions are deemed to be non-compliant with H.R. 3003. The Catholic Charities network, including Catholic Charities, works in partnership with the federal government on a number of Department of Justice and Department of Homeland Security initiatives, including re-entry, response and recovery, naturalization and citizenship services, and services for the immigrant, including victims of human trafficking. Some of these services are incredibly valuable to the protection and promotion of the human person and in some instances life-saving. Cutting grants related to these important national objectives, or threat of such cuts, is not humane or just, nor is it in our national interest.

Also, we oppose H.R. 3004 as it would lead to an expansion of incarceration and does not include adequate protections for people who re-enter the U.S. for humanitarian reasons or seek protection at the border. While H.R. 3004 makes not enough to protect us from those convicted of violent criminal offenses, the legislation goes far beyond this goal by expanding the government’s ability to prosecute immigration cases and heightening the criminal penalties in these cases. In an era of fiscal austerity, it is vital that important judicial resources are efficiently utilized to prosecute and convict the most violent offenders of violent crimes. Expanding who is eligible to be prosecuted for entry or re-entry as well as enforcing sentencing requirements does not advance the common good nor will it ensure that communities are safe. Furthermore, we are concerned that, as introduced, H.R. 3004 would also prevent vulnerable asylum seekers and unaccompanied children, (who have presented themselves repeatedly at the U.S. border in the flight from violence), from being able to access protection, and instead face fines, imprisonment or both.

We respectfully urge you to reject these bills in favor of a more inclusive and innovative humane approach to immigration reform; an approach that upholds human dignity and family unity and places a greater emphasis on balance of interests of immigrants with our nation’s best interests and security.

The United States has a long and proud history of leadership in welcoming newcomers regardless of their circumstances and promoting the common good. We stand ready to work with you on legislation that more closely adheres to this tradition and appreciate your serious consideration of our views in this regard.

Sincerely,

Most Rev. Joe Vásquez
Bishop of Austin,
Chairman, USCCB Committee on Migration
Sr. Donna Markham, OP,
PND
President & CEO,
Catholic Charities USA

National Task Force to End
Sexual and Domestic Violence.
June 27, 2017.

The National Taskforce to End Sexual and Domestic Violence, a coalition of national leadership organizations advocating on behalf of sexual assault and domestic violence victims and representing hundreds of organizations across the country dedicated to ensuring all survivors of violence receive the protections they deserve, write to express our deep concern and impact that H.R. 3003, the “No Sanctuary for Criminals Act,” and H.R. 3004, or “Kate’s Law,” will have on victims fleeing or recovering from sexual assault or domestic violence. H.R. 3003 and H.R. 3004 will have the effect of punishing immigrant survivors and their children and pushing them into the shadows tainting the very purpose of VAWA.

Specifically, the nation’s leading national organizations that address domestic and sexual assault oppose H.R. 3003 and H.R. 3004 because:

- Community trust policies are critical tools for increasing community safety. Laws that seek to intertwine the federal immigration and local law enforcement systems will undermine the Congressional purpose of protections enacted under VAWA and will have the chilling effect of punishing victims and pushing them and their children into the shadows and undermining public safety. Immigration enforcement must be implemented in a way that supports local community policing efforts and community trust in working with local law enforcement. H.R. 3003 runs contrary to community policing efforts and will deter immigrant domestic violence and sexual assault survivors not only from reporting crimes, but also from seeking help for themselves and their children. While H.R. 3003 does not require the local law enforcement to report immigrant victims or witnesses of criminal activity, the language in the bill provides no restriction prohibiting such practices.

- Perpetrators use fear of deportation as a tool of abuse. Local policies that minimize the intertwining of local law enforcement with U.S. Immigration and Customs Enforcement (ICE) help protect the most vulnerable victims by creating trust between law enforcement and the immigrant community, which in turn help protect entire communities. Additionally trafficking is a form of deportation of their victims as a tool to silence and trap them. If immigrants are afraid to call the police because of fear of deportation, they become more vulnerable to abuse. Not only are the individual victims and their children harmed, but their fear of law enforcement leads many to abstain from reporting violent perpetrators or seeking protection and, as a result, dangerous criminals are not identified and go unpunished.

As VAWA recognizes, immigrant victims of violent crimes often do not contact law enforcement due to fear that they will be deported. Immigrants are more likely to contact the police and HR 3003 proposes to further intertwine federal immigration and local law enforcement systems which will only exacerbate this fear. The result is that perpetrators will be able to continue to harm others, both immigrant and U.S. Citizen victims alike. Since January 2017, victim advocates have been documenting fear expressed by immigrant victims and their reluctance to reach out for help from police. A recent survey of over 700 advocates and attorneys at domestic and sexual assault programs indicate that immigrant victims are expressing heightened fears and concerns about immigration enforcement. The survey found 78 per cent of lawyers and attorneys reporting that victims are describing fear of contacting the police; 75 percent
of them reporting that victims are afraid of going to court; and 43 percent reporting working with immigrant victims who are choosing not to move forward with criminal charges in the U.S. due to fear of deportation.

In addition, according to Los Angeles Police Chief Charlie Beck, reporting of sexual assault and domestic violence among Latinos has dropped significantly this year, possibly due to concerns that police interaction could result in deportation. According to Chief Beck, reports of sexual assault among Latinos fell by 17 percent this year, compared to a three percent drop among non-Latinos. Similarly, reports of spousal abuse among Latinos fell by 10 percent, while the decline was two percent for non-Latinos.

The Houston Police Department reported in April that the number of Hispanics reporting rape is down 28 percent from last year. In Denver, CO, the Denver City Attorney has reported that some domestic violence victims are declining to testify in court. As of late February, the City Attorney’s Office had dropped four cases because the victims fear that ICE officers will arrest and deport them. Both the City Attorney and Aurora Police believe that the issue is one of trust and the inability of police to enforce laws against domestic violence in communities in which victims are afraid of immigration enforcement.

Police Chief have spoken on the importance of their work to help protect immigrant communities. Both the City Attorney and Aurora Police have spoken about the importance of their work to help protect immigrant communities. Both the City Attorney and Aurora Police have spoken about the importance of their work to help protect immigrant communities.

In addition, the fiscal impact of both H.R. 3003 and H.R. 3004 will result in limited federal law enforcement resources being further reduced. Shifting funds away from enforcing federal criminal laws addressing violent crimes, including those protecting victims of domestic violence, sexual assault, and hate crimes, and being used to deter the detention and prosecution of many non-violent immigration law violators.

By greatly expanding mandatory detention, H.R. 3003 and H.R. 3004 will cut support for other detention programs that are critical for public safety, and particularly for domestic and sexual violence victims and their children.

The NATIONAL TASKFORCE TO END SEXUAL AND DOMESTIC VIOLENCE (www.4vawa.org).

Re Vote NO on the No Sanctuary for Criminals Act, H.R. 3003, and Kate’s Law, H.R. 3004.

HOUSE OF REPRESENTATIVES.
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 475 underrepresented communities who are often criminalized and/or human trafficking in their countries of origin, we urge you to vote against H.R. 3003 and 3004, and to affirm the intent and spirit of VAWA by supporting legislation that provides a roadmap to citizenship and deportation programs that undermine fundamental human rights. Legislation that jeopardizes public safety, erodes critical human rights, and doubles down on the failed experiment of incarceration for immigration violations.

Over 600 state and local jurisdictions have policies or ordinances that disentangle their state and local law enforcement agencies from enforcing federal immigration law. The No Sanctuary for Criminals Act, H.R. 3003, seeks to attack so-called ‘sanctuary’ jurisdictions (many of whom do not consider themselves as such) by penalizing state and local jurisdictions that prohibit the enforcement of certain provisions of the Fourth Amendment of the U.S. Constitution by refusing to honor congressional immigration requests for detainees. H.R. 3003 penalizes jurisdictions by eliminating federal grants, including funding through the COPS on the Beat program, the Edward Byrne Memorial Justice Assistance Grant Program, and any other federal funds related to law enforcement or immigration. Importantly, using the threat of withholding federal grants to coerce state and local jurisdictions likely runs afoi the Tenth Amendment’s prohibition on commandeering, a position supported by over 300 law professors.

“Sanctuary” policies are critical to promote public safety for local communities. Pleading referral to U.S. Immigration and Customs Enforcement (ICE), which arrests millions of immigrants, will drastically reduce the ability to criminally prosecute and deport immigrants, and would further criminalize the immigrant community. The consequences of crime are significantly less likely to communicate with local law enforcement. Local law enforcement authorities have repeatedly echoed this sentiment that community policing policies are paramount to enhancing public safety. Indeed, “sanctuary” jurisdictions have less crime and economic development than similarly situated non-“sanctuary” jurisdictions. Withholding critically-needed federal funding would, paradoxically, severely cripple the ability of state and local jurisdictions to satisfy the public safety needs of their communities.

Kate’s Law, H.R. 3004, would further criminalize the immigrant community by drastically increasing penalties for immigrants convicted of unlawful reentry. Operation Streamline encapsulates our nation’s failed experiment with employing criminal penalties to deter migration. Under Operation Streamline, the federal government prosecutes immigrants for reentry at significant rates. By all practical measures, Operation Streamline has failed to curtail migration, which is critical for public safety in general, and particularly essential for domestic and sexual violence victims and their children.

THE NATIONAL TASKFORCE TO END SEXUAL AND DOMESTIC VIOLENCE (www.4vawa.org).


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New Sanctuary Movement of Philadelphia; New York Immigration Coalition; NH Conference United Church of Christ Immigration Working Group; North Carolina Council of Churches; Northwest Immigrant Rights Project (SWIRP); OCCORD; Occupy Bergen County (New Jersey); OneAmerica; OneJustice; Oregon Interfaith Movement for Immigrant Justice (OIM); Organized Communities Against Deportations; OutFront Minnesota; Pangea Legal Services; PASO-West; PCA | Project PRAXIS; Pasco County, Florida; Pennsylvania Immigration and Citizenship Coalition; Pilgrim United Church of Christ; Filipino Workers Center; Polonians Organized to Minister to Our Community, Inc. (POMOC); Portland Central America Solidarity Committee; Progress; Latino Progress; Progressive Jewish Voice of Central PA; Progressive Leadership Alliance of Nevada; Project Hope-Proyecto Esperanza; Project IRENE; Puget Sound Advocates for Retirement Action; Combined Organizations Justice Action Center; Reformed Church of Highland Park; Refugees Helping Refugees; Refugio del Rio Grande; Resilience Orange County; Rocky Mountain Immigrant Advocates; Rural & Migrant Ministry; Safe Passage; San Francisco CASA (Court Appointed Special Advocates); Services, Immigrant Rights, and Education Network (SIREN).

Rochester & Monroe County; YWCA Southwestern Montana; YWCA Pasadena-Foothill Valley; YWCA Mount Desert Island; YWCA NE KANSAS; YWCA Elgin; YWCA Greater Austen; YWCA Greater Pittsburgh; YWCA Greater Portland; YWCA Madison; YWCA Minneapolis; YWCA Mount Desert Island; YWCA NE KANSAS; YWCA Portland; YWCA Phoenix; YWCA Philadelphia; YWCA Portland; YWCA Raleigh; YWCA Rockford; YWCA Rochester & Monroe County; YWCA Southwestern Montana; YWCA Southern Arizona; YWCA Tulsa; YWCA Warren; YWCA Westmoreland County.

The SPEAKER pro tempore. Mr. Speaker, I have a motion to recommit the bill H.R. 3003 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

"(7) Public Safety Exception.—For purposes of this section, a political subdivision of a State, shall not be found to be out of compliance with subsection (a) or (b) if the State or political subdivision of the State, certifies to the Attorney General that such compliance would endanger public safety."

The SPEAKER pro tempore. Mr. Speaker, I stand here today not just as a Member of Congress, but as a 27-year veteran of law enforcement and as a former police chief. As such, I am compelled to warn of the harm this bill, in its current form, will cause for our law enforcement agencies.

As a police chief, it was my responsibility to reduce crime and maintain livable neighborhoods; neighborhoods where families can live in peace, and enjoy local parks, community centers, restaurants, and shopping; neighborhoods where children can walk to school and play in their front yard and backyard without fear.

That is the kind of community that everyone in America deserves—one where the Economy is safe and secure.

H.R. 3003 impedes on law enforcement's ability to effectively do its job. It will create an environment that will erode the trust between law enforcement and the communities they serve.

The Local police are the first ones to respond. They are the thin blue line that stands between those who are in this country, who are trying to live in peace, and those that would do them harm.

We are a nation of immigrants, and eliminating Federal grants for those jurisdictions is not an option. We have to continue to support our local police.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, the gentleman is quite correct; everyone deserves to feel safe.

Kate Steinle deserved to feel safe when she was walking down the pier with her father in San Francisco, when she was killed.

Not enacting this legislation endangers public safety, not the opposite, as those on the other side have argued.

How would you trust local government officials, who have instructed their law enforcement officers to not cooperate with Federal law enforcement officers to take dangerous criminals off of our streets, when this motion to recommit would say: "Oh, they will have to certify that such compliance would endanger public safety and then the law wouldn't apply?"
It is circular reasoning.

The nonenforcement of immigration laws has led to the bolstering of sanctuary jurisdiction policies in communities throughout the United States. These policies hamper the enforcement of Federal law and do nothing to truly promote trust between law enforcement and U.S. citizens.

This bill provides a commonsense approach to fixing the damage caused by sanctuary policies without mandating any affirmative duty. In order to be in compliance with section 1373 of the Immigration and Nationality Act, as amended in this bill, States and localities have no affirmative duties to act. They have no obligations to cooperate or communicate, or even engage with U.S. Immigration and Customs Enforcement at any level.

It is not a novel concept. And compliance with section 1373 is already a condition of eligibility for these grant programs.

As for detainees, H.R. 3003 creates the probable cause standard that many have argued was lacking for so long. Once enacted, States and localities can look to Federal law to receive clarification on what probable cause standard is employed before a detainee request is placed.

To further aid jurisdictions, the threat of expensive and time-consuming frivolous litigation is abated by providing immunity for jurisdictions that exercise good faith in honoring a detainee’s request.

Finally, this bill ensures that dangerous criminal aliens convicted of drunk driving or not yet convicted of dangerous criminal aliens convicted of terrorism are prevented from exercising good faith in honoring a detainee’s request.

I urge my colleagues to vote down the motion to recommit. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

KATE’S LAW

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 415, I call up the bill (H.R. 3004) to amend section 276 of the Immigration and Nationality Act relating to reentry of removed aliens, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 415, the bill is considered read.

The text of the bill is as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as “Kate’s Law”.

SEC. 2. ILLEGAL REENTRY.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

“REENTRY OF REMOVED ALIEN

SEC. 276. (a) REENTRY AFTER REMOVAL.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, or is at any time found in the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien’s reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection was convicted before such removal or deportation—

(1) for 3 or more misdemeanors or for a felony, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

(2) for a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

(3) for a felony for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 25 years, or both; or

(4) for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 1158 (relating to terrorism) of title 18, or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 years, or both.

(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter entered attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

(1) alleged in the indictment or information; and

(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

(2) with respect to an alien previously denied admission and removed, the alien—

(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

(B) had complied with all other laws and regulations governing the alien’s admission into the United States.

(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, no person may challenge the validity of any prior removal order concerning the alien.

(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien’s reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

(h) DEFINITIONS.—For purposes of this section and section 275, the following definitions shall apply:

(1) CROSSES THE BORDER TO THE UNITED STATES.—The term ‘crosses the border’ refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

(2) FELONY.—The term ‘felony’ means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

(3) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

(4) REMOVAL.—The term ‘removal’ includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

(5) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

The Speaker pro tempore. The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

General Leave

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and include extraneous material on H.R. 3004.