



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, SECOND SESSION

Vol. 160

WASHINGTON, TUESDAY, APRIL 8, 2014

No. 57

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WOODALL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 8, 2014.

I hereby appoint the Honorable ROB WOODALL to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

ALLOW A VOTE ON IMMIGRATION REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIÉRREZ) for 5 minutes.

Mr. GUTIÉRREZ. Mr. Speaker, this is my weekly reminder to House Republicans that they have only 30 legislative days before the July 4 recess. In that time they had better allow a vote for immigration reform or the President will take executive action to reform our immigration.

The chance to save the Republican Party from being a regional party and not a national one rests on what Re-

publican leaders do during the next 30 legislative days. If they deny justice, security, and dignity to our brothers and sisters with foreign hands, who work every day in American fields to plant and pick our vegetables, the Republican Party is giving up on the chance for their brothers and sisters with Republican hands to pick and plant vegetables in the White House's vegetable garden any time soon.

Tomorrow, Wednesday, the Hispanic Congressional Caucus will have a special meeting with Secretary of Homeland Security Johnson. We will present him with a memo that lays out options the Obama administration has under current law to protect more immigrants from a deportation along the lines of deferred action for DREAMers.

The important phrase here is "under current law." In February 2011, we delivered a memo to the President outlining specific actions he could take within existing law to keep families together, spare military families, and, yes, spare those who would qualify for the DREAM Act; protecting them temporarily on a case-by-case basis from deportation using tools in the law like deferred action, parole, and hardship waivers.

Our position was strengthened in April of that year by a paper called "Executive Branch Authority Regarding Implementation of Immigration Law and Policies." The report was written by Bo Cooper, who served as general counsel at the Immigration and Naturalization Service, and by Paul Virtue, who was also general counsel at the Immigration and Naturalization Service.

The report said:

The executive branch, through the Secretary of Homeland Security, can exercise discretion not to prosecute a case by granting "deferred action" to an otherwise removable or deportable immigrant.

Only a month before deferred action for DREAMers was announced, a letter

signed with footnotes and citations was sent to the President from almost 100 law professors at our top law schools and universities outlining the power the President has to spare immigrants from deportation.

Legal scholars and research are not always enough to persuade my friends in the Republican Conference. Almost every single one of them voted for the King amendment defunding deferred action last year and voted this year to sue the President over immigration enforcement. They are rejecting these arguments as some kind of academic hoax.

So, as I have done in the past, I ask you not to just take my word for it, or the word of legal experts, or hundreds of law professors. I ask you to take the word of your former Judiciary chairman—three of them—when it comes to immigration and deportation.

Here is the letter from November 1999 where at least 28 Republicans and Democrats called on President Clinton to exercise prosecutorial discretion when it comes to deportation and immigration enforcement. It is in this letter:

There has been widespread agreement that some deportations were unfair and resulted in unjustifiable hardship.

The principle of prosecutorial discretion is well established.

It is in the letter:

Optimally, removal proceedings should be initiated or terminated only upon specific instruction from authorized INS officials, issued in occurrence with agency guidelines.

They go on to urge that those guidelines—it is in there—they urge those guidelines should be issued from headquarters, just as the Hispanic Congressional Caucus is going to urge the President to issue guidelines for initiation and termination of deportation proceedings tomorrow.

Let's see, here is LAMAR SMITH, and JAMES SENSENBRENNER signed it, and Henry Hyde. Three Republican chairmen of the Judiciary Committee signed

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H2993