

community members can purchase fresh, healthy foods. There are more than 23 million individuals residing in these so called “food desert” neighborhoods, where there are no stores within one mile in which they can buy healthy food.

Without healthy options, people are forced to eat unhealthy, processed, junk food, because that is all that is available and affordable. This bill is a step to correct this unacceptable trend.

I am pleased to recognize and support the growing resurgence of locally grown and produced product. I see it in my own district at places like the Toledo Farmers Market, the Robert J. Anderson Urban Agriculture Center and Farm, and the Old Brooklyn Cheese Company in Cleveland, Ohio.

Individuals, non-profits, and co-ops are stepping up and taking action to address the challenge of access to healthy food, by developing local food sources like community gardens to provide fresh, affordable produce throughout underserved communities. Not only are they growing product to provide to communities though, they are engaging and encouraging community participation all throughout the process. They are teaching community members how to farm.

The Urban Agriculture Production Act encourages economic development in undernourished, underserved communities by furthering the mission of local farming. It shores up the Department of Agriculture and their programs to support urban farmers and inspire communities to create self-sufficient food production systems that stimulate development and healthy eating options.

All throughout our urban communities, there is an abundance of unused land and space that are conveniently located in neighborhoods that are ripe for agriculture development. We must support and encourage the means to develop these plots so they become local sources of wholesome food options.

Community gardens, Greenhouses, Farmers' Markets, and other local agriculture initiatives have tremendous power to help diversify American food production. They can also help the nation rely less on foreign imports and create American jobs that cannot be outsourced.

Moreover, communities that lack access to fresh, nutritious affordable foods are facing growing epidemics of obesity related diseases. We must get serious about addressing nationally recognized increases in preventable disease in all our communities, but especially in those communities that have limited food options. Prevention is paramount, and encouraging a balanced diet while also providing access to healthier foods, through agriculture, is an obvious solution.

The Urban Agriculture Production Act of 2017, therefore, sets out to spur the development and expansion of community agriculture in typically non-traditional agricultural production areas, like our cities and towns who face food insecurity, access, and nutrition challenges.

Mr. Speaker, urban farming, and food production should be part of our solution to support healthier dietary options and improve the overall health of urban communities. The Urban Agriculture Production Act is the appropriate means to further develop alternative, urban agricultural production and to help meet communities' food production needs for the future.

TRIBUTE TO PATH HILL, SHERO FOREVER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2017

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, activism is often described as a theory or practice based on militant action, a state of being active, engaged, participating, dedicated consistent, promoting change, never-ending, always going. All of these words describe teacher, policewoman, law enforcement expert, college professor, friend, humanitarian and much more. I could keep on writing for hours and would not adequately describe what Pat Hill has meant to me and countless others. She was an inspiration, a role model, a serious fighter for freedom, equality, and justice. Pat, has fought the good fight, has earned the victory and may her soul rest in peace.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 2017

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 3354) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2018, and for other purposes:

Ms. JACKSON LEE. Mr. Chair, I rise to express my strong and unwavering support of the Deferred Action for Childhood Arrivals program (DACA) and unyielding opposition to the President's decision, announced by the Attorney General, to rescind a policy that liberated 800,000 young persons—124,000 of them in Texas—from the shadows of life, welcomed them into the mainstream, and encouraged them to realize their potential and achieve the American Dream.

At the heart of the Trump Administration's cruel, and heartless, and misguided decision to rescind DACA is the specious claim that President Obama lacked the constitutional and statutory authority to take executive actions to implement the DACA policy.

That is why I offered an amendment to Division C of Rules Committee Print 115–31 that would prohibit the Administration from using appropriated funds to implement its decision to rescind DACA.

Specifically, that Jackson Lee Amendment provided the following section at the end of Division E of the bill:

SEC. _____. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce the Memorandum of September 5, 2017, from the Acting Secretary of Homeland Security pertaining to “Rescission of the June 15, 2012 Memorandum Entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children.”

Regrettably, this Jackson Lee Amendment was not made in order by the Rules Committee.

There was no need for the President to make any decision about DACA right now; there was pending no real deadline, no actual court case, no legal requirement.

Florida is bracing for the impact of Hurricane Irma and Houston is still struggling to recover and rebuild in the aftermath of Hurricane Harvey, one of the most catastrophic weather events in the nation's history.

And in my congressional district, we are mourning the loss of the heroic DREAMER, Alonso Guillen, who came to the U.S. from Mexico as a child, and died here his boat capsized while he was rescuing survivors of the flooding caused by Hurricane Harvey in the Houston area.

The President and Attorney General should have focused on the crisis at hand and not created another one because of a made up deadline.

There is no heart in ending DACA and leaving the fate of 800,000 young persons in limbo and at the mercy of a Republican Congress that has passed no major legislation and has no guarantee that the President would even sign a bill if they do.

Republicans in Congress need to bring H.R. 3440, the Dream Act of 2017, to the floor right now and vote for it so it can pass both houses of Congress with a veto-proof majority.

Mr. Chair, now let me briefly discuss why the executive actions taken by President Obama are reasonable, responsible, and within his constitutional authority.

Pursuant to Article II, Section 3 of the Constitution, the President, the nation's Chief Executive, “shall take Care that the Laws be faithfully executed.”

In addition to establishing the President's obligation to execute the law, the Supreme Court has consistently interpreted the “Take Care” Clause as ensuring presidential control over those who execute and enforce the law and the authority to decide how best to enforce the laws. See, e.g., *Arizona v. United States*; *Bowsher v. Synar*; *Buckley v. Valeo*; *Printz v. United States*; *Free Enterprise Fund v. PCAOB*.

Every law enforcement agency, including the agencies that enforce immigration laws, has “prosecutorial discretion”—the inherent power to decide whom to investigate, arrest, detain, charge, and prosecute.

Thus, enforcement agencies, including the U.S. Department of Homeland Security (DHS), properly may exercise their discretion to devise and implement policies specific to the laws they are charged with enforcing, the population they serve, and the problems they face so that they can prioritize our nation's resources to meet mission critical enforcement goals.

Mr. Chair, deferred action has been utilized in our nation for decades by Administrations headed by presidents of both parties without controversy or challenge.

In fact, as far back as 1976, INS and DHS leaders have issued at least 11 different memoranda providing guidance on the use of similar forms of prosecutorial discretion.

Executive authority to take action is thus “fairly wide,” and the federal government's discretion is extremely “broad” as the Supreme Court held in the recent case of *Arizona v. United States*, 132 S. Ct. 2492, 2499

(2012), an opinion written Justice Kennedy and joined by Chief Justice Roberts:

"Congress has specified which aliens may be removed from the United States and the procedures for doing so. Aliens may be removed if they were inadmissible at the time of entry, have been convicted of certain crimes, or meet other criteria set by federal law. Removal is a civil, not criminal, matter. A principal feature of the removal system is the broad discretion exercised by immigration officials. Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all. If removal proceedings commence, aliens may seek asylum and other discretionary relief allowing them to remain in the country or at least to leave without formal removal." (emphasis added) (citations omitted).

The Court's decision in *Arizona v. United States*, also strongly suggests that the executive branch's discretion in matters of deportation may be exercised on an individual basis, or it may be used to protect entire classes of individuals such as "[u]nauthorized workers trying to support their families" or immigrants who originate from countries torn apart by internal conflicts:

"Discretion in the enforcement of immigration law embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime. The equities of an individual case may turn on many factors, including whether the alien has children born in the United States, long ties to the community, or a record of distinguished military service.

Some discretionary decisions involve policy choices that bear on this Nation's international relations. Returning an alien to his own country may be deemed inappropriate even where he has committed a removable offense or fails to meet the criteria for admission. The foreign state may be mired in civil war, complicit in political persecution, or enduring conditions that create a real risk that the alien or his family will be harmed upon return.

The dynamic nature of relations with other countries requires the Executive Branch to ensure that enforcement policies are consistent with this Nation's foreign policy with respect to these and other realities."

Exercising thoughtful discretion in the enforcement of the nation's immigration law saves scarce taxpayer funds, optimizes limited resources, and produces results that are more

humane and consistent with America's reputation as the most compassionate nation on earth.

Mr. Chair, a DREAMER (an undocumented student) seeking to earn her college degree and aspiring to attend medical school to better herself and her new community is not a threat to the nation's security.

Law abiding but unauthorized immigrants doing honest work to support their families pose far less danger to society than human traffickers, drug smugglers, or those who have committed a serious crime.

President Obama was correct in concluding that exercising his discretion regarding the implementation of DACA enhances the safety of all members of the public, serves national security interests, and furthers the public interest in keeping families together.

Mr. Chair, according to numerous studies conducted by the Congressional Budget Office, Social Security Administration, and Council of Economic Advisors, the DACA generates substantial economic benefits to our nation.

For example, unfreezing DAPA and expanded DACA is estimated to increase GDP by \$230 billion and create an average of 28,814 jobs per year over the next 10 years.

That is a lot of jobs!

Mr. Chair, in exercising his broad discretion in the area of removal proceedings, President Obama acted responsibly and reasonably in determining the circumstances in which it makes sense to pursue removal and when it does not.

In exercising this broad discretion, President Obama did nothing was novel or unprecedented.

Let me cite a just a few examples of executive action taken by American presidents, both Republican and Democratic, on issues affecting immigrants over the past 35 years:

1. In 1987, President Ronald Reagan used executive action in 1987 to allow 200,000 Nicaraguans facing deportation to apply for relief from expulsion and work authorization.

2. In 1980, President Jimmy Carter exercised parole authority to allow Cubans to enter the U.S., and about 123,000 "Mariel Cubans" were paroled into the U.S. by 1981.

3. In 1990, President George H.W. Bush issued an executive order that granted Deferred Enforced Departure (DED) to certain nationals of the People's Republic of China who were in the United States.

4. In 1992, the Bush administration granted DED to certain nationals of El Salvador.

5. In 1997, President Bill Clinton issued an executive order granting DED to certain Haitians who had arrived in the United States before Dec. 31, 1995.

6. In 2010, the Obama Administration began a policy of granting parole to the spouses, parents, and children of military members.

Mr. Chair, because of President Obama's leadership and visionary executive action, 124,000 undocumented immigrants in my home state of Texas have received deferred action.

91 percent of these immigrants are employed or in school and contribute \$6.3 billion annually to the Texas economy and \$460.3 billion to the national economy.

Mr. Chair, let me note that DACA was and is a welcome development but not a substitute for undertaking the comprehensive reform and modernization of the nation's immigration laws supported by the American people.

Only Congress can do that.

America's borders are dynamic, with constantly evolving security challenges.

Border security must be undertaken in a manner that allows actors to use pragmatism and common sense.

Comprehensive immigration reform is desperately needed to ensure that Lady Liberty's lamp remains the symbol of a land that welcomes immigrants to a community of immigrants and does so in a manner that secures our borders and protects our homeland.

Instead of wasting time scapegoating DREAMERS, we should instead seize the opportunity to pass legislation that secures our borders, preserves America's character as the most open and welcoming country in the history of the world, and will yield hundreds of billions of dollars in economic growth.

PERSONAL EXPLANATION

HON. THOMAS A. GARRETT, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2017

Mr. GARRETT. Mr. Speaker, I was unable to attend Floor votes due to the expected birth of my child.

Had I been present, I would have voted Yea on Rollcall No. 441.