

guides us in our everyday life and a level of expectations of living up to American standards, that is not there. But it is a pillar of American exceptionalism. It is a pillar of the shining city on the pillars. And free enterprise, capitalism, is another component.

All of these things come together to make America great. You know, you can maybe wound two or three of those pillars, and we would still be a great Nation. But the central pillar—think of these others that I have described all around a circle holding up that city, but the middle, the important one, the central pillar of American exceptionalism is the rule of law. It is sacrosanct to a free people. If we don't live by the rule of law, our country collapses, our other pillars fall, and we fall into the Third World.

And yet, this Congress is in the business right now of negotiating away the rule of law under some myopic belief that if we just reward this group of people for breaking the law, somehow the rest of those folks that are out there in other sympathetic categories are just going to go away and say: Sorry, I guess I missed the boat; I wasn't DACA; I was a parent that brought DACA in; or I got in too early and so I was disqualified; or I got in too late and I was disqualified. These are all illegal entries, by the way. Or I came into America, had a baby with an anchor baby. Now I am a parent of an American. How do we split up families?

You have to draw a line. The only place to draw the line is right down the rule of law, and we cannot be supporting amnesty. To grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crime.

What nation does that? What thinking nation would do such a thing when we have got so much at stake; and how this multiplies itself throughout the generations?

1986 Ronald Reagan made one mistake. He signed the amnesty act of 1986. We have been paying for that ever since because it created the expectation that there would be other amnesties.

There have been at least six other minor amnesties since then. This is the big one. This is at least as big as Ronald Reagan, and it sets the stage for another 10 to 20 million people rewarded for breaking American law. And what do we tell our children and what will our descendants think if we can't think any more clearly than we appear to be doing right now?

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

ISSUES OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, just to follow up on what my good friend from

Iowa (Mr. KING) was saying, there is an article here from this week—Hans A. von Spakovsky says: "Alabama is arguing that by including illegal immigrants in its count of the population, it deprives the State of representation in the U.S. House of Representatives. The key to Alabama's case is the definition of 'persons' who should be counted and thus used in apportionment. This is not an issue the court has addressed before."

That is interesting.

"Alabama has filed an unprecedented but little-noticed lawsuit against the U.S. Census Bureau. If the State wins, it could have major political ramifications and restore fundamental fairness in political representation in Congress."

And I might insert parenthetically here, I heard my friend, the delegate from the District of Columbia (Ms. NORTON) was talking about hoping to have a vote, whether it was making D.C. a State or whatnot. But in the little research that I ended up doing after I got here is I have seen the license plate, "Taxation without representation." I thought: Well, you know, of course, that was something that was said during the Revolution, "Taxation without representation is tyranny." Ben Franklin said, if we don't get to elect even one of the members of parliament that put taxes on us, then they should not be able to put taxes on us.

So I am familiar with that situation, but I didn't know, until after I had been here awhile, I find out that territories, like—or any U.S. property that is not part of a State, they do not have a U.S. representative because the Constitution is very clear, very succinct, it says that the representative shall come from the several States.

In the late 1970s, all of the proponents of giving Washington, D.C. a representative, a U.S. representative, they understood there is only one way to do that, and that is to have a constitutional amendment to amend where it says the representative shall come from the several States and include, and the District of Columbia, something like that.

Well, they passed it with a significant percentage in the House and the Senate that allowed it to go forward as a constitutional amendment, but they never got—in the late 1970s, they never got the requisite number of States because I guess, from the State standpoint, they are thinking: Well, if we ratify this as a constitutional amendment, it slightly, but still does, dilute a little bit of our power in the House of Representatives. So it didn't get the requisite number of States.

But, again, after I was here, I was talking to a friend from Puerto Rico, and I said: I know there have been votes in the past about whether Puerto Ricans want to be a State or not. Why has that not passed previously? This is several years ago.

And he said: Well, there are people that kind of like the current situation

in Puerto Rico. It is the same as in Guam or the Mariana Islands or the U.S. Virgin Islands—all the areas that are not States, they are territories—because in those, as in Puerto Rico, because they do not elect a full voting representative into the U.S. House or Senate, then the Founders, up through the current time, have said it is not fair. Just like Ben Franklin said, it is not fair to make them pay Federal income tax, Federal tax, if they don't elect a full voting representative.

So there is no U.S. territory, no non-State U.S. property that has to pay Federal income tax if they are not a State that elects a representative, except for the District of Columbia.

And once I realized that, I went: Well, it may not seem to people to be a Republican issue, but that really is not fair for the District of Columbia, because the people in the District of Columbia pay Federal income tax.

So if we are really going to be consistent, we are really going to be fair to the people of the District of Columbia, there is only one thing to do: Either make them a State, which a form of that was tried in the 1970s and it didn't work, or the other—actually there are three things. The other is to make the law as it is for every other non-State, that the residents of that non-State do not pay Federal income tax.

So I filed that bill in a number of the Congresses, including this one. It was very basic, you know—residents of Washington, District of Columbia, will not pay Federal income tax, just like all the other territories. And I have been intrigued that I have not gotten support from Democrats, including the delegate from the District of Columbia.

I understand, you know, folks like my colleague want to have a full voting U.S. representative. Fine. But why not let your constituents at least be treated like every other resident U.S. citizen of a non-State. Don't make them pay income tax until you get what you want. Maybe some day you'll get it, but until you do, why don't you join forces with me and just say: We want to pass this law; we are going to be fair to the residents of Washington, D.C. just like we are to all the other non-States that are U.S. territories; we are going to say you don't pay Federal income tax.

But I have been amazed that I am still not getting support from the other side of the aisle, just to be fair, until they—I am not in favor of making the District of Columbia a State. I like what the Founders did, with that one exception, they should not have to pay tax since they don't elect a full voting representative.

So, anyway, I am hoping that at some point at least one or more of my Democratic friends will join forces with me and maybe we can push that issue to the floor so we can treat the residents of the District of Columbia fairly. But until the person representing the people here in the District of Columbia disagree, then it is

doubtful the Speaker would ever bring my bill to the floor so we could treat them fairly.

Now, there is one other way that that could be handled, and I did file this bill some Congresses back, but it had even less support, so I didn't bother to file it again. So one way to be fair to the residents of the District of Columbia would be to say: No Federal income tax, since you don't elect a full voting representative.

The other would be to do what was done in the late 1840s when there were major complaints from residents of the District of Columbia. They were part of the 10-mile-by-10-mile square District of Columbia, but were on the western side of the Potomac River. They were protesting. They were upset. Look, you are not using any of our land as Federal land, so why don't you just cede the land west of the Potomac back to Virginia and then we can participate in the election of not only representatives, but also two Senators? We will get to participate in that since you are not using the land.

□ 1430

Well, of course, nowadays, the Federal Government is using a lot of that land. You have not only Reagan National Airport, you have Arlington National Cemetery, the Pentagon, and so many other things across the river.

But back in the late 1840s, that was ceded back to Virginia. That is why when people look at a map of the District of Columbia, it is no longer a 10-mile-by-10-mile square. It is uneven on the west side because it follows the Potomac, going back to that ceding of land back to Virginia.

So I have filed a bill before, and I am not planning on filing it again because it just didn't get any real support at all. But we drew a line with a metes and bounds description around all of the nonresident Federal buildings in the District of Columbia. We keep those as Federal enclaves, and then cede all of the other land east of the Potomac back to Maryland.

I remember my friend from the District of Columbia, across the aisle, asking me one time on this floor, when I was talking about this bill: But what if Maryland didn't want to take this land back?

And I looked at my friend, Mr. HOYER from Maryland, and I said—I am sure that our friend here, Mr. HOYER, would say—any State would be thoroughly pleased to have you and your constituents as residents of their State. I didn't get an “amen” or “sure, of course” from Mr. HOYER, but I am sure, deep in his heart, he felt that way. But, like I said, I never got any real support for that.

So I am hoping, at some point, my friend from the District of Columbia will join me and say: Okay, at least until—and even if it doesn't happen—at least until it did happen, the residents of the District of Columbia should be treated fairly, like we do those from

any other non-State, and don't pay income tax.

I appreciate bringing those issues back up again. It is an easy solution. And I just feel like if we had a bipartisan effort to pass that, then we could get that done on behalf of the residents of Washington, District of Columbia.

But, anyway, back to this article from the Heritage Foundation, June 5, talking about the lawsuit about counting illegal immigrants in the Census. It says: “Conversely, the lawsuit argues, the practice of counting illegal immigrants in the Census gives States that protect them (California, for example) seats and votes they are not entitled to have.”

“The 14th Amendment to the Constitution provides that Representatives in the House ‘shall be apportioned among the several States . . . according to their respective Numbers’”—just like I was talking about—“with the ‘Numbers’ determined by ‘counting the whole number of persons in each State.’”

“After every Census, House seats are reapportioned according to the population of each State. Electoral College votes are reapportioned according to the number of each State's congressional Representatives.”

“Alabama is right about the unfairness of the current system. Illegal immigrants, by definition, have no right to be in this country. It is unjust to allow States to gain a political advantage over other States by flouting Federal immigration law.”

“The number of Representatives in the House—435—has been fixed by the law since 1910. So as Alabama says in its complaint, apportionment is ‘a zero sum proposition: Each State's gain is another State's loss.’”

“Alabama argues that by including illegal immigrants in apportionment, congressional seats and Electoral College votes are unfairly distributed.”

“Based on the 2010 Census, Louisiana, Missouri, and Ohio each lost a seat in the House and a vote in the Electoral College, while Montana failed to gain a seat and an electoral vote. By contrast, California gained two House seats and two Electoral College votes. And Florida and Texas each gained one seat and one vote.”

“As a result, says Alabama in its lawsuit: ‘four House seats and four Electoral College votes were redistributed by the inclusion of illegal aliens in the apportionment base in the 2000 Census.’”

“Alabama claims that including illegal immigrants in the 2020 Census will likely cause it to lose a congressional seat and an Electoral College vote. It says this ‘will rob the State of Alabama and its legal residents of their rightful share of representation.’”

“This also violates the ‘one person, one vote’ equal representation standard of the 14th Amendment. According to Alabama, ‘the gains from including illegal aliens in the apportionment base flow to citizens who live in State with large numbers of illegal aliens.’”

“Why? Because it means that ‘in a State in which a large share of the population cannot vote, those who do vote count more than those who live in States where a larger share of the population is made up of American citizens.’” Which is an interesting argument.

“This results in ‘representational inequality’ by devaluing the vote of Alabama's legal residents. This redistribution of political power ‘disincentivizes States with large illegal alien populations from cooperating with Federal immigration authorities (lest they lose political power that comes with additional Representatives and votes in the Electoral College),’ Alabama argues.”

“Moreover, including illegal immigrants in the Census ‘punishes States who do cooperate with Federal immigration authorities in the identification and removal’ of illegal aliens, Alabama's lawsuit states.”

“Alabama's final complaint is monetary. Including illegal immigrants in the Census, it says, will likely cause it to lose its fair share of the almost \$700 billion distributed annually by the Federal Government in grants and other funds.”

“The key to Alabama's case is the definition of ‘persons’ who should be counted and thus used in apportionment. Alabama argues the term ‘persons’ was understood at the ‘time of the founding and when the 14th Amendment was ratified’ to mean the ‘inhabitants’ of a State.”

“Furthermore, ‘in the public law of the founding era, the term ‘inhabitant’ did not encompass unlawful residents because inhabitance was a legal status that depended upon permission to settle granted by the sovereign nation in which an alien wished to reside,’ Alabama argues.”

“In other words, ‘persons’ does not include individuals who are in the U.S. illegally, without the permission of the Federal Government.”

“The ‘Residence’ rule adopted by the Census Bureau for the 2020 Census stipulates that foreign nationals will be counted and allocated to the State where their ‘usual residence’ is located, regardless of whether they are legally present.”

There is some hypocrisy, I have noticed, among some of our friends here. On the one hand, they are constantly saying: We have to bring these illegal aliens, undocumented people, whatever they want to call them, we have to bring them out of the shadows.

And I remember, on one occasion, we had a bunch of folks claiming to be illegal aliens in the gallery right here. They were shouting and proud to be illegal aliens at some point. I looked up, looked around the gallery at all of these people making noise, have T-shirts, and I thought: It doesn't look like they are in the shadows to me. I mean, it looks like there is plenty of light up there.

They keep using the term that they are “in the shadows,” yet Alabama has

this lawsuit and they are saying: We need to know who is in the country illegally and who is not so we can get a fair count.

And people that have been saying, on the one hand: We want everybody that is coming into the country illegally to come out of the shadows; when it comes to apportionment, they are saying: No, no, no, no, we want them counted, but you can't ask them whether they are here illegally or not. So we want their status to stay in the shadows. We want to keep their status secret.

Sanctuary cities are basically doing the same thing. They might as well put the Statue of Liberty out in San Francisco harbor saying: Give us your tired, your poor, your felons, your people that like to shoot other people and rob them, because that is basically what San Francisco has been saying: We don't care if you are a felon, we don't care if you kill people, you rape women, or raped anybody, we want you here, and we won't tell on you, so you come right in here.

I am going to file a bill. I have been working on it too long. I haven't gotten the cooperation I thought I should from some folks. But, anyway, basically, I think it ought be a civil right living in a city in the United States that is violated when a city says: We are going to welcome, encourage, really try to recruit people to be in our city who are felons, who are here illegally and felons.

And when that kind of action under State law robs people of their lives or their sexual purity or any other thing, there ought to be a cause of action against that city or that State that is saying: We encourage people that are here illegally and who are committing felonies, we want you here.

That really ought to be a right of the others who are U.S. citizens that is being violated by the sanctuary city or the sanctuary State. So if a State or city wants to keep encouraging felons to live within their bounds and it costs people their lives or their property, there ought to be a civil rights lawsuit lodged against that State or city government, or county government for that matter.

So we will get it done and we will get it filed. That way it is fair. So, say, if San Francisco, for example, wants to keep encouraging people, like the guy that shot Kate Steinle, to come into the city, and that way others may be similarly situated, as was Kate Steinle, and get shot and killed as they beg their daddy to help them, I mean, I just can't imagine anything much worse than that as a father.

The father should not have his lawsuit thrown out of court, as happened in the Steinle case. We ought to give the means to the aggrieved party to say to San Francisco, or say to the city or State when they are acting as a sanctuary city or State: Do you know what, you can do that if you want, but you are going to monetarily pay to the

people who are harmed under your State or city color of law. It just seems fair.

So, hopefully, we will get something done on that and let the lawsuits commence against the sanctuary cities. As a former lawyer who tried a lot of cases, I have seen the good that can come. Sometimes there are places where the litigation system is abused, often a topic on FOX News, but there are some laws we don't really have to pass if you have a good court system that aggrieved parties can come in and they can sue and collect.

And just the threat of that suit and collection voids the needs for us to come in here or run in and pass a law every time there is some illegality or impropriety or some damage done to other parties. Let the courts mete it out.

When somebody is penalized financially in a sufficient amount, then it will change their conduct. I think you would see sanctuary cities change once their taxpayers realize they are going to keep paying out multimillion dollars or hundreds of millions of dollars constantly in court costs and damages assessed.

□ 1445

I bet you would see a whole lot of folks say: Do you know what? Maybe it is time that we quit having a sanctuary in our city for people who came in illegally and who also commit violent felonies or property theft or whatever it is. Let's protect people and give them that right through litigation.

Now, this article from Bob Price says: "Border Patrol Agents Arrest Sex Offenders, Gang Members in South Texas." It points out that: "Border patrol agents assigned to the Rio Grande Valley Sector stopped sex offenders and gang members from making their way to their U.S. destinations over the weekend. During a 4-day period, agents arrested four child molesters and three gang members after they illegally crossed the border. The arrests include fugitives who fled the country to avoid prosecution and previously deported criminal aliens."

"Rio Grande City Station agents arrested a man who illegally crossed the border near Roma, Texas, on Sunday. During processing, agents learned the Salvadoran national was convicted in Angleton, Texas, in February 2015 for a 2014 charge of sexual assault of a child. The Salvadoran national received a 5-year prison sentence and was deported after being released early by prison officials."

And then obviously coming back, some other child was probably saved from another sexual assault, because I know from my experience as a prosecutor and a felony judge, when somebody is that kind of evil that they would commit that kind of assault on a child, it just seems to be the kind of evil that they keep coming back to.

So it is something that needs to stop. Thank God we have Border Patrol officers who are protecting us.

I would just encourage our own Republican leadership, what got President Trump elected was he was promising that we would build a wall. He was promising an end to the unconstitutional DACA that Obama did. He was promising no amnesties. So I think in the time we have left in this year, wouldn't it be a good idea if we as Republicans in the House quit worrying about a discharge petition and started being concerned about keeping our promises to the American people?

Let's get the wall built where it is needed, but for heaven's sake, get the border secure. Secure the border so people coming in are coming in lawfully.

We should not have to process anybody who comes in anywhere except through an authorized entry point into our country. If you try to come in another way, the Federal officers ought to do like the State of Texas officers do, and that is stand in the way: You are not coming into our country. You are not putting a foot on American soil until you come in legally.

But the Federal officers haven't been doing that, and we need to make that happen as well. That is what we do. Once we have secured the borders, then we can work something out about who is here and who stays, who goes.

But until then, the border patrolmen again reaffirmed for me this last week, every time we mention DACA, amnesty, any kind of legalization, any kind of stay, any kind of path to this, that, or the other, there is another surge of people illegally coming into the country. Let's stop the surges. Let's do whatever it takes to secure the border. Let's forget about discharge petitions.

Concentrate on that secured border. That will keep our oath. That will keep our promise. That defends the Constitution, and it also actually helps people get reelected, because we kept our promises.

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

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 12, 2018, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5083. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Threshold for De Minimis Activity and Exemptions From Licensing Under the Animal Welfare Act [Docket No.: APHIS-