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.

□ 1530

Instead, they simply may not affirmatively restrict a government entity, including law enforcement, from cooperating or communicating with ICE.

So I am shocked that so many on the other side of the aisle view compliance with this provision as a condition for eligibility for certain grant programs as outlandish. This is not a novel concept. And compliance with section 1373 is already a condition of eligibility for these grant programs.

As for detainers, H.R. 3003 creates the probable cause standard that so 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 detainer 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 detainer.

Finally, this bill ensures that dangerous criminal aliens convicted of drunk driving or not yet convicted of very serious crimes are prevented from freely walking the streets of our communities during their removal hearings. This bill is a strong first step in ensuring that our immigration laws are enforced.

I urge my colleagues to vote down this motion to recommit, to vote for the base bill, and to send a message that sanctuary policies will not be tolerated so that the rule of law will prevail.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. DEMINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. 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:

H.R. 3004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 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 who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently 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 fined under title 18, United States Code, imprisoned not more than 2 years, or both.

''(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 departure—

''(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 20 years, or both; or

''(4) for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, or for 3 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 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 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, an alien may not 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.

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, for too long, illegal reentry of criminal aliens has been viewed as a minor felony with only a fraction of those repeat offenders ever seeing the inside of a Federal courtroom. Section 276 of the Immigration and Nationality Act provides Federal prosecutors with the tools necessary to truly deter criminal aliens from reentering the United States.

Unfortunately, the section simply does not go far enough to act as a deterrent. Criminal aliens view the risk as worth the reward, as most charged under this section of law are given minuscule sentences that belie the severity of the crime.

Aliens who reenter the United States after being removed, demonstrate a flagrant disregard for our immigration laws and pose a tremendous threat to public safety and national security in every community nationwide.

This Congress has heard from countless victims and family members of victims whose lives were forever changed or completely destroyed by criminal aliens preying on our citizens.

This bill is named in memory and in honor of Kate Steinle. On July 1, 2015, Ms. Steinle was enjoying an evening at a popular attraction in San Francisco with her father. As three shots were fired, Ms. Steinle collapsed screaming. Her father, Jim, performed CPR until paramedics arrived, but she ultimately succumbed to the severe damage caused by the bullet and she died hours later.

Her murderer was arrested an hour later and identified as a middle-aged criminal alien who had been removed from the United States and had returned at least five times. The gun used had been stolen from a Federal officer with the Bureau of Land Management.

Mr. Speaker, these horrific events must be better deterred and prevented. No legislation can prevent every tragic situation, but this Congress has a duty to take every action possible to mitigate this harm and danger.

It is in this vein that I am proud to bring Kate's Law to the House floor today. This bill seeks to amend and greatly improve section 276 of the Immigration and Nationality Act by enhancing the maximum sentences for criminal aliens who seek to reenter the United States.

While an alien reentering this country is subject to a sentence of up to 2 years, current law only subjects certain criminals to enhance penalties. Specifically, only criminal aliens previously convicted of an aggravated felony, as defined in our immigration laws, controlled substance violations, crimes against other persons, or certain felonies would trigger an enhanced sentence of either 10 or 20 years.

Kate's Law closes the loophole into which so many criminal aliens fall. The bill provides that a criminal alien, previously convicted of any three misdemeanors or any felony, would, upon conviction for illegal reentry, be subject to a maximum sentence of 10 years.

Aliens previously convicted of a crime for which they were sentenced to at least 30 months, would, upon conviction for illegal reentry, be subject to a maximum sentence of 15 years.

Aliens previously convicted of a crime for which they were sentenced to at least 60 months, would, upon conviction for illegal reentry, be subject to a maximum sentence of 20 years.

Aliens previously convicted for murder, rape, kidnapping, a peonage offense, or any three felonies, would, under conviction for illegal reentry, be subject to a maximum sentence of 25 years.

These are significant enhancements to our immigration laws and are long overdue. I would be remiss, however, if I failed to mention a caveat added to the bill. If enacted, Kate's Law adds affirmative defenses for aliens charged under this section. If an alien can prove that they had the express consent of the Secretary of Homeland Security to reapply for admission, or that an alien previously denied admission and removed was not required to obtain such consent, then the alien may present that as an affirmative defense to the illegal reentry crime.

This safeguard will ensure that only aliens who illegally reenter the United States may be convicted and sentenced to enhanced penalties under this section.

This is missing from the current statute, and I am sure my colleagues on both side of the aisle would agree that due process protections such as these add to the efficacy of such a measure.

Nothing that this Congress can pass will ever bring Kate Steinle back, nor take away the pain suffered by her family, and countless other victims of crimes committed by criminal aliens. Kate's Law, however, will offer a deterrent against future criminal aliens who seek to illegally reenter the United States. Knowing they may face up to 2 years in Federal prison is one thing, but the possibility of a sentence of 10, 15, 20, or 25 years will have the desired effect.

I agree with many of my colleagues on both side of the aisle that we must take many other steps to address our immigration system. This Congress must pass strong measures to ensure that immigration enforcement in the interior of the United States remains a priority. Kate's Law is an essential component of that larger effort to bring about true enforcement of our immigration laws, and protect this Nation from criminal aliens.

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

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

Mr. Speaker, H.R. 3004 is an anti-immigrant enforcement-only proposal that represents yet another step in President Trump's mass deportation plan.

This legislation significantly expands the Federal Government's ability to prosecute individuals for illegal entry and attempted reentry into the United States.

My colleagues on the other side of the aisle say this bill is about protecting us from criminals. But don't be fooled about the ultimate effect of this bill. It does far more than target immigrants with criminal histories.

For the first time, this legislation would make it a felony for an individual who has been previously removed or merely denied admission to come to an official port of entry to ask for reentry into the country legally. This is true even if the individual has no criminal history whatsoever.

For instance, the expanded offense would apply to persecuted asylum seekers voluntarily presenting themselves at a port of entry to request asylum under our own immigration laws.

It would reach desperate victims of sex trafficking who approach the Customs and Border Protection officer to seek protection.

It would even extend to persons asking to enter on humanitarian parole to donate lifesaving organs to United States citizen relatives.

Under H.R. 3004, all of these individuals could face up to 2 years in prison simply for coming to an official port of entry to request immigration benefits provided under our immigration laws.

Finally, this bill perpetuates the fiction that immigrants are somehow inherently criminal. Nothing could be further from the truth. Numerous studies examining this issue conclude that immigrants actually commit crimes at a significantly lower rate than native-born Americans.

Given this legislation's defects, it comes to us as no surprise that organizations across the Nation join with me in opposition. They include:

The conservative Cato Institute, which called H.R. 3004, ''a waste of Federal resources'' that fails to safeguard ''Americans against serious criminals.''

Cities For Action, representing over 150 mayors and municipal leaders, warned the bill would place asylum seekers at further risk.

And the National Task Force to End Sexual and Domestic Violence, which described how this measure, H.R. 3004, will punish victims of domestic and sexual violence merely for requesting protection.

H.R. 3004 is not what its sponsors would like us to believe. In truth, it is a mean-spirited bill that would have far-reaching consequences by making it a crime to ask for benefits that our immigration laws provide.

Therefore, I urge my colleagues to join me in opposing this dangerous legislation, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from

Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for yielding and for working this legislation through and facilitating that it comes to the floor this week.

This week, the event of ''Hold Their Feet to the Fire'' is being held where many of the families of those who have been killed by illegal aliens are here to contribute. They went to the White House, and the message has been sent across the country. They have gone and done radio shows, and they have been part of this for a long time.

I think of how far back this goes, Kate Steinle's law. From my perspective, she was murdered on the streets of San Francisco on July 1, 2015. It hit the news, I think, the next day. I sent out a tweet on July 3 that said it was a 100 percent preventable crime. Just enforce the law. This story will make you cry, too. And it happens every day.

What we are trying to accomplish with Kate's Law is sentencing that is enhanced for those who overstay or those who have been deported from the United States and come back into the United States.

I want to compliment former Congressman Matt Salmon from Arizona, who, after her death on July 1, introduced legislation only 8 days later, which was the foundation for what we are talking about here with this bill. That was H.R. 3011, introduced on July 9, 2015.

□ 1545

Matt is retired. I picked up that legislation in the first days of this year, and we have cooperated in this Judiciary Committee to get this here to this time.

But, also, Bill O'Reilly, who made this a national issue, it hit my heart as soon as I saw the story. It hit the hearts of America when it went out over television, and it is too bad that we can't look at data and come here and fix a massive problem that we have.

It is too bad it has to be focused on individuals and personalities, when there are many other families out there that have suffered equally with that of the Steinle family and the other families we have talked about here today.

Nonetheless, if that is what it takes to get America to move, we are here now. We are here this week. We have the right legislation in front of us. I urge its adoption.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LOFGREN), our senior Representative on the Judiciary Committee.

Ms. LOFGREN. Mr. Speaker, I rise in opposition to this bill. The bill is part of a larger mass deportation bill marked up by the House Judiciary Committee earlier this month. I think the message it is intended to convey is that this bill is needed to keep us safe.

We have heard the sad story of the murder of Kate Steinle, which was not news to any of us in northern California. That was a horrible murder, and the fact is, this bill would not have prevented that murder. The offender had been deported multiple times. He had served 16 years in Federal prison, so the idea that the 10-year enhancement would have somehow fixed this is just misplaced.

When we talk about the bill, it is as if we don't have harsh penalties now for misbehavior in the law. If you take a look at the enhancements, it expands criminal sentences for individuals who reenter the country after removal. We already have very strong penalties against that.

To say that this bill will keep us safe because, for example, we have a 20-year—under current law, a 20-year sentence for a conviction for an aggravated felony, this would raise it to 25; I don't think that is going to fix this problem. If it were only that, we could have a discussion which, unfortunately, we never did on a bipartisan basis.

The bill does other things that are very damaging. It actually makes it a felony, punishable by up to 2 years, to attempt to reenter the country legally, in full compliance with our immigration laws; and this is true for individuals who have no criminal background whatsoever.

Now, the sponsors of the bill may argue that is necessary, but I have seen no rationale for why that would make any sense, nor why it would certainly not have prevented the tragic murder of Kate Steinle.

Now, let's give some examples of who that could apply to. You have individuals who have lived here, we have met them, DREAMers, people who have been here all their lives, brought over as children, who were removed. If that person who has been removed becomes a victim of sex trafficking, the process is this: They can come and seek asylum. They can flee from their traffickers. And if they present themselves to our port of entry today, they are not trying to evade detection. No, they are trying to be found. They are turning themselves in, saying: I am fleeing from the sex traffickers; I want to make a claim for asylum; I need to be kept safe from the sex traffickers. This bill would make that act a felony.

Now, the chairman has said how wonderful it is that we have created an affirmative defense in the act. What he has neglected to mention is that right now we don't need an affirmative defense because it is not a crime to go to the port of entry and seek a benefit, either humanitarian parole for a purpose that is sometimes granted to travel if a member of your family is dying, to provide an organ donation to a member, an American citizen, who is in the U.S. who is dying. That is not a crime today, and you don't need an affirmative defense because it is not a crime.

Now, I think the fact that it eliminates an important constitutional provision is problematic. We all know we can't change the Constitution by statute. The case of U.S. v. Mendoza-Lopez basically says this: If you are going to prosecute somebody for entry after removal, which happens all the time—in fact, that is the single most prevalent Federal prosecution in the system today; that is number one—you have to—and you did not have an opportunity to actually contest the first removal because, for example, you were never notified at a hearing——

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

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

Ms. LOFGREN. Since that is an element of the offense, the Mendoza case says you have to be able to at least collaterally attack that because you never had a chance to do so initially. This eliminates that constitutional case. You can't do that by statute.

So the point I am making is that the majority of those who enter the United States without inspection are coming back to try and get next to their families, their U.S. citizen kids, their U.S. citizen spouses. They are not criminals. They are not creating any kind of crime.

We all oppose crime, but this remedy is unrelated to the horror stories that we have heard.

You know, we are creating law here, not bumper stickers. I hope that we will vote against this misplaced law and work together to solve the real problems that we face.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Judiciary Committee and chairman of the Small Business Committee.

Mr. CHABOT. Mr. Speaker, I thank the gentleman, and I especially want to thank him for his leadership on this.

Nearly 2 years ago, Kate Steinle, a young woman with a promising future, had her life tragically taken away from her when she was brutally murdered by an undocumented criminal who had been convicted of a series of felonies and had been deported five times; five times, and then he kept coming back, and then he finally killed this innocent young woman, Kate Steinle.

Sadly, this tragic event barely registered with the previous administration and other supporters of dangerous sanctuary city policies. During a July 2015 hearing, shortly after Kate's murder, I asked President Obama's Homeland Security Secretary Jeh Johnson whether the White House had reached out to the Steinle family.

I will never forget what the Secretary said to me. He responded: Who? He had no idea who Kate Steinle or her family were. I had to explain to him what had happened to Kate Steinle. It was embarrassing.

Mr. Speaker, as a senior member of the Judiciary Committee, I have heard countless stories from families who, like the Steinles, have fallen victim to heinous crimes because of the failure

to enforce our Nation's immigration laws. We can and must do better to protect all the Kate Steinles all across America from being victimized by undocumented criminals who should never have been here in the first place.

I really can't emphasize enough how important this issue is, and H.R. 3004 will help address this problem finally and enhance public safety by toughening the penalties for criminal aliens who have been deported from our country, but then keep returning to the United States, and, again, far too many of them who commit crimes against innocent Americans like Kate Steinle.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a senior member of the House Judiciary Committee.

Mr. NADLER. Mr. Speaker, I rise in opposition to this bill. This draconian legislation would dramatically expand the penalties for illegal reentry into the United States, even for people who have committed minor and nonviolent offenses.

Although most people who illegally reenter the country do so to reunite with their families or to flee violence or persecution, this bill considers them all dangerous criminals who deserve lengthy prison sentences.

This bill is nothing less than fearmongering, based on the widely debunked myth that immigrants commit crimes at a higher rate than native-born Americans when, in fact, we know it is just the opposite.

Let me tell you about one of these supposed dangerous criminals who was mercifully released from ICE custody just yesterday, after 4 months in detention.

In 1986, 17-year-old Carlos Cardona illegally entered the United States, having fled threats of violence in his native Colombia. At age 21, he made a foolish mistake and committed a nonviolent drug offense. He served 45 days in prison, and, ever since then, for the last 27 years, he has lived a crime-free and a productive life as an active member of his community in Queens, New York.

Not only that, after the September 11 attacks on this country, he volunteered as a recovery worker at Ground Zero. Like so many other workers there, due to his sacrifice, he developed acute respiratory issues from the toxic fumes and other illnesses that have put his life in jeopardy.

Unfortunately, although he is married to an American citizen, he was unable to adjust his immigration status because of his decades-old conviction. However, he was allowed to stay in the country in recognition of his services after 9/11, as long as he checked in periodically with immigration authorities, which he did.

But shortly after President Trump took office, Mr. Cardona was detained after appearing for a routine appointment with ICE, and he was placed in deportation proceedings and in custody. It was only thanks to a major public campaign and the compassion of Governor Cuomo, who pardoned his almost 30-year-old drug conviction, that he was released.

Under this legislation, had Mr. Cardona been deported and then illegally reentered the country to see his wife and daughter, he would face up to 10 years in prison because of his decades-old prior conviction. Even if he presented himself to border agents and sought asylum, on the reasonable basis that he had reasonable fears because, in fact, two of his brothers back in Colombia have been murdered, he would still be subject to prosecution and massive penalties, just for appearing at the border.

This is both callous and irrational. This bill would dramatically expand the mass incarceration of immigrants, even for those with minor offenses and those who simply seek refuge in our country.

It serves no purpose, increases no one's safety, and I urge my colleagues to oppose this cruel legislation.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to quote from a letter from the Sergeants Benevolent Association that we received 2 days ago in support of Kate's Law, and I want to read a sentence from it.

''In recent years, the need to protect our citizens from those aliens who enter the United States illegally, commit crimes here, are deported, and who illegally return to the U.S. and commit additional crimes has become a top concern of the law enforcement community.''

This is from the Sergeants Benevolent Association, Police Department, City of New York. I include it in the RECORD.

SERGEANTS BENEVOLENT ASSOCIATION, POLICE DEPARTMENT, CITY OF NEW YORK,
New York, NY, June 27, 2017.

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

DEAR MR. SPEAKER: I am writing on behalf of the more than 13,000 members of the Sergeants Benevolent Association of the New York City Police Department to advise you of our strong support for H.R. 3004, ''Kate's Law,'' that will be considered by the House of Representatives later this week. We are grateful that the Congress is moving expeditiously to take up this important legislation.

In recent years, the need to protect our citizens from those aliens who enter the United States illegally, commit crimes here, are deported, and who illegally return to the U.S. and commit additional crimes has become a top concern of the law enforcement community. It is a problem that was exemplified in the horrific murder of the young woman in whose honor H.R. 3004 is named, Kate Steinle. In 2015, Ms. Steinle was shot and killed on a San Francisco pier while out for a walk with her father. Her murderer was a career criminal who had already been deported five previous times, had a long criminal history, had served multiple prison sentences, and was on probation in Texas at the time of the shooting. Nearly two years has passed since Steinle's murder, and little has been done to address the scourge of violence perpetrated by those who break our laws and continue to illegally reenter the United States. That is why prompt congressional action on ''Kate's Law'' is so critically important.

H.R. 3004 will ensure that those deported aliens with criminal histories who decide to illegally reenter the U.S. will face stiff prison sentences upon their return. First, the bill provides for monetary fines and between 10 and 25 years in prison for those aliens deported or removed who illegally return, depending on the severity of their prior crimes. In addition, this legislation provides for up to 10 years in prison for any alien who has been refused entry, deported, or removed from the U.S. three times or more, but who returns or attempts to reenter the U.S.

Finally, for any criminal aliens who were removed from the U.S. prior to the completion of a prison term and who then attempt to reenter, H.R. 3004 requires that such individuals be incarcerated for the remainder of their sentenced prison term without any possibility for parole or supervised release. The passage of ''Kate's Law'' is critical to ensuring that deported aliens with criminal records are deterred from illegally reentering the U.S., and will help law enforcement protect our communities from violent criminals and suspected terrorists who are illegally present in the U.S.

On behalf of the membership of the Sergeants Benevolent Association, thank you again for your efforts on this and other issues important to law enforcement across the nation.

Sincerely,

ED MULLINS,
President.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BARLETTA).

□ 1600

Mr. BARLETTA. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in support of Kate's Law and No Sanctuary for Criminals Act. These important bills represent an important step towards keeping Americans safe.

Yesterday, I participated in a roundtable discussion at the White House with the President and family members of individuals who were murdered by criminal illegal immigrants.

The stories I heard were heartbreaking. Sadly, they are not uncommon. See, when I was mayor of Hazleton, I sat with the victims' families and listened to their stories. These stories have changed my life.

Everyone talks about the illegal immigrant, but very seldom do we ever talk about the victims. I sat with the family of Derek Kichline, a 29-year-old Hazleton city man and father of three young children who was murdered by the head of the Latin Kings while working on his pickup truck in his driveway.

Derek's killer was arrested and let go in New York City, a sanctuary city.

I also talked with the father of Carly Snyder, a beautiful 21-year-old girl who was studying to be a veterinarian. Her father told me that Carly was brutally stabbed 37 times and murdered by her next door neighbor. She had knife wounds on the palms of her hand and knife wounds in her back as she died on the kitchen floor.

An illegal immigration and Federal fugitive with a long history of gang violence and drug use killed Carly.

Carly's killer was apprehended trying to cross the southern border but was released on $5,000 bond and disappeared into the United States until one day he showed up at Carly Snyder's doorstep.

I have never forgotten these stories. I understand that there is nothing that we can do to bring these people back. I know there is nothing we can do to relieve the pain that their families still feel.

But by passing these bills, we can prevent these crimes from happening to other families. Let me be clear: violent crimes committed by illegal immigrants are preventable. The illegal immigrant who committed these violent crimes should not have been present in this country and certainly should not have been walking around free. Too many mayors and local governments think that they are above Federal law, and we have a chance to change that today.

We can send a clear message to the American people that their government is serious about keeping them safe. I thank the President today for standing up for the victims of these preventable crimes, and I urge all of my colleagues to do the same by voting ''yes'' on these important bills.

This is a test of the willingness of Congress to stand for families across this country who have lost loved ones to crimes committed by criminals who had no business being in this country in the first place. It is time that we side with the victims like Derek Kichline, Carly Snyder, and Kate Steinle instead of criminals.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CORREA).

Mr. CORREA. Mr. Speaker, I want to speak about H.R. 3004, but let me first talk about two of my constituents, Officer Jose Vargas, one of the most decorated police officers in the State of California, and the other, Jose Angel Garibay, a young marine that made the ultimate sacrifice for America.

In 1977, Jose Vargas was named as 1 of the 10 most outstanding police officers in America by the International Association of Chiefs of Police. But it wasn't always that way. At age 16, Jose Vargas headed north to the border for a better life.

Officer Vargas crossed the border 15 times over 4 years. Officer Vargas was probably the only police officer who we know that spent time in a Federal holding cell. America today is better because of Jose Vargas. Jose Vargas added to the greatness of this country and to the security of this country.

Jose Angel Garibay, a young marine, was the first soldier from Orange County, California, to make the ultimate sacrifice in the Middle East. He also came to this country undocumented and became a U.S. citizen posthumously.

Mr. Speaker, yes, we must keep out the bad hombres. We don't welcome those who would do us harm, but America must continue to welcome those who come to America to work hard and to contribute. This bill fails to make this critical and important distinction.

At the end of the day, we are all immigrants and we are all part of this great country, and I urge my colleagues today: do not brand millions of immigrants as criminals when their only crime is searching for the American Dream.

I urge Members to vote ''no'' on H.R. 3004.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Mr. Speaker, I thank the chairman and members of the House Judiciary Committee for their work on this issue. And as a member of the Homeland Security Committee, the issues being debated and voted on this week are an area of critical importance when it comes to keeping our Nation and our people safe.

Mr. Speaker, we are a nation of immigrants. I am the grandson of Irish immigrants. We are also a nation of laws. Both must be respected and honored by all of us. Left, right, or center, we can all agree that our immigration system is broken, and given that broken status, it is the responsibility of this body to fix it. This goal cannot be achieved by selectively choosing which laws we enforce and which laws we ignore.

As a former FBI agent, I worked each day to keep Americans and keep our Nation safe. And as a Federal prosecutor, I prosecuted cases that resulted in the removal of violent felons who were in our country illegally in order to keep our communities safe.

I have seen firsthand the threats our Nation faces from a fragmented and broken immigration system and a porous border. We cannot and must not allow partisanship to prevent sensible fixes from being implemented. Our Nation's security depends on us.

Mr. Speaker, the legislation before us today is one borne of a preventable tragedy. Kate Steinle was a bright, aspiring, 32-year-old woman with a life of possibilities ahead of her. Let this bill be her legacy. Let this bill result in Kate Steinle saving the lives of others. Let us do her that honor.

Kate's Law will increase penalties for those who reenter our country following their removal from the U.S., including Federal prison sentences up to 25 years for those previously deported who have criminal records.

Moreover, this bill supports our brave women and men in law enforcement as they work to keep violent gangs and criminal cartels, including the likes of MS–13, out of our communities. I am a cosponsor of this legislation, and I am proud to advance it.

Mr. Speaker, the time is now for us to step up and protect those who elected us to serve on their behalf, and I urge all of my colleagues to make a bold bipartisan statement to our communities back home today. Join me in support of H.R. 3004. Let's get this done for Kate Steinle and her family.

Mr. CONYERS. Mr. Speaker, I include in the RECORD letters of opposition to H.R. 3004, namely, the Federal Defenders of New York and 407 local, State, national immigrant civil rights, faith, and labor organizations.

FEDERAL DEFENDERS
OF NEW YORK, INC.
New York, NY, June 29, 2017.

Re H.R. 3004, Kate's Law

Hon. PAUL RYAN,
Speaker, U.S. House of Representatives, Washington, DC.
Hon. BOB GOODLATTE,
Chair, House Judiciary Committee, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, U.S. House of Representatives, Washington, DC.
Hon. JOHN CONYERS, JR.,
Ranking Member, House Judiciary Committee, Washington, DC.

DEAR MR. RYAN, MS. PELOSI, MR. GOODLATTE, AND MR. CONYERS: We write on behalf of the Federal Public and Community Defenders in response to inquiries for our views on H.R. 3004. We oppose the bill for the following reasons.

H.R. 3004 would make it a crime to openly and directly present oneself to immigration officials seeking asylum, temporary protection, or for other innocent reasons. In doing so, the bill would incentivize people with genuine claims of fear to enter the country surreptitiously.

Even while criminalizing essentially innocent conduct and drastically increasing potential penalties, the bill would purport to deprive defendants of the right to challenge the validity of fundamentally unfair or unlawful removal orders.

The bill would transform a basic element of the criminal offense into an affirmative defense and would thereby unfairly place the burden on the alien to produce records in the government's control.

The bill would unjustifiably increase potential penalties, including for those with truly petty criminal records, and create a significant risk that defendants, in mass guilty plea proceedings on the border as occur now, would be pressured to admit prior convictions that they do not have.

Finally, H.R. 3004 raises serious federalism issues and would impinge on States' sovereign interests by ordering them to impose certain state prison sentences thereby impeding States' ability to manage their own criminal justice systems and prison populations.

The bill would harm individuals, families and communities not just on the border but across the nation. Nearly 21 percent of reentry prosecutions in fiscal year 2016 were in districts other than those on the southwest border, in every state and district in the country. And though there may be a perception that illegal reentry offenders are dangerous criminals, the motive for most people returning to the United States after being removed is to reunite with family, return to the only place they know as home, seek work to support their families, or flee violence or persecution in their home countries. Further, according to a recent Sentencing Commission study, one quarter of reentry offenders had no prior conviction described in §1326(b), and the most common prior offense was driving under the influence, followed by minor non-violent misdemeanors and felonies, illegal entry, illegal reentry, and simple possession of drugs. Nearly half (49.5%) had children in the United States, and over two thirds (67.1%) had relatives in this country. Over half (53.5%) were under the age of 18 when they first entered the United States,

and almost three quarters (74.5%) had worked here for more than a year at some point before their arrest. These are not hardened criminals.

I. THE BILL WOULD MAKE IT A CRIME TO OPENLY AND DIRECTLY PRESENT ONESELF TO IMMIGRATION OFFICIALS, SEEKING ASYLUM, TEMPORARY PROTECTION, OR FOR OTHER INNOCENT REASONS, AND WOULD THUS INCENTIVIZE SURREPTITIOUS ENTRY

The bill would add as criminal acts in violation of 8 U.S.C. §1326, ''crosses the border'' or ''attempts to cross the border,'' and would define ''crosses the border'' as the ''physical act of crossing the border, regardless of whether the alien is free from official restraint.'' This would mean that people previously denied admission or removed who present themselves at a designated port of entry seeking asylum or for other innocent reasons, and who intend to be and are in fact under official restraint, would for the first time be guilty of violating §1326.

Freedom from official restraint is an essential part of the definition of entering, attempting to enter, and being found in the United States under the law of most circuits. Entering has long required both ''physical presence'' in the country and ''freedom from official restraint.'' Attempting to enter requires proof of specific intent to commit the completed offense of entry, and so requires intent to enter ''free of official restraint.'' Similarly, an alien cannot be ''found in'' the United States unless he has been free from official restraint. An alien is under official restraint whenever he ''lacks the freedom to go at large and mix with the population,'' including when he directly and voluntarily surrenders himself to immigration officials at a port of entry to seek asylum, protection, or imprisonment.

Thus, an alien who walked directly across the border to a marked border patrol car and asked to be taken into custody did not attempt to re-enter the United States because he intended to be, and was, under official restraint. Likewise, an alien who crossed the border after being beaten by gang members in Mexico, in a delusional belief that they were chasing him, with the sole intent of placing himself in the protective custody of U.S. officials, could not be guilty of attempting to enter. In a similar case, the government dismissed the charges after the border patrol agent's report confirmed that the defendant had crossed the border and asked the agent for protection from people he feared were trying to kill him. Similarly, an alien who went directly to the border station and presented himself for entry was not ''found in'' the United States because he was never free from official restraint.

Thus, under current law, an alien who directly and overtly presents herself to immigration officials at a port of entry, as opposed to evading official restraint, has not violated §1326; even one who crosses the border outside a port of entry but in sight of immigration officials, and who presents herself directly to such officials, has not done so. But absent the ''freedom from official restraint'' requirement, the law would ''make criminals out of persons who, for any number of innocent reasons, approach immigration officials at the border.'' Argueta-Rosales, 819 F.3d at 1160. ''For example, [an alien] might approach a port of entry to seek asylum, or he might be under the mistaken assumption that he has been granted permission to reenter. Under those circumstances, the alien would not have committed the gravamen of the offense of attempted illegal entry in violation of §1326(a).'' United States v. Valdez-Novoa, 780 F.3d 906, 923 (9th Cir. 2015) (Bybee, J.). Because ''in a literal and physical sense a person coming from abroad enters the United States whenever he reaches any land, water or air space within the territorial limits of this nation,'' ''freedom from official restraint must be added to physical presence.'' Vavilatos, 209 F.2d at 197.

Permitting arrest and prosecution regardless of whether the person was free from official restraint is particularly troubling because although border patrol agents are required by law to refer an alien for a ''credible fear'' or ''reasonable fear'' interview with an asylum officer upon indication that she fears persecution or has suffered or may suffer torture, people are increasingly being turned away at the border without the required protection screening. Under H.R. 3004, agents would now be empowered to arrest them rather than turn them away.

By eliminating the ''freedom from official restraint'' requirement, the bill would cast aside well-settled century-old law from the civil immigration context that for nearly as long has functioned well in the criminal immigration context to distinguish illicit or clandestine entries from legitimate attempts to bring oneself to the attention of U.S. authorities at the border.

Since it would now be a crime to openly seek help, H.R. 3004 would have the perverse effect of incentivizing people with genuine claims of fear to ''jump the fence'' in the hope of not being caught and returned to a country where the danger is real. Faced with a choice between being killed or risking being caught and removed, the logical, life-sustaining choice is obvious.

II. THE BILL WOULD PERVERSELY CRIMINALIZE REPEATED UNSUCCESSFUL ATTEMPTS TO GAIN ASYLUM, EVEN AS BORDER PATROL AGENTS INCREASINGLY TURN AWAY ASYLUM SEEKERS IN VIOLATION OF LAW

The bill would create a new crime for an alien who has been denied admission, excluded, deported or removed three or more times who subsequently enters, attempts to enter, crosses the border, attempts to cross the border, or is found in the United States, subject to punishment for up to ten years. This would criminalize, for the first time, repeated efforts to seek asylum that are genuine but unsuccessful, as each attempt counts as a denial of admission or removal.

As noted above, border patrol agents are increasingly turning away asylum seekers without referring them for appropriate screening as required by law. Human rights organizations have documented at least 125 cases of asylum seekers being turned away without proper safeguards to protect their right to seek protection between November 2016 and April 2017, often repeatedly. For example, a Honduran family whose son was murdered by a gang after he was denied asylum, another Honduran family whose son showed the agent a bullet hole wound in his chest, and a Mexican woman whose father, son, grandfather and uncle were all killed within seven days, were repeatedly turned away without referral for protection screening or asylum adjudication. Agents informed people seeking refuge that the United States no longer gives asylum, threatened them with force, or threatened to call Mexican immigration authorities to deport them to the country they were fleeing.

A person who presents himself at a port of entry without a valid visa is subject to denial of admission or expedited removal. But if such a person expresses fear of return, he is entitled by law not to be expelled but to be interviewed by an asylum officer. When border patrol agents simply expel people who express fear without allowing them a chance to be interviewed and to press their claims, the agents are breaking the law and giving these people a removal order or a denial of admission that they should not have. Thus, bona fide asylum-seekers—those most likely to accumulate ''three strikes''—would face criminal prosecution rather than what they are entitled to—a non-adversarial interview with an asylum officer that could ultimately lead to persecution-based relief.

III. THE BILL WOULD PURPORT TO UNCONSTITUTIONALLY PROHIBIT CHALLENGES TO THE VALIDITY OF REMOVAL ORDERS

The bill would state that ''an alien may not challenge the validity of any prior removal order concerning the alien.'' This provision, perhaps more than any other, demonstrates the overreaching and unduly harsh nature of these proposed changes to existing law. The bill seeks to visit criminal convictions and drastic penalties on noncitizens who reenter even when the administrative process that led to their original deportation or removal was fundamentally unfair or achieved an unlawful result, and even when they were deprived of judicial review of that fundamental injustice. The Supreme Court long ago held, in United States v. Mendoza-Lopez, 481 U.S. 828 (1987), that a defendant cannot be convicted and punished under §1326 when the deportation order was issued in an agency proceeding bereft of due process that no court ever reviewed. But this bill seeks to do precisely that, and at the same time to criminalize attempts to enter the country legally and in most cases to increase the penalties that may be imposed.

IV. THE AFFIRMATIVE DEFENSES WOULD BE UNAVAILABLE TO MOST, DO NOT ADDRESS ANY EXISTING PROBLEM, AND WOULD UNFAIRLY PLACE THE BURDEN ON DEFENDANTS TO PRODUCE RECORDS IN THE GOVERNMENT'S CONTROL

The bill would purport to create two affirmative defenses: (1) ''prior to the alleged violation,'' the alien ''sought and received express consent of [DHS] to reapply for admission,'' or (2) ''with respect to an alien previously denied admission and removed,'' the alien ''was not required to obtain such advance consent under the [INA] or any prior Act,'' and ''had complied with all other laws and regulations governing his or her admission into the United States.'' The first defense would be unavailable to anyone who did not have the wherewithal, resources and time to file the proper form and get it approved before arriving in the United States. The second defense is not available to anyone whose period of inadmissibility has not expired, usually ten years. These requirements are simply unrealistic for those with little or no education or money or who are fleeing violence.

Moreover, this is a solution in search of a problem, and it would undermine due process. Because the absence of most of these conditions is currently an element, see 8 U.S.C. §1326(a)(2), the government routinely provides the defense with the relevant records, which are in the individual's ''A file,'' maintained in government custody and otherwise available to the individual only through a FOIA request. Placing the burden on the defendant to prove an affirmative defense would illogically and unfairly require him to produce records that are in the government's control.

V. THE BILL WOULD UNJUSTIFIABLY INCREASE POTENTIAL PENALTIES, INCLUDING FOR THOSE WITH TRULY PETTY CRIMINAL RECORDS

While it appears that the statutory maxima would increase for most defendants under the bill, there is no evidence that any increase is needed to reflect the seriousness of these offenses, or that such increases would be effective in deterring illegal immigration. At the same time, the cost of additional incarceration would be steep—approximately

$32,000 per prisoner per year. If each of the 16,000 persons convicted of illegal reentry in 2016 received one additional year, it would cost the taxpayers an extra half a billion dollars.

Increasing sentences for these offenders is also unnecessary and unfair because noncitizens suffer much harsher conditions of confinement than other federal prisoners. BOP contracts with private prison companies to detain noncitizens convicted of immigration offenses and other federal crimes. A recent analysis shows that many persons incarcerated in ''immigrant only contract prisons'' suffer serious medical neglect, in some cases leading to death. An investigation done by the American Civil Liberties Union found that ''the men held in these private prisons are subjected to shocking abuse and mistreatment, and discriminated against by BOP policies that impede family contact and exclude them from rehabilitative programs.''

Two of the penalty increases are particularly unwarranted. The bill would increase a defendant's statutory maximum from two to 10 years if he was removed subsequent to conviction of any three misdemeanors, whereas the 10-year maximum currently applies only if the three misdemeanors involved drugs, crimes against the person, or both. This would apply to a re-entrant with a truly petty criminal record. If the defendant had three misdemeanor convictions for driving without a license, a common scenario for undocumented immigrants and other impoverished people, his maximum sentence would more than triple. And because the bill does not require that the three misdemeanors stem from three separate occasions, a 10-year statutory maximum would apply to a re-entrant with convictions from a single incident for disorderly conduct, public intoxication and public urination.

Likewise, the 25-year maximum for any three felonies would increase the maximum sentence by 15 years for garden variety felonies, such as felony possession of a small quantity of drugs. Worse, if the definition of ''felony'' means any offense ''punishable by a term of more than 1 year under the laws of'' the convicting jurisdiction, it would punish defendants who were never convicted of a felony by up to 25 years, because the maximum punishment is more than one year for misdemeanors in many states, including Colorado, Iowa, Maryland, Massachusetts, Michigan, Pennsylvania, South Carolina, and Vermont. We are also concerned that definition of ''felony,'' by mistake or by design, indicates that if a particular kind of offense is punishable by more than one year in any jurisdiction, it is a felony; it states that ''any offense'' is a felony if it is punishable by more than one year ''under the laws of the United States, any State, or a foreign government.''

VI. THE BILL WOULD CREATE A SIGNIFICANT RISK THAT DEFENDANTS WOULD BE PRESSURED INTO ADMITTING PRIOR CONVICTIONS THAT THEY DO NOT HAVE

The bill would require that prior convictions upon which increased statutory maxima are based be alleged in an indictment and proved beyond a reasonable doubt at trial or admitted by the defendant. Records of prior convictions are notoriously unreliable and national criminal databases that generate ''rap sheets'' frequently contain purported convictions that have been misrecorded, expunged, or even belong to other individuals. In border districts where the great majority of illegal re-entry prosecutions take place, re-entry cases have often been rapidly ''processed'' in batches of up to eighty defendants at once, with 99% of cases ending in guilty pleas. Given the way these cases are handled on the border, and the fact that many if not most of the defendants speak little or no English and have little or no education, this provision carries a significant risk that defendants will be pressured to admit to convictions they do not have and thus significantly raise their sentencing exposure.

VII. THE BILL WOULD IMPINGE ON STATES' SOVEREIGN INTERESTS IN MANAGING THEIR OWN PRISON POPULATIONS

The bill would mandate that any alien removed pursuant to 8 U.S.C. §1231(a)(4) who enters or attempts to enter, crosses or attempts to cross the border, or is found in the United States, ''shall be incarcerated for the remainder of the sentence that was pending at the time of deportation without any reduction for parole or supervised release'' unless the alien affirmatively demonstrates express consent. Section 1231(a)(4)(B) provides that the Attorney General may remove an alien convicted of a non-violent offense before he has completed a sentence of imprisonment (i) of an alien in in federal custody and the Attorney General determines that removal is appropriate and in the best interest of the United States, (ii) of an alien in State custody if the chief state official determines that removal is appropriate and in the best interest of the State and submits a written request for removal. Thus, for example, an alien sentenced to 8 years who is eligible for parole in 6 years may apply for early conditional release and be removed after 5 years. Under H.R. 3004, if he illegally re-entered thereafter, he would be required to serve all three years that were pending when he was removed.

As far as we are aware, §1231(a)(4)(B)(i) has never been systematically implemented for federal inmates. Some states, however, have implemented some sort of program to avail themselves of §1231(a)(4)(B)(ii). A handful have entered into an MOU with ICE in which they agree that a person removed pursuant to §1231(a)(4)(B)(ii) who returns illegally will serve the remainder of the original sentence. Other states release prisoners to ICE under §1231(a)(4)(B)(ii) through state legislation or parole board policy under which they do not agree to that condition.

HR 3004 would require any State that releases a prisoner to ICE under §1231(a)(4)(B)(ii) to incarcerate such a person for the remainder of the sentence should they return unlawfully. It would thus impinge on States' sovereign interests in managing their own prison populations according to their own priorities and resources. The bill would remove the flexibility that States currently have to treat unlawfully returned prisoners as they see fit, and would ossify the ICE MOU into law.

Thank you for considering our views, and please do not hesitate to contact us if you have any questions.

Very Truly Yours,

NEIL FULTON,
Federal Defender, North and South Dakota, Co-Chair, Federal Defender Legislative Committee.

DAVID PATTON,
Executive Director, Federal Defenders of New York, Co-Chair, Federal Defender Legislative Committee.

JON SANDS,
Federal Defender, District of Arizona, Co-Chair, Federal Defender Legislative Committee.

JUNE 28, 2017.

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 407 undersigned local, state, and national immigrant, civil rights, faith-based, and labor organizations, we urge you to oppose the No Sanctuary for Criminals Act, H.R. 3003 and Kate's Law, H.R. 3004, and any similar legislation that jeopardizes public safety, erodes the goodwill forged between local police and its residents, and perpetuates the criminalization and incarceration of immigrants. H.R. 3003 would strip badly needed law enforcement funding for state and local jurisdictions, runs afoul of the Tenth and Fourth Amendment, and unnecessarily expands the government's detention apparatus. H.R. 3004 unwisely expands the federal government's ability to criminally prosecute immigrants for immigration-based offenses, excludes critical humanitarian protections for those fleeing violence, 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 follow the Fourth Amendment of the U.S. Constitution by refusing to honor constitutionally infirm requests for detainers. H.R. 3003 penalizes jurisdictions by eliminating various federal grants, including funding through the Cops on the Beat program, the Edward Byrne Memorial Justice Assistance Grant Program, and any other federal grant related to law enforcement or immigration. Importantly, using the threat of withholding federal grants to coerce state and local jurisdictions likely runs afoul of 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. Fearing referral to U.S. Immigration and Customs Enforcement, victims and witnesses of crime are significantly less likely to communicate with local law enforcement. Local law enforcement authorities have repeatedly echoed this sentiment, acknowledging that community policing policies are paramount to enhancing public safety. Indeed, ''sanctuary'' jurisdictions have less crime and more 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 deter migration, wasted billions of taxpayer dollars, and unfairly punished thousands of immigrants who try to enter or reenter the United States to reunite with their children and loved ones. We fear that H.R. 3004's increased penalties for reentry would double down on this failed strategy, explode the prison population, and cost billions of dollars.

Instead of passing discredited enforcement-only legislation, Congress should move forward on enacting just immigration reform legislation that provides a roadmap to citizenship for the nation's eleven million aspiring Americans and eliminates mass detention and deportation programs that undermine fundamental human rights. Legislation that erodes public safety, disrespects local democratic processes, and raises serious constitutional concerns represents an abdication of the Congress' responsibility to enact fair, humane, and just immigration policy. In light of the above, we urge you to vote NO on the No Sanctuary for Criminals Act, H.R. 3003 and Kate's Law, H.R. 3004.

Please contact Jose Magana-Salgado, of the Immigrant Legal Resource Center if you have any questions regarding this letter. Thank you for your time and consideration.

Sincerely,

National Organizations:

America's Voice Education Fund; American Federation of Teachers; American Friends Service Committee (AFSC); American-Arab Anti-Discrimination Committee; Americans Committed to Justice and Truth; Asian American Legal Defense and Education Fund (AALDEF); Asian Americans Advancing Justice—ANC; Asian Americans Advancing Justice—Asian Law Caucus; Asian Pacific American Labor Alliance, AFL-CIO (APALA); Asian Pacific Institute on Gender-Based Violence; ASISTA; Bend the Arc Jewish Action; Black Alliance for Just Immigration; Casa de Esperanza: National Latin@ Network; Catholic Legal Immigration Network, Inc.; Center for American Progress; Center for Employment Training; Center for Gender & Refugee Studies; Center for Law and Social Policy; Center for New Community.

Center for Popular Democracy (CPD); Christian Church (Disciples of Christ) Refugee & Immigration Ministries; Christian Community Development Association; Church World Service; Coalition on Human Needs; CODEPINK; Columban Center for Advocacy and Outreach; Committee in Solidarity with the People of El Salvador (CISPES); Community Initiatives for Visiting Immigrants in Confinement (CIVIC); Defending Rights & Dissent; Disciples Center for Public Witness; Disciples Home Missions; Dominican Sisters of Sparkill; Drug Policy Alliance; Easterseals Blake Foundation; Equal Rights Advocates; Farmworker Justice; Freedom Network USA; Friends Committee on National Legislation; Fuerza Mundial.

Futures Without Violence; Grassroots Leadership; Hispanic Federation; Hispanic National Bar Association; Holy Spirit Missionary Sisters—USA—JPIC; Immigrant Legal Resource Center; Intercommunity Peace & Justice Center; Interfaith Worker Justice; Isaiah Wilson; Jewish Voice for Peace; Jewish Voice for Peace—Boston; Jewish Voice for Peace—Tacoma chapter; Jewish Voice for Peace—Western MA; Justice Strategies; Kids in Need of Defense (KIND); Lambda Legal; Laotian American National Alliance; Latin America Working Group; Latino Victory Fund; LatinoJustice PRLDEF.

League of United Latin American Citizens; Lutheran Immigration and Refugee Service; Mi Familia Vota; Milwaukee Chapter, Jewish Voice for Peace; NAACP; National Center for Transgender Equality; National Coalition Against Domestic Violence; National Coalition for Asian Pacific American Community Development; National Council of Asian Pacific Americans (NCAPA); National Council of Jewish Women; National Council of La Raza (NCLR); National Day Laborer Organizing Network (NDLON); National Education Association; National lmmigrant Justice Center; National Immigration Law Center; National Immigration Project of the NLG; National Iranian American Council (NIAC); National Justice for Our Neighbors; National Korean American Service & Education Consortium (NAKASEC); National Latina Institute for Reproductive Health.

National Latina/o Psychological Association; National Lawyers Guild; National LGBTQ Task Force Action Fund; National Network for Immigrant and Refugee Rights; National Resource Center on Domestic Violence; NETWORK Lobby for Catholic Social Justice; OCA—Asian Pacific American Advocates; Our Revolution; People's Action; PICO National Network; Queer Detainee Empowerment Project; Refugee and Immigrant Center for Education and Legal Services (RAICES); School Social Work Association of America; Sisters of the Presentation of the Blessed Virgin Mary, New Windsor; Southeast Asia Resource Action Center (SEARAC); Southern Border Communities Coalition; Southern Poverty Law Center; T'ruah: The Rabbinic Call for Human Rights; The Advocates for Human Rights; The Hampton Institute: A Working Class Think Tank.

The National Alliance to Advance Adolescent Health; The Queer Palestinian Empowerment Network; The Sentencing Project; The United Methodist Church—General Board of Church and Society; U.S. Committee for Refugees and Immigrants; UndocuBlack Network; Unitarian Universalist Association; Unitarian Universalist Legislative Ministry of New Jersey; Unitarian Universalist Service Committee; UNITE HERE; United Child Care, Inc.; United for a Fair Economy; UU College of Social Justice; UURISE—Unitarian Universalist Refugee & Immigrant Services & Education; Voto Latino; We Belong Together; WOLA; Women's Refugee Commission; Working Families; Yemen Peace Project; YWCA.

State and Local Organizations: (MILU) Mujeres Inmigrantes Luchando Unidas; #VigilantLOVE; 580 Cafe/Wesley Foundation Serving UCLA; Acting in Community Together in Organizing Northern Nevada (ACTIONN); Advocates for Basic Legal Equality, Inc.; Alianza; All for All; Alliance San Diego; Allies of Knoxville's Immigrant Neighbors (AKIN); American Gateways; Aquinas Center; Arkansas United Community Coalition; Asian Americans Advancing Justice—Atlanta; Asian Americans Advancing Justice—LA; Asian Americans United; Asian Counseling and Referral Service; Asian Law Alliance; Asian Pacific American Legal Resource Center; Asylee Women Enterprise; Atlas: DIY.

Bear Creek United Methodist Church–Congregation Kol Ami Interfaith Partnership; Bethany Immigration Services; Brighton Park Neighborhood Council; Cabrini Immigrant Services of NYC; Campaign for Hoosier Families; Canal Alliance; Capital Area Immigrants' Rights Coalition; CASA; Casa Familiar, Inc.; Casa Latina; Casa San Jose; Catholic Charities; Catholic Charities San Francisco, San Mateo & Marin; Causa Oregon; CDWBA Legal Project, Inc.; Central American Legal Assistance; Central New Jersey Jewish Voice for Peace; Central Pacific Conference of the United Church of Christ; Central Valley Immigrant Integration Collaborative (CVIIC); Centro Laboral de Graton.

Centro Latino Americano; Centro Legal de la Ran; Centro Romero; Chelsea Collaborative; Chicago Religious Leadership Network on Latin America; Church Council of Greater Seattle; Church of Our Saviour/La Iglesia de Nuestro Salvador Episcopal; Church Women United in New York State; Cleveland Jobs with Justice; Coalicion de Lideres Latinos—CLILA; Coalition for Humane Immigrant Rights (CHIRLA); Coalition of African Communities; Coloradans For Immigrant Rights, a program of the American Friends Service Committee; Colorado People's Alliance (COPA); Columbia Legal Services; Comite Pro Uno; Comite VIDA; Committee for Justice in Palestine—Ithaca; Community Action Board of Santa Cruz County, Inc; Community Legal Services and Counseling Center.

Community Legal Services in East Palo Alto; Community of Friends in Action, Inc.; Connecticut Legal Services, Inc; CRLA Foundation; CT Working Families; DC-Maryland Justice for Our Neighbors; Delaware Civil Rights Coalition; Do the Most Good Montgomery County (MD); Dominican Sisters–Grand Rapids (MI); Dream Team Los Angeles DTLA; DRUM—Desis Rising Up & Moving; East Bay Sanctuary Covenant; Ecumenical Ministries of Oregon; El CENTRO de Igualdad y Derechos; El Monte Wesleyan Church; Emerald Isle Immigration Center; Employee Rights Center; Encuentro; End Domestic Abuse WI; English Ministry rean Presbyterian Church of St. Louis.

Episcopal Refugee & Immigrant Center Alliance; Equal Justice Center; Equality California; Erie Neighborhood House; First Congregational UCC of Portland; First Unitarian Universalist Church of Berks County; Florida Center for Fiscal and Economic Policy; Florida Immigrant Coalition, Inc. (FLIC); Franciscans for Justice; Frida Kahlo Community Organization; Friends of Broward Detainees; Friends of Miami-Dade Detainees; Georgia Latino Alliance for Human Rights; Gethsemane Lutheran Church; Grassroots Alliance for Immigrant Rights; Greater Lafayette Immigrant Allies; Greater New York Labor Religion Coalition; Greater Rochester COALITION for Immigration Justice; Grupo de Apoyo e Integracion Hispanoamericano; HACES.

Hana Center; Harvard Islamic Society; Her Justice; HIAS Pennsylvania; Hispanic Interest Coalition of Alabama; Hispanic Legal Clinic; Hudson Valley Chapter of JVP; Human Rights Initiative of North Texas; ICE-Free Capital District; Illinois Coalition for Immigrant and Refugee Rights; Immanuel Fellowship: a bilingual congregation; Immigrant Justice Advocacy Movement (IJAM); Immigrant Legal Advocacy Project; Immigration Action Group; Immigration Center for Women and Children; Inland Empire—Immigrant Youth Coalition (IEIYC); Interfaith Movement for Human Integrity; International Institute of Buffalo; Irish International Immigrant Center; IRTF—InterReligious Task Force on Central America and Colombia.

Japanese American Citizens League, San Jose Chapter; Jewish Voice for Peace—Albany, NY chapter; Jewish Voice for Peace—Albuquerque; Jewish Voice for Peace—Austin; Jewish Voice for Peace—Bay Area; Jewish Voice for Peace—Cleveland; Jewish Voice for Peace—DC Metro; Jewish Voice for Peace—Denver; Jewish Voice for Peace—Ithaca; Jewish Voice for Peace—Los Angeles; Jewish Voice for Peace—Madison; Jewish Voice for Peace—New Haven; Jewish Voice for Peace—Philadelphia; Jewish Voice for Peace—Pittsburgh; Jewish Voice for Peace—Portland; Jewish Voice for Peace—San Diego; Jewish Voice for Peace—South Florida; Jewish Voice for Peace—Syracuse, NY; Jewish Voice for Peace—Triangle NC; Jolt.

Justice for our Neighbors Houston; Justice for Our Neighbors Southeastern Michigan; Justice For Our Neighbors West Michigan; JVP-HV. Jewish Voice for Peace-Hudson Valley; Kentucky Coalition for Immigrant and Refugee Rights; Kids for College; Kino Border Initiative; Kitsap Immigrant Assistance Center; KIWA (Koreatown Immigrant Workers Alliance); Korean Resource Center; La Casa de Amistad; La Coalición de

Derechos Humanos; La Comunidad, Inc.; La Raza Centro Legal; Lafayette Urban Ministry; Las Vegas Chapter of Jewish Voice for Peace; Latin American Legal Defense and Education Fund; Latino Racial Justice Circle; Latinx Alliance of Lane County; Legal Aid Society of San Mateo County.

Legal Services for Children; Lemkin House Inc; Long Island Wins; Massachusetts Immigrant and Refugee Advocacy Coalition; Massachusetts Law Reform Institute; Middle East Crisis Response (MECR); Migrant and Immigrant Community Action Project; Migrant Justice / Justicia Migrante; MinKwon Center for Community Action; Mission Asset Fund; Mississippi Immigrants Rights Alliance (MIRA); Mosaic Family Services; Movement of Immigrant Leaders in Pennsylvania (MILPA); Mujeres Unidas y Activas; Mundo Maya Foundation; National Lawyers Guild—Los Angeles Chapter; New Jersey Alliance for Immigrant Justice; New Mexico Dream Team; New Mexico Immigrant Law Center; New Mexico Voices for Children.

New Sanctuary Movement of Philadelphia; New York Immigration Coalition; NH Conference United Church of Christ Immigration Working Group; North Carolina Council of Churches; North County Immigration Task Force; North Jersey chapter of Jewish Voice for Peace; Northern Illinois Justice for Our Neighbors; Northern Manhattan Coalition for Immigrant Rights; Northwest Immigrant Rights Project (NWIRP); OCCORD; Occupy Bergen County (New Jersey); OneAmerica; OneJustice; Oregon Interfaith Movement for Immigrant Justice—IMIrJ; Organized Communities Against Deportations; OutFront Minnesota; Pangea Legal Services; PASO—West Suburban Action Project; Pax Christi Florida; Pennsylvania Immigration and Citizenship Coalition.

Pilgrim United Church of Christ; Pilipino Workers Center; Polonians Organized to Minister to Our Community, Inc. (POMOC); Portland Central America Solidarity Committee; Progreso: 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 (PSARA); Racial Justice Action Center; Reformed Church of Highland Park; Refugees Helping Refugees; Refugio del Rio Grande; Resilience Orange County; Rocky Mountain Immigrant Advocacy Network (RMIAN); Rural and Migrant Ministry; Safe Passage; San Francisco CASA (Court Appointed Special Advocates); Services, Immigrant Rights, and Education Network (SIREN).

Sickle Cell Disease Association of America, Philadelphia/Delaware Valley Chapter; Sisters of St. Francis, St. Francis Province; Sisters of St. Joseph of Rochester, Inc; Skagit Immigrant Rights Council; Social Justice Collaborative; South Asian Fund for Education, Scholarship and Training (SAFEST); South Bay Jewish Voice for Peace; South Texas Immigration Council; Southeast Immigrant Rights Network; St. John of God Church; Students United for Nonviolence; Tacoma Community House; Tennessee Immigrant and Refugee Rights Coalition; Teresa Messer, Law Office of Teresa Messer; Thai Community Development Center; The Garden, Lutheran Ministry; The International Institute of Metropolitan Detroit; The Legal Project; Tompkins County Immigrant Rights Coalition; Transgender Resource Center of New Mexico.

Trinity Episcopal Church; U-Lead Athens; Unitarian Universalist Mass Action Network; Unitarian Universalist PA Legislative Advocacy Network (UUPLAN); United African Organization; United Families; University Leadership Initiative; University of San Francisco Immigration and Deportation Defense Clinic; UNO Immigration Ministry; UPLIFT; UpValley Family Centers; VietLead; Vital Immigrant Defense Advocacy & Services, Santa Rosa, CA; Volunteers of Legal Service; Washtenaw Interfaith Coalition for Immigrant Rights; Watertown Citizens for Peace, Justice, and the Environment; Wayne Action for Racial Equality; WeCount!; WESPAC Foundation; Wilco Justice Alliance (Williamson County, TX).

Women Watch Afrika, Inc.; Worksafe; Young Immigrants in Action; YWCA Alaska; YWCA Alliance; YWCA Berkeley/Oakland; YWCA Brooklyn; YWCA Clark County; YWCA Elgin; YWCA Greater Austin; YWCA Greater Pittsburgh; YWCA Greater Portland; YWCA Madison; YWCA Minneapolis; YWCA Mount Desert Island.

YWCA NE KANSAS; YWCA of Metropolitan Detroit; YWCA of the University of Illinois; YWCA Olympia; YWCA Pasadena-Foothill Valley; YWCA Rochester & Monroe County; YWCA Southeastern Massachusetts; YWCA Southern Arizona; YWCA Tulsa; YWCA Warren; YWCA Westmoreland County.

Mr. CONYERS. Mr. Speaker, I yield 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 in opposition to this bill from the National Task Force to End Sexual and Domestic Violence, the CATO Institute, Church World Service, and the ACLU.

NATIONAL TASK FORCE TO END SEXUAL & DOMESTIC VIOLENCE,

June 27, 2017.

The National Taskforce to End Sexual and Domestic Violence (NTF), comprised 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 concerns about the 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, domestic violence, or human trafficking, and on communities at large.

This year is the twenty-third anniversary of the bipartisan Violence Against Women Act (''VAWA'') which has, since it was first enacted, included critical protections for immigrant victims of domestic and sexual 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 and into danger, undermining 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 pushing immigrant victims into the shadows and undermining public safety. Immigration enforcement must be implemented in a way that supports local community policing and sustains 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 that local law enforcement arrest or 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 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. Abusers and traffickers use the fear 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 and exploitation. 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 already afraid of contacting the police and H.R. 3003 proposes to further intertwine federal immigration and local law enforcement systems 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 of 2017, victim advocates have been describing the immense 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 violence and sexual assault programs indicate that immigrant victims are expressing heightened fears and concerns about immigration enforcement, with 78% of advocates and attorneys reporting that victims are describing fear of contacting the police; 75% of them reporting that victims are afraid of going to court; and 43% reporting working with immigrant victims who are choosing not to move forward with criminal charges or obtaining protective orders.

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 have dropped 25 percent among Los Angeles' Latino population since the beginning of the year compared to a three percent drop among non-Latino victims. Similarly, reports of spousal abuse among Latinos fell by about 10 percent among Latinos whereas the decline among non-Latinos was four percent. The Houston Police Department reported in April that the number of Hispanics reporting rape is down 42.8 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 Chief have spoken on the importance of having trust with the immigrant community in order to maintain public safety and prosecute crime?

H.R. 3003 WILL UNFAIRLY PUNISH ENTIRE COMMUNITIES

H.R. 3003 punishes localities that follow Constitutional guidelines and refuse to honor detainer requests that are not supported by due process mandates. H.R. 3003 likely covers more than 600 jurisdictions

across the country, most of which do not characterize their policies to follow constitutional mandates as ''sanctuary'' policies. H.R. 3003 penalizes jurisdictions by eliminating their access to various federal grants, including federal law enforcement grants, such as the Edward Byrne Memorial Justice Assistance Grant Program, and other federal grants related to law enforcement or immigration, such as those that fund forensic rape kit analysis. Withholding federal law enforcement funding would, ironically, undermine the ability of local jurisdictions to combat and prevent crime in their 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 as a result of shifting funding from enforcing federal criminal laws addressing violent crimes, including those protecting victims of domestic violence, sexual assault, and human trafficking, to the detention and prosecution of many non-violent immigration law violators.

H.R. 3003 AND H.R. 3004 WILL UNFAIRLY PUNISH VICTIMS

By greatly expanding mandatory detention and expanding criminal penalties for reentry, H.R. 3003 and H.R. 3004 will have harsh consequences for immigrant survivors. Victims of human trafficking, sexual assault, and domestic violence are often at risk of being arrested and convicted. In recognition of this fact, existing ICE guidance cites the example of when police respond to a domestic violence call, both parties may be arrested or a survivor who acted in self-defense may be wrongly accused. In addition, if the abuser speaks English better than the survivor, or if other language or cultural barriers (or fear of retaliation from the abuser) prevent the survivor from fully disclosing the abuse suffered, a survivor faces charges and tremendous pressure to plead guilty (without being advised about the long-term consequences) in order to be released from jail and reunited with her children. In addition, victims of trafficking are often arrested and convicted for prostitution-related offenses. These victims are often desperate to be released and possibly to be reunited with their children following their arrests or pending trial. These factors—combined with poor legal counsel, particularly about the immigration consequences of criminal pleas and convictions—have in the past and will likely continue to lead to deportation of wrongly accused victims who may have pled to or been unfairly convicted of domestic violence charges and/or prostitution. H.R. 3003 imposes harsh criminal penalties and H.R. 3004 imposes expanded bases for detention without consideration of mitigating circumstances or humanitarian exceptions for these victims.

In addition, H.R. 3004 expands the criminal consequences for re-entry in the U.S. without recognizing the compelling humanitarian circumstances in which victims who have been previously removed return for their safety. Victims of domestic and sexual violence and trafficking fleeing violence in their countries of origin will be penalized for seeking protection from harm. In recent years, women and children fleeing rampant violence in El Salvador, Guatemala and Honduras, have fled to the United States, seeking refuge. Frequently, because of inadequate access to legal representation, they are unable to establish their eligibility for legal protections in the United States, resulting in their removal. In many cases, the risk of domestic violence, sexual assault, and/or human trafficking in their countries of origin remain unabated and victims subsequently attempt to reenter the U.S. to protect themselves and their children. Other victims of domestic and sexual violence and trafficking may be deported because their abusers or traffickers isolate them, or prevent them from obtaining lawful immigration status. They are deported, with some victims having to leave their children behind in the custody of their abusers or traffickers. Under H.R. 3004, these victims risk harsh criminal penalties for re-entry for attempting to protect themselves and their children.

On behalf of the courageous survivors of domestic violence, sexual assault, dating violence, stalking and human trafficking that our organizations serve, we urge you to vote against H.R. 3003 and 3004, and to affirm the intent and spirit of VAWA by supporting strong relationships between law enforcement and immigrant communities, which is critical for public safety in general, and particularly essential for domestic and sexual violence victims and their children.

Sincerely,

THE NATIONAL TASKFORCE TO END SEXUAL AND DOMESTIC VIOLENCE.

[From the CATO Institute]

KATE'S LAW: A WASTE OF FEDERAL RESOURCES

(By David Bier)

The House of Representatives will vote on a bill this week titled ''Kate's Law'' (H.R. 3004). While it is nominally an ''immigration'' bill, its principal aim relates to criminal justice—namely, an increase in the maximum sentences for immigrants who reenter the country illegally after a deportation. The bill is a waste of federal resources. It would likely balloon America's population of nonviolent prisoners, while not protecting Americans against serious criminals.

KATE'S LAW WOULD NOT HAVE HELPED KATE

The bill's namesake is Kate Steinle, a 32-year-old medical sales rep killed in San Francisco in 2015. Her killer was Juan Francisco Lopez-Sanchez who was in the country without status after five removals. Proponents of this bill—providing lengthier prison sentences for people who reenter the country after a removal—believe that this would have somehow helped Kate Steinle. This assertion cannot withstand a moment's contact with the facts of the case, which I have previously laid out in detail here.

After his last three apprehensions, the government prosecuted Lopez-Sanchez for felony illegal reentry. He served 15 years in federal prison in three five-year increments. None of the facts of this case would have changed if he had served those 15 years consecutively. Indeed, because Lopez-Sanchez never actually made it across the border without being caught since 1997, the only reason that he ended up in San Francisco is because the Bureau of Prisons inexplicably decided to ignore a request for transfer from Immigration and Customs Enforcement (ICE). Instead, it shipped him to the city based on a 20-year-old marijuana charge—an offense no longer even exists in the city. Thus, deterrence against reentry has no relevance whatsoever to this case.

THE PROVISIONS OF KATE'S LAW

This legislation introduced by House Judiciary Committee Chairman Bob Goodlatte (R–VA) should not be confused with other bills of the same name introduced in the House and the Senate by Rep. Steve King (R–IA) and Sen. Ted Cruz (R–TX), respectively. The entire purpose of the prior iterations of ''Kate's Law'' was to create mandatory minimum sentences for crossing the border illegally after a removal. Indeed, the alternate title for the bills was the ''Establishing Mandatory Minimums for Illegal Reentry Act.'' This new Kate's Law, however, mercifully contains no mandatory minimum sentences—a sign that criminal justice reformers' criticisms of them (including Cato's) have started to penetrate the mainstream.

But the purpose of the law in the broader sense remains: trying to lock up more immigrants for longer periods. Most of the actual text comes from section 3705 of the Senate comprehensive immigration reform bill (S. 744) passed in June 2013, but the Kate's Law authors have added several odious provisions. The heart of the bill would create a new 10-year maximum sentence for any person removed or denied entry more than two times who reenters. The current maximum for regular reentry is just 2 years. It would increase the maximum sentences for people who reenter after being convicted of various criminal offenses—including for immigration offenses—to up to 25 years.

Kate's Law deletes two important provisions from the 5.744 language that would have protected from prosecution non-felon juveniles (p. 772–73) and humanitarian groups that provide immigrants caught in deserts or mountains food, water, or transportation to safety, which are sometimes the target of the ''aiding and abetting'' statutes (p. 774). Kate's Law would also prohibit challenging the legality or validity of a prior removal order, which is a common defense in these cases. If the earlier removal was not valid, as in at least one case where a U.S. citizen was deported, it should not be the basis of prosecution.

Kate's Law also would allow for prosecutions of immigrants who attempt to enter the United States unsuccessfully. Under current judicial interpretation, an alien must be ''free from official restraint''—that is, not in the custody or control of a government official. The 9th Circuit has interpreted to include even chases along the border. Thus, the bill would significantly expand the number of people eligible for prosecution for the criminal reentry statute.

KATE'S LAW WOULD FURTHER OVER-CRIMINALIZATION

The U.S. Sentencing Commission estimated that the original mandatory minimums version of Kate's Law would increase the federal prison population by almost 60,000 in 5 years—a massive 30 percent increase in the total federal prison population. Unfortunately, the House is moving this new version—revealed late last week—without an estimate of either its financial impact or its impact on the federal prison population. But the law would likely completely reverse the recent 5 percent decline in the federal prison population, the first reduction since the 1970s.

Immigration offenses are already the top reason for a federal arrest, composing half. of all federal criminal arrests up, a share that has doubled since 2004. From 1998 to 2010, 56 percent of all federal prison admissions were for immigration crimes. Locking up immigrants requires taxpayers to pay to watch, house, clothe, and feed them, and unlike U.S. citizens who are released into the interior, their incarceration does not prevent other U.S. residents from being exposed their criminal behavior (assuming illegal crossing is a concern in that regard).

While naturally locking people up has some deterrent effect on future crossing, Border Patrol doesn't bother to keep good data on this impact compared to its other efforts. Given the costs of incarceration—both to the person incarcerated and to the U.S. taxpayer—this seems like a critical insight. In any case, if Congress was serious about discouraging illegal immigration, it would make legal immigration significantly easier. As I have shown, the availability of work permits has a major impact on illegal immigration.

It's not clear that the motivation for Kate's Law is reducing illegal immigration per se, but rather the belief that illegal immigrants are more likely to commit serious crimes and so should be singled out. Yet as my colleagues' recent paper demonstrates, illegal immigrants are much less likely to end up behind bars than U.S.-born citizens. Because unauthorized immigrants are required to serve sentences before their removal, this is the best indication that they are less likely to commit crimes that require jail time.

In the end, Kate's Law is an improvement on its prior versions, but still an unjustifiable use of federal resources.

CWS STATEMENT TO OPPOSING H.R. 3003, THE NO SANCTUARY FOR CRIMINALS ACT, AND H.R. 3004, KATE'S LAW

As a 71-year old humanitarian organization representing 37 Protestant, Anglican, and Orthodox communions and 34 refugee resettlement offices across the country, Church World Service (CWS) urges all Members of Congress to support the long-standing efforts of law enforcement officials to foster trusting relationships with the communities they protect and serve. As we pray for peace and an end to senseless acts of violence that are too prevalent in this country, CWS encourages the U.S. Congress to refrain from politicizing tragedies or conflating the actions of one person with an entire community of our immigrant brothers and sisters and oppose H.R. 3003, the No Sanctuary for Criminals Act, and H.R. 3004, Kate's Law.

H.R. 3003, the No Sanctuary for Criminals Act, would target more than 600+ cities, counties, and states across the country and threaten to take away millions of dollars in federal funding that local police use to promote public safety. Communities are safer when they commit to policies that strengthen trust and cooperation between local law enforcement, community leadership and institutions, and all residents, regardless of immigration status. The Federal government should not hurt intentional, community-based policing efforts that are vital in communities across the country. Many cities have already recognized that requests by Immigration and Customs Enforcement (ICE) to hold individuals beyond their court-appointed sentences violate due process and have been found unconstitutional by federal courts. This bill would raise profound constitutional concerns by prohibiting localities from declining to comply with ICE detainer requests even when such compliance would violate federal court orders and the U.S. Constitution. Local police that refuse ICE detainer requests see an increase in public safety due to improved trust from the community. It is precisely this trust that enables community members to report dangerous situations without the fear of being deported or separated from their families. When local police comply with ICE detainer requests, more crimes go unreported because victims and witnesses are afraid of being deported if they contact the police. This bill would also undermine local criminal prosecutions by allowing the Department of Homeland Security (DHS) to ignore state or local criminal warrants and refuse to transfer individuals to state or local custody in certain circumstances. This bill would reduce community safety by preventing state and local jurisdictions from holding people accountable.

The United States already spends more than $18 billion on immigration enforcement per year, more than all other federal law enforcement agencies combined. H.R. 3004, Kate's Law, would expand the federal government's ability to prosecute individuals for ''illegal reentry'' and impose even more severe penalties in these cases—even though prosecutions for migration-related offenses already make up more than 50% of all federal prosecutions. Yet, this bill does not include adequate protections for individuals who reenter the U.S. in order to seek protection, which would place asylum seekers at risk of being returned to the violence and persecution they fled. We have seen how Border Patrol's current practices violate existing U.S. law and treaty obligations by preventing viable asylum claims from moving forward. DHS has found that in some areas, Border Patrol refers asylum seekers for criminal prosecution despite the fact that they have expressed fear of persecution. In May 2017, a report was released highlighting that many asylum seekers, who had expressed a fear of returning to their home countries are being turned away by CBP agents. New barriers to protection are unnecessary and would dangerously impede our obligations under international and U.S. law.

Federal, state, and local policies that focus on deportation do not reduce crime rates. Individuals are being deported who present no risk to public safety and who are long-standing community members, including parents of young children. Immigrants come to this country to reunite with family, work, and make meaningful contributions that enrich their communities. Several studies over the last century have affirmed that all immigrants, regardless of nationality or status, are less likely than U.S. citizens to commit violent crimes. A recent report found a correlation between the increase in undocumented immigrants, and the sharp decline in violent and property crime rates. Immigration is correlated with significantly higher employment growth and a decline in the unemployment rate, and immigrants have high entrepreneurial rates, creating successful businesses that hire immigrant and U.S. citizen employees.

As communities of faith, we are united by principles of compassion, stewardship, and justice. CWS urges all Members of Congress to oppose H.R. 3003, the No Sanctuary for Criminals Act, and H.R. 3004, Kate's Law. What we need are real solutions and immigration policies that treat our neighbors with the dignity and respect that all people deserve and affirm local law enforcement officers' efforts to build trust with their communities.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, June 27, 2017.

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

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

Re ACLU Opposes H.R. 3003 (No Sanctuary for Criminals Act) and H.R. 3004 (Kate's Law)

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: On behalf of the American Civil Liberties Union (''ACLU''), we submit this letter to the House of Representatives to express our strong opposition to H.R. 3003, the No Sanctuary for Criminals Act, and H.R. 3004, Kate's Law.

NO SANCTUARY FOR CRIMINALS ACT (H.R. 3003)

H.R. 3003 conflicts with the principles of the Fourth Amendment.

H.R. 3003 defies the Fourth Amendment by amending 8 USC Section 1373 of the Immigration and Nationality Act (''INA'') to force localities to comply with unlawful detainer requests or risk losing federal funding. This is despite the fact that an ''increasing number of federal court decisions'' have held that ''detainer-based detention by state and local law enforcement agencies violates the Fourth Amendment,'' as recognized by former Department of Homeland Security Secretary Jeh Johnson in 2014.

Disturbingly, H.R. 3003 seeks to penalize the 600+ localities that abide by the Fourth Amendment. These jurisdictions have recognized that by entangling local authorities and federal immigration enforcement, immigration detainers erode trust between immigrant communities and local law enforcement. In this way, immigration detainers ultimately undermine public safety, as entire communities become wary of seeking assistance from police and other government authorities that are supposed to provide help in times of need. Thus, by forcing jurisdictions to comply with unlawful detainer requests, H.R. 3003 will only make communities less safe, not more.

H.R. 3003 would also amend Section 287 of the INA to allow the Department of Homeland Security (''DHS'') to take custody of a person being held under a detainer within 48 hours (excluding weekends and holidays) ''but in no instance more than 96 hours'' following the date that the individual would otherwise be released from criminal custody. This, again, raises serious Fourth Amendment concerns, as the Supreme Court has stated that the Constitution requires a judicial finding of probable cause within 48 hours of arrest. This provision would disregard the Court's ruling entirely and allow a local law enforcement agency to hold a person for up to 7 days before requiring DHS intervention—and never requiring the person be brought before a judge for a probable cause hearing.

Protection against unreasonable detention by the government is the bedrock of the Constitution's Fourth Amendment, which provides that the government cannot hold anyone in jail without getting a warrant or approval from a neutral magistrate. This constitutional protection applies to everyone in the United States—citizen and immigrant alike.

Immigration detainers, however, do not abide by these standards. Detainers are one of the key tools that DHS uses to apprehend individuals who come in contact with local and state law enforcement agencies. An immigration detainer is a written request from DHS to that local law enforcement agency, requesting that they detain an individual for an additional 48 hours after the person's release date, in order to allow immigration agents extra time to decide whether to take that person into custody for deportation purposes.

DHS's use of detainers to imprison people without due process, without any charges pending, and without probable cause of a criminal violation flies in the face of our Fourth Amendment protections. Policies that allow DHS to detain people at-will are ripe for civil and human rights violations and have resulted in widespread wrongful detentions, including detentions of U.S. citizens. That is why many of the 600+ localities targeted by H.R. 3003 have decided not to execute a DHS immigration detainer request unless it is accompanied by additional evidence, a determination of probable cause, or a judicial warrant.

Unfortunately, H.R. 3003 does nothing to address the fundamental constitutional problems plaguing DHS's use of immigration detainers. Rather than fix the constitutional problems by requiring a judicial warrant, the bill perpetuates the unconstitutional detainer practices and forces the federal government to absorb legal liability for the constitutional violations which will inevitably result. This is irresponsible lawmaking. Instead of saddling taxpayers with the liability the federal government will incur from Fourth Amendment violations, Congress should end the use of DHS's unconstitutional detainer requests.

H.R. 3003 violates the Due Process Clause by allowing DHS to detain people indefinitely without a bond hearing.

Section 4 of H.R. 3003 radically expands our immigration detention system by amending Section 236(c) of the INA to authorize mandatory detention ''without time limitation.'' This empowers DHS to detain countless immigrants for as long as it takes to conclude removal proceedings—even if that takes years—without the basic due process of a bond hearing to determine if their imprisonment is even justified. This is a clear constitutional violation, as the federal courts have overwhelmingly held that jailing immigrants for months and years without bond hearings raises serious problems under the Due Process Clause.

Although the bill claims to provide for the ''detention of criminal aliens,'' it massively expands mandatory detention to people with no criminal record whatsoever, including immigrants who lack legal papers or who overstay a tourist visa. The ''lock 'em up'' approach to immigration enforcement is cruel, irrational, and unconstitutional. The Supreme Court has permitted brief periods of mandatory detention only in cases where individuals are charged with deportation based on certain criminal convictions. The Court has not endorsed the mandatory lock-up of people who have never committed a crime.

KATE'S LAW (H.R. 3004)

H.R. 3004 is piecemeal immigration enforcement that expands America's federal prison population and lines the coffers of private prison companies.

Increasing the maximum sentences for illegal reentrants is unnecessary, wasteful, and inhumane. H.R. 3004 envisions a federal criminal justice system that prosecutes asylum-seekers, persons providing humanitarian assistance to migrants in distress, and parents who pose no threat to public safety in returning to the U.S. to reunite with children who need their care (individuals with children in the United States are 50 percent of those convicted of illegal reentry).

Current law already imposes a sentence of up to 20 years on anyone convicted of illegally reentering the country who has committed an aggravated felony. U.S. Attorneys' Offices aggressively enforce these provisions. According to the U.S. Sentencing Commission, immigration prosecutions account for 52 percent of all federal prosecutions—surpassing drugs, weapons, fraud and thousands of other crimes. Nearly 99 percent of illegal reentry defendants are sentenced to federal prison time.

H.R. 3004 would drastically expand America's prison population of nonviolent prisoners at a time when there is bipartisan support to reduce the federal prison population. It offends due process by cutting off all collateral attacks on unjust prior deportation orders, despite the Supreme Court's contrary ruling in United States v. Mendoza-Lopez. Profiteering by private prison companies has been the main consequence of border-crossing prosecutions, which the Government Accountability Office and the DHS Office of Inspector General have criticized as lacking sound deterrent support.

H.R. 3004 is an integral part of this administration's mass deportation and mass incarceration agenda. Longer sentences for illegal reentry are not recommended by any informed federal criminal-justice stakeholders; rather they represent this administration's anti-immigrant obsession and would expensively expand substandard private jail contracting despite the life-threatening conditions in these facilities.

In conclusion, H.R. 3003 and H.R. 3004 are fraught with constitutional problems that threaten the civil and human rights of our immigrant communities, undercut law enforcement's ability to keep our communities safe, and would balloon our federal prison population by financing private prison corporations. Rather than taking a punitive approach to local law enforcement agencies that are working hard to balance their duties to uphold the Constitution and to keep their communities safe, Congress should end DHS's unconstitutional detainer practices or fix the constitutional deficiencies by requiring judicial warrants for all detainer requests. Congress should also repeal mandatory detention so that all immigrants receive the basic due process of a bond hearing and reject any attempt to unfairly imprison individuals who are not a threat to public safety.

For more information, please contact ACLU Director of Immigration Policy and Campaigns, Lorella Praeli.

Sincerely,

FAIZ SHAKIR,
National Political Director.
LORELLA PRAELI,
Director of Immigration Policy and Campaigns.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. JUDY CHU), a former member of the House Judiciary Committee.

Ms. JUDY CHU of California. Mr. Speaker, I rise in strong opposition to H.R. 3004, Kate's Law. This is politically driven legislation intended to create a fear of immigrants, even though repeated studies have shown immigrants commit less crimes.

It enhances criminal penalties against immigrants, the vast majority of whom have come here peacefully to rejoin loved ones. All that, and it doesn't even do what it claims to, address the situation that led to the tragic death of Kate Steinle.

There are those who might imply that this bill came from H.R. 15, the comprehensive bipartisan immigration bill that could have passed the House if allowed to vote on the floor, but this is not true. I know, because I was one of the lead sponsors of this bill.

Our bill would have vastly improved the pathways to immigrate legally to the U.S. This bill makes no distinction between those immigrants trying to rejoin their families and those who may be prone to commit crimes.

Instead, it treats all immigrants attempting to reenter the U.S. as criminals and significantly expands sentences for persons with misdemeanors such as driving without a license or loitering. Even asylum seekers, who present themselves at the border to escape deadly gang violence in their home country, could be subject to criminal prosecution.

Turning our backs on asylum seekers and refugees doesn't make us safer. It makes us weak, and it is just plain wrong.

We were horrified by Kate Steinle's murder, but the provisions in this bill would not have prevented it. The man charged with killing her was convicted for multiple illegal reentry offenses, serving more than 16 years in prison. He had been caught each time he attempted to cross the border. His presence in San Francisco was not due to lax penalties for reentry or weak border security.

I urge my colleagues to oppose this misguided legislation ripped from the pages of Donald Trump's mass deportation and anti-immigrant playbook.

I include in the RECORD five documents from organizations that are opposed to this bill as well as the sanctuary bill, and that is the 15,000 immigration lawyers and law professors who are members of the American Immigration Lawyers Association; the 1.6 million members of the American Federation of State, County and Municipal Employees, or AFSCME; the 2 million members of the Service Employees International Union, SEIU; the Asian Americans Advancing Justice; and the Fair Immigration Reform Movement.

AMERICAN IMMIGRATION LAWYERS ASSOCIATION,
Washington, DC, June 27, 2017.

Statement of the American Immigration Lawyers Association Opposing the ''No Sanctuary for Criminals Act'' (H.R. 3003) and ''Kate's Law'' (H.R. 3004)

Contact: Gregory Chen, Director of Government Relations.

As the national bar association of over 15,000 immigration lawyers and law professors, the American Immigration Lawyers Association (AILA) opposes ''No Sanctuary for Criminals Act'' (H.R. 3003) and ''Kate's Law'' (H.R. 3004). AILA recommends that members of Congress reject these bills which are scheduled to come before the House Rules Committee on June 27 and to the floor shortly thereafter. Though Judiciary Chairman Goodlatte stated that the bills will ''enhance public safety,'' they will do just the opposite: undermine public safety and make it even harder for local law enforcement to protect their residents and communities. In addition, the bills which were made public less than a week before the vote and completely bypassed the Judiciary Committee, include provisions that will result in violations of due process and the Fourth and Tenth Amendments to the Constitution.

At a time when over 9 out of 10 Americans support immigration reform and legalization of the undocumented, Republican leadership is asking the House to vote on enforcement-only bills that will lead to more apprehensions, deportations, and prosecutions of thousands of immigrants and their families who have strong ties to the United States. Instead of criminalizing and scapegoating immigrants, Congress should be offering workable reforms that will strengthen our economy and our country.

THE NO SANCTUARY FOR CRIMINALS ACT, H.R. 3003

H.R. 3003 would undermine public safety and interfere with local policing.

H.R. 3003 would amend 8 U.S.C. §1373 to prevent states or localities from establishing laws or policies that prohibit or ''in any way'' restrict compliance with or cooperation with federal immigration enforcement. The bill dramatically expands 8 U.S.C. §1373 which is more narrowly written and prohibits local law enforcement from restricting the sharing and exchange of information with federal authorities, but only with respect to an individual's citizenship or immigration status.

Rather than empowering localities, the extremely broad wording of H.R. 3003 would strip localities of the ability to enact common-sense crime prevention policies that ensure victims of crime will seek protection and report crimes. The bill would also undermine public safety by prohibiting DHS from

honoring criminal warrants of communities deemed ''sanctuary cities'' if the individual being sought by local law enforcement has a final order of removal.

Under H.R. 3003, localities that fail to comply with federal immigration efforts are penalized with the denial of federal funding for critical law enforcement, national security, drug treatment, and crime victim initiatives, including the State Criminal Alien Assistance Program (SCAAP), Community Oriented Policing Services (COPS), and Byrne JAG programs that provide hundreds of millions of dollars to localities nationwide.

In an effort to force localities to engage in civil immigration enforcement efforts, including those against nonviolent undocumented immigrants, the bill would make it far more difficult for many localities, including large cities, to arrest and prosecute potentially dangerous criminals. The bill could even offer criminals a form of immunity, knowing that any crimes they commit in a designated sanctuary city would result, at most, in their removal from the country as opposed to criminal prosecution.

H.R. 3003 would run afoul of constitutional safeguards in the Fourth Amendment.

By prohibiting localities from restricting or limiting their own cooperation with federal immigration enforcement, H.R. 3003 effectively compels localities to honor ICE detainer requests—a controversial and constitutionally suspect practice that is nonetheless widely-used by ICE. Federal courts have found that ICE use of detainers violates the Fourth Amendment, and that localities may be held liable for honoring them.

The bill also expands detainer authority by establishing that ICE may issue detainer requests for localities to hold undocumented immigrants for up to 96 hours—twice what is currently allowed—even if probable cause has not been shown. Courts have concluded that localities cannot continue detaining someone unless ICE obtains a warrant from a neutral magistrate who has determined there is probable cause, or in the case of a warrantless arrest, review by a neutral magistrate within 48 hours of arrest. The expansive provisions in H.R. 3003 would force localities to choose between detaining people in violation of the Constitution or being punished as a ''sanctuary city.''

Furthermore, this bill provides government actors and private contractors with immunity if they are sued for violating the Constitution. Provisions in this bill transfer the financial burden of litigation by substituting the federal government for the local officers as the defendant. If H.R. 3003 becomes law, American taxpayers would be stuck paying for lawsuits brought by those who are unjustly detained.

The bill goes even further by creating a private right of action allowing crime victims or their family members to sue localities if the crime was committed by someone who was released by the locality that did not honor an ICE detainer request.

H.R. 3003 would violate the Tenth Amendment.

H.R. 3003 would compel states and localities to utilize their local 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.

H.R. 3003 would expand detention without due process.

H.R. 3003 would increase the use of detention without ensuring those detained have access to a bond determination. Under the bill, nearly anyone who is undocumented, including those who have overstayed their visa would be subject to detention without a custody hearing. The bill also establishes that DHS has the authority to detain individuals ''without time limitation'' during the pendency of removal proceedings. These provisions would dramatically expand the federal government's power to indefinitely detain individuals, and would likely result in ever growing numbers of undocumented immigrants held in substandard detention facilities.

KATE'S LAW, H.R. 3004

H.R. 3004 would expand the already severe penalties in federal law for illegal reentry (INA §276; 8 U.S.C. §1326). The number of people prosecuted for illegal reentry has grown steadily to about 20,000 prosecutions each year, and such cases comprise more than one quarter of all federal criminal prosecutions nationwide. H.R. 3004 adds sentencing enhancements for people who are convicted of minor misdemeanors and people who have reentered multiple times but have no criminal convictions. This bill will not improve public safety and will undermine due process and protections for asylum seekers. H.R. 3004 would waste American taxpayer funds by imposing severe prison sentences upon thousands of people who pose no threat to the community and who have strong ties to the country and are trying to unite with their loved ones.

H.R. 3004 would impose severe sentencing enhancements upon people with minor offenses.

H.R. 3004 would add sentencing enhancements for minor misdemeanor convictions, including driving without a license and other traffic-related offenses. Under the current version of INA §276, if a person is charged with reentering the U.S. after being removed, their punishment is enhanced by up to ten years only if they have been convicted a felony or three or more misdemeanors involving drugs or violence. Under H.R. 3004 someone who has been convicted of any three misdemeanors regardless of severity would be subject to a term of up to ten years.

This expansion would unfairly target large numbers of people who are not a threat to public safety but instead are trying to reunite with family members and have other strong ties to the United States. Currently half of all people convicted of illegal reentry have one child living in the country. Increasing sentences for illegal reentry would also waste taxpayer dollars, costing huge amounts of money to lock up non-violent people.

H.R. 3004 would punish people who attempt to seek asylum at the border.

H.R. 3004 expands the provisions of INA §276 to punish not only people who reenter the U.S. or attempt to reenter the U.S., but also people who cross or attempt to cross the border. The bill goes on to define ''crosses the border'' to mean ''the physical act of crossing the border, regardless of whether the alien is free from official restraint.'' That means that people who present themselves at ports of entry to request asylum and are taken into custody by CBP to await a fear screening would be subject to criminal charges based on a past removal, even though they are seeking refuge in the U.S.

H.R. 3004 would impose severe sentencing enhancements for people with multiple entries.

The bill would also create new sentencing enhancements for people who have reentered the U.S. multiple times, even if they have no other criminal convictions. If someone has been removed three or more times, and is found in the United States or attempts to cross the border again, H.R. 3004 law would provide for sentencing enhancements of up to ten years. The bill makes no exception for bona fide asylum seekers, which means that people who are seeking refuge in the U.S. from atrocities abroad could be subject to a lengthy prison sentence under these provisions.

H.R. 3004 would undermine due process by blocking challenges to unfair removal orders.

The bill will prevent an individual from challenging the validity of a removal order, even it was fundamentally unfair in the first place. The Supreme Court held in U.S. v. Mendoza-Lopez, 481 U.S. 828 (1987) that due process requires that a challenge be allowed if a deportation proceeding is used as an element of a criminal offense and where the proceeding ''effectively eliminate[d] the right of the alien to obtain judicial review.'' This provision in H.R. 3004 is likely unconstitutional and will cause grave injustice to defendants, such as asylum seekers who were deported without the opportunity to seek asylum.

AFSCME,
Washington, DC, June 28, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to oppose the punitive and unnecessary No Sanctuary for Criminals Act (H.R. 3003) and its companion bill that increases penalties for certain immigrants (H.R. 3004). These bills together weaken the rights of immigrants, cut funding to vital state and local programs, and further criminalize immigrants.

H.R. 3003 and 3004 are deeply flawed pieces of legislation that would add chaos to an already broken immigration system when comprehensive reform is what is needed. The bills undermine state and local policing strategies that have worked well for many communities. Implementing this ''one size fits all'' approach, as proposed in these bills, jeopardizes the trust that diverse communities have placed in their police force and undermines federal grants that are aimed at helping law enforcement and that support the very programs needed to reduce crime.

H.R. 3003 forces communities to devote local resources to enforcing federal immigration law and penalizes them if they don't comply. H.R. 3004 mandates increased penalties on immigrants for reentry, which could lead to a large increase in the prison population without additional resources. This would create new financial liability for federal, state, and local governments, that are already cash strapped, at a time when funding is urgently needed for investments in public safety, infrastructure and other vital community needs.

We urge the House to reject both H.R. 3003 and H.R. 3004.

Sincerely,

SCOTT FREY,
Director of Federal Legislative Affairs.

SEIU,
Washington, DC, June 28, 2017.

DEAR REPRESENTATIVE: On behalf of the two million members of the Service Employees International Union (SEIU), I urge you to vote no on H.R. 3004 and H.R. 3003, which are currently scheduled to come to the House floor this week. These mean-spirited and unwise bills would waste taxpayer dollars, shackle local law enforcement efforts to

protect the public, and make our nation's immigration laws even meaner and less reasonable than they already are.

H.R. 3004, ''Kate's Law,'' would increase the prison population of nonviolent offenders who pose no public safety risk, without evidence that its harsh provisions would have any impact on unlawful immigration, and without any other justification of its cost or impact on prison overcrowding. Those affected would include immigrants who have only committed minor misdemeanors such as driving without a license or other traffic-related offenses, and others who have never committed any crimes besides unauthorized entry. H.R. 3004 would also penalize persons fleeing persecution who voluntarily present themselves at the border to apply for asylum, and it would short circuit the current minimal due process protections that protect persons whose previous deportation was unlawful.

H.R. 3003, the ''No Sanctuary for Criminals Act,'' is intended to commandeer state and local law enforcement resources to perform federal deportation activities. It is one part of the ongoing effort to villainize immigrants by unfairly—and against all available evidence—painting them all with a criminal brush for the misdeeds of a few. Rather than protecting the public, the provisions of H.R. 3003 would frustrate policies by states and localities that increase public safety by encouraging cooperation between law enforcement and the communities they serve. There is mounting evidence that localities with such policies experience lower crime because they build trust between the police and those they serve, thereby inspiring the community collaboration and assistance that is a key ingredient to maintaining safe neighborhoods.

It should be pointed out that the provisions of H.R. 3003 are sufficiently radical that even those who do not support sanctuary cities should vote no. The bill would deny important law enforcement funding to localities that are unwilling to honor any and all federal immigration detainer requests, including requests that courts have said are unconstitutional. It would empower private individuals to sue a locality if they or their family are victimized by a crime committed by an individual who was released despite a federal detainer request. It would render local governments powerless to prioritize local needs over immigration enforcement, even for local agencies funded by local taxes. And, if that weren't enough, a separate provision would significantly increase the categories of individuals subject to mandatory detention and prolonged detention without bond, thereby filling local jails and private prisons with individuals who pose no danger to themselves and no flight risk.

For the reasons listed above, both of these bills should be defeated. SEIU therefore asks you to vote no, and may add votes on any of them to our scorecard. If you have any questions, please contact Josh Bernstein.

Sincerely,

ROCIO SÁENZ,
Executive Vice President.

ASIAN AMERICANS ADVANCING JUSTICE,
June 28, 2017.

FIVE CIVIL RIGHTS ORGANIZATIONS OPPOSE LATEST IMMIGRATION ACTIONS IN THE HOUSE

HOUSE REPUBLICANS INTRODUCE TWO ANTI-IMMIGRANT BILLS DURING IMMIGRANT HERITAGE MONTH

WASHINGTON, DC.—Representative Bob Goodlatte (R–Va.) introduced a set of anti-immigrant bills that are scheduled for a vote later this week. These are the latest in a line of bills that outline a clear anti-immigrant strategy by House leadership and this administration.

H.R. 3003 seeks to authorize the Federal Government to withhold millions of dollars in federal funding for localities with limited detainer policies, sanctuary city policies, and community trust policies aimed at complying with the Constitution and making communities safer. H.R. 3004 would expand the Federal Government's ability to prosecute people for illegal reentry into the U.S., excludes humanitarian exemptions for people fleeing violence, and heightens penalties in those cases.

Asian Americans Advancing Justice, an affiliation of five civil rights organizations, issues the following statement in response:

''Asian Americans Advancing Justice strongly opposes H.R. 3003 (the No Sanctuary for Criminals Act), H.R. 3004 (known as Kate's Law), and the passage of any immigration enforcement legislation that would increase indiscriminate enforcement, further the criminalization of immigrants, and instill more fear in already terrified communities. Approximately 40 percent of all immigrants come to the U.S. from Asia, and 1.6 million of those immigrants are undocumented. Anti-immigrant policies create a climate of fear for all immigrants, regardless of status.

We are horrified and dismayed that House leadership has chosen to line up behind the administration in its scapegoating of immigrants. Both of these bills further the administration's goals of criminalizing all immigrants and expanding mass incarceration. Since the administration failed in its attempt to strip funding from municipalities with sanctuary and community trust policies in federal court, it is looking for Congress to fulfill its anti-immigrant agenda.

There is abundant evidence that sanctuary and community trust policies make communities safer. As Arizona and Texas have shown us, forcing local law enforcement to enforce immigration laws increases racial profiling and distrust of law enforcement by communities of color.

Rapidly pushing these bills through the House as America looks toward a holiday that celebrates the best of our American ideals is clearly an effort to slide this legislation under the radar of anyone who would oppose it, including millions of Americans who support immigrants' rights.

Vilifying and punishing immigrants who may be fleeing violence or seeking a better life for their families does not makes us safer, just inhumane. We call on Congress to reject this latest anti-immigrant strategy. This vote will be a test for Members of Congress to show which side of justice they are on.''

Asian Americans Advancing Justice is a national affiliation of five leading organizations advocating for the civil and human rights of Asian Americans and other underserved communities to promote a fair and equitable society for all. The affiliation's members are: Advancing Justice/AAJC (Washington, DC), Advancing Justice–Asian Law Caucus (San Francisco), Advancing Justice–Los Angeles, Advancing Justice–Atlanta, and Advancing Justice–Chicago.

FAIR IMMIGRATION REFORM MOVEMENT,
June 29, 2017.

HOUSE GOP CONTINUES CRUEL CRUSADE AGAINST IMMIGRANTS

WASHINGTON.—Kica Matos, spokesperson for the Fair Immigration Reform Movement (FIRM), issued the statement below after the House voted on the No Sanctuary for Criminals Act and Kate's Law:

''Republicans in the House are hell bent on criminalizing the hard working immigrants who contribute so much to our country. This week they voted on two heartless bills that do nothing more than continue to fuel Trump's deportation machine.

The No Sanctuary for Criminals Act punishes ''sanctuary cities,'' local jurisdictions addressing immigration issues without federal interference, and expands the government's inhumane practice of indefinite detention of immigrants.

The second bill, ''Kate's Law'' is a thinly veiled attempt to give prosecutors more power to continue the vicious mass incarceration of black and brown people by expanding on legal penalties for re-entry. The bill also limits the already limited protections for people reentering the country for humanitarian reasons.

The attacks on brown and black people by Republicans are not going unnoticed. The people are on our side—they marched with us on May 1st, they showed up after Trump issued the first refugee ban and they called out elected officials at town halls. Our message to Congress is clear: the only solution to fix the broken immigration system is a pathway to citizenship.

These two bills are the antithesis of our values and should be condemned by everyone.

The Fair Immigration Reform Movement (FIRM) is the nation's largest immigrant-rights coalition, with grassroots organizations fighting for immigrant rights at the local, state and federal level.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BERGMAN).

Mr. BERGMAN. Mr. Speaker, I thank the chairman and his committee for their diligent work on this extremely important and timely law.

Mr. Speaker, I rise in support of H.R. 3004, Kate's Law. Our immigration system here in the United States is the most generous in the world. Good people from all over the globe who understand the American Dream seek to join us, and we are better for it.

Alexander Hamilton, Levi Strauss, Albert Einstein, and so many others have called themselves Americans because of it. But as we continue to draw on that spirit of understanding and acceptance, we have to remember that a nation without borders is not a nation.

We have a responsibility here in Congress to be proactive and protect our communities and our citizens from unlawful and criminal immigrants, and that is what this legislation does.

Kate's Law, named in honor of 32-year-old Kate Steinle, who was shot and killed in the prime of her life by an unlawful immigrant who had accumulated seven felony convictions, been deported five different times—you have heard this many times said—aims to strengthen public safety by imposing hasher mandatory prison sentences for deported felons who return to the U.S. and increasing penalties for unlawful immigrants who have been convicted of nonimmigration-related crimes.

Mr. Speaker, this legislation just makes sense, and I am confident that we can continue to welcome the tired, the poor, the huddled masses yearning to breathe free in our country without giving free rein to dangerous convicted criminals in any of our communities.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. GUTIÉRREZ).

Mr. GUTIÉRREZ. Mr. Speaker, for almost 100 percent of the people who would go to jail if this bill is enacted, they are not criminals and have no brush with the law. They were people who lived here for years, who had no chance of coming legally in the first place, and no way to get legal once they were here. Most have lived here for 10, 20, 30 years. They live in families with children, and their children are citizens of the United States just like you and me and our children. They have mortgages and car notes.

The problems these moms and dads are trying to solve is if they get deported, how do I make sure my kids are safe in the country in which they were born, the United States? How do I keep a roof over their head and get them ready for school? How do I keep my business open or my career continuing in the U.S. where I have lived, in some cases, for decades?

That is the problem they have, and guess what, they come back after they are deported. That person, to me, is not a felon, never committed a crime. That person is not a hardened criminal, never killed anyone.

□ 1615

That is a parent fighting for their family.

So in painting a picture of all immigrants as resembling a career criminal, like the guy who killed Kate Steinle, Republicans are doing the old bait and switch.

The people we are hitting with this bill come back to the lives they have built over decades by the only means we have made available, and now we are going to add a felony and 15 years to that.

Let's give moms and dads different alternatives. The people who would go to jail if this bill were enacted would rather have come with a visa. They would get in line for hours to get legal if there were a line to get in, but there isn't, and most Americans believe we should create such a line for them. They would come back legally if they could, but they can't.

We should be looking at how to solve that problem. We should be looking at ways to eliminate illegal immigration, and stop hoping that our strategy of the last 30 years of deportation, more restriction, and more criminalization would somehow miraculously start working.

It hasn't. It won't. It is time for us to enact comprehensive immigration reform in the Congress and to fulfill our responsibility to the Nation.

Look, the question today isn't whether or not this bill is going to pass. It is going to pass. The Republicans are making it a primary purpose.

The question really, for me, is: Are Democrats going to participate? Are Democrats going to participate in allowing this to pass?

I have just got to say that I know it is difficult.

Some people say: Well, I might not come back.

It will be difficult. My constituents demand this.

Well, let me just say that when I was elected in 1986 to the Chicago City Council, I was there but a month and they had the human rights bill for the gay and lesbian community. I remember the banner headlines: ''Cardinal Says 'No.' ''

Here I was a Catholic all my life, an altar boy, had three of the seven Catholic rites: communion, baptism, and marriage. Ten years later, I got to the Congress and was confronted here with the Defense of Marriage Act. We passed it. There were only about 70 of us who voted against it.

But guess what. Thirty years after I took that vote for gay rights in the Chicago City Council, the Supreme Court said that marriage equality was the law of the land and discriminating against them was against the Constitution of the United States of America.

That is the way you create social justice, not by doing a poll and not by trying to figure out what the next election consequences are going to be.

I say to my Democratic colleagues: Stand up for social justice today.

It wasn't easy as a Democrat to stand up for reproductive rights for women. I remember going to church and I remember being chastised by the priest. I remember being booed by some of the congregants as I left that church. But I stood up for what I believe are women's rights. My children were chased down the street during Halloween by prochoice people who said I didn't deserve to be trick-or-treating with my children, that I was a bad father and I was a murderer. We stood up, and women have rights in this country.

That is the way we do that, Democrats. We stand up for what is right. We don't take a poll, and we don't think of the next election. We do what is right.

The immigrant community is looking for champions today, and it is my hope that, as Democrats, we, too, will stand up. When hate visits you, you need to repudiate it. You need to repudiate it because that hate might visit you in some personal way and it might cause you to hate yourself ultimately.

Mr. Speaker, I include in the RECORD a statement in opposition to the bill from the Tahirih Justice Center.

TAHIRIH JUSTICE CENTER,
Falls Church, VA, June 27, 2017.

STATEMENT OF THE TAHIRIH JUSTICE CENTER OPPOSING THE ''NO SANCTUARY FOR CRIMINALS ACT'' (H.R. 3003) AND ''KATE'S LAW'' (H.R. 3004)

The Tahirih Justice Center (''Tahirih'') respectfully submits this statement to the United States House of Representatives as it considers ''The No Sanctuary for Criminals Act'' (H.R. 3003; ''The Act'') and ''Kate's Law'' (H.R. 3004). The House Rules Committee is set to review these bills today, followed by the full House in the near future. Tahirih is a national, nonpartisan organization that has assisted over 20,000 immigrant survivors of gender-based violence over the past 20 years. Our clients include women and girls who have endured horrific abuses such as rape and human trafficking and are in dire need of humanitarian relief.

Tahirih urges members of Congress to oppose H.R. 3003 and 3004: By further entangling federal and local immigration enforcement, H.R. 3003 will not only put survivors of human trafficking and domestic violence at greater risk of criminal harm, but will embolden violent criminals who pose a danger to us all. H.R. 3004 will unjustly punish asylum seekers who sought safe haven in the U.S., but were improperly denied access to the asylum process the first time around.

H.R. 3003: The No Sanctuary for Criminals Act: The Act seeks to erase the distinction between federal and local immigration enforcement. Such measures erode immigrant community trust of police, who rely on victims and witnesses to help get dangerous criminals off the streets. When immigrants know they can call 911 without fear of deportation, it is perpetrators—not victims or their children—that are deterred and punished. Abusers and traffickers deliberately manipulate and isolate victims to limit their access to information about their legal rights. Despite longstanding protections under the Violence Against Women Act, even victims who hold lawful immigration status succumb to intimidation, and remain afraid of deportation if they come forward. For some survivors, deportation means sentencing a US citizen child to the custody of a violent abuser. Following the recent passage of a state law to increase local immigration enforcement, a client aptly noted, ''This is exactly what [my abuser] has been waiting for.'' We are all less safe when we make it easier for perpetrators to commit crimes.

The Act will also increase prolonged detention of survivors, resulting in further traumatization, separation from young children, and limited access to legal assistance and due process. The Act also punishes localities that refuse to comply, by revoking critical funding for core programs that address gun violence, gang violence, and other criminal activity. When local agencies must ''choose'' between continuing these programs and compromising community trust, it is the public that pays the steepest price.

H.R. 3004: Kate's Law: Tahirih and other advocates routinely assist clients whose initial requests for asylum at the border are met with hostility, intimidation, and coercion. These individuals are unlawfully denied access to the asylum process by U.S. officials. With their lives in grave danger, women and girls in this situation have no choice but to request safe haven in the U.S. a second or even third time. They are not asking to appeal denial of their claims; rather, they are merely seeking a threshold determination that they may apply for asylum or related protections. Our domestic laws and international humanitarian obligations require that they have this opportunity. H.R. 3004 will punish women fleeing horrific abuse who persist in their quest for asylum by limiting their ability to challenge initial, unlawful removals, and by unnecessarily and unjustly subjecting them to criminal prosecution.

We appreciate the opportunity to offer this statement in opposition to H.R. 3003 and 3004, and we urge Congress to unequivocally reject these harmful bills that undermine the safety of survivors of gender-based violence.

ARCHI PYATI,
Director of Policy and Programs.

Mr. GUTIÉRREZ. Mr. Speaker, I include in the RECORD a letter from the Human Rights First: American Ideals. Universal Values.

HUMAN RIGHTS FIRST,
June 28, 2017.

Re H.R. 3004—115th Congress (2017–2018).

Hon. PAUL D. RYAN,
Speaker, House of Representatives, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: We write to urge you to oppose H.R. 3004 (''Kate's Law'') and any similar legislation that would have severely negative consequences for asylum seekers and refugees fleeing persecution.

H.R. 3004 seeks to expand the scope of immigrants who may be prosecuted for unlawful reentry and further expands penalties for those who are convicted. But the criminal prosecution of asylum seekers for offenses such as illegal entry, illegal reentry, and document fraud violates U.S. treaty obligations and risks sending genuine refugees back to their countries of persecution.

For one, many asylum seekers are forced to ''reenter'' the United States because they were wrongfully deported in the first place through the expedited removal system. The U.S. Commission on International Religious Freedom (USCIRF), as well as Human Rights First and other groups, has long documented deficiencies and flaws in the implementation of the expedited removal process, a summary process which gives immigration officers the authority to order non-citizens deported without a hearing. In its 2005 report on expedited removal, USCIRF found that in a significant number of cases, border agents failed to follow U.S. law and refer asylum seekers to the ''credible fear'' process, even when USCIRF researchers were present during the secondary inspection process.

Even when border agents make the proper referral for a credible fear screening, asylum seekers are often traumatized and exhausted by their experiences in their home countries, their flight to the United States, and their arrest by U.S. authorities. They are often interviewed by telephone by an officer they cannot see and are at the mercy of interpretation problems and other arbitrary factors that hinder communication. As a result, some may incorrectly be found to not have a credible fear, and may be deported as a result. These asylum seekers must then ''reenter'' the United States after facing continuing persecution in their home countries to seek protection yet again.

Moreover, H.R. 3004 would redefine ''reentry'' to encompass an even broader group of individuals, as it will define reentry as including cases of individuals who had been previously denied admission. Human Rights First release a report in May 2017, titled Crossing the Line, which documents cases of asylum seekers who have been turned back at U.S. ports of entry, despite stating to border agents that they had a fear of persecution or intended to seek asylum. While DHS officials have acknowledged that border agents should be following U.S. law and referring asylum seekers to the asylum process, Human Rights First and other groups have found that this practice continues. H.R. 3004 seeks to penalize an overly broad group of individuals that would even include those who were wrongfully turned away from our ports of entry in violation of U.S. law.

Secondly, prosecuting asylum seekers for their illegal entry or presence—even in the case of ''reentry''—is a violation of U.S. treaty obligations under the Convention and Protocol Relating to the Status of Refugees. Article 31 of the Refugee Convention requires that states refrain from imposing ''penalties'' on refugees on account of their illegal entry or presence in the country where they are seeking asylum. For this reason, in 2015, the U.S. Department of Homeland Security Office of Inspector General found that prosecutions under ''Operation Streamline'' may place the United States in violation of its treaty obligations.

If Congress passes H.R. 3004, more asylum seekers like Maria will be subjected to wrongful criminal prosecutions.

''Maria,'' a transgender woman from Honduras, who had been raped and subjected to other sexual violence, fled to the United States in 2014. U.S. immigration officials failed to respond to her requests for asylum and she was deported back to Honduras through expedited removal without ever seeing an immigration judge or having her fear of persecution assessed by an asylum officer. Facing ongoing persecution in Honduras, she fled to the United States again in 2015, and was apprehended upon entry. U.S. border agents referred her for criminal prosecution and she was convicted of illegal reentry. After she was transferred back to immigration custody, she was determined to be a ''refugee'' who qualified for withholding of removal. Yet, the United States had already penalized her for ''illegal entry'' despite being a refugee.

Please contact Olga Byrne at Human Rights First if you have any questions regarding this letter. Thank you for your time and consideration.

Sincerely,

ELEANOR ACER,
Senior Director, Refugee Protection.

Mr. GUTIÉRREZ. Mr. Speaker, I include in the RECORD a letter opposing the bill from Cities for Action.

CITIES FOR ACTION,
June 28, 2017.

Hon. PAUL RYAN,
Speaker of the House, House of Representatives, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR MEMBERS OF CONGRESS: Cities for Action (C4A) is a coalition of over 150 mayors and municipal leaders that advocates for policies to promote the well-being of our foreign born residents. Our coalition, representing over 50 million residents, has a considerable interest in protecting all our residents and ensuring that immigrants are not unjustly criminalized. We are writing to you today to urge that you oppose Representative Goodlatte's bill, H.R. 3004, Kate's Law.

Kate's Law expands already tough penalties for illegal reentry and allows the government to detain immigrants indefinitely without bond or a court hearing. It also mistakenly implies that illegal reentry cases are under-enforced. Indeed, illegal reentry prosecutions already account for 52 percent of all federal prosecutions. H.R. 3004 would make the criminal sentences for reentry extremely harsh. Additionally, it would impose severe sentencing enhancements on people with minor offenses who reenter the country.

H.R. 3004 would also limit the ability to challenge the validity of any prior removal order that forms the basis for a prosecution for illegal reentry, subjecting people to prosecution even in cases where the prior order was issued without due process or was otherwise flawed. In addition, the bill does not provide adequate protections for people who reenter the United States for humanitarian reasons or those who seek protection at the border, putting asylum seekers and families at risk.

Cities and counties are opposed to this bill because these measures do not improve public safety and it is based on a false premise that immigrants pose a threat to our communities. Local governments have a strong interest in protecting all residents and maintaining public safety. Therefore, we urge you to oppose Kate's Law and stop its passage into law at every possible turn.

Thank you for your time and consideration in this matter,

CITIES FOR ACTION.

Mr. GUTIÉRREZ. Mr. Speaker, I include in the RECORD a letter opposing the bill from the Committee on Migration of the U.S. Conference of Catholic Bishops and the Catholic Charities USA.

JUNE 26, 2017.

DEAR REPRESENTATIVE: We write on behalf of the Committee on Migration of the U.S. 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 oppose H.R. 3003 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 in all communities.

Furthermore, 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 service 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 disaster response and recovery, naturalization and citizenship services, and services for the immigrant, including victims of human trafficking, and domestic violence. 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 notable efforts 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 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 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 enhancing sentencing requirements does not advance the common good nor will it ensure that communities are safer. 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 comprehensive and humane approach to immigration reform; an approach that upholds human dignity and family unity and places a greater emphasis on balancing the needs and rights 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, PHD,
President & CEO, Catholic Charities USA.

Mr. GUTIÉRREZ. Mr. Speaker, I include in the RECORD a letter opposing the bill from Friends Committee on National Legislation: A Quaker Lobby in the Public Interest.

FRIENDS COMMITTEE ON NATIONAL LEGISLATION,
June 27, 2017.

FRIENDS COMMITTEE ON NATIONAL LEGISLATION STATEMENT IN OPPOSITION TO THE NO SANCTUARY FOR CRIMINALS ACT (H.R. 3003) AND KATE'S LAW (H.R. 3004)

The Friends Committee on National Legislation (FCNL) is a Quaker lobby in the public interest committed to pursuing policies that build just societies, peaceful communities, and equitable relationships among all people. FCNL looks to Congress to legislate on immigration in a manner that honors the value of immigrants and American citizens alike and urges congressional representatives to reject any legislation which would undermine immigrant families and communities. Congress is tasked with creating lasting solutions for our nation. FCNL therefore urges members of Congress to oppose H.R. 3003 and H.R. 3004 which together further criminalize immigrants, expand detention, undermine community well-being, and offer no legislative remedy for a punitive and outdated immigration system.

H.R. 3003 is an extreme interior enforcement proposal that would affect over 600 cities, counties, and states and raises serious fourth and tenth amendment concerns. Effective policing depends on building authentic trust between police officers and the communities they serve; blurring the lines between federal immigration enforcement and local police results in fewer reported crimes and makes communities with large immigrant populations more vulnerable. Perpetrators of crime, assault, and abuse know that these communities are less likely to report the crime if they legitimately fear it will result in the deportation or detention of an immigrant neighbor, a loved one, or themselves. Law enforcement officials and advocates for survivors of domestic violence agree that the proposals included in this bill would be damaging for the communities they serve. FCNL heeds this call to ensure safety for the most vulnerable among us, and urges members of Congress to oppose H.R. 3003.

H.R. 3004 would expand grounds for indefinite detention and decrease legal opportunities for certain migrants challenging their removal. Our call as Quakers to welcome the stranger does not rest on the legal status of any individual. Criminalizing entire immigrant communities based on the senseless actions of a few individuals tears at the moral fabric of our society and will not make our communities safer. H.R. 3004 could prevent migrants from adequately accessing asylum and would increase family hardship through separation by offering no meaningful opportunity for family members to pursue a legal route when seeking reunification across borders. These provisions will only fuel the brokenness of our system, which is already heavy-handed on indefinite detention and dangerous deportations at great expense to U.S. taxpayers and our collective moral conscience. Thousands of faith leaders have urged members of Congress to reject similar proposals in the past and live up to our call to minister to all those in need, especially those who have been marginalized. In keeping, FCNL urges members of Congress to oppose H.R. 3004.

FCNL looks instead for legislation that proceeds from a recognition of the inherent worth of all individuals, as acknowledged in our Quaker faith, as well as in our shared Constitution, laws, and American values. We call on Congress to reform the U.S. immigration system so that it is in line with the Quaker principle to answer to that of God in everyone and ensures we live up to our legacy as a country that thrives because we are a nation of diverse peoples and immigrants. Congress has the opportunity to enact practical solutions for comprehensive reform that includes clear and workable processes for legal entry and eventual citizenship. FCNL is eager to partner on such efforts, and seek the fundamental policy changes we need to help U.S. communities truly prosper.

Mr. GUTIÉRREZ. Mr. Speaker, I include in the RECORD a letter opposing the bill from the NETWORK Lobby for Catholic Social Justice.

JUNE 27, 2017.

DEAR REPRESENTATIVE CONYERS: NETWORK Lobby for Catholic Social Justice stands in strong opposition to the ''No Sanctuary for Criminals Act'' (H.R. 3003) and ''Kate's Law'' (H.R. 3004) to be considered this week by the House of Representatives. We urge Congress to reject these bills. In a county that prides itself on being the land of welcome and opportunity, we must ensure that our immigration laws reflect our shared values.

As Congress continues to delay comprehensive immigration reform and a permanent solution for the nation's 11 million undocumented immigrants, we are left with the status quo—an enforcement-only approach that tears apart families and keeps people in the shadows. Despite the gridlock in Congress, localities across the country still have the responsibility to uphold safety and peace in their communities. To fulfill this goal, local police and residents have fostered mutual trust to root out crime and promote public safety, encouraging community members to cooperate with local authorities. The ''No Sanctuary for Criminals Act'' (H.R. 3003) does nothing to promote public safety and instead will make communities more dangerous while striking fear in the hearts of our immigrant families.

Likewise, ''Kate's Law'' (H.R. 3004) would criminalize immigrants who simply want an opportunity to succeed in the United States, and often are simply trying to be reunited with their family. Punishing immigrants for wanting to provide for their families with fines and imprisonment is harsh and cruel—we, as a nation, are called to be better than that. Again, we ask Congress to abandon the ''enforcement first'' policies that have been the de facto U.S. strategy for nearly thirty years, yielding too many costs and too few results. Our antiquated system that does not accommodate the migration realities we face in our nation today does not serve our national interests and does not respect the basic human rights of migrants who come to this nation fleeing persecution or in search of employment for themselves and better living conditions for their children.

Pope Francis cautions that ''migrants and refugees are not pawns on the chessboard of humanity'' and he asks political leaders to create a new system, one that ''calls for international cooperation and a spirit of profound solidarity and compassion.'' This is a holy call to embrace hope over fear. Congress should recognize the God-given humanity of all individuals and uphold our sacred call to love our neighbor and welcome the stranger in our midst. Any action that further militarizes our borders, criminalizes assistance to immigrant communities, or weakens legal protection of refugees is neither just nor compatible with the values that we, as Americans, strive to uphold.

Sincerely,

SR. SIMONE CAMPBELL, SSS,
Executive Director, NETWORK Lobby for Catholic Social Justice.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PITTENGER).

Mr. PITTENGER. Mr. Speaker, the previous administration's biggest homeland security failures were the lack of prosecution and enforcement for crimes committed by illegal immigrants. For far too long, the Obama administration failed to adequately punish illegal immigrants who committed felonies in the United States.

A simple deportation is not enough. The United States must prosecute and sentence all individuals who commit crimes and hurt Americans.

When we enforce the law, we create a deterrent mechanism for future bad behavior. Failure to enforce the law is a failure to the American people. That is why I support Kate's Law.

I thank Chairman GOODLATTE for his strong work and leadership on this issue for the safety and security of the American people.

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

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank Chairman GOODLATTE for yielding. I appreciate his boldness in protecting the citizens of America with great legislation.

Mr. Speaker, when the father of Kate Steinle, Jim, testified before Congress, he said: ''Everywhere Kate went throughout the world, she shined the light of a good citizen from the United States of America. Unfortunately, due to unjointed laws and basic incompetence of the government, the United States has suffered a self-inflicted wound in the murder of our daughter by the hand of a person that should have never been on the streets in this country.''

Well, today we can resolve that.

Two years ago this weekend, Kate's life was ended when she was gunned down by a five-time deported criminal illegal alien with seven prior felony convictions.

Kate's Law would stiffen penalties, helping to stop these preventable tragedies.

Additionally, today the House will pass the No Sanctuary for Criminals Act as well.

You just heard: Will Democrats participate?

Well, 80 percent of Americans support ending sanctuary cities, and no citizen should be in danger because politicians think they are above the law.

So will Democrats participate? Will they listen to their constituents?

Eighty percent of Americans feel pretty good about this law.

Both pieces of legislation serve the basic functions of our government by keeping the people of our States and country safe from those who wish to do us harm.

Mr. CONYERS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. YODER).

Mr. YODER. Mr. Speaker, I rise today in support of the rule of law, of strengthening the enforcement of our immigration system, and of improving the security of our Nation's borders. The safety and security of our constituents should be our absolute top priority for this Congress.

Sanctuary cities are a direct threat to our safety. That is why I led an effort to defund sanctuary cities through the appropriations process, and those sanctuary cities and their threat to our safety is why we are here today.

What happened to Kate Steinle was a tragedy. No parent should have to go through the anguish of losing their child, especially when it could have been avoided.

Unfortunately, the deadly toll of sanctuary cities is not limited to Kate. Last year, in my own community back in Kansas, Master Deputy Brandon Collins, a Johnson County sheriff's deputy with nearly 21 years of service, was struck and killed by a drunk driver while he was performing a routine traffic stop. Deputy Collins was a devoted and caring husband, father, son, brother, uncle, and friend whose life was tragically cut short.

The drunk driver, who fled from the scene of the crash, was an undocumented or an illegal immigrant who had prior convictions for DUI in California in 2001, and was also arrested for driving without a license in 2013. He should have never been behind the wheel of that car when he killed Deputy Collins.

Despite his prior offenses, the man was able to remain in the country. He was able to be here to commit this crime because of the failure to enforce the law, and it ultimately led to Deputy Collins' death.

No nation of laws should tolerate this.

For these reasons—for Deputy Collins and the many other victims and their loved ones dealing with an unspeakable loss—for them, I support this bill, and I urge my colleagues on both sides of the aisle to join me in its passage.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from Michigan has 7½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. LOFGREN), and I ask unanimous consent that she may control that time.

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

There was no objection.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, this is a really tough bill because this is a really difficult subject. We mourn the loss of Kate Steinle, and we have an obligation to take action to keep our streets safe. But this bill doesn't do that.

Our goal has to be to remove dangerous criminals from our streets so that they don't harm people. That has got to be our focus.

That is why I am so frustrated that we are taking out of a comprehensive immigration reform bill—which could have done just that—a provision that would have addressed this issue in a more rational way; in a way that doesn't go after people seeking asylum; in a way that doesn't say, ''If you have been convicted of three nonviolent misdemeanors, you go to jail for 10 years;'' and in a way that doesn't punish people who are victims of human trafficking who—if they spent time in our prisons as a result of what they were forced to do, go back to their country, come back seeking asylum—could be forced to go to jail. These victims could be forced to go to jail for 20 years.

None of that is going to keep our communities safer.

We ought to work together. I urge my Republican colleagues to work with us to move forward with comprehensive immigration reform that will include provisions—like what is in this bill—that are still humane, provisions that will help keep American citizens safe, but that don't demonize immigrants.

It is possible to do both. My friends on the other side of the aisle know that it is possible to do both, and we ought to work together to get that done. That is the best way to keep our communities safe and to respect our values as Americans.

Mr. GOODLATTE. Mr. Speaker, I have only one speaker remaining, and I am prepared to close.

Ms. LOFGREN. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentlewoman from California has 6 minutes remaining. The gentleman from Virginia has 9 minutes remaining.

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

Mr. Speaker, one of the things I think is worth addressing is the provision of this bill that changes current law relative to unlawful entry or attempted unlawful entry.

Under 8 U.S.C. 1326, this is a crime if the individual evaded detection. This has been the principle in Federal law for more than 100 years. Since 1908, the Federal courts have recognized that illegal entry and illegal reentry require entry free from something called official restraint, otherwise known as detention.

Now, this bill would change that longstanding law. The bill amends U.S.C. 1326 to make the physical act of crossing the border a crime for any individual who has been previously removed or denied admission regardless of whether the individual was ''free from official restraint'' when doing so.

Now, why is this a problem?

As I mentioned earlier, individuals who, for one reason or another, need to come into the United States go to a port of entry, and they ask to see the Border Patrol agent. Under this law, that is a crime.

Now, let me give you some examples of what that would mean. I will just talk about the case of Juliza, who was a Guatemalan-Indian woman. She faced violent persecution really based on her ethnicity. She was raped by family members who referred to her as a dirty Indian as they assaulted her. As she went to report this assault to the police, she was sexually propositioned by the officers.

After a family member threatened her with sexual violence and death, she fled to the United States. She sought asylum, but she was promptly deported—turned away—by the Customs and Border Patrol. Within a month of returning to Guatemala, she was drugged, raped, and thrown into a river. She fled to the United States for a second time and, once again, was turned away without seeing an immigration judge or speaking to an asylum officer.

Finally, the third time she came, her 8-year-old son had been threatened by gang members, and she was finally allowed to make her case and was granted asylum.

□ 1630

Or the case of Carla. In June of 2016, Carla, who was from Mexico, and her children sought asylum after her father, son, grandfather, and uncle were killed in a span of 7 days, targeting her family. She went to the border to turn herself in. She was turned away by CBP agents twice.

After the family sought assistance from an attorney, they went back to the border, to the port of entry, and the CBP officers finally processed them appropriately under American immigration law. This was their third attempt. The U.S. immigration judge in Texas ruled that they were indeed refugees and granted asylum.

Now, I raise these two cases because you think deported, if you are turned away at the border, it counts for removal under the law. These individuals would be felons under this bill.

Making Juliza and her 8-year-old son or Carla a felon does not save an American from crime; it just doesn't. The two are not connected. And so to think that this bill, which does such harm to asylum seekers, is necessary to save Americans from threats is simply incorrect. It is important to stand up for our long-term values in international law.

There are other ways that one could become a criminal by showing up at the border. It is not uncommon that young people who have a valid visa issued by a U.S. consulate or Embassy come. They fly into the country and they are interviewed by a Customs and Border Patrol agent.

Now, if that person on the visitor visa is a 20-year-old young man who is unmarried, doesn't have a job in the country he is from, doesn't own a home, and is from kind of a poor country, it is not all that uncommon for the Border Patrol agency to make a decision that that person is not a good risk for entry, that they might overstay their visa and not return home.

I am not questioning that exercise of judgment, but if that same individual, 20 years later, is now a doctor and he has got a J visa to come in and be a doctor in the middle of America where there is a doctor shortage, he lands at Kennedy Airport with his visa to be a doctor, that would be a felony.

So the point I am making is there is much in this bill that does nothing about crime but to make criminals of people who have done nothing wrong. That is one of the reasons why we should vote against this bill.

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

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

Mr. Speaker, we are a nation of immigrants. There is not a person who has participated in this debate today who cannot go back a few years, a few generations or several generations and find someone in their family who came here to the United States, but we are also a nation of laws. The loss of respect for the rule of law is absolutely a serious problem in this country, and the step-by-step approach to restoring respect for the rule of law and reforming our immigration laws starts with these bills, the No Sanctuary for Criminals Act and Kate's Law.

We are all about today, in this legislation, enhancing public safety, securing our borders, and restoring the rule of law.

We give discretion to Federal judges—discretion to Federal judges, I would add—to make sure that people who have entered this country previously illegally and who reenter the country can be given enhanced sentences. It is not mandatory by any means, and, in fact, in many instances, it would be better to send the person outside the country and not have the taxpayers bear the expense.

But in the case of the individual who murdered Kate Steinle and had reentered the country five times and had committed other crimes while in the United States, having that additional time that the judge could impose on that individual who was just being released for having been convicted of illegally entering the country, Bureau of Prisons should have turned him over to ICE to send him out again. But if the ICE agents wanted to, when he entered illegally the previous time, recommend that he be given more time than the sentence he just served, he would have still been in prison when Kate Steinle walked down that pier with her father and was murdered by him.

So when those on the other side say this was not preventable by this law, they are entirely wrong. This law would have prevented that if a judge had chosen to impose that additional time that we are today providing in these cases.

We also clear up some uncertainty regarding this current law, and I think it is entirely appropriate to do so. It will deal with some of the situations that those on the other side have discussed, but most importantly, it will discourage people from entering the United States illegally, particularly when they have already entered illegally earlier and have been convicted of a crime for doing so.

So, to me, this is absolutely the beginning point of restoring to law enforcement at every level in our country the necessary tools to enforce our immigration laws, to work together to keep American citizens safe, like Kate Steinle and many, many others.

Yesterday, I had the opportunity to meet with about a dozen representatives of families who lost loved ones to the criminal acts of people who were not lawfully present in the United States. And so it is also entirely true to say that, had those individuals not been present in the United States, those crimes would not have been committed, those, in most instances, murders, in all instances, killings, would not have taken place.

Therefore, when you enforce our immigration laws, unlike laws applying to American citizens who also commit crimes, in the case of people who are not lawfully present in the United States, these crimes are entirely preventable if we enforce our immigration laws. Therefore, I would urge my colleagues to support Kate's Law and the No Sanctuary for Criminals Act to make sure that we go down this road of restoring the trust of the American people in their system of government, in their protection by their government, and in their own respect for the rule of law and know that their government is upholding that with regard to other individuals as well.

This is a good bill, and I urge my colleagues to support it.

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

Ms. LOFGREN. Mr. Speaker, I include in the RECORD the following additional letter of opposition to H.R. 3004. This is a letter I mentioned earlier on the bill.

NATIONAL IMMIGRANT JUSTICE CENTER,
June 27, 2017.

H.R. 3003 AND 3004 UNDERMINE AMERICAN VALUES NIJC OPPOSES THE ''NO SANCTUARY FOR CRIMINALS ACT'' AND ''KATE'S LAW''

This week the House of Representatives will vote on two bills that attempt to rewrite our nation's immigration laws to reflect a dangerous philosophy of governance. For decades now, elected officials across the bipartisan divide have joined together calling for a compassionate and common sense approach to immigration legislation. These bills move us further away from that goal. H.R. 3003, ironically named the ''No Sanctuary for Criminals Act,'' will endanger the safety of our communities by forcing local police to abandon community policing efforts and become a full partner with the administration's massive deportation force. H.R. 3004, known as ''Kate's Law,'' will result in the unnecessary incarceration of countless immigrants for the mere act of migration.

The National Immigrant Justice Center calls on elected officials to reject such nonsensical and harmful legislation. In the face of hateful rhetoric, now is the time to stand with immigrant communities.

H.R. 3003, THE ''NO SANCTUARY FOR CRIMINALS ACT'', WILL FURTHER ERODE COMMUNITY TRUST IN LOCAL POLICE AND PUT OUR COMMUNITIES IN DANGER

H.R. 3003 amends 8 U.S.C. §1373 to prohibit states and localities from enacting policies that in any way limit cooperation with U.S. Immigration and Customs Enforcement (ICE), even when federal courts have ruled such cooperation unconstitutional.

The law would strip localities of vital discretion to enact immigration-enforcement-related laws and policies that are smart and effective for their communities. Specifically, it prohibits localities from declining to comply with requests from ICE to jail individuals under detainer requests even when doing so will put them in blatant violation of binding federal court orders. Our communities are safer when residents feel safe calling for help and assisting police in investigating and prosecuting cries. By effectively forcing localities into the business of federal immigration law, this law will preclude cities and counties from using their limited local resources to address public safety concerns in the ways they deem most appropriate and effective.

On top of the danger the bill poses to community safety, this law arguably violates the ''anti-commandeering'' principle of the Tenth Amendment of the United States Constitution.

H.R. 3003 punishes jurisdictions for engaging in smart community policing.

The law would punish jurisdictions that choose to limit cooperation with federal immigration enforcement by stripping federal funding that fulfills vital law enforcement needs, including the State Criminal Alien Assistance Program (SCAAP), the ''Cops on the Beat Program,'' the Byrne Justice Assistance Grant Program, and any other grant administered by the Departments of Justice or Homeland Security that are deemed ''substantially related to law enforcement, terrorism, national security, immigration, or naturalization.'' In addition to running further afoul of the Tenth Amendment, this law cruelly forces jurisdictions to choose between maintaining critical funds, including

for community policing, or exposing themselves to the significant legal and financial liability that accompany compliance with detainer requests under the Fourth Amendment and the Fourteenth Amendment.

H.R. 3003 upends the criminal justice system by permitting and in some cases requiring ICE to ignore criminal warrants issued by state and local jurisdictions that it deems in non-compliance with other provisions of the bill.

H.R. 3003 vastly expands ICE's authority to force localities to detain immigrants with no regard for the Fourth Amendment of the U.S. Constitution and gives local actors immunity for resulting constitutional violations.

The law makes a mockery of the Fourth Amendment by giving lip service to the notion of ''probable cause'' but in reality allowing ICE to ask localities to detain immigrants longer than they would otherwise be held simply on the basis of a belief that the individual is removable from the United States. The law then goes on to provide local actors immunity for resulting constitutional violations. In practice, this piece of the law essentially requires local actors to violate the constitution and then gives them immunity for doing so. It is legislative overreach at its worst.

H.R. 3003 demonizes immigrants by creating a new private right of action for victims of crime solely on the basis of the citizenship status of the perpetrator of the crime.

The law provides that an individual or surviving relative can bring a lawsuit against a state or locality if the perpetrator of the offense is a non-citizen and was released from custody pursuant to a trust policy. This provision allows the worst kind of scapegoating, manipulating individual tragedies to demonize all immigrants.

H.R. 3003 expands the already damaging ''mandatory detention'' provisions of immigration law, requiring no-bond detention for large categories of undocumented individuals for the duration of deportation proceedings against them.

The law thumbs its nose at the basic due process protections of our United States Constitution, explicitly approving of indefinite detention for individuals in immigration custody regardless of their community ties to the United States or necessity for detention. Specifically, the law expands greatly the categories of immigrants who are denied access to any individualized bond determination throughout their time in immigration jail. With deaths in immigration detention occurring with alarming frequency and rates of representation in detention alarmingly low, these provisions are nothing but cruel.

H.R. 3004, ''KATE'S LAW,'' WILL FURTHER THE MASS INCARCERATION OF IMMIGRANTS—INCLUDING ASYLUM SEEKERS—BY INCREASING PENALTIES FOR THE MERE ACT OF MIGRATION

H.R. 3004 expands the existing criminal offense of illegal reentry to punish legitimate asylum seekers fleeing violence in their countries of origin.

The law expands the category of individuals punishable by section 276 of the Immigration and Nationality Act to include even those men and women who surrender themselves at the southern border to seek protection in the United States.

H.R. 3004 senselessly expands sentencing enhancements for illegal reentry at a time when more than half of all federal prosecutions target migration-related offenses.

The law provides incredibly harsh sentencing enhancements for individuals seeking to return to the United States after a previous removal on the basis of prior convictions or entries. Apart from the cruel and unnecessary use of federal prison to separate families, this bill will prove exorbitant in its costs at a time when taxpayers have already footed a bill of more than $7 billion to incarcerate migrants for migration-related offenses over the past decade.

H.R. 3004 punishes immigrants for illegal reentry even if their previous deportation orders were unlawful and deprived them of the opportunity to seek protection. This law entirely prohibits defendants in illegal reentry cases from challenging the validity of their prior deportation orders. This provision is blatantly unconstitutional and in violation of Supreme Court jurisprudence that protects against punishing immigrants on the basis of legally defective deportation orders. See U.S. v. Mendoza-Lopez, 481 U.S. 828 (1987). This law will criminalize, for example, asylum seekers who return to the United States after being previously denied the opportunity to present their claims for protection. Given the already anemic protections for asylum seekers at our southern border, these provisions will inevitably harm the most vulnerable among us.

A vote for H.R. 3003 and H.R. 3004 is a vote for hatred and a vote against community safety. NIJC calls on Members of Congress to stand on the right of history and oppose these harmful measures.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 415, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. LOFGREN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. LOFGREN. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Lofgren moves to recommit the bill H.R. 3004 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add, at the end of the bill, the following:

SEC. 3. PROTECTING VICTIMS OF TRAFFICKING.

Section 276 of such Act is further amended by adding at the end the following:

''(i) PROTECTING VICTIMS OF TRAFFICKING.—It shall not be a violation of this section for a victim of sex trafficking to voluntarily present herself or himself at a port of entry to request protection.''.

Mr. GOODLATTE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. LOFGREN. Mr. Speaker, my colleagues across the aisle insist that today's bill is intended to keep Americans safe by enhancing penalties for criminals who reenter illegally or attempt to do so. I am offering an amendment that takes Republicans at their word.

This amendment would make clear that H.R. 3004 would not be used to criminally prosecute and incarcerate sex trafficking victims merely for seeking protection at ports of entry.

As should be evident at this stage of debate, the provisions of this bill extend well beyond immigrants with criminal histories; in fact, they reach many of the most vulnerable and persecuted members of society. Perhaps most egregiously, H.R. 3004 authorizes, for the first time, the prosecution of individuals who voluntarily present themselves at points of entry to seek relief consistent with our immigration laws, and that includes individuals seeking protection as victims of sex trafficking.

Let's be clear on the law. Today, it is not a crime for an individual who has been previously denied admission or removed to voluntarily present herself at a port of entry seeking to reenter the country legally. This bill changes that by making the simple act of going to the port of entry, which itself requires the physical act of crossing the border, a felony offense for such individuals.

These are not individuals attempting to evade immigration agents. They are not trying to sneak into the United States. They are simply exercising the right to lawfully approach a U.S. port of entry to seek permission to enter.

Under this bill, the act of approaching CBP agents now becomes criminally prosecutable as an illegal reentry. Anyone with a prior removal order or even merely denied admission commits a crime by so much as stepping into the port of entry.

I mentioned the two asylee seekers a few moments ago. These are people who are fleeing danger and under our laws have the right to present their cases. Now, H.R. 3004 would do this to the women I mentioned: It would make them criminals, and it would allow for the prosecution and imprisonment for up to 2 years.

Now, even if our immigration system awarded these victims protection, such as a T visa for human trafficking, the criminal justice system could take away her liberty.

I strongly hope that my colleagues across the aisle would not seek to punish women who are fleeing from sex traffickers, because there are thousands of women who are innocent, abused, sexually trafficked by the worst of civilization, and instead of offering help to these women, this bill would put them in prison. It would prosecute them for asking, of all things, that their life be saved.

I mentioned earlier, we put in the RECORD, the opposition of the Tahirih Justice Center to this bill. They advocate for victims of trafficking and gender-based violence, and they oppose this bill with all their strength. Here is what they say, and it is a quote: ''H.R. 3004 will punish women fleeing horrific abuse. . . . ''

Now, I disagree with some of the elements of this bill, and I have tried to make clear why, but I take Mr. GOODLATTE at his word that he wants to make sure that we have a safe society. I think, if that is his hope, we will make clear that sex trafficking victims are not going to be prosecuted or considered criminals when they enter a port of entry and present themselves to U.S. officials.

This amendment is the chance for Republicans to show that they really are for the rule of law. It would stipulate that this bill would not subject sex trafficking victims to criminal prosecution merely for voluntarily presenting themselves at the border to request protection from the unspeakable harm that they have suffered.

I will close with this. Years ago, we worked together on a bipartisan basis to fight sex trafficking. We created the U and T visas. It was a broad bipartisan coalition. I remember now Governor Sam Brownback and others, people who are at other ends, opposite ends of the ideological spectrum, but we came together to fight sex trafficking. We should do the same thing today. Let's not forget that we can work together to do the right thing.

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, this motion to recommit not only changes the bill before us, but it also changes current law. It has long been Federal law that an alien who has been deported and who returns to the U.S. is subject to possible criminal prosecution.

□ 1645

Under this bill, an alien who has received consent from the Department of Homeland Security to return or is not required to seek consent from DHS has an affirmative defense.

Obviously, such an alien will never be prosecuted. Never has, never will. In fact, because this is current law—and the gentlewoman was the chairman of the Immigration and Border Security Subcommittee for 4 years and never offered such an amendment to current law—I see no reason to address it in this legislation.

I will say that we have all been committed in a very bipartisan fashion to combating sex trafficking. We passed several bills through this House, some with the gentlewoman's support, some without, that do indeed combat sex trafficking.

But back to the issue before us today. Criminal aliens are reentering the United States after being removed all the time. Without stronger enforcement measures in place, this government cannot provide an appropriate deterrence for these reentries.

Kate's Law takes a tough approach to dealing with criminal aliens who reenter the United States. Instead of the majority being subjected to no more than a 2-year maximum sentence, this bill takes an individual's criminal history into consideration and provides enhanced penalties accordingly. While the 2-year sentence may not deter illegal reentry, a potential 25-year sentence certainly would.

Nothing can bring Kate Steinle back and nothing can absolutely prevent such crimes from occurring in the future. This legislation is meant to honor her memory and clearly demonstrate that this Congress will act.

This legislation is another step in bringing stronger enforcement measures to improve our immigration enforcement capabilities. Longer sentences for those criminal aliens who reenter the United States illegally is an important aspect of that mechanism.

I urge my colleagues to vote down this motion to recommit, vote for the underlying bill, and to truly deter criminal aliens from reentering the United States.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. LOFGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Secretary of the Senate be directed to request the House to return to the Senate the bill (S. 722) ''An Act to provide congressional review and to counter Iranian and Russian governments' aggression.''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to recommit on H.R. 3003;

Passage of H.R. 3003, if ordered;

The motion to recommit on H.R. 3004; and

Passage of H.R. 3004, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

NO SANCTUARY FOR CRIMINALS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to recommit on the bill (H.R. 3003) to amend the Immigration and Nationality Act to modify provisions relating to assistance by States, and political subdivision of States, in the enforcement of Federal immigration laws, and for other purposes, offered by the gentlewoman from Florida (Mrs. DEMINGS), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 181, nays 230, not voting 22, as follows:

[Roll No. 341]

YEAS—181

Adams	Gallego	O'Halleran
Aguilar	Garamendi	O'Rourke
Barragán	Gonzalez (TX)	Pallone
Bass	Gottheimer	Panetta
Bera	Green, Al	Pascrell
Bishop (GA)	Green, Gene	Payne
Blumenauer	Grijalva	Pelosi
Blunt Rochester	Gutiérrez	Perlmutter
Bonamici	Hanabusa	Peters
Boyle, Brendan F.	Hastings	Peterson
	Heck	Pingree
Brady (PA)	Higgins (NY)	Pocan
Brown (MD)	Himes	Polis
Brownley (CA)	Hoyer	Price (NC)
Bustos	Jackson Lee	Quigley
Butterfield	Jayapal	Raskin
Capuano	Jeffries	Rice (NY)
Carbajal	Johnson (GA)	Richmond
Cárdenas	Johnson, E. B.	Rosen
Cartwright	Kaptur	Roybal-Allard
Castor (FL)	Keating	Ruiz
Castro (TX)	Kelly (IL)	Ruppersberger
Chu, Judy	Kennedy	Ryan (OH)
Cicilline	Khanna	Sánchez
Clark (MA)	Kihuen	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Clay	Kilmer	Schiff
Cleaver	Kind	Schneider
Clyburn	Krishnamoorthi	Schrader
Cohen	Kuster (NH)	Scott (VA)
Connolly	Langevin	Scott, David
Conyers	Lawrence	Serrano
Cooper	Lawson (FL)	Sewell (AL)
Correa	Lee	Shea-Porter
Costa	Levin	Sherman
Courtney	Lewis (GA)	Sinema
Crist	Lieu, Ted	Sires
Crowley	Lipinski	Slaughter
Cuellar	Loebsack	Soto
Davis (CA)	Lofgren	Speier
Davis, Danny	Lowenthal	Suozzi
DeFazio	Lowey	Swalwell (CA)
DeGette	Lujan Grisham, M.	Takano
Delaney		Thompson (CA)
DeLauro	Luján, Ben Ray	Thompson (MS)
DelBene	Lynch	Titus
Demings	Maloney, Carolyn B.	Tonko
DeSaulnier		Torres
Deutch	Maloney, Sean	Tsongas
Dingell	Matsui	Vargas
Doggett	McCollum	Veasey
Doyle, Michael F.	McEachin	Vela
	McGovern	Velázquez
Ellison	McNerney	Visclosky
Engel	Meng	Walz
Eshoo	Moore	Wasserman Schultz
Espaillat	Moulton	
Esty (CT)	Murphy (FL)	Waters, Maxine
Evans	Nadler	Watson Coleman
Foster	Neal	Welch
Fudge	Nolan	Wilson (FL)
Gabbard	Norcross	Yarmuth

NAYS—230

Abraham	Amash	Babin
Aderholt	Amodei	Bacon
Allen	Arrington	Banks (IN)