

1 NATIONAL CAPITOL CONTRACTING
2 RPTS HASKELL
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4 MARKUP OF:
5 H.R. 391, THE "ASYLUM REFORM AND BORDER PROTECTION ACT"; AND
6 H. RES. 446, THE "RESOLUTION OF INQUIRY"
7 Wednesday, July 26, 2017
8 House of Representatives,
9 Committee on the Judiciary,
10 Washington, D.C.

11 The committee met, pursuant to call, at 10:00 a.m., in
12 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
13 [chairman of the committee] presiding.

14 Present: Goodlatte, Smith, Chabot, Issa, King, Franks,
15 Gohmert, Jordan, Poe, Marino, Gowdy, Labrador, Farenthold,
16 Collins, DeSantis, Buck, Ratcliffe, Roby, Gaetz, Johnson,
17 Biggs, Rutherford, Handel, Conyers, Nadler, Lofgren, Jackson
18 Lee, Cohen, Johnson, Deutch, Gutierrez, Bass, Cicilline,
19 Swalwell, Lieu, Raskin, Jayapal, and Schneider.

20 Staff Present: Shelley Husband, Staff Director; Branden

21 Ritchie, Deputy Staff Director; Tach Somers, Parliamentarian
22 and General Counsel; Ryan Breitenbach, Counsel, Subcommittee
23 on Crime, Terrorism, Homeland Security, and Investigations;
24 Andrea Loving, Counsel, Subcommittee on Immigration and
25 Border, Security; Joe Edlow, Counsel, Subcommittee on
26 Immigration and Border Security; Alley Adcock, Clerk; Aaron
27 Hiller, Minority Chief Oversight Counsel; Danielle Brown,
28 Minority Chief Legislative Counsel & Parliamentarian; Chloe
29 Pan, Minority Intern; Olivia Foster, Minority Intern; Sandy
30 Alkoutami, Minority Intern, Judiciary Committee; Perry
31 Apelbaum, Minority Chief Counsel and Staff Director; Arya
32 Hariharan, Minority Counsel; and David Greengrass, Minority
33 Counsel.

34 Chairman Goodlatte. Good morning. The Judiciary
35 Committee will come to order and, without objection, the
36 chair is authorized to declare a recess at any time.

37 Pursuant to notice, I now call up H.R. 391 for purposes
38 of mark up and move that the committee report the bill
39 favorably to the House.

40 The clerk will report the bill.

41 Ms. Adcock. H.R. 391: to modify the treatment of
42 unaccompanied alien children who are in Federal custody by
43 reason of their immigration status and for other purposes.

44 [The bill follows:]

45 ***** INSERT 1 *****

46 Chairman Goodlatte. Without objection, the bill is
47 considered as read and open for amendment at any time.

48 And I will begin by recognizing myself for an opening
49 statement. Many of the actions the Obama administration
50 took regarding immigration policy were based on a lack of
51 respect for our Nation's immigration laws themselves and
52 represented abuses of the discretion provided to the
53 executive by the constitution and Congress.

54 One of the immigration programs the last administration
55 most abused was the U.S. asylum process. Word was out,
56 "Simply get to the border, track down a border patrol agent,
57 claim a fear of persecution if sent home, and you could
58 enjoy years of freedom in the U.S. to legally work until you
59 saw an immigration judge."

60 Such an incentive resulted in a massive increase in
61 foreign nationals seeking asylum in the United States. The
62 United States does and should have asylum laws to grant
63 relief to individuals who are truly persecuted. However,
64 just as with any U.S. immigration program, fraud in the
65 asylum process is pervasive. And since asylum fraud can be
66 relatively easy to perpetrate, the asylum's system is highly
67 susceptible to it.

68 A claim for asylum is often based simply on the asylum
69 seeker's testimony. You can imagine how difficult it is for
70 an asylum officer or an immigration judge to corroborate the

71 testimony of an individual who claims fear of persecution on
72 account of membership in a particular social group. The
73 U.S. Government simply does not have the resources or the
74 ability to truly validate the actual veracity of each asylum
75 seeker's claim.

76 Worse yet, in most cases, we actually forbid the
77 Department of Homeland Security from seeking evidence from
78 the home country about the veracity of an applicant's
79 claims. Since receipt of asylum status in the United States
80 leads directly to U.S. citizenship, it is especially
81 important that steps be taken to prevent fraud in and abuse
82 of the system.

83 In December 2015, the Government Accountability Office
84 found that granting asylum to an individual with a
85 fraudulent claim jeopardizes the integrity of the asylum
86 system by enabling the individual to remain in the United
87 States, apply for certain Federal benefits, and pursue a
88 path to citizenship. The GAO went on to rightly note that,
89 "Given the potential consequences of asylum decisions, it is
90 important that the asylum system is not misused."

91 Admittedly, fraud in the asylum process is nothing new.
92 As a former U.S. CIS official testified before this
93 committee in 2014, a partially completed fraud assessment by
94 the U.S. CIS Fraud Detection and National Security
95 Directorate found that, in a random sampling of asylum cases

196 pending before U.S. CIS, 12 percent were determined to be
197 fraudulent and 58 percent exhibited possible indications of
198 fraud.

199 The former immigration judge, Andrew Arthur, noted in
200 his testimony before the committee earlier this year that,
201 in recent years, a number of immigration practitioners have
202 been charged in high-profile asylum fraud cases.

203 For instance, in May 2016, a Chicago immigration
204 attorney was convicted by a Federal jury of falsifying
205 paperwork in a bid to help clients within asylum in the U.S.
206 Did DHS go back and review the prior asylum grants to the
207 clients of such lawyers? Of course not.

208 Criminals and terrorists have abused the U.S. asylum
209 system to both gain entry to the United States, as well as
210 to prevent their removal. Perhaps one of the most well-
211 known cases is that of Ramsey Usaf who, after entering the
212 U.S. with a fake Iraqi passport, claimed asylum. While his
213 case was pending, he helped plan and carry out the 1993
214 World Trade Center bombing.

215 Over the years, Congress has recognized the need to
216 strengthen asylum laws in order to prevent and deter fraud.
217 The REAL ID Act of 2005 made several changes to the asylum
218 process in an attempt to reduce fraud while ensuring that
219 the system was fair to those truly in need. Twelve years
220 later, the time has come for additional antifraud measure.

121 H.R. 391, the Asylum Reform and Border Protection Act
122 of 2017, provides several important such measures. I would
123 like to thank our former colleague, Jason Chaffetz, for
124 introducing this bill last Congress, as well as again during
125 this Congress and for his leadership on the issue.

126 I thank our colleague, Mike Johnson, for taking this
127 important immigration enforcement bill over as the chief
128 sponsor. The Asylum Reform and Border Protection Act is a
129 much-needed piece of legislation. I urge my colleagues to
130 support it.

131 [The prepared statement of Chairman Goodlatte follows:]

132 ***** COMMITTEE INSERT *****

133 Chairman Goodlatte. It is now my pleasure to recognize
134 a ranking member of the committee, the gentleman from
135 Michigan, Mr. Conyers, for his opening statement

136 Mr. Conyers. I thank you. Members of the committee,
137 H.R. 391, The Asylum Reform and Border Protection Act, is
138 unfortunately yet another anti-immigrant measure premised on
139 rhetoric and misinformation.

140 Notwithstanding the bill's short title, H.R. 391 does
141 nothing to reform our Nation's asylum system. In fact, it
142 dismantles it. This is solved on our asylum system, is
143 predicated on the unsubstantiated belief that it is rife
144 with fraud and abuse.

145 I say, "unsubstantiated," because there is absolutely
146 no reliable evidence to support this legislation. In fact,
147 nearly every organization that works with asylees offers
148 compelling evidence of legitimate claims and rampant human
149 rights abuses in sending countries that drive many of these
150 individuals to seek sanctuary.

151 Worse than the fact that there is no need for H.R. 391,
152 the bill fundamentally undermines the Nation's asylum
153 system. To begin with, it slashes protections for asylum
154 seekers and other vulnerable populations, thereby
155 effectively forcing them to return to the persecution they
156 have fled.

157 To take just one example, the bill would erect a

158 credible fear screening standard so stringent that it would
159 virtually guarantee the deportation and, in some cases, the
160 death of legitimate asylum seekers.

161 Secondly, H.R. 391 unreasonably holds young children
162 seeking protection to the same standard as adults. For
163 instance, this bill would, for the first time, subject
164 unaccompanied minors to the same third-country bar to
165 asylum. It also authorizes the Department of Homeland
166 Security to unilaterally label a foreign nation a "safe
167 third country," even over that nation's objections and even
168 if the nation fails to truly provide adequate humanitarian
169 protections.

170 Taken together, these provisions mean that the Trump
171 administration could prohibit every single child, no matter
172 how fragile and traumatized, who passes through another
173 country such as Mexico, from even applying for asylum in the
174 United States.

175 Finally, this bill betrays our troops. It would end
176 what is known as the Military Parole in Place Program
177 through which thousands of United States military family
178 members reside without fear in the United States. It would
179 likewise terminate the Filipino World War II Veterans Parole
180 Program which allows the loved ones of these veterans, many
181 of whom were now United States citizens, to join and care
182 for them in the United States.

183 My fellow members of this committee were better than
184 this. America is better than this. So, accordingly, I urge
185 you to join with me in opposing this flawed legislation and
186 I yield back, Mr. Chairman, the balance of my time.

187 [The prepared statement of Mr. Conyers follows:]

188 ***** COMMITTEE INSERT *****

189 Chairman Goodlatte. Thank you, Mr. Conyers. I would
190 now like to recognize the chairman of the Subcommittee on
191 Immigration and Border Security, the gentleman from Idaho,
192 Mr. Labrador, for his opening statement.

193 Mr. Labrador. Thank you, Mr. Chairman. Asylum law is
194 a cornerstone of United States immigration policy. It
195 represents our values as Americans as we welcome and protect
196 those who have faced persecution in their homeland. As an
197 immigration attorney, I was fortunate to represent asylum
198 seekers, and I have seen the system work in real time. But
199 when the system can no longer function because of rampant
200 fraud, activist court, and uncontrollable executive
201 overreach, we are left with a patchwork of flaws that weaken
202 asylum policy and serve no public interest.

203 The erosion of the rule of law signals a clear danger
204 to the survival of our system of government. And, more
205 specifically, the immigration and asylum laws that we are
206 charged with defending and reforming in this committee.
207 H.R. 391 is a strong enforcement bill that improves our
208 asylum process and takes very necessary steps to ensure its
209 continued viability.

210 Our laws provide that an alien may seek asylum based on
211 past persecution or well-founded fear of future persecution
212 on account of five protected grounds. While four of those
213 grounds are well defining case law; race, religion,

214 nationality, and political opinion; one has always been more
215 ambiguous: membership in a particular social group. This
216 has now been definitely defined by the Board of Immigration
217 Appeals, but it is still the subject of a split among
218 several Federal courts.

219 Without clarification, there exists the possibility
220 that this protected ground will be expanded to act as a
221 catchall category which would be disastrous for U.S. asylum
222 policy and open the floodgates. Such ambiguity could
223 ultimately provide eligibility for asylum well beyond
224 congressional intent.

225 We must remember that asylum does not protect everyone
226 who is fearful of returning to their home countries.
227 Victims of crime, for example, are not eligible for asylum
228 on that fact alone. But, as some Federal circuits whittle
229 away at this category, we see their true intent of
230 impermissibly expanding the reach of asylum law. H.R. 391
231 halts this march toward backdoor amnesty by finally
232 providing a codified definition of this contested, protected
233 ground.

234 H.R. 391 also addresses much-needed parole reforms.
235 The Obama administration in another example of executive
236 overreach abused its authority to bring aliens into the
237 United States without visas. Utilizing several creative
238 programs to serve the interests of an administration, bent

239 on undermining the congressional intent of parole, and
240 advancing amnesty-based immigration policy, the Obama
241 administration paroled in thousands of aliens.

242 Parole was originally designed to help those in need of
243 urgent humanitarian needs or whose parole would provide a
244 significant benefit to the United States. I am still
245 unclear how the Central American Minor Parole Program and
246 other family reunification parole programs fit into either
247 one of those categories.

248 H.R. 391 makes very clear the intent of parole and
249 limits the categories appropriately. It is simple: those
250 who are not eligible for parole must get a Visa to enter the
251 United States. If the alien is denied the Visa, we must
252 remember that there is a reason for the denial. I know that
253 the antifraud mechanisms of H.R. 391, combined with the
254 clarifications to asylum law, will aid both U.S. citizenship
255 and immigration services as well as immigration judges in
256 returning integrity to the system.

257 H.R. 391, along with this committee's other enforcement
258 bills strike a fair balance to get our immigration system
259 back on the right track. There will be much more work to be
260 done as we begin to tackle legal immigration reform, but
261 that is not possible without taking these significant first
262 steps.

263 I look forward to voting in favor of H.R. 391 today and

264 debating it, as well as our other enforcement bills in the
265 full House in the near future. I yield back the balance of
266 my time.

267 [The prepared statement of Mr. Labrador follows:]

268 ***** COMMITTEE INSERT *****

269 Chairman Goodlatte. Thank you, Mr. Labrador. I would
270 now like to recognize the ranking member of the Subcommittee
271 on Immigration and Border Security, the gentlewoman from
272 California, Ms. Lofgren, for her opening statement.

273 Ms. Lofgren. This bill is the latest step in the
274 President Trump-led effort to systematically dismantle the
275 Nation's humanitarian protection laws. Ban by ban, bill by
276 bill, the President and his allies would close America to
277 the world's most persecuted and vulnerable.

278 It began with the series of executive orders. Most
279 dramatically, Mr. Trump issued two travel bans designed to
280 shut down the longstanding U.S. refugee program. Another
281 executive order narrowed access to asylum in humanitarian
282 parole.

283 Regrettably, the majority quickly committed to aiding
284 this deconstruction. Just last month, for example, the
285 majority advanced legislation that would cut screening
286 protections for Central American Children, forcing them into
287 the hands of traffickers. Shortly after, in line with Mr.
288 Trump's refugee ban, they voted for a measure slashing
289 refugee admissions, now a bill that would all but destroy
290 the U.S. asylum system.

291 To begin with, the bill authorizes DHS to categorically
292 deny protection to asylum seekers who pass through another
293 country on their way to the U.S. Under current law, DHS may

294 prevent individuals from even applying for asylum if they
295 transited through a so-called safe third country. But that
296 safe third-country designation must be negotiated through a
297 bilateral or multilateral agreement that enshrines the
298 opportunity for protection in that third country.

299 This bill eliminates the requirement for such an
300 agreement. This would empower DHS to unilaterally deem any
301 nation a safe third country, even if the country fails to
302 provide any meaningful opportunity for protection.
303 This provision appears to target persons arriving in the
304 U.S. from Mexico.

305 By declaring Mexico safe despite its limited protection
306 capacity, the Trump administration could preemptively send
307 every asylum seeker who transited through our southern
308 neighbor back across the border. Not only would this wall
309 off America from those in need of life-saving relief, it
310 would expose returned families and children to severe danger
311 of further persecution.

312 The bill also imposes a provision denying protection to
313 virtually all victims of gang violence no matter how
314 egregious. That includes parents who report gang crimes to
315 local authorities, only for gangs to target them and their
316 children in retaliation. It even includes young girls
317 forced into sexual slavery by MS-13 on pain of death.

318 But this provision does not stop there. It would

319 overturn existing law by barring asylum to any LGBTI person
320 assaulted, raped, or tortured whether by gang members or
321 others due to their sexual orientation or gender identity as
322 well as to any victim of domestic abuse, no matter the
323 perpetrator. This, in a word, is inhumane.

324 In all it seems that the bill aims to preclude relief,
325 with the substantial majority of persons escaping from El
326 Salvador, Honduras, and Guatemala for factors including
327 pandemic gang violence and domestic abuse prompted the UNHCR
328 Declaration of a, "protection crisis." These are bonafide
329 asylum applicants fleeing real persecution, yet the bill
330 would deport them to the very environments they fled,
331 returning victims to the worst kind of harm to endure more
332 of the same.

333 Taken together, these and other measures in the bill do
334 not just chip away at our Nation's asylum program, they
335 decimate it. Inspired by President Trump's anti-immigrant
336 executive actions, the bill would free him to further turn
337 his back on the persecuted. Yet again, he would undermine
338 America's moral leadership in the world.

339 Perhaps most shocking, this legislation levels an
340 attack on U.S. military families. Over 4,400 loved ones of
341 active and former members of the Armed Forces maintain
342 lawful presence in the United States through a special
343 parole program designed to honor our troops. By severely

344 constraining the government's parole authority in echo of
345 President Trump's executive actions toward the same end, the
346 bill would eliminate this program altogether. This sets the
347 stage for mass separation and deportation of military family
348 members, an outcome that should disturb the conscience of
349 every American.

350 I would note that, in the chairman's opening statement,
351 he mentioned the possibility that terrorists could gain entry
352 to the U.S. through the asylum provision, but he had to cite
353 a case that was a quarter of a century old because, in fact,
354 there had been reforms to prevent such abuse since that
355 quarter of a century ago.

356 Now, what began in January with President Trump's
357 executive orders continues today with this bill's proposed
358 destruction of our asylum system and parole programs that
359 protect military families and other deserving individuals.
360 If left unchecked, President Trump and his allies would
361 comprehensively unravel U.S. humanitarian principles. Our
362 opposition should be as strong as Mr. Trump's agenda is
363 sweeping. We must ensure, despite the President's vision to
364 the contrary, that America remains the world's beacon of
365 refuge and hope. Let's preserve our shining city by voting
366 against this bill. And I yield back, Mr. Chairman.

367 [The prepared statement of Ms. Lofgren follows:]

368

***** COMMITTEE INSERT *****

369 Chairman Goodlatte. Thank you, Ms. Lofgren. I now
370 recognize the gentleman from Louisiana, Mr. Johnson, for
371 purposes of offering an amendment in the nature of a
372 substitute.

373 Ms. Jackson Lee. Mr. Chairman? May I strike the last
374 word?

375 Chairman Goodlatte. We are going to go ahead. You can
376 strike the last word on the amendment in the nature of a
377 substitute.

378 Ms. Jackson Lee. Okay, thank you.

379 Chairman Goodlatte. The clerk will report the
380 amendment.

381 Ms. Adcock. Amendment in the nature of a substitute to
382 H.R. 391, offered by Mr. Johnson of Louisiana. Strike all -
383 -

384 [The amendment of Mr. Johnson of Louisiana follows:]

385 ***** INSERT 2 *****

386 Chairman Goodlatte. Without objection, the amendment
387 will be considered as read. And I now recognize Mr. Johnson
388 for the purpose of explaining the substitute amendment.

389 Mr. Johnson of Louisiana. Thank you, Mr. Chairman.
390 The United States has always been a welcoming Nation for
391 immigrants and those who legitimately seek to avail
392 themselves with the protections offered through our asylum
393 law. This country's humanitarian mission ensures that those
394 who are persecuted on account of their race, religion,
395 nationality, political opinion, or membership in a
396 particular social group are protected.

397 Unfortunately, this generous humanitarian program has
398 long been exploited for personal gain. Aliens with no other
399 lawful means to live in the United States present
400 exaggerated and outright false claims of persecution they
401 have supposedly suffered in the past. While gaming the
402 system, often successfully, these individuals are
403 simultaneously damaging the program's integrity and making
404 it more difficult for those who are truly in need of
405 protection.

406 Lack of efforts to curb this growing program along with
407 the knowledge of lawbreakers that, if they get to the U.S.,
408 they would likely get to stay, led to the border surge of a
409 few years ago where thousands of people annually presented
410 themselves at ports of entry nationwide and claimed fear of

411 returning to their countries. Our laws provide for a
412 credible fear interview in these situations.

413 As more aliens claimed fear at the border, their
414 percentages for findings of credible fear hovered at
415 approximately 85 percent. While this grant rate was
416 acceptable when asylum officers were interviewing 5,000
417 applicants annually, this number is truly outrageous when
418 the annual number of applicants approached 95,000. This
419 rate was largely the result of unspoken guidance through the
420 previous administration when this committee was informed
421 that asylum officers were instructed to find credible fear
422 any way possible. As news of this low standard and high
423 grant rate spread, the U.S. was inundated with requests for
424 credible fear interviews.

425 For perspective, during fiscal year 2009, there were
426 5,369 credible fear referrals. Just 5 years later, in
427 fiscal year 2014, there were 51,001 such referrals. And
428 during fiscal year 2016, there were an incredible 94,048
429 credible fear referrals. The reality is that many of these
430 aliens are simply not eligible for asylum and cannot make a
431 prima facie case under current law. Yet most are allowed to
432 present their claims, receive work authorization, and clog
433 the asylum offices and immigration courts, thereby diverting
434 precious resources away from those truly in need of
435 protection.

436 A recent Government Accountability Office report
437 studying asylum fraud noted that, while there are many
438 genuine cases for asylum, obviously, these legitimate cases
439 must contend with the setbacks and other negative impacts
440 when fraudulent claims for asylum are granted. When this
441 flagrant disregard for our laws and our governance occurs,
442 the integrity of our entire asylum system is jeopardized.

443 I am pleased to introduce this substitute amendment to
444 H.R. 391, the Asylum Reform and Border Protection Act. The
445 amendment and the underlying bill address the most immediate
446 areas of concern now threatening our important asylum law.
447 This bill clarifies the congressional intent that taxpayer-
448 funded counsel will not be provided for aliens in any
449 immigration related proceedings. It also takes great steps
450 towards increasing the standard to find credible fear in
451 order to claim asylum.

452 Under this provision, in order to establish a credible
453 fear of persecution, the asylum officer must find credible
454 fear using a "more probable than not" standard. This is a
455 great improvement over the current standard based on the
456 significant possibility that the alien is eligible for
457 asylum. Requiring the recording of those interviews will
458 provide a true fraud detection measure and will also ensure
459 that the aliens are afforded fairness in the process.

460 H.R. 391 brings the standard for withholding a removal

461 in line with that of asylum. This will provide immigration
462 judges with the guidance to ensure uniform adjudications.
463 The bill also provides immigration judges explicit
464 authorization to consider the results of overseas
465 investigations in assessing credibility. This is another
466 important weapon in the anti-fraud arsenal that has been
467 sidelined in recent years.

468 I am also pleased that this substitute amendment
469 codifies the Board of Immigration Appeals definition of
470 particular social group and ensures that those coming to the
471 U.S. only because of a stated fear of gangs cannot receive
472 asylum benefits based on that claim alone. This bill is
473 explicitly clear that those affiliated with gangs will not
474 be able to receive asylum.

475 I want to thank Mr. Chaffetz for introducing a bill
476 that is vital in repairing our immigration system. Through
477 this bill, not only will our asylum laws be improved, but so
478 will our Nation's safety and economic wellbeing. We must
479 stand together and enforce all the laws of this Nation,
480 prevent future leaders from bending our laws, and stop the
481 abuse of our laws at the expense of American citizens and
482 their hard-earned tax dollars. Part of our moral leadership
483 in the world is our respect for and our particular adherence
484 to the rule of law. This bill helps restore that ideal. I
485 yield back the balance of my time, Mr. Chairman.

486 Chairman Goodlatte. The chair thanks the gentleman.
487 Are there amendments to the amendment in the nature of a
488 substitute? For what purpose does the gentlewoman from
489 Texas seek recognition?

490 Ms. Jackson Lee. I have an amendment at the desk.

491 Chairman Goodlatte. The clerk will report the
492 amendment. We are looking for the amendment.

493 Mr. Cicilline. Mr. Chairman? I ask unanimous consent
494 to do an introduction while we are looking for it.

495 Chairman Goodlatte. Yes, that would be a great thing
496 to do right now.

497 Mr. Cicilline. Thank you, Mr. Chairman. I would like
498 to welcome to our committee a British member of parliament,
499 Michelle Donelan, who is here in the room today who is
500 spending the day on the Hill and shadowing to see how
501 Congress works. We would like to say, "welcome," and we are
502 honored to have you with us today.

503 Ms. Lofgren. Mr. Chairman, while we are waiting for
504 the amendment, may I ask unanimous consent?

505 Chairman Goodlatte. Yes.

506 Ms. Lofgren. To put into the record letters in
507 opposition to this bill from Church World Services, the
508 Franciscan Action Network, Tahirih Justice Center, American
509 Immigration Lawyers, Amnesty International, Human Rights
510 First, the United States Conference of Catholic Bishops,

511 AFSCME, the Cato Institute, the Immigration Center for
512 Global Liberty and Prosperity, and the Hebrew International
513 Counsel of Migration Services.

514 Chairman Goodlatte. Without objection, they will be
515 made a part of the record.

516 [The information follows:]

517 ***** COMMITTEE INSERT *****

518 Chairman Goodlatte. The clerk will report the
519 amendment.

520 Ms. Adcock. Amendment to the amendment in the nature
521 of a substitute to H.R. 391 offered by Ms. Jackson Lee.
522 Strike section 5 --

523 [The amendment of Ms. Jackson Lee follows:]

524 ***** COMMITTEE INSERT *****

525 Chairman Goodlatte. Without objection, the amendment
526 is considered as read and the gentlewoman is recognized for
527 5 minutes on her amendment.

528 Ms. Jackson Lee. Thank you very much. The interests
529 of my colleagues should not be judged in terms of their
530 intent or their beliefs. But I vigorously disagree with
531 both the intent and the beliefs.

532 I want to cite a sentence that is reflected in our
533 memorandum, "Indeed, this bill does not reform," that is
534 H.R. 391, "does not reform our asylum system as much as
535 dismantle it." Doubling down on Donald Trump's anti-
536 humanitarian policies, H.R. 391 will return individuals to
537 further persecution and, too often, death.

538 And the very individuals might be minors, many of whom
539 I have seen at the border who innocently want to come
540 because they are fleeing conspicuous and defined violence
541 right in front of their very eyes. And as their parents
542 seek to save them from beheading because they refuse to join
543 one of the vicious gangs, they are now being judged as a
544 criminal or attempting to perpetrate fraud.

545 The idea that every person coming through Mexico does
546 not deserve asylum is a bad philosophy and practically
547 impractical. The impractical elevating of the evidentiary
548 standard in credible fear is dangerous. It precludes the
549 grants of asylum from victims of gang violence and

550 reinforces fundamental changes already being introduced
551 again by this anti-humanitarian administration.

552 I do not believe this bill answers any question of
553 fraud. It is a bill that is seeking with a solution where
554 there is no problem. This destruction of value to American
555 asylum is a harsh, mean-spirited bill that targets the most
556 vulnerable population the world and the asylum seekers who
557 are fleeing persecution.

558 So my amendment would keep the current parole authority
559 system in place. Parole authority applies on a case-by-case
560 basis, for urgent humanitarian reasons, or significant
561 public benefit. The parole system has historically served
562 as a tool, a useful tool, to implement presidential
563 objectives in this realm of immigration but also the
564 humanitarian stance that America has taken. The Jackson Lee
565 Amendment strikes section 5 of the amendment in the nature
566 of a substitute to H.R. 391, thus removing the severe
567 restrictions on parole authority and keeping the current
568 parole system in place.

569 Again, my good friends have not documented in any way
570 that this is a problem existing, but rather a solution
571 seeking the problem. H.R. 391 tragically forces those who
572 seek asylum in our American humanitarian program to return
573 where they came from: places of danger, fear, and all too
574 often death. Section 3 of the bill will destroy the

575 American asylum program by raising credible fear threshold,
576 section 7; and that would include children, women who have
577 been violated, those who have seen their family members
578 killed. Section 7 would diminish the legitimacy of our
579 current safe third country program, giving officials the
580 ability to name any country as a safe third country.

581 This section 14 would all but preclude asylum based on
582 gang-related persecution. This section illogically denies
583 refuge even to victims of gang-based violence, including
584 sexual slavery. The senior member of the Homeland Security
585 Committee: "I know that H.R. 391 is unnecessary because our
586 Nation already employs the world's more rigorous and
587 selective screening process for refugees seeking asylum and
588 pales in comparison to many of the other nations who are
589 taking refugees." The President's stance, as he entered
590 into the presidency, about not taking Syrian refugees is
591 well heard around the world, by others as well.

592 I know it well because I have come back from an
593 international meeting on democracy and it was well known
594 about our country's pale taking of refugees in comparison to
595 other nations who believe that humanitarian posture is
596 important. Our asylum policies strike the right balance to
597 keep our Nation safe and remain the most welcoming Nation in
598 the world.

599 I believe that America can be safe, and my opposition

600 to this legislation does not in any way diminish my
601 commitment to protecting the homeland, and I take no
602 backseat to any member in terms of raising issues, putting
603 forward legislation, passing legislation, to secure the
604 homeland. For example, the most recent one, my no-fly for
605 foreign terrorists, which I hope we will bring back again to
606 pass the House of Representatives in the last session.

607 So I ask my colleagues to support the Jackson Lee
608 amendment because it restores this Nation to the concept of
609 the title of this bill. Asylum reform is reforming the
610 asylum posture in order to reflect the humanitarian
611 leadership of this Nation and that we have the ability and
612 the intelligence to be able to protect the border without
613 denying life to those who are fleeing for their very lives.
614 I ask my colleagues to support the Jackson Lee amendment.
615 With that, I yield.

616 Chairman Goodlatte. For what purpose does the
617 gentleman from Louisiana seek recognition?

618 Mr. Johnson of Louisiana. Mr. Chairman, I oppose this
619 amendment.

620 Chairman Goodlatte. The gentleman is recognized for 5
621 minutes.

622 Mr. Johnson of Louisiana. According to the U.S.
623 Citizenship and Immigration Services, humanitarian parole is
624 used sparingly to bring someone who is otherwise

625 inadmissible into the U.S. for a temporary period of time
626 due to a compelling emergency. Parole may be granted based
627 on urgent humanitarian reasons or if there is a significant
628 public benefit. The Immigration and Nationality Act
629 requires that parole be granted on a case-by-case basis.
630 Unfortunately, the previous administration decided that
631 parole should be used and exploited to allow entire classes
632 of people who would not otherwise be eligible for admission
633 into the United States to come here.

634 For instance, the Obama administration created the
635 Essential American Minors Refugee Parole Program in response
636 to the surge of minors being smuggled across the southwest
637 U.S. border. Under the CAM program, an alien legally
638 present in the United States, including ones who had
639 received DACA can apply for their children, the parent of
640 their child or children, and the caregiver of their child or
641 children who reside in Honduras, Guatemala, or El Salvador
642 to receive refugee status.

643 If the child, parent, or caregiver is denied refugee
644 status because he or she cannot show, as is required by law,
645 that they were persecuted or have a well-founded fear of
646 persecution on account of race, religion, nationality,
647 political opinion, or membership in a particular social
648 group, a parent or caregiver can apply for the child to be
649 paroled in the United States. Again, the child cannot show

650 persecution or well-founded fear of such, so the
651 administration determined that parole could be used to
652 reunite families.

653 That is just simply not what the parole statute was
654 designed or intended to do. It was meant to be used because
655 of a compelling emergency and it was meant to be temporary.
656 The State Department admitted to this committee that they
657 were creating the parole program because they knew that very
658 few of the children whose parents could apply for the CAM
659 program would be able to meet the refugee requirements.

660 Abuses such as this were par for the course with the
661 previous administration. And while the current
662 administration has expressed its intent to tighten the use
663 of parole, in accordance with the statutes, such abuses
664 necessitate congressional action to prevent future abuse by
665 future administrations.

666 H.R. 391 clarifies the circumstances in which parole
667 can be granted. For instance, it can be granted in the case
668 of a life-threatening medical emergency for which the alien
669 cannot obtain treatment in the country in which they reside.
670 And parole can be granted in the case of an alien who is
671 assisting the government in a criminal investigation. These
672 are the right reasons for parole. It should not be abused
673 to ensure that an administration has a way to admit anyone
674 and everyone that it wants who would otherwise not be

675 admissible into the U.S. because that defies the intent of
676 our laws as designed by Congress.

677 As this committee stated in 1996, parole should not be
678 used to create an ad hoc immigration policy or to supplement
679 current immigration categories without specific
680 congressional approval. Therefore, I urge my colleagues to
681 oppose this amendment and I yield back.

682 Ms. Lofgren. Mr. Chairman?

683 Chairman Goodlatte. For what purpose does the
684 gentlewoman from California seek recognition?

685 Ms. Lofgren. To strike the last word.

686 Chairman Goodlatte. The gentlewoman is recognized for
687 5 minutes.

688 Ms. Lofgren. This is a very important amendment. And
689 it is interesting to listen to my colleagues on the other
690 side of the aisle talk about the Obama administration. In
691 fact, parole authority has been used for quite a long time
692 by Presidents of both parties. For example, President
693 George W. Bush, in 2007, established the Cuban Family
694 Reunification Parole Program to expedite the reunification
695 of Cuban families by paroling into the U.S. certain
696 relatives, so they could wait for their number to come up in
697 the U.S. instead of in Cuba.

698 George H.W. Bush exercised the parole authority to
699 allow certain vulnerable individuals in Vietnam, people who

700 were likely to be harmed by the Communist government there,
701 to escape into the U.S. on the parole authority. In 1956,
702 President Dwight D. Eisenhower -- not exactly President
703 Obama -- used parole authority to allow 900 World War II
704 orphans into the United States. This bill would prohibit an
705 action like that.

706 Just a few weeks ago, President Trump used his parole
707 authority to allow a group of Afghani girls who were going
708 to participate in the international robotics competition to
709 come in and compete, something that is important to the
710 United States to show that we are in fact in favor of the
711 education of girls in Afghanistan.

712 I would note that the parole rule has been used,
713 indeed, not only by Eisenhower and President H.W. Bush and
714 President George Bush, but also by Obama. And some of those
715 reasons are extremely important. I remember coming across
716 individual cases -- I will tell you just one without using
717 the name -- American citizen, who was in active duty,
718 deployed in Iraq, his wife was undocumented, living in
719 California. She was going to be deported while her husband
720 was fighting in Iraq. That was not something that America
721 thought was a very good idea.

722 Although he was a U.S. citizen, he could not legalize
723 her status because of the 3- and 10-year bar provision we
724 put into the act in 1996. And so what President Obama did,

725 and I celebrated it, was to allow the spouses of our
726 military men and women to not be deported. How could we be
727 for deporting those spouses who, if you eliminate parole
728 authority, you have eliminated the tool for doing that?

729 I would note also I was so disappointed when President
730 Trump indicated his intention to eliminate the International
731 entrepreneur rule. Now, this was the promise, to use a
732 limited parole authority for startups, people who want to
733 start a company in America that is going to create jobs. I
734 think that should be something we should celebrate. And to
735 eliminate that tool is really, I think, very misguided.

736 And I want to say one final thing, and that is about
737 something that is near and dear to my heart, which is the
738 Filipino war veterans. In World War II, Filipino citizens
739 stepped forward and they fought side-by-side with American
740 soldiers, including my father-in-law, who fought in the
741 south pacific. Many of those Philippine war vets are now in
742 the United States. They are U.S. citizens, but because of
743 the backlog and because of the delay that they faced in
744 gaining their citizenship, they are separated from their
745 sons and daughters, and now they are very old. Many of them
746 are very frail.

747 And what we have done as a country is to parole in on a
748 case by case basis some of the sons and daughters of these
749 very frail World War II vets so that they can look after

750 them. To eliminate the parole authority and return the sons
751 and daughters of these vets I just think is not the right
752 thing to do, and that would be the impact of this bill
753 unless Ms. Jackson Lee's provision is adopted.

754 And I would say one final thing on the standard. To
755 establish a category, for example, spouses of U.S. soldiers,
756 is not in contradiction with a case-by-case analysis because
757 we are saying we are not going to deport the spouses of
758 American soldiers, but then you are doing a case-by-case
759 analysis of whether that spouse actually is eligible for
760 parole in place. That is the way it has worked. It is a
761 public benefit to the United States not to be deporting the
762 spouses of American soldiers. And with that, I would urge
763 adoption of this amendment and yield back.

764 Chairman Goodlatte. The time of the gentlewoman has
765 expired. The question occurs on the amendment --

766 Mr. Conyers. Mr. Chairman?

767 Chairman Goodlatte. For what purpose does the
768 gentleman from Michigan seek recognition?

769 Mr. Conyers. I want to support the Jackson Lee
770 amendment.

771 Chairman Goodlatte. The gentleman is recognized for 5
772 minutes.

773 Mr. Conyers. I think it is a very important one. And
774 this amendment strikes section 6 from the Asylum Reform and

775 Border Protection Act. Section 6 would severely restrict
776 the circumstances in which the Department of Homeland
777 Security can grant parole under section 212 of the
778 Immigration and Nationality Act.

779 Section 6, another reason for it being struck, is that
780 the bill drastically limits the use of parole power to
781 narrow and restrictive circumstances. The use of parole
782 power for humanitarian and public interest purposes above
783 and beyond the narrow circumstances contemplated under this
784 bill is a long and bipartisan tradition.

785 Another reason that I support the Jackson Lee amendment
786 is that it strikes the section which would reinforce
787 inhumane Trump administration practices by outright
788 prohibiting the parole of detained asylum seekers. In
789 addition, this section would terminate the Filipino World
790 War II Veterans Program which allows the loved ones of these
791 veterans to join and care for them in the United States.

792 This section prohibits the International entrepreneur
793 rule, a program that would have created thousands of
794 American jobs. This bill doubles down on the Trump
795 administration's move to outright prohibiting such a rule
796 are comparable parole programs. And, in so doing, H.R. 391
797 closes off helpful mechanisms for improving the national
798 economy and generating jobs.

799 And so I am very supportive of this amendment because

800 the striking of section 6 is of critical importance. And I
801 urge support of the Jackson Lee amendment.

802 Mr. Johnson of Louisiana. Would the gentleman yield?

803 Mr. Conyers. Of course.

804 Mr. Johnson of Louisiana. Thank you for that. Just a
805 couple of points very quickly. The Jackson Lee amendment
806 would strike section 5. And the purpose here is just to
807 reform and clarify the standards for parole. It does not
808 eliminate it as may have been suggested.

809 And in the previous administrations cited -- was the
810 Bush administration, the Eisenhower administration, and
811 others -- I think in all or most of the cases cited, those
812 were either compelling emergencies or temporary situations
813 or both. I would suggest that the solution to these
814 concerns is to create a new visa category or try to fit some
815 of these persons into an existing category as opposed to
816 allowing for the abuse and exploitation of the parole
817 standard. So, for that reason, I just urge again, my
818 colleagues, to oppose this amendment.

819 Ms. Lofgren. Would the gentleman yield?

820 Mr. Johnson of Louisiana. I yield back.

821 Mr. Conyers. I would yield to Ms. Lofgren.

822 Ms. Lofgren. I appreciate the gentleman from
823 Louisiana's comments. However, the definition is so limited
824 that, for example, the situation where I mentioned spouses

825 of active duty, American soldiers, they are not in a serious
826 medical emergency, they are not in an organ donation to a
827 family member situation. Hopefully the family member's
828 death is not imminent; they will survive their deployment to
829 Afghanistan. So they would not be eligible, and I do not
830 think that is a result that we should celebrate.

831 I do not know whether the gentleman was aware of the
832 implications of this, but I think this is a huge mistake and
833 the definition would essentially prevent some things that we
834 as a country would want to have happen. I thank the
835 gentleman for yielding.

836 Mr. Nadler. Would the gentleman yield?

837 Mr. Conyers. I will yield to the gentleman from New
838 York, Mr. Nadler.

839 Mr. Nadler. Thank you. I am glad to hear that the
840 gentleman from Louisiana appreciates some of the problems
841 here, but it would be extremely reckless to pass the bill as
842 is on this point, without Ms. Jackson Lee's amendment,
843 hoping we can change some of it later because that would be
844 ensuring that the kinds of problems that Ms. Lofgren spoke
845 about a moment ago, that spouses of active military serving
846 in Iraq or Afghanistan would now have to be deported. So I
847 would hope we would accept the amendment.

848 And if you wanted to change what you want to change
849 without doing this damage, come up with a different

850 amendment. But we cannot simply recklessly say, "Well,
851 maybe we will change it later," but meanwhile we are going
852 to tell our military that we are going to deport their
853 spouses, and these other problems that were mentioned? So I
854 would hope that this would be rethought, that Ms. Jackson
855 Lee's amendment would be accepted. And if you think there
856 are still some problems that you want to address, bring in a
857 different amendment. But to just blindly go ahead when you
858 admit that this would do terrible damage would be
859 irresponsible. I yield back.

860 Mr. Conyers. I think the gentleman's correct. I had
861 been talking about section 6. It is really section 5,
862 because this would restrict DHS parole authority. And the
863 reasons are numerous as you can already see. So please join
864 with me in striking this section, restricting Department of
865 Homeland Security parole authority. I yield back the
866 balance of my time.

867 Mr. Cicilline. Mr. Chairman?

868 Chairman Goodlatte. For what purpose does the
869 gentleman from Rhode Island seek recognition?

870 Mr. Cicilline. I move to strike the last word.

871 Chairman Goodlatte. The gentleman is recognized for 5
872 minutes.

873 Mr. Cicilline. Thank you, Mr. Chairman. I rise in
874 strong support of the Jackson Lee amendment and thank the

875 gentelady for introducing this.

876 The gentleman from Louisiana began his comments by
877 saying that the parole authority is sparingly used. I think
878 an admission that this is an infrequent invocation, and the
879 circumstances that were outlined by the gentelady from
880 California, I think every one of them would be ineligible if
881 the section were rewritten in the way that the bill proposes
882 because, under this bill, humanitarian parole is limited to
883 cases involving serious medical emergencies or organ
884 donation to a family member, where an alien is a lawful
885 applicant for adjustment of status, and involving an alien
886 who has lawfully granted asylum or refugee status. Public
887 interest parole is limited as well to instances in which an
888 individual assisted the U.S. Government in a manner as such
889 as a criminal investigation, and either the person's
890 presence in the United States is required where the person's
891 life would be threatened if that person were not permitted
892 entrance.

893 Those would be the only cases where this parole
894 authority would exist. And while those are worthwhile
895 cases, they are not the only cases that make sense. And, in
896 fact, this does not clarify, as the gentleman suggested in
897 his comments; this substantially changes and severely
898 restricts DHS's parole authority. And the notion that the
899 injustices and the horrible situations which might occur

900 that we cannot respond to could somehow be remedied by the
901 creation of a new visa category is an interesting approach,
902 but that is not anywhere in this bill.

903 And so I urge my colleagues on both sides of the aisle
904 who recognize that humanitarian parole is appropriate in
905 limited circumstances under standards that work -- there are
906 examples that has been invoked in a bipartisan way by
907 Presidents of both parties in a way that should make us
908 proud as Americans paroling vulnerable individuals in from
909 Vietnam, war orphans from the II World War. President
910 Trump, in fact, used this authority just to allow the
911 Afghani girls to enter the United States to participate in
912 an international competition.

913 So this is a statute and a provision that works.
914 There is no evidence of abuse. I urge my colleagues to
915 adopt the Jackson Lee amendment so that we can avoid some of
916 the most serious and inhumane consequences of this proposed
917 change. And with that --

918 Mr. Johnson of Louisiana. Would the gentleman yield
919 just for a moment?

920 Mr. Cicilline. Yes, happy to yield.

921 Mr. Johnson of Louisiana. I will concede happily to my
922 friends on the other side about this concern regarding alien
923 spouses, children, parents of active duty and former armed
924 services and Ready Reserve servicemembers.

925 I do continue on my belief that the Jackson Lee
926 amendment should be opposed because I think it goes too far.
927 But if we want to create an amendment that is bipartisan,
928 that specifically allows for that category of persons to be
929 included in parole -- although it is not what the original
930 intent of the statute was in 1996 -- I would not oppose that
931 and, in fact, would help its passage. So I will toss that
932 to the other side so we can take that issue off the table.
933 I yield back.

934 Mr. Cicilline. I reclaim my time. I thank the
935 gentleman and I think that is something we can certainly
936 work on, but I think as a first step, passage of the Jackson
937 Lee amendment will obviate the need for doing that. And I
938 think we raise that one example, I think, given a few more
939 minutes, there will be other examples that would not fit,
940 and I think we want to be in a position that we can continue
941 to be to the world a country that has demonstrated great
942 humanitarian responses to urgent crises and to make
943 available a humanitarian role for that purpose. So I thank
944 the gentleman and I yield back, Mr. Chairman.

945 Chairman Goodlatte. For what purpose does the
946 gentleman from California seek recognition?

947 Mr. Lieu. I move to strike the last word.

948 Chairman Goodlatte. The gentleman is recognized for 5
949 minutes.

950 Mr. Lieu. Let me first say I appreciate the comments
951 from the gentleman from Louisiana. I have an amendment that
952 addresses the very concern you just raised. We are going to
953 share it with you and would love to have you take a look at
954 it.

955 Let me tell you why I also do support the Jackson Lee
956 amendment, and I am going to talk to you about a story of
957 how parole helped U.S. national security. I served in
958 active duty on the U.S. Air Force in the 1990s. I
959 participated in Operation Pacific Haven. It was one of the
960 largest and most successful humanitarian operations the
961 Department of Defense had ever engaged in at that time.
962 Basically, the military went into northern Iraq, extracted
963 thousands of Kurds, brought them to Guam. And then I was
964 the chief operations law in Guam and we vetted them. And
965 after about a year to a year and a half, most of them went
966 to the United States under the parole authority. To this
967 day, the Kurds are one of our strongest allies because of
968 what we did.

969 I had this amazing opportunity to visit Iraqi Kurdistan
970 several years ago. We met with President Barzani and he
971 realized I had worked on Operation Pacific Haven. And after
972 about a 45-minute meeting, I walked out of the office and
973 this young staffer followed me. And he said, "I was a child
974 leaving one of those planes from Iraq, arriving in Guam.

975 You saved my life and that of my family." He eventually
976 went to America to get educated. He went back to Iraqi
977 Kurdistan to help the government. And everything we have
978 done with the Kurds is paying dividends now back to the U.S.
979 because they continue to support U.S. foreign policy.

980 The parole authority gives the executive branch a tool
981 to use. Limiting it in this way, to me, is unnecessary. We
982 should allow our administration to have the flexibility to
983 use the parole authority to help U.S. foreign policy. For
984 that reason, I support the Jackson Lee amendment.

985 Chairman Goodlatte. The question occurs on the
986 amendment offered by the gentlewoman from --

987 Mr. Raskin. Mr. Chairman?

988 Chairman Goodlatte. Who seeks recognition? The
989 gentleman from Maryland is recognized for 5 minutes.

990 Mr. Raskin. Mr. Chairman, thank you very much. I rise
991 in very strong support of the Jackson Lee amendment. I was
992 delighted to hear my friend from Louisiana suggest that he
993 would be open to understanding the draconian implications of
994 the bill as currently written, at least with respect to one
995 category of problems. But there are multiple categories of
996 problems.

997 And I think had we had a hearing on the bill, we would
998 have really been able to get into this more deeply. I know
999 that Mr. Chaffetz, who was the original sponsor of the bill,

1000 I think had a hearing in the last Congress, or perhaps it
1001 was the one before that. But we have not had a hearing.
1002 But here are some of the things we might have found if we
1003 did have a hearing.

1004 President Eisenhower, in 1956, used precisely this
1005 parole authority to allow 900 World War II orphans into the
1006 United States of America after World War II. If we adopted
1007 this legislation even with the concession that Mr. Johnson
1008 just suggested, that would have prevented America from
1009 bringing these war orphans to safety and security in our
1010 Nation. That is a pretty fundamental problem if we are
1011 going to strip the President of the power as exercised by
1012 President Eisenhower to allow orphans into our country on a
1013 humanitarian basis.

1014 Just a few weeks ago, as was mentioned, President Trump
1015 used this parole authority to allow a group of Afghani girls
1016 to come to the United States to participate in a robotics
1017 competition after their visas had been denied by the State
1018 Department. Why would we want to have prevented President
1019 Trump from using his parole authority to accomplish that
1020 result which I think was a widely popular one?

1021 So it seems to me that we are rushing in here with kind
1022 of a sledgehammer to do away with an historic power that has
1023 been exercised on a bipartisan basis to vindicate the basic
1024 values of the country. America was founded, as Tom Paine

1025 said, as a haven of refuge for people fleeing persecution.
1026 And we want to give the executive branch this flexible
1027 humanitarian power, so --

1028 Ms. Lofgren. Would the gentleman yield?

1029 Mr. Raskin. Yes, by all means. I yield to the good
1030 lady from California.

1031 Ms. Lofgren. I agree that we should make exceptions.
1032 I have talked about it already, the spouses of American
1033 soldiers, but it is not just that. And I am thinking about
1034 the case of Major An, who was the beneficiary of a private
1035 bill that I offered and that became law. He was a
1036 Vietnamese pilot and he was a helicopter pilot. And he went
1037 in and saved an entire group of soldiers in Vietnam. He
1038 lost both of his arms when he rescued the American soldiers.
1039 And then he was left in Vietnam.

1040 The soldiers who he rescued because his advocates here
1041 in the United States. They felt terrible that he had saved
1042 their lives, and he was left behind. And he was paroled
1043 into the United States and then I introduced a private bill
1044 that granted him legal permanent residence which was passed
1045 unanimously by the United States Congress and signed into
1046 law. He would not, however, had absent parole authority,
1047 even been able to be here. And so to think that we should
1048 do something for the spouses and there is also the children,
1049 I might add, and in some cases, parents, but that is not

1050 going to solve all of the problems that the bill creates.

1051 So I thank the gentleman for yielding.

1052 Mr. Raskin. Well, thank you very much for that
1053 excellent point. The power that is going to be largely
1054 dismantled under the legislation, unless we adopt the
1055 Jackson Lee amendment, is a power that mirrors a
1056 constitutional power of parole and pardon power. And there
1057 is no doubt that that power can be abused. And I think
1058 overwhelmingly our sense of what has happened with this
1059 parole power for humanitarian purposes in the asylum context
1060 is that it has been used for productive and benevolent
1061 purposes. Why would we throw the baby out with the bath
1062 water? Even if you disagreed with one exercise of the
1063 power, why would you simply abolish it and leave a couple of
1064 very discrete, minor exceptions left standing? It would be
1065 as if to say --

1066 Chairman Goodlatte. Would the gentleman yield?

1067 Mr. Raskin. Yes, by all means.

1068 Chairman Goodlatte. I have just heard from the
1069 gentleman from California that he is going to offer an
1070 amendment that tries to refine that. So why do we not move
1071 on to that rather than say we are not even going to throw
1072 out the bathwater? I mean, that seems to be a better
1073 approach than to adopt an amendment that would wipe out the
1074 effort to reform a program that has been abused by

1075 Presidents in the past. So, to me, that is the better
1076 approach than to simply say we are going to adopt the
1077 Jackson Lee amendment which would end the discussion of
1078 reform.

1079 Mr. Raskin. If I could just reclaim my time to answer
1080 the chairman's point. Undoubtedly, you know, in the
1081 analogous case of the Presidents' use of the pardon power,
1082 there might be certain instances that people disagree with.
1083 But I think the solution to that is not to say, "Well, let's
1084 come up with 5 or 10 or 15 or 20 or 25 discrete categories,"
1085 but to allow the President to have the pardon power, but to
1086 criticize whatever misuse existed.

1087 I am perfectly happy to enter upon the process of going
1088 back through Eisenhower and Trump and all the Presidents and
1089 saying, "Here are specific deployments of this power that we
1090 consider acceptable and good." But I think it would be
1091 better just to allow the power to exist, and I think that is
1092 the purpose of the amendment. And I am happy to yield back.

1093 Chairman Goodlatte. The question occurs on the
1094 amendment --

1095 Mr. Johnson of Georgia. Mr. Chairman?

1096 Chairman Goodlatte. For what purpose does the
1097 gentleman from Georgia seek recognition?

1098 Mr. Johnson of Georgia. I move to strike the last
1099 word.

1100 Chairman Goodlatte. The gentleman is recognized for 5
1101 minutes.

1102 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I
1103 rise in support of the Jackson Lee amendment and I yield to
1104 the gentlelady.

1105 Ms. Jackson Lee. First of all, I thank the gentleman
1106 from Georgia. I thank all my colleagues for their very
1107 deliberative thought processes. And I just want to very
1108 briefly build on this parole that was recently used and
1109 expand on it. I do think the point that was made by the
1110 gentlelady from California regarding our armed forces, added
1111 to by the gentleman from California on the amendment that he
1112 now proposes, I do think parole is a diplomatic tool but
1113 also a national security tool. And section 5 in the
1114 amendment in the nature of a substitute completely implodes
1115 that national security tool and that diplomatic tool.

1116 Now, I would say that the situation of the Afghanistan
1117 girls can be expanded on to make our point. We recognize
1118 that these girls were ultimately paroled into the United
1119 States for a 10-day period when they were not issued a visa.

1120 As the article suggests -- and I showed the picture of
1121 these girls, I have personally met with these girls on two
1122 days while they were here and the United States. They came
1123 to the United States Congress and we met them at the
1124 embassy. You could not see more mild mannered and

1125 enthusiastic teenagers, 13, 14, 15, 16, that were ultimately
1126 being denied entry into the United States for a perfectly
1127 legitimate contest of robotics under the supervision of
1128 their leadership in Afghanistan. And out of the ultimate
1129 outcry of Americans and embarrassment because some thought
1130 it was tied to the Muslim ban, the President decided to, in
1131 a temporary mode of humanitarianism, give them a 10-day
1132 parole.

1133 Again, they were not needing surgery. They were not
1134 having a situation that their relatives were dying, and they
1135 were not in need of emergency medical care, but it was known
1136 to be a diplomatic and national security emphasis for the
1137 relationship that we have with Afghanistan and what is going
1138 on with Afghanistan. I frankly believe the amendment that
1139 we have, it speaks to all of these elements, and I thank my
1140 colleagues for supporting the amendment. I ask my
1141 colleagues to support the Jackson Lee amendment. I yield
1142 back to the gentleman. I thank you for his kindness.

1143 Mr. Johnson of Georgia. With that, I yield back.

1144 Mr. King. Mr. Chairman?

1145 Chairman Goodlatte. For what purpose does the
1146 gentleman from Iowa seek recognition?

1147 Mr. King. I move to strike the last word.

1148 Chairman Goodlatte. The gentleman is recognized for 5
1149 minutes.

1150 Mr. King. Thank you, Mr. Chairman. I listened to the
1151 discussion here about young ladies from Afghanistan who were
1152 denied parole into the United States for the robotics team
1153 and it triggered my memory of the other story about the
1154 teenagers who were allowed into the United States under
1155 parole for the robotics team. And so I just looked this up
1156 in a handy little Google to verify my memory, and there is
1157 an article here that is FOX News, dated July 25th, that,
1158 "There are two teenagers that had disappeared from the
1159 Burundian team who are located, four who are not yet
1160 located." And the subtitle here says, "Teens may have self-
1161 initiated their vanishing event," organizers say. And two
1162 of the teams were intercepted as they were crossing from the
1163 United States into Canada. And the rumor, at least, is that
1164 the other four, maybe all of them, were looking for asylum.
1165 So I would suggest that --

1166 Ms. Jackson Lee. Would the gentleman yield?

1167 Mr. King. In a moment. I would suggest that this is
1168 exactly the kind of thing that we were trying to prevent.

1169 Chairman Goodlatte. Would the gentleman yield?

1170 Mr. King. I would yield.

1171 Chairman Goodlatte. I thank the gentleman for
1172 yielding. I appreciate the gentleman's point, that the
1173 individuals from Burundi who have abused our immigration
1174 system were not admitted under a parole, they were admitted

1175 under a visa. However, I would also point out that the
1176 individuals from Afghanistan were twice denied visas. So I
1177 am not sure that I think it was an appropriate use of parole
1178 for them as well.

1179 But, be that as it may, I would hope that we could move
1180 on from this amendment and consider some of the apparently
1181 more finer tuned approaches to this issue rather than the
1182 all or nothing approach that seems to be the subject of this
1183 debate right now.

1184 Mr. King. Reclaiming my time --

1185 Ms. Jackson Lee. Would the gentleman yield?

1186 Mr. King. -- and I appreciate the chairman's
1187 statement. But the nuance between visas or paroles does not
1188 change the personalities and the decisions that are made by
1189 individuals who have a motive. And so I am suggesting that
1190 we ought to keep that in mind. There is a reason to deny
1191 parole, regardless. And I thought that this point should be
1192 made because these are concurrent events. And, with that, I
1193 would yield back the balance of my time.

1194 Chairman Goodlatte. The question occurs on the
1195 amendment offered by the gentlewoman from Texas.

1196 All those in favor, respond by saying aye.

1197 Those opposed, no.

1198 In the opinion of the chair, the noes have it.

1199 Ms. Jackson Lee. Roll call, Mr. Chairman.

1200 Chairman Goodlatte. A recorded vote is requested and
1201 the clerk will call the roll.

1202 Ms. Adcock. Mr. Goodlatte?

1203 Chairman Goodlatte. No.

1204 Ms. Adcock. Mr. Goodlatte votes no.

1205 Mr. Sensenbrenner?

1206 [No response.]

1207 Mr. Smith?

1208 [No response.]

1209 Mr. Chabot?

1210 [No response.]

1211 Mr. Issa?

1212 [No response.]

1213 Mr. King?

1214 Mr. King. No.

1215 Ms. Adcock. Mr. King votes no.

1216 Mr. Franks?

1217 Mr. Franks. No.

1218 Ms. Adcock. Mr. Franks votes no.

1219 Mr. Gohmert?

1220 Mr. Gohmert. No.

1221 Ms. Adcock. Mr. Gohmert votes no.

1222 Mr. Jordan?

1223 Mr. Jordan. No.

1224 Ms. Adcock. Mr. Jordan votes no.

1225 Mr. Poe?

1226 [No response.]

1227 Mr. Marino?

1228 Mr. Marino. No.

1229 Ms. Adcock. Mr. Marino votes no.

1230 Mr. Gowdy?

1231 [No response.]

1232 Mr. Labrador?

1233 Mr. Labrador. No.

1234 Ms. Adcock. Mr. Labrador votes no.

1235 Mr. Farenthold?

1236 [No response.]

1237 Mr. Collins?

1238 Mr. Collins. No.

1239 Ms. Adcock. Mr. Collins votes no.

1240 Mr. DeSantis?

1241 Mr. DeSantis. No.

1242 Ms. Adcock. Mr. DeSantis votes no.

1243 Mr. Buck?

1244 Mr. Buck. No.

1245 Ms. Adcock. Mr. Buck votes no.

1246 Mr. Ratcliffe?

1247 Mr. Ratcliffe. No.

1248 Ms. Adcock. Mr. Ratcliffe votes no.

1249 Mrs. Roby?

1250 Mrs. Roby. No.

1251 Ms. Adcock. Mrs. Roby votes no.

1252 Mr. Gaetz?

1253 Mr. Gaetz. No.

1254 Ms. Adcock. Mr. Gaetz votes no.

1255 Mr. Johnson of Louisiana?

1256 Mr. Johnson of Louisiana. No.

1257 Ms. Adcock. Ms. Johnson votes no.

1258 Mr. Biggs?

1259 Mr. Biggs. No.

1260 Ms. Adcock. Mr. Biggs votes no.

1261 Mr. Rutherford?

1262 Mr. Rutherford. No.

1263 Ms. Adcock. Mr. Rutherford votes no.

1264 Mrs. Handel?

1265 Mrs. Handel. No.

1266 Ms. Adcock. Mrs. Handel votes no.

1267 Mr. Conyers?

1268 Mr. Conyers. Aye.

1269 Ms. Adcock. Mr. Conyers votes aye.

1270 Mr. Nadler?

1271 Mr. Nadler. Aye.

1272 Ms. Adcock. Mr. Nadler votes aye.

1273 Ms. Lofgren?

1274 Ms. Lofgren. Aye.

1275 Ms. Adcock. Ms. Lofgren votes aye.

1276 Ms. Jackson Lee?

1277 Ms. Jackson Lee. Aye.

1278 Ms. Adcock. Ms. Jackson Lee votes aye.

1279 Mr. Cohen?

1280 [No response.]

1281 Mr. Johnson of Georgia?

1282 Mr. Johnson of Georgia. Aye.

1283 Ms. Adcock. Mr. Johnson votes aye.

1284 Mr. Deutch?

1285 [No response.]

1286 Mr. Gutierrez?

1287 [No response.]

1288 Ms. Bass?

1289 [No response.]

1290 Mr. Richmond?

1291 [No response.]

1292 Mr. Cicilline?

1293 Mr. Cicilline. Aye.

1294 Ms. Adcock. Mr. Cicilline votes aye.

1295 Mr. Swalwell?

1296 [No response.]

1297 Mr. Lieu?

1298 Mr. Lieu. Aye.

1299 Ms. Adcock. Mr. Lieu votes aye.

1300 Mr. Raskin?

1301 Mr. Raskin. Aye.

1302 Ms. Adcock. Mr. Raskin votes aye.

1303 Ms. Jayapal?

1304 Ms. Jayapal. Aye.

1305 Ms. Adcock. Ms. Jayapal votes aye.

1306 Mr. Schneider?

1307 Mr. Schneider. Aye.

1308 Ms. Adcock. Mr. Schneider votes aye.

1309 Chairman Goodlatte. The gentleman from Texas, Mr. --

1310 Mr. Farenthold. No.

1311 Ms. Adcock. Mr. Farenthold votes no.

1312 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

1313 Mr. Poe. No.

1314 Ms. Adcock. Mr. Poe votes no.

1315 Chairman Goodlatte. Has every member voted who wishes

1316 to vote? The clerk will report.

1317 Ms. Adcock. Mr. Chairman, 10 members voted aye, 19

1318 members voted no.

1319 Chairman Goodlatte. And the amendment is not agreed

1320 to. Are there further amendments to the amendment in the

1321 nature of a substitute? For what purpose does the gentleman

1322 from Rhode Island seek recognition?

1323 Mr. Cicilline. Mr. Chairman, I just ask unanimous

1324 consent to welcome to the committee a second member of the

1325 British Parliament, a member of the British Parliament's
1326 Labor Party, Holly Lynch, who has joined us at the risk of
1327 "The British are coming, and the British are coming," I want
1328 to welcome her as well.

1329 Chairman Goodlatte. Well, we are glad to have them
1330 here. One time, the British came and burned this Capitol,
1331 but I am sure their intentions are much more amicable today
1332 and they are very welcome here at the committee.

1333 Mr. Cicilline. They are, indeed. Thank you, Mr.
1334 Chairman.

1335 Chairman Goodlatte. For what purpose does the
1336 gentleman from California seek recognition?

1337 Mr. Lieu. Mr. Chair, I have an amendment at the desk
1338 that would address the issue you previously identified.

1339 Chairman Goodlatte. The clerk will report the
1340 amendment.

1341 Ms. Adcock. Amendment to the amendment in the nature
1342 of a substitute to H.R. 391 offered by Mr. Lieu. Page 4,
1343 line 13, strike "or" at the end.

1344 [The amendment of Mr. Lieu follows:]

1345 ***** COMMITTEE INSERT *****

1346 Chairman Goodlatte. Without objection, the amendment
1347 is considered as read and the gentleman is recognized for 5
1348 minutes on his amendment.

1349 Mr. Lieu. Thank you, Mr. Chair. We already previously
1350 had discussion on this. This would address the issue that
1351 many of us have raised and the gentleman from Louisiana
1352 graciously has said that he would like to fix as well. And
1353 it basically allows for family members of military members
1354 to also receive parole. And, with that, I would urge a yes
1355 vote on this amendment.

1356 Chairman Goodlatte. I am sorry, has the gentleman
1357 completed his --

1358 Mr. Lieu. I am done because we already had a whole
1359 discussion on it.

1360 Chairman Goodlatte. We are examining your amendment
1361 here.

1362 Ms. Lofgren. Would the gentleman yield?

1363 Mr. Lieu. I will yield to Ms. Lofgren.

1364 Ms. Lofgren. I would like to speak just briefly in
1365 support of this amendment; although as I have mentioned
1366 earlier, adopting this amendment will not solve all the
1367 problems, but this is the right step.

1368 And I will recall another instance of a mother whose
1369 son was killed while serving in the U.S. armed services.

1370 And she was going to be deported after her son gave his life

1371 for our country and was benefited by the parole activity.
1372 So I am glad to see that in that circumstance, that would
1373 also be included. And I thank the gentleman for yielding
1374 and yield back my time to him.

1375 Chairman Goodlatte. The chairman recognizes himself to
1376 respond to the gentleman from California. First of all, I
1377 appreciate the gentleman's offering this amendment. I think
1378 it is offered in a spirit of trying to address one of the
1379 issues that was raised, but I think it is overbroad. I
1380 would be prepared to support an amendment that said, in
1381 subparagraph 3, "For an alien who is present in the United
1382 States without lawful immigration status but is not
1383 otherwise inadmissible or deportable and is the spouse,
1384 minor son or daughter of a member of the armed forces
1385 serving on active duty and made at the request of the
1386 servicemember."

1387 Ms. Lofgren. You are dead and you cannot ask, you are
1388 out of luck?

1389 Chairman Goodlatte. For the purposes of parole, that
1390 is correct. There are other immigration remedies.

1391 Ms. Lofgren. Would the gentleman yield?

1392 Chairman Goodlatte. I would be happy to yield.

1393 Ms. Lofgren. I think we ought to vote on this
1394 amendment. And if you have an additional amendment, you
1395 should offer it. But the idea that if your soldier has died

1396 while on active duty and therefore cannot request the parole
1397 for the widow, and to exclude the parents of dead American
1398 soldiers I think is simply unconscionable. So I would hope
1399 we could just vote on this amendment. I yield back, Mr.
1400 Chairman.

1401 Chairman Goodlatte. I would oppose the amendment on
1402 the basis that the gentlewoman described because the whole
1403 purpose of the parole is if it is an injury to the
1404 servicemember, if the servicemember is no longer living,
1405 then it is not an injury to that servicemember.

1406 Ms. Lofgren. If the gentleman would further yield.

1407 Chairman Goodlatte. I would continue to yield.

1408 Ms. Lofgren. The idea that the parent of the dead
1409 American soldier would be deported so as not to tend the
1410 grave, that is not my idea of how America works, and I yield
1411 back.

1412 Chairman Goodlatte. Reclaiming my time. I would say
1413 to the gentlewoman that I think there is language that would
1414 satisfy me and other members on this side of the aisle, that
1415 this amendment has merit, but not in the form that is
1416 drafted. I do not believe that we can offer an amendment to
1417 the amendment to the amendment in the nature of a
1418 substitute. Therefore, I would recommend to our members
1419 that if the gentleman would like to withdraw the amendment
1420 and work with us, we would be happy to see if we can do

1421 something that is somewhat more narrow.

1422 Mr. Lieu. I could also ask for unanimous consent to
1423 accept the changes.

1424 Chairman Goodlatte. You could also ask for unanimous
1425 consent to accept the changes. I do not know if you are
1426 prepared to do that. But if the gentleman wants to proceed
1427 with the amendment, I would recommend that we defeat the
1428 amendment and consider a more narrowly tailored one.

1429 Mr. Lieu. Thank you, Mr. Chair. So this is a language
1430 that we have consulted with the military and the military
1431 supports. I am uncomfortable with excluding additional
1432 family members, but I would accept your addition of the "or
1433 deportable" language. And, perhaps with that, we can vote
1434 on this.

1435 Chairman Goodlatte. Reclaiming my time, I would just
1436 say to the gentleman, it was my understanding the American
1437 Legion opposes this amendment. I do not know about the
1438 military. We have not run it by them. But I would be
1439 willing to support something that is more narrowly drawn.

1440 Mr. Lieu. So I was not notified that they opposed this
1441 amendment, and I am not sure why they would.

1442 Chairman Goodlatte. I think this is not a new issue
1443 and I think it has been discussed and they have opposed this
1444 approach in the past. But I am willing to say that part of
1445 what you are trying to do is a good thing and we should do

1446 it.

1447 Mr. Lieu. So, again, I accept your addition of the "or
1448 deportable" language, but I would not want to exclude any
1449 more family members.

1450 Chairman Goodlatte. I cannot agree that widows,
1451 parents, adult sons and daughters are admissible. The
1452 immediate family of someone in the armed forces, certainly
1453 I am willing to do that, but not the extended family.

1454 Mr. Lieu. Then I would like to request a vote on this
1455 amendment.

1456 Chairman Goodlatte. All right, the question occurs on
1457 the amendment offered by the gentleman from California.

1458 All those in favor, respond by saying aye.

1459 Those opposed, no.

1460 In the opinion of the chair, the noes have it and the
1461 amendment is not agreed to. A recorded vote is requested
1462 and the clerk will call the roll.

1463 Ms. Adcock. Mr. Goodlatte?

1464 Chairman Goodlatte. No.

1465 Ms. Adcock. Mr. Goodlatte votes no.

1466 Mr. Sensenbrenner?

1467 [No response.]

1468 Mr. Smith?

1469 [No response.]

1470 Mr. Chabot?

1471 [No response.]

1472 Mr. Issa?

1473 Mr. Issa. No.

1474 Ms. Adcock. Mr. Issa votes no.

1475 Mr. King?

1476 Mr. King. No.

1477 Ms. Adcock. Mr. King votes no.

1478 Mr. Franks?

1479 [No response.]

1480 Mr. Gohmert?

1481 [No response.]

1482 Mr. Jordan?

1483 Mr. Jordan. No.

1484 Ms. Adcock. Mr. Jordan votes no.

1485 Mr. Poe?

1486 [No response.]

1487 Mr. Marino?

1488 [No response.]

1489 Mr. Gowdy?

1490 [No response.]

1491 Mr. Labrador?

1492 Mr. Labrador. No.

1493 Ms. Adcock. Mr. Labrador votes no.

1494 Mr. Farenthold?

1495 Mr. Farenthold. No.

1496 Ms. Adcock. Mr. Farenthold votes no.
1497 Mr. Collins?
1498 Mr. Collins. No.
1499 Ms. Adcock. Mr. Collins votes no.
1500 Mr. DeSantis?
1501 Mr. DeSantis. No.
1502 Ms. Adcock. Mr. DeSantis votes no.
1503 Mr. Buck?
1504 Mr. Buck. No.
1505 Ms. Adcock. Mr. Buck votes no.
1506 Mr. Ratcliffe?
1507 Mr. Ratcliffe. No.
1508 Ms. Adcock. Mr. Ratcliffe votes no.
1509 Mrs. Roby?
1510 Mrs. Roby. No.
1511 Ms. Adcock. Mrs. Roby votes no.
1512 Mr. Gaetz?
1513 Mr. Gaetz. No.
1514 Ms. Adcock. Mr. Gaetz votes no.
1515 Mr. Johnson of Louisiana?
1516 Mr. Johnson of Louisiana. No.
1517 Ms. Adcock. Mr. Johnson votes no.
1518 Mr. Biggs?
1519 [No response.]
1520 Mr. Rutherford?

1521 [No response.]

1522 Mrs. Handel?

1523 Mrs. Handel. No.

1524 Ms. Adcock. Mrs. Handel votes no.

1525 Mr. Conyers?

1526 Mr. Conyers. Aye.

1527 Ms. Adcock. Mr. Conyers votes aye.

1528 Mr. Nadler?

1529 Mr. Nadler. Aye.

1530 Ms. Adcock. Mr. Nadler votes aye.

1531 Ms. Lofgren?

1532 Ms. Lofgren. Aye.

1533 Ms. Adcock. Ms. Lofgren votes aye.

1534 Ms. Jackson Lee?

1535 Ms. Jackson Lee. Aye.

1536 Ms. Adcock. Ms. Jackson Lee votes aye.

1537 Mr. Cohen?

1538 [No response.]

1539 Mr. Johnson of Georgia?

1540 Mr. Johnson of Georgia. Aye.

1541 Ms. Adcock. Mr. Johnson votes aye.

1542 Mr. Deutch?

1543 [No response.]

1544 Mr. Gutierrez?

1545 [No response.]

1546 Ms. Bass?
1547 [No response.]
1548 Mr. Richmond?
1549 [No response.]
1550 Mr. Jeffries?
1551 [No response.]
1552 Mr. Cicilline?
1553 [No response.]
1554 Mr. Swalwell?
1555 [No response.]
1556 Mr. Lieu?
1557 Mr. Lieu. Aye.
1558 Ms. Adcock. Mr. Lieu votes aye.
1559 Mr. Raskin?
1560 Mr. Raskin. Aye.
1561 Ms. Adcock. Mr. Raskin votes aye.
1562 Ms. Jayapal?
1563 Ms. Jayapal. Aye.
1564 Ms. Adcock. Ms. Jayapal votes aye.
1565 Mr. Schneider?
1566 Mr. Schneider. Aye.
1567 Ms. Adcock. Mr. Schneider votes aye.
1568 Chairman Goodlatte. The gentleman from Pennsylvania?
1569 Mr. Marino. No.
1570 Ms. Adcock. Mr. Marino votes no.

1571 Chairman Goodlatte. The gentleman from Florida?
1572 Mr. Rutherford. No.
1573 Ms. Adcock. Mr. Rutherford votes no.
1574 Chairman Goodlatte. The gentleman from Texas, Mr.
1575 Gohmert?
1576 Mr. Gohmert. No.
1577 Ms. Adcock. Mr. Gohmert votes no.
1578 Chairman Goodlatte. The gentleman from Florida, Mr.
1579 Deutch?
1580 Mr. Deutch. Aye.
1581 Ms. Adcock. Mr. Deutch votes aye.
1582 Chairman Goodlatte. Has every member voted who wishes
1583 to vote?
1584 Okay, the clerk will report.
1585 Ms. Adcock. Mr. Chairman, 10 members voted aye; 17
1586 members voted no.
1587 Chairman Goodlatte. And the amendment is not agreed
1588 to.
1589 Are there further amendments to the amendment in the
1590 nature of substitute?
1591 For what purpose does the gentlewoman from California
1592 seek recognition?
1593 Ms. Lofgren. I have an amendment at the desk.
1594 Chairman Goodlatte. The clerk will report the
1595 amendment.

1596 Ms. Adcock. Amendment to the amendment in the nature
1597 of the substitute to H.R. 391, offered by Ms. Lofgren. Page
1598 4, line 13 strike "or" at the end. Page 4, line 16 --

1599 [The amendment of Ms. Lofgren follows:]

1600 ***** COMMITTEE INSERT *****

1601 Chairman Goodlatte. The amendment is considered as
1602 read, and the gentlewoman is recognized for 5 minutes on her
1603 amendment.

1604 Ms. Lofgren. As I mentioned earlier, one of the
1605 discrete uses of the parole authority by the executive was
1606 to assist the Filipino war vets with having their adult sons
1607 and daughters come in to take care of them here in the
1608 United States. Section 6 would eliminate the Filipino World
1609 War II Veterans Parole Program.

1610 Now, these Filipino war vets are heroes. They helped
1611 America win the war, and by preserving the program, this
1612 amendment honors these veterans' service and their
1613 sacrifice. Over 260,000 Filipino soldiers stood shoulder to
1614 shoulder with U.S. troops during World War II. Some became
1615 prisoners of war. Many lost their lives. They fought
1616 faithfully to help our Nation; indeed, the Allied forces win
1617 the war.

1618 After the war, some of these World War II veterans
1619 relocated to the United States. They became legal,
1620 permanent residents, U.S. citizens, patriotic Americans.
1621 Unfortunately, their children and other loved ones could not
1622 always relocate with them. As I am sure the chairman knows,
1623 the backlog of visas for the Philippines is very long. At
1624 present, the waiting period for family-based Filipino
1625 petitions can stretch beyond 20 years.

1626 And so if these Filipino war vets had been born in
1627 another country, as U.S. citizens, they would be able to
1628 petition under the immigration laws to bring in a son or a
1629 daughter, but that really is not possible because of the
1630 quirk of how we allocate visas. The parole program has been
1631 used to overcome that problem, recognizing that these
1632 veterans are heroes, that they fought on our side in World
1633 War II. They are very old, and as time passes, their health
1634 has faded.

1635 Reunion with their family is urgent, not only for their
1636 psychological well-being, but because of the pressing need
1637 for physical and medical support from their loved ones. I
1638 believe that to eliminate this program really dishonors the
1639 service and sacrifice that the Filipino war veterans have
1640 exhibited.

1641 It turns our back on an important chapter of history,
1642 where the Filipino soldiers and scouts stepped forward at
1643 the call of General MacArthur, and this amendment would do
1644 only this: for an alien who would have been eligible for
1645 parole under the Filipino World War II Veterans Parole
1646 Program, the U.S. Citizenship and Immigration Services that
1647 would be exempt from the very draconian limitations on
1648 parole authority in this bill.

1649 I do think that the number of Filipino war vets,
1650 because of their advanced age, is obviously decreasing every

1651 year. They are part of the greatest generation, and I would
1652 hope that, given the narrow focus of this amendment, that we
1653 might be able to have some bipartisan support for this
1654 effort, and indeed, in the past we have had bipartisan
1655 efforts to try and stand up for the Filipino war vets. I
1656 would be happy to yield to the gentlelady from Texas.

1657 Ms. Jackson Lee. I thank the gentlelady for her very
1658 worthy amendment. We have just finished, in the years past,
1659 honoring decades of service and commitment to World War II
1660 veterans. Many of us have interacted with the Filipino
1661 World War veterans. You are absolutely right. They are
1662 impeccably patriotic. They served with great distinction.

1663 This has been a provision that has been accepted
1664 through Republican and Democratic Presidents, Republican and
1665 Democratic Congresses, and I really hope that you will
1666 secure bipartisan support. I would vote aye. I may have to
1667 step out. I have a bill being marked up in another
1668 committee, but I enthusiastically vote aye for this
1669 amendment because it is in tribute to those who sacrificed
1670 on behalf of this Nation, and we owe them an enormous debt
1671 of gratitude, and it is a very thoughtful amendment, and it
1672 is not protected by the underlying legislation. So I thank
1673 the gentlelady and yield back with great support for her
1674 amendment.

1675 Ms. Lofgren. Thank you, and I would note also that any

1676 amendment that the majority comes up with to narrow
1677 Congressman Lieu's amendment, which lost, would not save the
1678 Filipino war vets. So we really do need to adopt this
1679 amendment. And, with that, I yield back, Mr. Chairman.

1680 Chairman Goodlatte. The chair thanks the gentlewoman.

1681 For what purpose does the gentleman from Louisiana seek
1682 recognition?

1683 Mr. Johnson of Louisiana. Mr. Chairman, I oppose the
1684 amendment.

1685 The Chairman Goodlatte. The gentleman is recognized
1686 for 5 minutes.

1687 Mr. Johnson of Louisiana. Respectfully, I oppose it.
1688 I understand the intent behind it, and certainly, these
1689 persons are worthy of our respect. But the reason I oppose
1690 the amendment is this is exactly the problem that we have
1691 been discussing for this amount of time here that this is
1692 not what the parole statute is intended or designed to do.

1693 It is supposed to be for individual, case-by-case
1694 matters and not broad categories of persons under all of
1695 these various scenarios. So my suggestion would be, humble
1696 suggestion, is this is perhaps an appropriate matter to be
1697 handled in a separate piece of legislation. So, for that
1698 reason, I would oppose it. Yield back.

1699 Mr. Conyers. Mr. Chairman?

1700 Chairman Goodlatte. For what purpose does the

1701 gentleman from Michigan seek recognition?

1702 Mr. Conyers. I seek recognition to support the
1703 amendment.

1704 Chairman Goodlatte. The gentleman is recognized.

1705 Mr. Conyers. Members of the committee, I support the
1706 Lofgren proposal to create carve-out for the Filipino World
1707 War II Veterans Parole Program. Section 6 would eliminate
1708 the Filipino World War II Veterans Parole Program, breaking
1709 apart the families of national heroes who helped America
1710 defeat Nazi Germany.

1711 By preserving the program, this amendment honors these
1712 veterans' service and sacrifice. Our Nation remembers the
1713 brave fighters, Filipino fighters, who served alongside our
1714 own troops during World War II. Over 260,000 Filipino
1715 soldiers stood shoulder to shoulder with American troops
1716 during the Second World War. Some became prisoners of war,
1717 but many lost their lives. All fought faithfully to help
1718 our Nation defeat, at that time, Nazi Germany.

1719 Now, after the war, some of the World War II veterans
1720 relocated to the United States, became permanent, legal
1721 residents, U.S. citizens, patriotic Americans.
1722 Unfortunately, their children and other loved ones could not
1723 always relocate with them, and so decades later, too many of
1724 these veterans remain separated from family members.
1725 Immigrant visa petitions filed on behalf of their sons,

1726 daughters, brothers, sisters stay mired in painstaking
1727 backlogs.

1728 At present, waiting periods for Filipino-based family
1729 petitions can stretch beyond 20 years, beyond 20 years. All
1730 of the veterans are elderly, and as precious time passes,
1731 their health fades. Reunion with family becomes urgent, not
1732 only for their psychological well-being, but given the
1733 pressing need for medical support from loved ones.

1734 So the United States Government created the Filipino
1735 World War II Veterans Parole Program to honor their service
1736 and sacrifice by reuniting them with their families. In
1737 2016, our government launched the Filipino World War II
1738 Veterans Parole Program, noting that it is intended to honor
1739 their service and their sacrifice.

1740 By eliminating the Veterans Parole Program, H.R. 391
1741 would tear apart the families of these national heroes who
1742 helped America defeat Nazi Germany in World War II. H.R.
1743 391 would end the World War II Veterans Parole Program,
1744 placing relatives who reunited with, and now care for, these
1745 veterans at risk of deportation. So to put it another way,
1746 the bill would, in my view, tear apart families of national
1747 heroes who helped us win World War II.

1748 Further, these sons and daughters, who have not yet
1749 reunited with their veteran parents through this program,
1750 the bill would ensure that they never do. The age of these

1751 veterans is too advanced, the visa backlog too deep, and so
1752 this bill would deny them their final opportunity to reside
1753 with and receive medical support from their own children.

1754 Protecting the family unity of American-citizen, World
1755 War II veterans should not be a partisan issue, and I do not
1756 think it is. If, as the Federal Government stated, this
1757 parole program honors the service and sacrifice of these
1758 brave individuals, a bill that eliminates that program
1759 dishonors that same service and sacrifice.

1760 And so it is my hope that no member of this committee
1761 would support such a measure. On behalf of these American
1762 heroes, we must preserve this program. So please support
1763 the Lofgren amendment through H.R. 391. I thank the chair,
1764 and I yield back any time that might be remaining.

1765 Ms. Jayapal. Mr. Chairman?

1766 Chairman Goodlatte. For what purpose does the
1767 gentlewoman from Washington seek recognition?

1768 Ms. Jayapal. Move to strike the last word.

1769 Chairman Goodlatte. The gentlewoman is recognized for
1770 5 minutes.

1771 Ms. Jayapal. Thank you, Mr. Chairman. I rise in
1772 strong support of this amendment, and I thank the gentlelady
1773 from California for offering it. I wanted to put a face to
1774 what we are talking about.

1775 One of the people that would be affected by this is in

1776 my State of Washington. His name is Rudolpho; he is called
1777 Rudy Panaglima, and I am taking this from a Seattle Times
1778 report, though I have met him as well. He was just 13 years
1779 old when he joined his father in a Filipino guerrilla unit
1780 that worked in secret with the U.S. Army during World War
1781 II.

1782 Because he was so young, he was actually able to sneak
1783 past Japanese forces as a courier and a scout, and he
1784 brought back information, food, and medicine to U.S.
1785 soldiers in the mountains of the Philippines near his home
1786 in the mountains there. He was among more than 250,000
1787 Filipinos who fought with the United States during World War
1788 II, including at least 60,000 who were killed.

1789 He did that on behalf of the United States, and they
1790 were subject to, unfortunately, a very disastrous effect
1791 after the war, when President Truman signed laws that
1792 stripped away promises that were made to them of benefits
1793 and citizenship for those veterans that fought for the
1794 United States. And so now, this is 70 years later we are
1795 talking about, and finally they were given some relief in
1796 2016 when this parole program was passed.

1797 And, at the time, retired Major General Tony Taguba,
1798 who actually served in the U.S. Army for 34 years, said that
1799 this was not just about one individual being paroled, and so
1800 to my colleague from Louisiana who said the parole program

1801 is being misused and we should just do this for one person,
1802 actually, what happened is that we corrected a deep wrong
1803 that was done to these veterans.

1804 And so this retired major general, this was his quote.
1805 He said that, "The reunification program begins to right a
1806 wrong deeply rooted in American history. Slowly but surely,
1807 our country has taken leadership to correct this injustice,"
1808 and he noted that Filipino veterans who helped win World War
1809 II paid a huge price. And yet what they got, and again,
1810 these are his words was, "humiliation and indignation."

1811 So what we are talking about with this very finely
1812 crafted amendment is allowing these veterans, who are now in
1813 their 70s and 80s, many of them have died. I have been to
1814 the funeral of at least one, and through this entire time,
1815 knowing and having lived their life knowing that they fought
1816 for a country because they did what was right at tremendous
1817 harm to themselves and their families, and yet they were not
1818 allowed the basic courtesy of having their family members be
1819 able to come in and look after them in their old age.

1820 And, in fact, the way that we discussed the last
1821 amendment and the narrowing of Mr. Lieu's amendment would
1822 not have helped these individuals because many of the
1823 children are now adults. They have waited so long, decades,
1824 and so many of these children are adults. So simply making
1825 it about minor children really ignores the tremendous wrong

1826 that has been done for decades to these individuals who
1827 fought for the United States and gave their lives for the
1828 United States.

1829 So I really would hope that every member of this
1830 committee, you know, we often talk about the respect we have
1831 for veterans that this is a core part of respect for
1832 veterans, that they should be allowed to reunite with their
1833 families, and I would gladly yield to the gentlelady from
1834 California.

1835 Ms. Lofgren. I thank the gentlelady for her important
1836 statement, and I just would like to observe that the idea
1837 that somehow there are categories, and that is
1838 impermissible, overlooks the fact that categories are being
1839 created in the bill. For example, those who have helped in
1840 a criminal investigation are eligible, or in espionage.
1841 That is a category.

1842 So the point I would like to make is that we do not
1843 always know here, and it does take a long time to pass
1844 legislation into law; situations arise; and the executive
1845 needs to act sometimes on behalf of American interests. For
1846 example, in addition to the Philippine war veterans, there
1847 are people who fought on our side in the Vietnam War. You
1848 know, I mentioned Major On (?) as one example, but there are
1849 others. And so to think that we could think of every
1850 example here of what would be in the national interest is a

1851 mistake, and to think that we are not also creating
1852 categories in this bill is simply incorrect. And I thank
1853 the gentlelady, and I yield back.

1854 Ms. Jayapal. That is right, and I reclaim just a
1855 little bit of quick time to say that this would also be
1856 particularly painful because we spent so long fighting for
1857 the right for these families to be reunified, and they
1858 finally got it 2 years ago. So now to go back to them and
1859 say and now we have just granted you this after decades. We
1860 have righted this wrong, and now we are going to take it
1861 away, I think, would be incredibly cruel and very
1862 disrespectful, and I just hope that this committee and the
1863 gentleman from Louisiana would support this amendment.
1864 Thank you, Mr. Chairman. I yield back.

1865 Chairman Goodlatte. A question occurs on the --
1866 Mr. Raskin. Mr. Chairman?

1867 Chairman Goodlatte. For what purpose does the
1868 gentleman from Maryland to seek recognition?

1869 Mr. Raskin. Move to strike the last word.

1870 Chairman Goodlatte. The gentleman is recognized for 5
1871 minutes.

1872 Mr. Raskin. Thank you so much, Mr. Chairman. I rise
1873 in very strong support of Ms. Lofgren's amendment, which
1874 will allow for aliens who would have been eligible for
1875 parole under the Filipino World War II Veterans Parole

1876 Program of the U.S. Citizenship and Immigration Services
1877 also to be included under the possibility of humanitarian
1878 parole in the President's exercise of his powers under this
1879 statute.

1880 I want to echo the very important point that was is
1881 made by Ms. Lofgren. The legislation itself contemplates
1882 certain categories of people who would be included, such as
1883 people who participate in assisting in a criminal
1884 investigation. The case-by-case requirement relates to the
1885 administrative process and not to the development of
1886 legislative categories. S

1887 o anyone who would come in under the newly-revised
1888 Filipino World War II Veterans Parole exception, according
1889 to the President's exercise of humanitarian parole power,
1890 would be someone whose individual merits would have to be
1891 considered through the administrative process.

1892 There is no doubt about that. Nothing is being changed
1893 there. It is not some kind of blanket, get-into-the-
1894 country-free card for anybody who says he or she belongs to
1895 that category. You would still have to make every proof
1896 that, factually, you belong in that category, and then the
1897 President would have to exercise the humanitarian parole in
1898 that way. So I think that to say that this belongs in
1899 another piece of legislation is to defy the history of this
1900 statute and also to disregard what we are doing in this

1901 statute.

1902 We are developing the categories within which the case-
1903 by-case administrative methodology is going to be deployed,
1904 and so to oppose this, I think, sends, as my distinguished
1905 colleague from Washington just said, a very demoralizing
1906 message to the people who were covered under the Filipino
1907 World War II Veterans Parole Program, and sends every
1908 conceivably wrong message about what we stand for.

1909 Again, I would have preferred not to go down this road,
1910 but if we are going to go through a process of picking out
1911 particular categories, it is hard to think of one that is
1912 more compelling than this. And I would urge all colleagues
1913 on all sides of the aisle to back the Lofgren amendment.
1914 With that, I yield back Mr. Chairman.

1915 Chairman Goodlatte. Question occurs on the amendment
1916 offered by the gentlewoman from California.

1917 All those in favor, respond by saying aye.

1918 Those opposed, no.

1919 In the opinion of the chair, the noes have it. The
1920 amendment is not agreed to

1921 Ms. Lofgren. I would like a recorded vote.

1922 Chairman Goodlatte. A recorded vote is requested, and
1923 the clerk will call the roll.

1924 Ms. Adcock. Mr. Goodlatte?

1925 Chairman Goodlatte. No.

1926 Ms. Adcock. Mr. Goodlatte votes no.
1927 Mr. Sensenbrenner?
1928 [No response.]
1929 Mr. Smith?
1930 [No response.]
1931 Mr. Chabot?
1932 [No response.]
1933 Mr. Issa?
1934 Mr. Issa. No.
1935 Ms. Adcock. Mr. Issa votes no.
1936 Mr. King?
1937 [No response.]
1938 Mr. Franks?
1939 [No response.]
1940 Mr. Gohmert?
1941 Mr. Gohmert. No.
1942 Ms. Adcock. Mr. Gohmert votes no.
1943 Mr. Jordan?
1944 [No response.]
1945 Mr. Poe?
1946 [No response.]
1947 Mr. Marino?
1948 [No response.]
1949 Mr. Gowdy?
1950 [No response.]

1951 Mr. Labrador?
1952 [No response.]
1953 Mr. Farenthold?
1954 [No response.]
1955 Mr. Collins?
1956 Mr. Collins. No.
1957 Ms. Adcock. Mr. Collins votes no.
1958 Mr. DeSantis?
1959 Mr. DeSantis. No.
1960 Ms. Adcock. Mr. DeSantis votes no.
1961 Mr. Buck?
1962 Mr. Buck. No.
1963 Ms. Adcock. Mr. Buck votes no.
1964 Mr. Ratcliffe?
1965 [No response.]
1966 Mrs. Roby?
1967 Mrs. Roby. No.
1968 Ms. Adcock. Mrs. Roby votes no.
1969 Mr. Gaetz?
1970 Mr. Gaetz. No.
1971 Ms. Adcock. Mr. Gaetz votes no.
1972 Mr. Johnson of Louisiana?
1973 Mr. Johnson of Louisiana. No.
1974 Ms. Adcock. Mr. Johnson votes no.
1975 Mr. Biggs?

1976 [No response.]

1977 Mr. Rutherford?

1978 Mr. Rutherford. No.

1979 Ms. Adcock. Mr. Rutherford votes no.

1980 Mrs. Handel?

1981 Mrs. Handel. No.

1982 Ms. Adcock. Mrs. Handel votes no.

1983 Mr. Conyers?

1984 Mr. Conyers. Aye.

1985 Ms. Adcock. Mr. Conyers votes aye.

1986 Mr. Nadler?

1987 Mr. Nadler. Aye.

1988 Ms. Adcock. Mr. Nadler votes aye.

1989 Ms. Lofgren?

1990 Ms. Lofgren. Aye.

1991 Ms. Adcock. Ms. Lofgren votes aye.

1992 Ms. Jackson Lee?

1993 [No response.]

1994 Mr. Cohen?

1995 [No response.]

1996 Mr. Johnson of Georgia?

1997 [No response.]

1998 Mr. Deutch?

1999 [No response.]

2000 Mr. Gutierrez?

2001 [No response.]

2002 Ms. Bass?

2003 [No response.]

2004 Mr. Richmond?

2005 [No response.]

2006 Mr. Jeffries?

2007 [No response.]

2008 Mr. Cicilline?

2009 [No response.]

2010 Mr. Swalwell?

2011 [No response.]

2012 Mr. Lieu?

2013 Mr. Lieu. Aye.

2014 Ms. Adcock. Mr. Lieu votes aye.

2015 Mr. Raskin?

2016 Mr. Raskin. Aye.

2017 Ms. Adcock. Mr. Raskin votes aye.

2018 Ms. Jayapal?

2019 Ms. Jayapal. Aye.

2020 Ms. Adcock. Ms. Jayapal votes aye.

2021 Mr. Schneider?

2022 Mr. Schneider. Aye.

2023 Ms. Adcock. Mr. Schneider votes aye

2024 Chairman Goodlatte. The gentleman from Iowa?

2025 Mr. King. No.

2026 Ms. Adcock. Mr. King votes no.

2027 Chairman Goodlatte. The gentleman from Ohio?

2028 [No response.]

2029 The gentleman from Idaho?

2030 [No response.]

2031 The gentleman from Pennsylvania?

2032 [No response.]

2033 Has every member voted who wishes to vote?

2034 The clerk will report.

2035 Ms. Adcock. Mr. Chairman, 7 members voted aye; 15

2036 members voted no.

2037 Chairman Goodlatte. And the amendment is not agreed

2038 to.

2039 The chair recognizes himself for the purpose of

2040 offering an amendment, and the clerk will report the

2041 amendment.

2042 Ms. Adcock. Amendment to the amendment in the nature

2043 of a substitute --

2044 [The amendment of Chairman Goodlatte follows:]

2045 ***** COMMITTEE INSERT *****

2046 Chairman Goodlatte. Without objection, the amendment
2047 is considered as read, and I will recognize myself to
2048 explain my amendment. This is, as will be readily apparent,
2049 the changes to the amendment offered by the gentleman from
2050 California, Mr. Lieu, that I think are appropriate. I,
2051 again, thank the gentleman for raising this issue. I know
2052 some others on his side of the aisle have raised it as well.
2053 I know that this does not go as far as the gentleman would
2054 like us to go. However, I am prepared to do this, and I
2055 hope that the members on both sides of the aisle will
2056 support the amendment.

2057 For what purpose does the gentlewoman from California
2058 to seek recognition?

2059 Ms. Lofgren. Mr. Chairman, I just want to point out
2060 some of the shortfalls that I perceive in the proposal that
2061 you are making. First, while it is true that one of the
2062 bases for providing relief to the family members of American
2063 soldiers is the impact of that soldier while fighting. I do
2064 not think that is the only reason for relief for the family
2065 members.

2066 Now we have had, regrettably, instances where an
2067 American soldier lost his life while serving in the U.S.
2068 Armed Services, and these are real cases; has a spouse who
2069 is not documented, and because of the 3 and a 10-year bar
2070 could not be documented by the U.S. soldier, with American-

2071 citizen children. And so you have got a situation where the
2072 widow of the American soldier, who died fighting for our
2073 country, will be deported and his children put in foster
2074 care.

2075 I do not think that really stands up for the American
2076 soldier who is deceased. I do not think this goes far
2077 enough. You know, I would not oppose doing this limited
2078 amount, but to think that this actually resolves the problem
2079 is a serious mistake, in terms of how I see this. I will go
2080 further: excluding the parents of a dead U.S. soldier, I
2081 think, is wrong. I just think it is wrong, and I have had
2082 situations in California where the dead soldier has been
2083 buried in a military --

2084 Chairman Goodlatte. Would the gentlewoman yield?

2085 Ms. Lofgren. I would be happy to yield.

2086 Chairman Goodlatte. I thank the gentle woman for
2087 yielding. I think with regard to some instances where a
2088 member of the Armed Forces has been killed in the line of
2089 duty, the gentlewoman has a good point. There could be
2090 other circumstances where people have died under very
2091 different circumstances, and therefore I am not prepared to
2092 make that change at this time.

2093 I would recommend that the committee pass the
2094 amendment, and I will work with the gentlewoman to see if
2095 there is a way to address that specific concern that she has

2096 addressed as we move the bill to the floor.

2097 Ms. Logren. Well, I would be happy to continue
2098 discussing, but I just think the fact that you have got to
2099 have either the member of the Armed Forces -- and apparently
2100 this would also exclude veterans -- is very problematic.

2101 Chairman Goodlatte. That is definitely the case.

2102 Ms. Logren. I am not going to oppose it, but I cannot
2103 say in good conscience that this resolves the very serious
2104 problems created by this bill.

2105 Chairman Goodlatte. I understand the Gentlewoman's
2106 perspective. For what purpose does the Gentleman from
2107 Louisiana seek recognition?

2108 Mr. Johnson of Louisiana. Thank you, Mr. Chairman.
2109 Yes, in support of the amendment.

2110 Chairman Goodlatte. The Gentleman is recognized for 5
2111 minutes.

2112 Mr. Johnson of Louisiana. Thank you. I support the
2113 amendment because I, and all of us, obviously, fully support
2114 and honor our brave servicemembers, but I want to note some
2115 important caveats as we proceed.

2116 On November 15, 2013, then-U.S. Citizenship and
2117 Immigration Services Director Ali Mayorkas issued a memo
2118 regarding this very issue, and it was the grant of parole to
2119 unlawful alien family members of active duty and former
2120 Armed Services and Ready Reserve servicemembers.

2121 The memo specifically provided that these relatives of
2122 anyone who has ever served in the U.S. Armed Forces for any
2123 period of time and without regard to whether discharge was
2124 honorable or dishonorable, had been eligible to receive
2125 parole in a categorical basis. But not only has this parole
2126 policy not been consistent with the statutory language on the
2127 previous intent of the use of parole, as we have all
2128 discussed, but USCIS has not even been implementing the
2129 policy in a reasonable manner, and here is the problem.

2130 In December 2013 our committee staff met with USCIS
2131 officials to discuss the details of the Parole in Place
2132 process set out in that November 2013 memo, and during the
2133 meeting USCIS admitted that the servicemember is never
2134 contacted to determine whether he or she actually wants the
2135 unlawful aliens to receive Parole in Place; USCIS admitted
2136 there is no process in place to verify that the
2137 servicemember actually served in the Armed Forces; USCIS
2138 admitted that Parole in Place could be granted even if the
2139 servicemember was dishonorably discharged, and admitted that
2140 the servicemember could have felony convictions, and his or
2141 her immediate relatives would still be eligible for Parole
2142 in Place.

2143 They also admitted that, even in cases of divorce, the
2144 servicemember's ex-spouse could be eligible for Parole in
2145 Place, and finally that unlawful alien immediate relatives

2146 could still receive Parole in Place despite criminal
2147 records.

2148 So, in light of those clear abuses, I just wanted to go
2149 on record saying I fully support the Goodlatte amendment,
2150 but we want to be cautious in how we proceed. It is just
2151 another reminder to us that this is a very delicate area of
2152 the law, and while we all want to honor our servicemembers,
2153 we have to do this in a responsible manner. I think this
2154 amendment accomplishes that. I yield back.

2155 Chairman Goodlatte. The chair thanks the gentleman.
2156 Question occurs on the Goodlatte amendment, and the clerk
2157 will call the roll.

2158 Ms. Adcock. Mr. Goodlatte?

2159 Chairman Goodlatte. Aye.

2160 Ms. Adcock. Mr. Goodlatte votes aye.

2161 Mr. Sensenbrenner.

2162 [No response.]

2163 Mr. Smith?

2164 [No response.]

2165 Mr. Chabot?

2166 [No response.]

2167 Mr. Issa?

2168 [No response.]

2169 Mr. King?

2170 [No response.]

2171 Mr. Franks?
2172 [No response.]
2173 Mr. Gohmert?
2174 [No response.]
2175 Mr. Jordan?
2176 [No response.]
2177 Mr. Poe?
2178 [No response.]
2179 Mr. Marino?
2180 [No response.]
2181 Mr. Gowdy?
2182 [No response.]
2183 Mr. Labrador?
2184 [No response.]
2185 Mr. Farenthold?
2186 [No response.]
2187 Mr. Collins?
2188 [No response.]
2189 Mr. DeSantis?
2190 [No response.]
2191 Mr. Buck?
2192 [No response.]
2193 Mr. Ratcliffe?
2194 [No response.]
2195 Mrs. Roby?

2196 Mrs. Roby. Aye.

2197 Ms. Adcock. Mrs. Roby votes aye.

2198 Mr. Gaetz?

2199 Mr. Gaetz. Aye.

2200 Ms. Adcock. Mr. Gaetz votes aye.

2201 Mr. Johnson of Louisiana?

2202 Mr. Johnson of Louisiana. Aye.

2203 Ms. Adcock. Mr. Johnson votes aye.

2204 Mr. Biggs?

2205 [No response.]

2206 Mr. Rutherford?

2207 Mr. Rutherford. Aye.

2208 Ms. Adcock. Mr. Rutherford votes aye.

2209 Mrs. Handel?

2210 Mrs. Handel. Aye.

2211 Ms. Adcock. Mrs. Handel votes aye.

2212 Mr. Conyers?

2213 [No response.]

2214 Mr. Nadler?

2215 Mr. Nadler. Aye.

2216 Ms. Adcock. Mr. Nadler votes aye.

2217 Ms. Lofgren?

2218 [No response.]

2219 Ms. Jackson Lee?

2220 [No response.]

2221 Mr. Cohen?
2222 [No response.]
2223 Mr. Johnson of Georgia?
2224 [No response.]
2225 Mr. Deutch?
2226 [No response.]
2227 Mr. Gutierrez?
2228 [No response.]
2229 Ms. Bass?
2230 [No response.]
2231 Mr. Richmond?
2232 [No response.]
2233 Mr. Jeffries?
2234 [No response.]
2235 Mr. Cicilline?
2236 [No response.]
2237 Mr. Swalwell?
2238 [No response.]
2239 Mr. Lieu?
2240 Mr. Lieu. Aye.
2241 Ms. Adcock. Mr. Lieu votes aye.
2242 Mr. Raskin?
2243 Mr. Raskin. Aye.
2244 Ms. Adcock. Mr. Raskin votes aye.
2245 Ms. Jayapal?

2246 Ms. Jayapal. Aye.

2247 Ms. Adcock. Ms. Jayapal votes aye.

2248 Mr. Schneider?

2249 Mr. Schneider. Aye.

2250 Ms. Adcock. Mr. Schneider votes aye.

2251 Chairman Goodlatte. The gentleman from Florida.

2252 Mr. DeSantis. Yes.

2253 Ms. Adcock. Mr. DeSantis votes yes.

2254 Chairman Goodlatte. The gentleman from Texas, Mr.

2255 Smith.

2256 Mr. Smith. Aye.

2257 Ms. Adcock. Mr. Smith votes aye.

2258 Chairman Goodlatte. The gentleman from California, Mr.

2259 Issa?

2260 Mr. Issa. Aye.

2261 Chairman Goodlatte. The gentleman from Iowa, Mr. King?

2262 Mr. King. Aye.

2263 Chairman Goodlatte. The gentleman from Idaho?

2264 Mr. Labrador. Aye.

2265 Chairman Goodlatte. The gentleman from Colorado?

2266 Mr. Buck. Aye.

2267 Chairman Goodlatte. The gentleman from Pennsylvania.

2268 Mr. Marina. Yes.

2269 Chairman Goodlatte. The gentleman from Texas, Mr.

2270 Gohmert.

2271 Mr. Gohmert. Aye.

2272 Chairman Goodlatte. Has ever member voted who wishes
2273 to vote? The clerk will report. The gentleman from Ohio.

2274 Mr. Jordan. Yes.

2275 Ms. Adcock. Mr. Jordan votes yes.

2276 Chairman Goodlatte. The clerk will report.

2277 Ms. Adcock. Mr. Chairman, 21 members voted aye; 0

2278 members voted no.

2279 Chairman Goodlatte. And the amendment is agreed to.

2280 Mr. Conyers. Mr. Chairman.

2281 Chairman Goodlatte. Are there further amendments? For

2282 what purpose does the gentleman from Michigan seek

2283 recognition?

2284 Mr. Conyers. I have an amendment at the desk.

2285 Chairman Goodlatte. The clerk will report the

2286 amendment.

2287 Ms. Adcock. Amendment to the amendment in the nature
2288 of a substitute to H.R. 391 offered by Mr. Conyers. Strike
2289 section 3 and redesignate succeeding sections accordingly.

2290 [The amendment of Mr. Conyers follows:]

2291 ***** COMMITTEE INSERT *****

2292 Mr. Conyers. Mr. Chairman and members of the
2293 committee, section 3 of this bill imposes a draconian
2294 credible fear standard that will result in the summary
2295 returned to the persecution of legitimate asylums-seekers.
2296 My amendment strikes that section, helping ensure that these
2297 individuals receive the full opportunity for protection that
2298 they deserve.

2299 Congress intended for the credible fear screening to be
2300 a preliminary screening. The legal standard was
2301 deliberately set low to guarantee that bona fide asylum
2302 seekers placed into expedited removal proceedings would
2303 advance to full hearings before immigration judges in which
2304 they could properly present their claims.

2305 Section 3 defies that intent by directing an
2306 inappropriately high bar. Specifically, this section
2307 requires a credible fear claim that is established by a
2308 preponderance of evidence, the voracity of their statements.
2309 The context of these screenings shows why this new standard
2310 is impossible for many bona fide asylum seekers to meet.

2311 Affected individuals have generally just reached the
2312 United States; they frequently remain traumatized by their
2313 persecution, and rarely arrive with formal evidence
2314 substantiating their claims. To satisfy H.R. 391's elevated
2315 standard, asylum seekers may need to hire counsel, gather
2316 records from their home countries, and prepare written

2317 statements: actions often untenable within the brief
2318 timeframe afforded.

2319 Unfortunately, we are already witnessing the
2320 implications of a tightened credible fear standard.
2321 February 2017, pursuant to President Trump's executive order
2322 on border security, the administration introduced certain
2323 changes to the credible fear standard, changes that human
2324 rights first said were inconsistent with United States
2325 immigration law, and that they put people at risk of return
2326 to persecution and torture.

2327 In the months following, credible fear grant rates have
2328 increasingly dropped. By ratcheting the credible fear
2329 standard even higher, H.R. 391 would reinforce this trend
2330 line, further thwarting congressional intent and resulting
2331 in yet more deportations. There are those who attempt to
2332 justify these measures by claiming that fraud and abuse
2333 pervade the credible fear system. The evidence, however, is
2334 to the contrary.

2335 A substantial majority of the growth in credible fear
2336 claims in recent years comes from national fleeing from the
2337 Northern Triangle of El Salvador, Honduras, and Guatemala --
2338 three of the world's most dangerous countries in many
2339 people's view.

2340 In fact, the United Nation's High Commissioner for
2341 Refugees declared the situation there a "protection crisis,"

2342 a reflection of the large numbers of individuals escaping
2343 gangs, sexual and gender-based violence, and homicide. Such
2344 persons, then, are bonafide asylum seekers fleeing real
2345 persecution, yet section 3, by erecting a hurdle impossible
2346 for many of them to clear, would preclude their protection.
2347 The bill would therefore return victims of rape, torture,
2348 and slavery to further harm and death.

2349 Accordingly, I urge all my colleagues to prevent these
2350 unjust outcomes by supporting by amendment. I thank the
2351 chair and yield back the balance of my time.

2352 Chairman Goodlatte. The chair now recognizes Mr.
2353 Johnson from Louisiana.

2354 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I
2355 oppose this amendment, and use the time to say I oppose it
2356 because it would strike from H.R. 391 one of the bill's most
2357 important provisions, and that is the one to raise the
2358 standard for credible fear determination.

2359 Fraud is rampant in the U.S. asylum process for several
2360 reasons. For instance, the evidence on which to base a
2361 claim of asylum is often only the asylum-seeker's word. In
2362 addition, the standard to find credible fear has become
2363 extremely low. Currently, an alien in expedited removal
2364 proceedings can claim a credible fear of persecution and, if
2365 found to have a credible fear, has the right to go before an
2366 immigration judge.

2367 In order to establish a credible fear of persecution,
2368 the asylum officer must find only that a, quote,
2369 "significant possibility," unquote, exists and that the
2370 individual may be found eligible for asylum or withholding
2371 of removal.

2372 The intended purpose of this provision was to dispose
2373 of claims where there is little possibility of success while
2374 at the same time not foreclosing viable claims. However,
2375 the standard is so low now that, under the Obama
2376 administration, many baseless claims were approved. In
2377 fact, during the last years of the Obama Administration,
2378 approval rates were as high as 88 and 92 percent.

2379 Section 3 of H.R. 391 applies a heightened standard to
2380 the claim of credible fear. In conjunction with showing a
2381 significant possibility under H.R. 391, the alien must show
2382 that it is, quote, "more probable than not the statements
2383 made by and on behalf of the alien in support of the alien's
2384 credible fear claim are, in fact, true."

2385 So this is an effort to seek and confirm the truth, and
2386 nothing more, and so it defies logic that we might describe
2387 it as draconian, as had been said. Requiring an alien to
2388 show that it is more probable than not that his or her
2389 claims are true is not an overzealous standard at all. It
2390 is a reasonable standard that helps ensure the legitimacy of
2391 the U.S. asylum process.

2392 In 2016, nearly 1 out of every 10 illegal immigrants
2393 crossing the southwest border of our country demanded
2394 asylum, and they used magic words to claim they had fear in
2395 their home country, according to statistics that we received
2396 from the Immigration Reform Law Institute.

2397 Border officials believe that these persons are being
2398 coached, or at least many of them, and this turns a program
2399 that is intended to be a humanitarian lifeline into a new
2400 path for unauthorized migrants to gain a foothold in the
2401 U.S. And for that reason I respectfully urge my colleagues
2402 to oppose this amendment. I yield back.

2403 Mr. Raskin. Would the Gentleman yield for a question?

2404 Mr. Johnson of Louisiana. I yield. Sure.

2405 Mr. Raskin. Mr. Johnson, you stated that there were
2406 rates of up to 88 percent or 92 percent approval of asylum
2407 applications, and I had never heard those statistics before.
2408 And I am wondering, are those national figures and over what
2409 period of time? Where does that come from?

2410 Mr. Johnson of Louisiana. These are the last 2 years of
2411 the Obama administration, I believe. Yeah. I will correct
2412 the record, then. It is where credible fear was found, not
2413 asylum overall.

2414 So, in the cases where that was alleged, they were
2415 handled under the credible fear analysis, 88 and 92 percent,
2416 respectively, in the last 2 years of the Obama

2417 administration, they were granted, because the standard had
2418 become so lax. And that is the concern.

2419 Mr. Raskin. Okay. Just curious to look at the
2420 underlying statistical evidence there.

2421 Mr. Johnson of Louisiana. It is USCIS, and I am happy
2422 to supply that to the members.

2423 Mr. Raskin. Thank you very much.

2424 Ms. Lofgren. Mr. Chairman?

2425 Mr. Johnson of Louisiana. It was provided to every
2426 member. I am happy to yield, if --

2427 Ms. Lofgren. I would just like to make a quick
2428 comment, because when we crafted -- and the Judiciary
2429 Committee did craft it on a bipartisan basis -- this was a
2430 two-pronged process, and here is the reason why.

2431 When you flee for your life, you, oftentimes, do not
2432 have documents, and so the idea was to have an initial
2433 review that was not the complete analysis that you would
2434 have after you had hired counsel, you had had the
2435 opportunity to go out and compile evidence.

2436 As was stated by the Federal judge in Bolanos Hernandez
2437 v. INS, quote, "persecutors are highly likely to provide
2438 their victims with affidavits attesting to their acts of
2439 persecution." It takes a while, and there are just four
2440 former immigration lawyers, to my knowledge, in the U.S.
2441 Congress: Mr. Labrador, Mr. Goodlatte, myself, and Senator

2442 Menendez; and I think all of us have done asylum cases, and
2443 they are difficult to do. You have evidence that you have
2444 to compile, so if you show up, you fled for your life, you
2445 may not have anything but the clothes on your back, you are
2446 not going to be able to meet that high standard that you are
2447 going to have to meet if you are found -- I have been -- as
2448 to strike the last word.

2449 Mr. Labrador. [Presiding.] The gentlewoman is
2450 recognized.

2451 Ms. Lofgren. If you show up with nothing, you are
2452 unlikely, as the Federal court found in the Hernandez v. INS
2453 case, to actually have the evidence necessary to prove your
2454 case. Now, the fact that there are high credible fear
2455 findings is not as significant as how often are those
2456 findings actually found to be valid later on in the process.
2457 And it is a very high percentage of the time that the
2458 credible fear standard, once you have the immigration
2459 proceeding, is found to be correct when you have the chance
2460 to get your lawyer, to get your evidence, and the like.

2461 So I do think, obviously, no one wants fraud, and
2462 although that is often sighted, I do not know that there is
2463 really any evidence that I have seen that fraud is
2464 occurring. If there is fraud, I am against it, and I think
2465 you would be against it as well. That would be unanimous on
2466 the committee.

2467 But the question is, how do you accommodate the life
2468 circumstances that the person who is fleeing in a way that
2469 gives them a chance to make their case.

2470 And I would just note, I remember when we crafted this
2471 two-pronged approach, and Howard Berman, who was then a
2472 member of our committee, took a lead in this, and working
2473 with Republican members and very carefully with the
2474 religious community, and the Evangelical churches across the
2475 United States brought a lot of passion and morality to bear
2476 on this question because some of the people we are talking
2477 about are fleeing because of persecution for their religion
2478 and their Christian religion. So, there was great concern
2479 on the part of the Evangelical community.

2480 To change this standard, I think, is a very severe
2481 mistake, and I would hope that we would adopt Mr. Conyers's
2482 amendment. If we do not, I think that the opportunity for
2483 people with legitimate claims of asylum for persecution, for
2484 religious persecution, for those who have been sex-
2485 trafficked, and others are no going to be found and we will
2486 be turning our back on those who need safe haven, and we
2487 will not be living up to the standards that are set in
2488 international law that are followed by all civilized
2489 nations. I know that that is not the gentleman's intent,
2490 but that would, in fact, be the result of the bill absent
2491 Mr. Conyers's amendment. So, I strongly support Mr.

2492 Conyers's amendment and hope that we can pass it. And with
2493 that, I would yield back.

2494 Mr. Labrador. The question on the amendment to the --
2495 Those in favor, say aye.

2496 Those opposed, say no.

2497 In the opinion of the chair, the noes have it, and the
2498 amendment is not agreed to.

2499 Mr. Conyers. A record vote is sought.

2500 Mr. Labrador. A recorded vote has been requested, and
2501 the clerk will call the roll.

2502 Ms. Adcock. Mr. Goodlatte?

2503 [No response.]

2504 Mr. Sensenbrenner?

2505 [No response.]

2506 Mr. Smith?

2507 [No response.]

2508 Mr. Chabot?

2509 Mr. Chabot. No.

2510 Ms. Adcock. Mr. Chabot votes no.

2511 Mr. Issa?

2512 [No response.]

2513 Mr. King?

2514 [No response.]

2515 Mr. Franks?

2516 Mr. Franks. No.

2517 Ms. Adcock. Mr. Franks votes no.
2518 Mr. Gohmert?
2519 [No response.]
2520 Mr. Jordan?
2521 [No response.]
2522 Mr. Poe?
2523 [No response.]
2524 Mr. Marino?
2525 [No response.]
2526 Mr. Gowdy?
2527 [No response.]
2528 Mr. Labrador?
2529 Mr. Labrador. No.
2530 Ms. Adcock. Mr. Labrador votes no.
2531 Mr. Farenthold?
2532 [No response.]
2533 Mr. Collins?
2534 [No response.]
2535 Mr. DeSantis?
2536 Mr. DeSantis. No.
2537 Ms. Adcock. Mr. DeSantis votes no.
2538 Mr. Buck?
2539 Mr. Buck. No.
2540 Ms. Adcock. Mr. Buck votes no.
2541 Mr. Ratcliffe?

2542 [No response.]

2543 Ms. Adcock. Mrs. Roby?

2544 Mrs. Roby. No.

2545 Ms. Adcock. Ms. Roby votes no.

2546 Mr. Gaetz?

2547 Mr. Gaetz. No.

2548 Ms. Adcock. Mr. Gaetz votes no.

2549 Mr. Johnson of Louisiana?

2550 Mr. Johnson of Louisiana. No.

2551 Ms. Adcock. Mr. Johnson votes no.

2552 Mr. Biggs?

2553 [No response.]

2554 Mr. Rutherford?

2555 Mr. Rutherford. No.

2556 Ms. Adcock. Mr. Rutherford votes no.

2557 Mrs. Handel?

2558 Mrs. Handel. No.

2559 Ms. Adcock. Mrs. Handel votes no.

2560 Mr. Conyers?

2561 Mr. Conyers. Aye.

2562 Ms. Adcock. Mr. Conyers votes aye.

2563 Mr. Nadler?

2564 Mr. Nadler. Aye.

2565 Ms. Adcock. Mr. Nadler votes aye.

2566 Ms. Lofgren?

2567 Ms. Lofgren. Aye.

2568 Ms. Adcock. Ms. Lofgren votes aye.

2569 Ms. Jackson Lee?

2570 [No response.]

2571 Mr. Cohen?

2572 [No response.]

2573 Mr. Johnson of Georgia?

2574 [No response.]

2575 Mr. Deutch?

2576 [No response.]

2577 Mr. Gutierrez?

2578 [No response.]

2579 Ms. Bass?

2580 [No response.]

2581 Mr. Richmond?

2582 [No response.]

2583 Mr. Jeffries?

2584 [No response.]

2585 Mr. Cicilline?

2586 Mr. Cicilline. Aye.

2587 Ms. Adcock. Mr. Cicilline votes aye.

2588 Mr. Swalwell?

2589 [No response.]

2590 Mr. Lieu?

2591 Mr. Lieu. Aye.

2592 Ms. Adcock. Mr. Lieu votes aye.

2593 Mr. Raskin?

2594 Mr. Raskin. Aye.

2595 Ms. Adcock. Mr. Raskin votes aye.

2596 Ms. Jayapal?

2597 Ms. Jayapal. Aye.

2598 Ms. Adcock. Ms. Jayapal votes aye.

2599 Mr. Schneider?

2600 Mr. Schneider. Aye.

2601 Ms. Adcock. Mr. Schneider votes aye.

2602 Mr. Labrador. Are there any other members who wish to
2603 be recognized? The gentleman from Ohio.

2604 Mr. Jordan. No.

2605 Ms. Adcock. Mr. Jordan votes no.

2606 Mr. Labrador. Mr. Chairman?

2607 Chairman Goodlatte. No.

2608 Ms. Adcock. Mr. Goodlatte votes no.

2609 Mr. Labrador. The gentleman from Pennsylvania?

2610 Mr. Marino. No.

2611 Ms. Adcock. Mr. Marino votes no.

2612 Mr. Labrador. The gentleman from Texas?

2613 Mr. Gohmert. No.

2614 Ms. Adcock. Mr. Gohmert votes no.

2615 Mr. Labrador. The clerk will report.

2616 Ms. Adcock. Mr. Chairman, 8 members voted aye; 14

2617 members voted no.

2618 Mr. Labrador. It is not agreed to. Are there any
2619 other amendments to the amendment?

2620 Mr. Nadler. Mr. Chairman?

2621 Mr. Labrador. For what purpose does --

2622 Mr. Nadler. There is an amendment at the desk.

2623 Mr. Labrador. The gentleman is recognized. The clerk
2624 will record the amendment. Report.

2625 Ms. Adcock. Amendment to the amendment in the nature
2626 of a substitute to H.R. 391 offered by Mr. Nadler. Strike
2627 section 9.

2628 [The amendment of Mr. Nadler follows:]

2629 ***** COMMITTEE INSERT *****

2630 Mr. Labrador. Without objection, the amendment is
2631 considered as read and the gentleman is recognized.

2632 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman, my
2633 amendment would strike section 9 of the amendment in the
2634 nature of a substitute. Section 9 would unfairly and
2635 unreasonable limit the ability of individuals to seek
2636 asylum.

2637 Under current law, asylum may not be granted to an
2638 individual who has, quote, "firmly resettled in another
2639 country prior to arriving in the United States," unquote.

2640 By regulation, an individual is considered to be firmly
2641 resettled if that person received an offer of permanent
2642 residence, citizenship, or some other permanent status from
2643 that third country.

2644 In other words, if someone leaves a country of
2645 persecution, stops in another country, he will not be
2646 granted permanent asylum here if that person received an
2647 offer of permanent residence, citizenship, or some other
2648 permanent status from the country in the middle.

2649 The bill, however, modifies this provision to declare
2650 that one will be deemed firmly resettled in the other
2651 country if the individual can live in that country, quote,
2652 "in any legal status without fear of persecution," close
2653 quote. While this may sound reasonable, it could leave
2654 thousands of people in a state of legal limbo with no

2655 country willing to accept them on a permanent legal basis.

2656 Many asylum seekers arrive in the United States by way
2657 of another country are often obtaining temporary status in
2658 that other country as they pass through. Even if they are
2659 permitted to live there permanently, this status frequently
2660 does not include authorization to work, the right to move
2661 freely within that country, access to public benefits, or
2662 the right to leave and re-enter the country at will.

2663 Without these basic rights, it is absurd to consider
2664 them firmly resettled. Under this legislation, however,
2665 even that minimal legal status would make such individuals
2666 categorically ineligible for asylum. An immigration judge
2667 would be prevented from even considering asylum application,
2668 no matter how strong the claim of persecution in the home
2669 country.

2670 And although this bill pertains to asylum seekers, this
2671 provision amends a section of law that would seemingly apply
2672 to refugees as well. Since nearly all refugees pass through
2673 another country while awaiting approval to enter the United
2674 States, this provision would nearly shut down the Refugee
2675 Resettlement Program altogether.

2676 Furthermore, the bill does not require that the passed-
2677 through country actually be willing to accept the return of
2678 the individual if asylum is denied on the basis of firm
2679 resettlement. Consequently, we could end up in a game of

2680 refugee ping-pong. We can secure a final order of
2681 deportation against an asylum seeker but have no realistic
2682 ability to return them to their home country without
2683 threatening their life and find no other country willing to
2684 accept them on a permanent basis.

2685 This provision would leave many asylum seekers and
2686 refugees stateless and in legal purgatory with no legal
2687 residence at all. They would be in a state of limbo with no
2688 prospects for a durable solution in any country, and no
2689 secure future for themselves and for their children. That
2690 is not just irrational, it is inhumane.

2691 Over the last few months, this committee has considered
2692 bill after bill that would impose harsh restrictions on
2693 individuals fleeing unimaginable horrors in their home
2694 countries. These people seek the protection of the United
2695 States as historically provided to those in need, but the
2696 majority would have us turn our backs on them instead.

2697 I urge my colleagues to oppose the underlying bill and
2698 particularly to support this amendment which would retain
2699 current law and would avoid leaving in limbo large numbers
2700 of people who would otherwise have a legitimate claim in the
2701 U.S. We should not leave people with no legal right to be
2702 in any state permanently, which this provision would do, I
2703 assume, without proper consideration by the authors, because
2704 I had kind of assumed that was its intent.

2705 I urge the adoption of my amendment and I yield the
2706 balance of my time.

2707 Mr. Labrador. For what purpose does the gentleman from
2708 Louisiana wish to be recognized?

2709 Mr. Johnson of Louisiana. Mr. Chairman, I oppose this
2710 amendment.

2711 Mr. Labrador. The gentleman is recognized.

2712 Mr. Johnson of Louisiana. Under current law, an
2713 applicant is ineligible for asylum if the applicant, quote,
2714 "was firmly resettled in another country prior to arriving
2715 in the United States," unquote.

2716 However, pursuant to regulation, an alien is considered
2717 to be firmly resettled only if he or she receives an offer
2718 of permanent resident status, citizenship, or some other
2719 type of permanent resettlement.

2720 H.R. 391 clarifies that firm resettlement is
2721 established in another country if the alien can live in that
2722 country with any legal status without fear of persecution.
2723 The alien can rebut the indication of firm resettlement by
2724 showing a lack of legal status in that country.

2725 This provision is designed to limit asylum to those
2726 actually fleeing persecution and not those simply seeking
2727 the most advantageous country to which to immigrate.

2728 The amendment strikes this common sense provision, and
2729 for that reason I urge my colleagues to oppose the

2730 amendment, and I yield back.

2731 Mr. Labrador. The question is on the amendment to the
2732 amendment's nature --

2733 Ms. Lofgren. Mr. Chairman? I move to strike the last
2734 word.

2735 Mr. Labrador. The gentlelady is recognized.

2736 Ms. Lofgren. I think that the gentleman from Louisiana
2737 is incorrect, because I think the effect of this would be to
2738 prevent the asylum applicant from even applying, and they
2739 would not have the opportunity to rebut the resettlement
2740 issue that the gentleman referenced, because they would not
2741 be eligible to apply at all, and I think that creates a big
2742 problem.

2743 I think we are much better off sticking with the law
2744 that is firmly established under many court cases and is
2745 part of international law than to make this rather
2746 significant departure from the law.

2747 For example, if you had a Congolese refugee that was
2748 residing in Rwanda temporarily, because they are in the
2749 UNHCR process and they are in a refugee camp -- this is a
2750 lot of people in that situation -- the fact that they are in
2751 Rwanda would prevent them from applying for asylum or
2752 refugee status because they can stay there. And they would
2753 not have the opportunity to rebut because they are never
2754 eligible to make the application. I think it is a problem.

2755 I am sure it is not intended, but it is a problem. And I
2756 yield to the gentleman from New York.

2757 Mr. Nadler. Thank you. I thank the gentlelady for
2758 yielding and I would like to reply to what the gentleman
2759 from Louisiana said. He said you would have to have status
2760 in the third country. But status means they are permitted
2761 to live there. In many countries, it does not mean that
2762 they are authorized to work at all. It does not mean they
2763 have the right to move freely within that country. It may
2764 not mean they have the right to access to public benefits,
2765 and it may not mean they have the right to leave or reenter
2766 that country. And surely, without these basic rights, it is
2767 absurd to consider them firmly resettled.

2768 Someone who will not be expelled from a country but
2769 cannot work, cannot become a citizen, cannot have access to
2770 public benefits, cannot move around freely, cannot leave or
2771 come in, and cannot work should not be considered having
2772 permanently resettled there so as to bar them from asylum
2773 here. That is the -- I yield to the gentlelady.

2774 Ms. Lofgren. And if I may reclaim my time, if you
2775 think about it, this really puts the United States out of
2776 the refugee resettlement business, for the most part,
2777 because most of the refugees that are coming are coming in
2778 from refugee camps. Half of them are coming from Africa,
2779 where the U.N. is running the refugee camps. And the

2780 process is this -- you flee, you are in the refugee camp --
2781 I mean, usually for a long period of time. There is the
2782 U.N. -- and they are the experts in refugee status -- they
2783 screen the refugees to see whether they meet the
2784 requirements of the U.N. refugee program.

2785 And right now, the major requirements are you have, you
2786 know, a severe health problem, you are particularly
2787 vulnerable. And only at that point are you referred to the
2788 U.S. refugee program for screening, which takes usually, you
2789 know, 2, 3, or 4 years.

2790 If you are there for 2, 3, 4 years in the refugee camp
2791 -- and you are probably there for 5 years before that --
2792 clearly, under the bill, you are not even eligible because
2793 you are resettled, even though you are just in a camp. And
2794 so, I think this would put us out of the refugee business.
2795 I do not think that is a good idea. It may not be what is
2796 intended, but I think that would be the impact of the bill.
2797 Unless Mr. Nadler has additional comments, I would yield
2798 back.

2799 Mr. Johnson of Louisiana. Would the gentlelady yield
2800 just for a moment?

2801 Ms. Lofgren. Of course.

2802 Mr. Johnson of Louisiana. I appreciate you yielding.
2803 I will give you the nod as the expert in immigration law. I
2804 was a constitutional law litigator. As it was pointed out,

2805 I am not one of the four immigration lawyers in Congress.

2806 I suspect that 50 percent of those four immigration
2807 lawyers, though, are going to oppose this amendment. And I
2808 think the reason is -- as was stated a moment ago -- that,
2809 somehow, we would deny the right to a hearing to those
2810 claiming refugee status. But my appreciation and
2811 understanding of the operation of the law in this area is
2812 that a hearing is effectively automatic.

2813 You request a hearing and you get one. You get here.
2814 Someone makes the determination, whether you can remain.
2815 And so, all we are saying here is let's clear up the
2816 standard and make sure that it is not abused.

2817 Ms. Lofgren. Reclaiming my time. The point I am
2818 making is this appears to apply to the refugee program in
2819 additional to asylum. You would never get into the program,
2820 because under this state, you would be resettled and there
2821 would be no refugee program.

2822 Mr. Labrador. The gentlelady's time has expired. I
2823 yield myself 5 minutes, and I yield my time to the gentleman
2824 from Louisiana.

2825 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I
2826 just, again, oppose the amendment because I think it goes a
2827 little too far. What we are trying to do here is clarify
2828 the abuses of the program. We have received insight from
2829 across the board on this bill, including immigration judges

2830 and officials in the field. And they are the ones that have
2831 suggested to us that this has become a real problem. So,
2832 that is the reason for the bill in its current form. And
2833 for that reason, I oppose the amendment. I yield back.

2834 Mr. Conyers. Mr. Chairman?

2835 Mr. Labrador. For what purpose does the gentleman wish
2836 to --

2837 Mr. Conyers. I wish to strike the requisite number of
2838 words.

2839 Mr. Labrador. The gentleman is recognized.

2840 Mr. Conyers. And I would yield to the gentleman from
2841 New York, Mr. Nadler.

2842 Mr. Nadler. I thank the gentleman for yielding. I
2843 would point out that the gentleman from Louisiana did not
2844 answer any of the problems of the argument. The fact of the
2845 matter is, it is apparently undisputed that this amendment
2846 would mean that no one could apply for asylum here if he
2847 were in a foreign country without the right to work, without
2848 the right to become a citizen there, without the right to
2849 move freely about, without the right to enter and leave that
2850 country, number one. And that is hardly what we would call
2851 permanently resettled.

2852 Number two, it would, as the gentlelady from California
2853 said, essentially end our refugee program. I doubt that is
2854 the intention of the provision, but that is what it would

2855 do. First of all, you would not get a hearing, very often,
2856 as the gentlelady from California said. But even if you
2857 did, if the standard of the bill is that you are permanently
2858 resettled, as long as they are not going to kick you out of
2859 that other country, basically, as long as you can be there,
2860 even though you cannot work, even though you have no
2861 citizenship rights and cannot ever become a citizen, even
2862 though you have no right to move around freely, then no
2863 refugee will be considered, number one. The refugee program
2864 is over. And number two, it is not right as a matter of
2865 asylum.

2866 It probably contravenes all kinds of international law.
2867 But it certainly contravenes our general idea because we are
2868 saying that a person is permanently resettled who has no
2869 rights at all except to stay there. And I doubt that that
2870 was what was intended. But it is what the bill does. And I
2871 think this amendment should be accepted. And if you want to
2872 rewrite a more limited provision on the way to the floor,
2873 that might be okay. But clearly, this probably goes a lot
2874 farther than was intended. I assume the intent was not to
2875 end the refugee program. The intent was not to establish a
2876 class of permanently stateless people with no rights in
2877 foreign countries.

2878 Mr. Johnson of Louisiana. Would the gentleman yield
2879 just a moment?

2880 Mr. Nadler. Sure.

2881 Mr. Johnson of Louisiana. The refugee statute is a
2882 separate section of law. We are dealing with the asylum
2883 statutes. And so, it does not apply. All the experts that
2884 I have spoken to in the field, practitioners and --

2885 Mr. Nadler. Reclaiming my time for just a second. The
2886 refugee program uses the same section of law. And
2887 therefore, whether you are intending it or not, you are
2888 affecting it and effectively ending it. And I will yield
2889 back to the gentleman from Louisiana if he wants to
2890 continue. Mr. Johnson of Louisiana. Well, there is two
2891 distinct sections in law, section 207 and 208. And so, what
2892 we are dealing with is one and not the other. And so, for
2893 that reason, I oppose the amendment.

2894 Mr. Nadler. I reclaim my time. But this is the only
2895 place where "firmly resettled" is defined, and it applies to
2896 the refugee program as well as here. So, this provision,
2897 without amendment, ends the refugee program and establishes
2898 a permanent class of people who are stateless, in effect --
2899 who have the right to stay in a foreign country but no other
2900 right whatsoever: to become a citizen, to work, et cetera.
2901 And that cannot be the intent of our asylum law. I yield
2902 back.

2903 Mr. Labrador. The question is on the amendment to the
2904 amendment in the nature of a substitute.

2905 Those in favor, say aye.

2906 Those opposed, say no.

2907 In the opinion of the chair, the noes have it and the
2908 amendment is not agreed to.

2909 Mr. Labrador. A recorded vote has been requested, and
2910 the clerk will call the roll.

2911 Ms. Adcock. Mr. Goodlatte?

2912 [No response.]

2913 Mr. Sensenbrenner?

2914 [No response.]

2915 Mr. Smith?

2916 [No response.]

2917 Mr. Chabot?

2918 [No response.]

2919 Mr. Issa?

2920 [No response.]

2921 Mr. King?

2922 [No response.]

2923 Mr. Franks?

2924 Mr. Franks. No.

2925 Ms. Adcock. Mr. Franks votes no.

2926 Mr. Gohmert?

2927 Mr. Gohmert. No.

2928 Ms. Adcock. Mr. Gohmert votes no.

2929 Mr. Jordan?

2930 Mr. Jordan. No.

2931 Ms. Adcock. Mr. Jordan votes no.

2932 Mr. Poe?

2933 [No response.]

2934 Mr. Marino?

2935 Mr. Marino. No.

2936 Ms. Adcock. Mr. Marino votes no.

2937 Mr. Gowdy?

2938 [No response.]

2939 Mr. Labrador?

2940 Mr. Labrador. No.

2941 Ms. Adcock. Mr. Labrador votes no.

2942 Mr. Farenthold?

2943 [No response.]

2944 Mr. Collins?

2945 Mr. Collins. No.

2946 Ms. Adcock. Mr. Collins votes no.

2947 Mr. DeSantis?

2948 Mr. DeSantis. No.

2949 Ms. Adcock. Mr. DeSantis votes no.

2950 Mr. Buck?

2951 [No response.]

2952 Mr. Ratcliffe?

2953 [No response.]

2954 Mrs. Roby?

2955 Mrs. Roby. No.

2956 Ms. Adcock. Mrs. Roby votes no.

2957 Mr. Gaetz?

2958 Mr. Gaetz. No.

2959 Ms. Adcock. Mr. Gaetz votes no.

2960 Mr. Johnson of Louisiana?

2961 Mr. Johnson of Louisiana. No.

2962 Ms. Adcock. Mr. Johnson votes no.

2963 Mr. Biggs?

2964 [No response.]

2965 Mr. Rutherford?

2966 Mr. Rutherford. No.

2967 Ms. Adcock. Mr. Rutherford votes no.

2968 Mrs. Handel? Mrs. Handel votes no.

2969 Mr. Conyers?

2970 Mr. Conyers. Aye.

2971 Ms. Adcock. Mr. Conyers votes aye.

2972 Mr. Nadler?

2973 Mr. Nadler. Aye.

2974 Ms. Adcock. Mr. Nadler votes aye.

2975 Ms. Lofgren?

2976 Ms. Lofgren. Aye.

2977 Ms. Adcock. Ms. Lofgren votes aye.

2978 Ms. Jackson Lee?

2979 [No response.]

2980 Mr. Cohen?
2981 [No response.]
2982 Mr. Johnson of Georgia?
2983 [No response.]
2984 Mr. Deutch?
2985 [No response.]
2986 Mr. Gutierrez?
2987 [No response.]
2988 Ms. Bass?
2989 [No response.]
2990 Mr. Richmond?
2991 [No response.]
2992 Mr. Jeffries?
2993 [No response.]
2994 Mr. Cicilline?
2995 Mr. Cicilline. Aye.
2996 Ms. Adcock. Mr. Cicilline votes aye.
2997 Mr. Swalwell?
2998 [No response.]
2999 Mr. Lieu?
3000 Mr. Lieu. Aye.
3001 Ms. Adcock. Mr. Lieu votes aye.
3002 Mr. Raskin?
3003 Mr. Raskin. Aye.
3004 Ms. Adcock. Mr. Raskin votes aye.

3005 Ms. Jayapal?

3006 Ms. Jayapal. Aye.

3007 Ms. Adcock. Ms. Jayapal votes aye.

3008 Mr. Schneider?

3009 Mr. Schneider. Aye.

3010 Ms. Adcock. Mr. Schneider votes aye.

3011 Mr. Labrador. Are there any other members who wish to

3012 be recorded? The gentleman from Iowa?

3013 Mr. Chabot. Ohio.

3014 Mr. Labrador. Ohio, sorry.

3015 Mr. Chabot. No.

3016 Ms. Adcock. Mr. Chabot votes no.

3017 Mr. Labrador. Mr. Chairman?

3018 Chairman Goodlatte. No.

3019 Ms. Adcock. Mr. Goodlatte votes no.

3020 Mr. Labrador. The gentleman from Colorado?

3021 Mr. Buck. No.

3022 Ms. Adcock. Mr. Buck votes no.

3023 Mr. Labrador. The clerk will report.

3024 Ms. Adcock. Mr. Chairman, 8 members voted aye; 15

3025 members voted no.

3026 Mr. Labrador. The noes have it, and the amendment is

3027 not agreed to.

3028 Are there any other amendments to the amendment?

3029 Ms. Jayapal. Mr. Chairman, I have an amendment at the

3030 desk.

3031 Mr. Labrador. The clerk will report.

3032 Ms. Adcock. Amendment to the amendment in the nature
3033 of a substitute to H.R. 391, offered by Ms. Jayapal. Add at
3034 the end the following --

3035 [The amendment of Ms. Jayapal follows:]

3036 ***** COMMITTEE INSERT *****

3037 Mr. Jordan. Mr. Chairman? I reserve a point of order.

3038 Mr. Labrador. The point of order is reserved. Without
3039 objection the amendment is considered as read and the
3040 gentlewoman from Washington is recognized.

3041 Ms. Jayapal. Thank you, Mr. Chairman. Several recent
3042 human rights reports reveal that under the Trump
3043 administration, Customs and Border Protection personnel have
3044 turned away asylum seekers who request protection at land
3045 border ports of entry in violation of the law. My amendment
3046 makes it clear that any CBP officer or agent who turns away
3047 an asylum seeker at the border in violation of the law shall
3048 be referred to the Office of Professional Responsibility and
3049 the DHS Office of Civil Rights and Civil Liberties.

3050 As I mentioned, there are recent reports that indicate
3051 that this has been happening to numerous vulnerable asylum
3052 seekers requesting protection at U.S. ports of entry. In
3053 May of 2017, Human Rights First documented in their report,
3054 Crossing the Line, 125 incidents where asylum seekers were
3055 denied full access to the U.S. asylum process.

3056 And just this month, the American Immigration Council
3057 and others filed a class-action lawsuit challenging CBP's
3058 continued practice of turning back asylum seekers requesting
3059 protection at ports of entry. Unfortunately, the anti-
3060 immigrant rhetoric that has been happening has seemed to
3061 embolden the CBP practice.

3062 In Texas, the CBP officer allegedly told an asylum
3063 seeker from Central America, "Trump says we do not have to
3064 let you in." And another one reportedly stated that "Donald
3065 Trump just signed new law saying that there is no asylum for
3066 anyone."

3067 We have heard repeated reports of CBP officers turning
3068 back asylum seekers, often using threats, intimidation,
3069 coercion, and verbal and physical abuse. We have also heard
3070 CBP turning away asylum seekers through verbal and physical
3071 abuse. CBP reportedly threw an asylum seeker's 6-year-old
3072 daughter to the ground, held a gun to the back of an asylum
3073 seeker and compelled her to leave the port of entry, and
3074 knocked a transgender asylum seeker on the floor and then
3075 stepped on her neck.

3076 Mr. Chairman, I seek unanimous consent to enter into
3077 the record a transcript of a recording of CBP agents turning
3078 away asylum seekers at the border.

3079 Mr. Labrador. Without objection.

3080 [The information follows:]

3081 ***** COMMITTEE INSERT *****

3082 Ms. Jayapal. Thank you, Mr. Chairman. Such turn-backs
3083 often result in the return of asylum seekers to grave
3084 danger. For example, the class-action lawsuit details a
3085 story of Carolina Doe, a mother of three who resided in
3086 Mexico. Her brother-in-law was kidnapped and dismembered
3087 there by a Mexican drug cartel.

3088 Carolina's family was then targeted and threatened with
3089 death. She and her children fled to the San Ysidro port of
3090 entry and requested asylum. However, CBP officials coerced
3091 her to recant her statement of fear of video and signed a
3092 form falsely indicating that she and her children were not
3093 afraid of returning to their home country. These CBP
3094 actions forced the family's return to Mexico, where they
3095 have suffered the death threat and where they now fear for
3096 their lives.

3097 Mr. Chairman, I would argue that these turn-backs are
3098 not only unconscionable. They may violate U.S. and
3099 international law. They violate INA 208(a)(1), which
3100 guarantees the right of any individual present within the
3101 United States or arriving at a U.S. port of entry to apply
3102 for asylum. CBP officers lack authority to assess the
3103 protection claims of asylum seekers or summarily turn them
3104 away to Mexico.

3105 Rather, when an arriving individual is found
3106 inadmissible but indicates an intention to apply for asylum

3107 or expresses a fear of persecution, Customs and Border
3108 Protection must either refer the individual to an asylum
3109 officer -- who is trained to do a credible fear interview
3110 within the context of an expedited removal proceeding -- or
3111 place the individual into removal proceedings.

3112 Regulations note that CBP, quote, "shall not proceed
3113 further," with the removal of an asylum seeker placed in
3114 expedited removal proceedings until referral to an asylum
3115 officer. Also, these turnbacks may violate the principle of
3116 nonrefoulement, as articulated in Article 33 of the 1951
3117 Refugee Convention.

3118 This principle prohibits the return of asylum seekers
3119 to a country where their lives or freedom would be
3120 threatened on account of a protected ground such as the
3121 return of a Mexican asylum seeker to his or own persecution
3122 in Mexico. This principle was enshrined in U.S. law when
3123 the United States signed the 1967 protocol relating to the
3124 status of refugees, which incorporated Article 33 of the
3125 Refugee Convention.

3126 My amendment makes it clear that this administration --
3127 any administration -- may not turn away arriving asylum
3128 seekers without granting them appropriate access to the
3129 credible fear process. It puts into statute that DHS may
3130 not turn back an arriving asylum seeker subject to expedited
3131 removal without first granting that individual's access to

3132 the credible fear process.

3133 It also provides consequences for any illegal action by
3134 a CBP officer or agent operating in violation of the law.
3135 This is simply about accountability and ensuring that CBP
3136 officers follow our laws. And I hope that all of my
3137 colleagues on both sides will support my amendment. Thank
3138 you, Mr. Chairman. I yield back.

3139 Mr. Labrador. The gentleman's point of order?

3140 Mr. Jordan. Yes, Mr. Chairman. The amendment falls
3141 within the --

3142 Mr. Labrador. The gentleman is recognized.

3143 Mr. Jordan. Yeah. Thank you. The amendment falls
3144 within the jurisdiction of the Homeland Security Committee.
3145 They did not receive this bill. Therefore, unfortunately,
3146 it is not germane.

3147 Mr. Labrador. Does the gentlelady from Washington wish
3148 to speak on the germaneness issue?

3149 Ms. Jayapal. She does.

3150 Mr. Labrador. The gentlelady is recognized.

3151 Ms. Jayapal. Mr. Chairman, I do not understand the
3152 objection, because at a minimum, both CBP and DHS would have
3153 jurisdiction over this issue. We are talking about how we
3154 turn back and how we approach asylum seekers at the border.
3155 This appears very germane to me, and I do not see any reason
3156 why this would not be considered that way. We are

3157 specifically dealing with the behavior of CBP officers at
3158 the border as it pertains to asylum seekers. This entire
3159 bill is about asylum seekers. And so, again, I would argue
3160 that this is, in fact, extremely germane.

3161 Mr. Cicilline. Point of parliamentary inquiry?

3162 Ms. Jayapal. Just one second, Mr. Chairman.

3163 Mr. Labrador. I am prepared to rule on the point of
3164 order.

3165 Ms. Jayapal. I yield to the gentleman from Rhode
3166 Island.

3167 Mr. Cicilline. I would just say, Mr. Chairman, that
3168 the language that has been proffered in this amendment
3169 refers the officer agent for further investigation with the
3170 Office of Professional Responsibility of Customs and Border
3171 Patrol and the Office of Civil Rights and Civil Liberties of
3172 the Department of Homeland Security. So, it would seem to
3173 me that there is joint jurisdiction between this committee
3174 and Homeland Security. We have not surrendered our
3175 jurisdiction with respect to Customs and Border Protection.

3176 Mr. Labrador. So I am prepared to rule on the point of
3177 order. The Homeland Security Committee has not received a
3178 referral of this amendment. That is the proper rule of
3179 germaneness. And therefore, I find that the amendment is
3180 not germane.

3181 Mr. Cicilline. I appeal the ruling of the chair.

3182 Mr. Jordan. Mr. Chairman, I move to table to appeal of
3183 the ruling of the chair.

3184 Mr. Cicilline. We still can put a vote.

3185 Ms. Jayapal. We still get to vote on it.

3186 Mr. Labrador. All those in favor, say aye.

3187 All those opposed, say nay.

3188 The ayes have it.

3189 Mr. Cicilline. I ask for a recorded vote.

3190 Mr. Labrador. A recorded vote having been called, the
3191 clerk will call the roll.

3192 Chairman Goodlatte. Aye.

3193 Ms. Adcock. Mr. Goodlatte votes aye.

3194 Mr. Sensenbrenner?

3195 [No response.]

3196 Mr. Smith?

3197 [No response.]

3198 Mr. Chabot?

3199 [No response.]

3200 Mr. Issa?

3201 [No response.]

3202 Mr. King?

3203 [No response.]

3204 Mr. Franks?

3205 Mr. Franks. Aye.

3206 Ms. Adcock. Mr. Franks votes aye.

3207 Mr. Gohmert?

3208 Mr. Gohmert. Aye.

3209 Ms. Adcock. Mr. Gohmert votes aye.

3210 Mr. Jordan?

3211 Mr. Jordan. Yes.

3212 Ms. Adcock. Mr. Jordan votes Yes.

3213 Mr. Poe?

3214 [No response.]

3215 Mr. Marino?

3216 [No response.]

3217 Mr. Gowdy?

3218 [No response.]

3219 Mr. Labrador?

3220 Mr. Labrador. Yes.

3221 Ms. Adcock. Mr. Labrador votes yes.

3222 Mr. Farenthold?

3223 [No response.]

3224 Mr. Collins?

3225 Mr. Collins. Yes.

3226 Ms. Adcock. Mr. Collins votes yes.

3227 Mr. DeSantis?

3228 Mr. DeSantis. Yes.

3229 Ms. Adcock. Mr. DeSantis votes yes.

3230 Mr. Buck?

3231 Mr. Buck. Aye.

3232 Ms. Adcock. Mr. Buck votes aye.

3233 Mr. Ratcliffe?

3234 [No response.]

3235 Mrs. Roby?

3236 Mrs. Roby. Aye.

3237 Ms. Adcock. Mrs. Roby votes aye.

3238 Mr. Gaetz?

3239 Mr. Gaetz. Aye.

3240 Ms. Adcock. Mr. Gaetz votes aye.

3241 Mr. Johnson of Louisiana?

3242 Mr. Johnson of Louisiana. Aye.

3243 Ms. Adcock. Mr. Johnson votes aye.

3244 Mr. Biggs?

3245 [No response.]

3246 Mr. Rutherford?

3247 Mr. Rutherford: Aye.

3248 Ms. Adcock. Mr. Rutherford votes aye.

3249 Mrs. Handel?

3250 Mrs. Handel. Aye.

3251 Ms. Adcock. Mrs. Handel votes aye.

3252 Mr. Conyers?

3253 Mr. Conyers. No.

3254 Ms. Adcock. Mr. Conyers votes no.

3255 Mr. Nadler?

3256 [No response.]

3257 Ms. Lofgren?
3258 [No response.]
3259 Ms. Jackson Lee?
3260 [No response.]
3261 Mr. Cohen?
3262 [No response.]
3263 Mr. Johnson of Georgia?
3264 [No response.]
3265 Mr. Deutch?
3266 [No response.]
3267 Mr. Gutierrez?
3268 [No response.]
3269 Ms. Bass?
3270 [No response.]
3271 Mr. Richmond?
3272 [No response.]
3273 Mr. Jeffries?
3274 [No response.]
3275 Mr. Cicilline?
3276 Mr. Cicilline. No.
3277 Ms. Adcock. Mr. Cicilline votes no.
3278 Mr. Swalwell?
3279 [No response.]
3280 Mr. Lieu?
3281 Mr. Lieu. No.

3282 Ms. Adcock. Mr. Lieu votes no.

3283 Mr. Raskin?

3284 Mr. Raskin. No.

3285 Ms. Adcock. Mr. Raskin votes no.

3286 Ms. Jayapal?

3287 Ms. Jayapal. No.

3288 Ms. Adcock. Ms. Jayapal votes no.

3289 Mr. Schneider?

3290 Mr. Schneider. No.

3291 Ms. Adcock. Mr. Schneider votes no.

3292 Mr. Labrador. Mr. Chabot?

3293 Mr. Chabot. Aye.

3294 Ms. Adcock. Mr. Chabot votes aye.

3295 Mr. Labrador. Mr. Marino?

3296 Mr. Marino. Yes.

3297 Ms. Adcock. Mr. Marino votes yes.

3298 Mr. Labrador. Anybody else wish to be recorded? The

3299 clerk will report.

3300 Ms. Adcock. Mr. Chairman, 15 members voted aye; 6

3301 members voted no.

3302 Mr. Labrador. The ayes have it, and the appeal is

3303 tabled. Are there any other amendments to the amendment?

3304 Mr. Raskin. Mr. Chairman?

3305 Mr. Labrador. For what purpose does the gentleman wish

3306 to be recognized?

3307 Mr. Raskin. I have an amendment at the desk.

3308 Mr. Labrador. The clerk will report the amendment.

3309 Ms. Adcock. There is two. I have two. What number is

3310 it? Amendment to the amendment in the nature of a

3311 substitute to H.R. 391, offered by Mr. Raskin. Strike

3312 section 12.

3313 [The amendment of Mr. Raskin follows:]

3314 ***** COMMITTEE INSERT *****

3315 Mr. Labrador. Without objection, the amendment is
3316 recognized as read and the gentleman is recognized.

3317 Mr. Raskin. Thank you very kindly, Mr. Chairman. This
3318 amendment would strike the provision that removes oral
3319 warnings for filing frivolous asylum applications, striking
3320 section 12 from the bill.

3321 So, as currently drafted, section 12 removes the
3322 requirement in law that asylum officers provide an oral
3323 warning to asylum applicants. Instead, asylum applicants
3324 now would be left only with a written warning in English.
3325 The problem, of course, is that the majority of bona fide
3326 valid asylum seekers do not speak, read, or write fluent
3327 English. An oral warning allows the asylum officer to use
3328 an interpreter to translate the warning into the language
3329 that the applicant can fully understand.

3330 So, to safeguard against their legal and linguistic
3331 vulnerabilities, current law requires that asylum applicants
3332 receive at a minimum three warnings regarding the
3333 consequences of filing false information: a written warning
3334 in English on the I-589 form, an oral warning translated
3335 into a language that the applicant understands -- either
3336 during the asylum interview or during the Immigration Court
3337 hearing -- and then by notarios, who are legally required to
3338 swear that they advised the applicant of the consequences in
3339 a language that they can understand.

3340 The oral warning, Mr. Chairman, of course, is more
3341 effective, because most asylum applicants do not speak or
3342 read English, and the oral warning is translated into the
3343 native language of the applicant by the interpreter during
3344 the asylum interview or Immigration Court hearing.

3345 So I do not know if this was, you know, an accidental,
3346 inadvertent change within the law. But I definitely think
3347 that we should restore the status quo so that oral warnings
3348 are given, so people know fully what is expected of them and
3349 what the consequences are of filing a false or frivolous
3350 asylum application.

3351 Mr. Labrador. For what purpose does the gentleman from
3352 Louisiana wish to be recognized?

3353 Mr. Johnson of Louisiana. Mr. Chairman, I oppose the
3354 amendment.

3355 Mr. Labrador. The gentleman is recognized.

3356 Mr. Johnson of Louisiana. Thank you. This provision
3357 simply states, as the Board of Immigration Appeals has
3358 ruled, that the notice contained in the asylum applications
3359 is signed under oath by the applicant and constitutes
3360 adequate notice of the repercussions of filing a frivolous
3361 asylum application. Though the BIA and courts have ruled
3362 such advisals are adequate, some have argued otherwise.

3363 Without this provision, aliens committing asylum fraud
3364 would be able to escape any repercussions of the fraud if

3365 they were discovered before being provided with oral
3366 advisals and taking the oath. It is crucial that this
3367 Congress combat fraud at every level. And we have openly
3368 discussed that here this morning in bipartisan fashion.

3369 Written advisals on the asylum application itself
3370 provide an alien with the knowledge, at the beginning of the
3371 process, of what may occur should the claim be called
3372 fraudulent or frivolous. This is an important deterrent
3373 against frivolity in the asylum process, and that is
3374 acknowledged to be a real problem. The amendment strikes
3375 this provision. So, I urge my colleagues to oppose the
3376 amendment and yield back the balance of my time.

3377 Mr. Labrador. Will the gentleman yield?

3378 Mr. Johnson of Louisiana. I would be happy to.

3379 Mr. Labrador. You know, I am not sure if the maker of
3380 this amendment understands the implications or ramifications
3381 of this amendment. But apparently, he is conceding that the
3382 people who are applying for asylum are, in fact, not reading
3383 their applications, which is the whole purpose of this
3384 hearing, is to make sure that they are reading the
3385 applications and they are not filing frivolous suits.

3386 By your argument, you just conceded that these people
3387 are not reading their applications; that somebody else is
3388 filling them out for them and putting information into their
3389 applications. And for that, I think that should be opposed

3390 as well.

3391 The question is on the amendment to the amendment.

3392 Those in favor, say aye.

3393 Those opposed, say no.

3394 In the opinion of the chair, the noes have it and the

3395 amendment is not agreed to. Are there any other --

3396 Mr. Raskin. A recorded vote, please, Mr. Chair.

3397 Mr. Labrador. A recorded vote has been requested and

3398 the clerk will call the roll.

3399 Ms. Adcock. Mr. Goodlatte?

3400 [No response.]

3401 Mr. Sensenbrenner?

3402 [No response.]

3403 Mr. Smith?

3404 [No response.]

3405 Mr. Chabot?

3406 [No response.]

3407 Mr. Issa?

3408 [No response.]

3409 Mr. King?

3410 [No response.]

3411 Mr. Franks?

3412 Mr. Franks. No.

3413 Ms. Adcock. Mr. Franks votes no.

3414 Mr. Gohmert?

3415 Mr. Gohmert. No.

3416 Ms. Adcock. Mr. Gohmert votes no.

3417 Mr. Jordan?

3418 Mr. Jordan. No.

3419 Ms. Adcock. Mr. Jordan votes no.

3420 Mr. Poe?

3421 [No response.]

3422 Mr. Marino?

3423 [No response.]

3424 Mr. Gowdy?

3425 [No response.]

3426 Mr. Labrador?

3427 Mr. Labrador. No.

3428 Ms. Adcock. Mr. Labrador votes no.

3429 Mr. Farenthold?

3430 [No response.]

3431 Mr. Collins?

3432 Mr. Collins. No.

3433 Ms. Adcock. Mr. Collins votes no.

3434 Mr. DeSantis?

3435 Mr. DeSantis. No.

3436 Ms. Adcock. Mr. DeSantis votes no.

3437 Mr. Buck?

3438 Mr. Buck. No.

3439 Ms. Adcock. Mr. Buck votes no.

3440 Mr. Ratcliffe?
3441 [No response.]
3442 Mrs. Roby?
3443 Mrs. Roby. No.
3444 Ms. Adcock. Mrs. Roby votes no.
3445 Mr. Gaetz?
3446 Mr. Gaetz. No.
3447 Ms. Adcock. Mr. Gaetz votes no.
3448 Mr. Johnson of Louisiana?
3449 Mr. Johnson of Louisiana. No.
3450 Ms. Adcock. Mr. Johnson votes no.
3451 Mr. Biggs?
3452 [No response.]
3453 Mr. Rutherford?
3454 [No response.]
3455 Mrs. Handel?
3456 Mrs. Handel. No.
3457 Ms. Adcock. Mrs. Handel votes no.
3458 Mr. Conyers?
3459 Mr. Conyers. Aye.
3460 Ms. Adcock. Mr. Conyers votes aye.
3461 Mr. Nadler?
3462 [No response.]
3463 Ms. Lofgren?
3464 [No response.]

3465 Ms. Jackson Lee?
3466 [No response.]
3467 Mr. Cohen?
3468 [No response.]
3469 Mr. Johnson of Georgia?
3470 [No response.]
3471 Mr. Deutch?
3472 [No response.]
3473 Mr. Gutierrez?
3474 [No response.]
3475 Ms. Bass?
3476 [No response.]
3477 Mr. Richmond?
3478 [No response.]
3479 Mr. Jeffries?
3480 [No response.]
3481 Mr. Cicilline?
3482 Mr. Cicilline. Aye.
3483 Ms. Adcock. Mr. Cicilline votes aye.
3484 Mr. Swalwell?
3485 [No response.]
3486 Mr. Lieu?
3487 Mr. Lieu. Aye.
3488 Ms. Adcock. Mr. Lieu votes aye.
3489 Mr. Raskin?

3490 Mr. Raskin. Aye.

3491 Ms. Adcock. Mr. Raskin votes aye.

3492 Ms. Jayapal?

3493 Ms. Jayapal. Aye.

3494 Ms. Adcock. Ms. Jayapal votes aye.

3495 Mr. Schneider?

3496 Mr. Schneider. Aye.

3497 Ms. Adcock. Mr. Schneider votes aye.

3498 Chairman Goodlatte. The chair votes no.

3499 Ms. Adcock. Mr. Goodlatte votes no.

3500 Chairman Goodlatte. The gentleman from Ohio?

3501 Mr. Chabot. No.

3502 Ms. Adcock. Mr. Chabot votes no.

3503 Chairman Goodlatte. The gentleman from Pennsylvania?

3504 Mr. Marino. No.

3505 Ms. Adcock. Mr. Marino votes no.

3506 Chairman Goodlatte. Has every member votes who wishes

3507 to vote? The clerk will report.

3508 Ms. Adcock. Mr. Chairman, 6 members voted aye; 14

3509 members voted no.

3510 Chairman Goodlatte. And the amendment is not agreed

3511 to.

3512 Mr. Schneider. Mr. Chairman?

3513 Chairman Goodlatte. For what purpose does the

3514 gentleman from Illinois seek recognition?

3515 Mr. Schneider. I have an amendment at the desk.

3516 Chairman Goodlatte. The clerk will report the

3517 amendment.

3518 Ms. Adcock. Amendment to the amendment in the nature

3519 of a substitute to H.R. --

3520 [The amendment of Mr. Schneider follows:]

3521 ***** COMMITTEE INSERT *****

3522 Chairman Goodlatte. Without objection, the amendment
3523 is considered as read and the gentleman is recognized for 5
3524 minutes on his amendment.

3525 Mr. Schneider. Thank you, Mr. Chairman. I would like
3526 to echo the comments of my colleagues in opposition to this
3527 legislation, which I fear would deal a negative blow to our
3528 Nation's legacy as a beacon of hope for oppressed people
3529 around the world. Already, this administration has pursued
3530 policies contrary to our national values, like the ban on
3531 entry from certain Muslim majority countries and the pausing
3532 of acceptance of refugees. These policies serve no
3533 legitimate national security purpose. Rather, they are
3534 about politics.

3535 I view this bill, H.R. 391, which would fundamentally
3536 alter and weaken our asylum program, in a similar light. It
3537 would establish new evidentiary burdens that by intention
3538 are nearly impossible for many to meet and would weaken
3539 asylum claims based on gang-related persecution. Just to
3540 put this in context, my maternal grandmother came to this
3541 country as a 5-year-old girl. They, like so many others at
3542 the time, her family -- my family -- was fleeing the
3543 violence of gangs; in this case, gangs attacking Jewish
3544 communities throughout Russia and Ukraine.

3545 Earlier this year, I had the honor to befriend a young
3546 man named Raoul Ortiz. Raoul is 8 years old, but he is

3547 mature beyond his years. When we first met, he told me his
3548 story about being kidnapped by a criminal gang in Honduras
3549 when he was only 5 years old.

3550 Today, Raoul is awaiting asylum in our Nation. His
3551 hero is Abraham Lincoln. His dream is to simply have a safe
3552 and secure childhood, and then to make a positive difference
3553 in his new home, the United States. Sadly, under recent
3554 executive orders from President Trump and the directives
3555 from Secretary of Homeland Security Kelly and Attorney
3556 General Sessions, more and more asylum seekers are being
3557 persecuted for immigration offenses. Similarly, the number
3558 of first-time entrants under prosecution as well.

3559 The consequence? People attempting the legal act of
3560 seeking asylum in our country face penalties, are held in
3561 Federal prisons, and in some instances, are even deported
3562 without the opportunity to have their claims of asylum
3563 considered.

3564 In short, we are creating a Catch-22: requiring people
3565 to be in the United States to claim asylum, but prosecuting
3566 them for immigration offenses if they attempt to do. My
3567 amendment seeks to better illuminate the scope of this issue
3568 and the effects these policies have on vulnerable asylum
3569 seekers. The amendment requires the Government
3570 Accountability Office to submit a report to this committee
3571 outlining, one, the number of aliens referred through

3572 Operation Streamline who express credible fear of
3573 persecution, the number receiving interviews, and the
3574 outcome of those interview.

3575 And, two, the extent to which prioritization of
3576 immigrant crime prosecution affects and potentially diverts
3577 resources from criminal prosecution of non-immigration
3578 criminal offenses. Surely, we can all agree this is
3579 important and useful information to have. Rather than
3580 prosecuting asylum seekers, I firmly believe our resources
3581 are better spent elsewhere.

3582 In fiscal year 2016, prosecutions for legal reentry and
3583 other immigration-related violations constituted 50 percent
3584 of all Federal prosecutions. We should be focusing on
3585 prosecution members of criminal enterprises engaged in
3586 smuggling and trafficking people and on migration
3587 enforcement measures that are in line with our legal
3588 obligations on human rights and refugee protection. The
3589 United States can help vulnerable refugees and asylum
3590 seekers while at the same time protecting our borders. In
3591 fact, we have both the ability and duty to do so.

3592 While I believe the proposed legislation included in
3593 H.R. 391 is not the right way to accomplish this goal, I
3594 urge my colleagues to support my amendment, and I yield
3595 back.

3596 Chairman Goodlatte. The chair thanks the gentleman.

3597 For what purpose does the gentleman from Louisiana seek
3598 recognition?

3599 Mr. Johnson of Louisiana. Mr. Chairman, I oppose the
3600 amendment.

3601 Chairman Goodlatte. The gentleman is recognized for 5
3602 minutes.

3603 Mr. Johnson of Louisiana. Thank you. I appreciate the
3604 intent behind this and respect my colleague, but do oppose
3605 the amendment for the simple fact that we can gather this
3606 information without amending the bill in this way. I mean,
3607 these numbers could be obtained sending a letter, in my
3608 view, so I do not muddy the waters any further than they
3609 are, and for that reason, I urge my colleagues to oppose.

3610 Mr. Schneider. Will the gentleman yield?

3611 Mr. Johnson of Louisiana. I am happy to yield.

3612 Mr. Schneider. Thank you and I appreciate your
3613 remarks. While we both agree that this is important
3614 information to have, I think it is important to include it
3615 in the bill because just being able to do so just does not
3616 mean that it will get done. By having this information and
3617 having it readily available, I think it provides important
3618 content and context and I would like to keep it in.

3619 Mr. Cicilline. Mr. Chairman?

3620 Chairman Goodlatte. For what purpose does the
3621 gentleman from Rhode Island seek recognition?

3622 Mr. Cicilline. I move to strike the last word.

3623 Chairman Goodlatte. The gentleman is recognized for 5
3624 minutes.

3625 Mr. Cicilline. Thank you, Mr. Chairman. I thank the
3626 gentleman from Illinois for offering this amendment, and I
3627 would implore my colleagues on the other side of the aisle
3628 to agree to this amendment. You know, when we get to the
3629 point where we acknowledge information is relevant and
3630 useful, but we want to defeat an amendment because it is
3631 offered by a Democrat or because we can get it by way of a
3632 letter, we send the wrong message to the American people.

3633 We should be a committee that is anxious to get
3634 information, to learn as much as we can, to make decisions
3635 that are informed by good data, and if a colleague on this
3636 side of the aisle or that side of the aisle wants more
3637 information to make more thoughtful, more well-informed
3638 decisions, we should honor that request.

3639 And the notion, just as an aside, for those of us who
3640 have written many, many letters to this administration
3641 requesting lots of information, never to get a response, the
3642 sort of empty promise of "just write a letter; we will get
3643 this information" does not seem particularly helpful.

3644 So, I would implore the gentleman from Louisiana to
3645 agree to this amendment. It is simply about getting some
3646 information for us to make good, informed decisions. Do not

3647 let the American people be watching this and think "they
3648 cannot even agree that when they want to gather some
3649 relevant information they can have access to it." That is a
3650 bad message.

3651 Mr. Johnson of Louisiana. Will the gentleman yield?

3652 Mr. Cicilline. I would be honored to yield.

3653 Mr. Johnson of Louisiana. It is not a bad message
3654 because in my stated opposition I started -- you might have
3655 noticed -- by acknowledging my good colleague there and the
3656 wisdom and all of that that he carries and the good intent
3657 behind the bill. So, I did not mention anything about party
3658 affiliation. It does not have anything to do with the fact
3659 that my colleague and friend is a Democrat. It has to do
3660 with the fact that I think this is superfluous and for that
3661 reason I oppose it. It can be obtained by a letter and we
3662 are flood --

3663 Mr. Cicilline. Well --

3664 Mr. Johnson of Louisiana. Wait a minute --

3665 Mr. Cicilline. Reclaiming my time, it is hard to say
3666 it is superfluous when we do not currently have the
3667 information. You have acknowledged it is important. And
3668 the reason I suggested that maybe it had to do that it came
3669 from this side of the rostrum is that in every single
3670 amendment the Democrats have offered since I have been on
3671 this committee I can remember, they have been opposed by

3672 every single Republican. It would be nice today to send a
3673 different message to the American people and say, "You know
3674 what, here is one we can agree on." This is just gathering
3675 information.

3676 Have we gotten to the point where we will not even
3677 allow a colleague to include a request for information as
3678 part of an important issue and an important piece of
3679 legislation? You know, there used to be comedy. There used
3680 to be "of course, if this is important to you, of course Mr.
3681 Schneider will agree to it." We have gotten to the point
3682 now we cannot even agree to an amendment that says, "Give us
3683 good information?"

3684 Mr. Johnson of Louisiana. Would the gentleman yield?

3685 Mr. Cicilline. Yes, in the hopes that you are going to
3686 give me a different response.

3687 Mr. Johnson of Louisiana. As a show of civility and
3688 collegiality, I will be delighted to join Mr. Schneider in a
3689 letter that will seek this information. But we will get and
3690 obtain that information much faster than a GAO report, which
3691 usually takes a couple of years. So, with that, I still
3692 oppose the amendment.

3693 Mr. Schneider. Will the gentleman yield?

3694 Mr. Cicilline. I will yield to Mr. Schneider, of
3695 course.

3696 Mr. Schneider. Thank you, and I do appreciate the kind

3697 words from my friend from Louisiana. But I think it is
3698 important, having spent a career in business, not as a
3699 lawyer, but in business and working in the context of "what
3700 gets measured gets done," but if it is not reported on,
3701 people do not necessarily pay attention to it.

3702 I think this is important information. It will lead to
3703 better decision making. The way it is drafted, it says,
3704 "Not later than one year after the date of the enactment of
3705 this act, a report would be available." While we agree that
3706 this is important information, I hope together, not in a
3707 partisan way, but as in a way that will take us to better
3708 decisions, we can come together and support this amendment.

3709 Chairman Goodlatte. The question occurs on the
3710 amendment offered by the gentleman from Illinois.

3711 All those in favor, respond by saying aye.

3712 Those opposed, no.

3713 In the opinion of the chair, the noes have it and the
3714 amendment is not agreed to. Are there further amendments --

3715 Mr. Schneider. I ask for a vote.

3716 Chairman Goodlatte. A recorded vote is requested and
3717 the clerk will call the roll.

3718 Ms. Adcock. Mr. Goodlatte?

3719 Chairman Goodlatte. No.

3720 Ms. Adcock. Mr. Goodlatte votes no.

3721 Mr. Sensenbrenner?

3722 [No response.]

3723 Mr. Smith?

3724 [No response.]

3725 Mr. Chabot?

3726 [No response.]

3727 Mr. Issa?

3728 [No response.]

3729 Mr. King?

3730 [No response.]

3731 Mr. Franks?

3732 [No response.]

3733 Mr. Gohmert?

3734 [No response.]

3735 Mr. Jordan?

3736 Mr. Jordan. No.

3737 Ms. Adcock. Mr. Jordan votes no.

3738 Mr. Poe?

3739 [No response.]

3740 Mr. Marino?

3741 Mr. Marino. No.

3742 Ms. Adcock. Mr. Marino votes no.

3743 Mr. Gowdy?

3744 [No response.]

3745 Mr. Labrador?

3746 Mr. Labrador. No.

3747 Ms. Adcock. Mr. Labrador votes no.
3748 Mr. Farenthold?
3749 [No response.]
3750 Mr. Collins?
3751 Mr. Collins. No.
3752 Ms. Adcock. Mr. Collins votes no.
3753 Mr. DeSantis?
3754 Mr. DeSantis. No.
3755 Ms. Adcock. Mr. DeSantis votes no.
3756 Mr. Buck?
3757 Mr. Buck. No.
3758 Ms. Adcock. Mr. Buck votes no.
3759 Mr. Ratcliffe?
3760 [No response.]
3761 Mrs. Roby?
3762 Mrs. Roby. No.
3763 Ms. Adcock. Mrs. Roby votes no.
3764 Mr. Gaetz?
3765 Mr. Gaetz. No.
3766 Ms. Adcock. Mr. Gaetz votes no.
3767 Mr. Johnson of Louisiana?
3768 Mr. Johnson of Louisiana. No.
3769 Ms. Adcock. Mr. Johnson votes no.
3770 Mr. Biggs?
3771 [No response.]

3772 Mr. Rutherford?
3773 [No response.]
3774 Mrs. Handel?
3775 Mrs. Handel. No.
3776 Ms. Adcock. Mrs. Handel votes no.
3777 Mr. Conyers?
3778 Mr. Conyers. Aye.
3779 Ms. Adcock. Mr. Conyers votes aye.
3780 Mr. Nadler?
3781 [No response.]
3782 Ms. Lofgren?
3783 Ms. Lofgren. Aye.
3784 Ms. Adcock. Ms. Lofgren votes aye.
3785 Ms. Jackson Lee?
3786 [No response.]
3787 Mr. Cohen?
3788 [No response.]
3789 Mr. Johnson of Georgia?
3790 [No response.]
3791 Mr. Deutch?
3792 [No response.]
3793 Mr. Gutierrez?
3794 [No response.]
3795 Ms. Bass?
3796 [No response.]

3797 Mr. Richmond?
3798 [No response.]
3799 Mr. Jeffries?
3800 [No response.]
3801 Mr. Cicilline?
3802 Mr. Cicilline. Aye.
3803 Ms. Adcock. Mr. Cicilline votes aye.
3804 Mr. Swalwell?
3805 [No response.]
3806 Mr. Lieu?
3807 Mr. Lieu. Aye.
3808 Ms. Adcock. Mr. Lieu votes aye.
3809 Mr. Raskin?
3810 Mr. Raskin. Aye.
3811 Ms. Adcock. Mr. Raskin votes aye.
3812 Ms. Jayapal?
3813 Ms. Jayapal. Aye.
3814 Ms. Adcock. Ms. Jayapal votes aye.
3815 Mr. Schneider?
3816 Mr. Schneider. Aye, and I will also work with my
3817 colleague to write this letter, counting the votes.
3818 Ms. Adcock. Mr. Schneider votes aye.
3819 Chairman Goodlatte. The gentleman from Ohio? The
3820 gentleman from Arizona? Has every member voted who wishes
3821 to vote? The clerk will report. The gentleman from Texas?

3822 Mr. Gohmert. No.

3823 Ms. Adcock. Mr. Gohmert votes no.

3824 Chairman Goodlatte. The clerk will report.

3825 Ms. Adcock. Mr. Chairman, 7 members voted aye; 14

3826 members voted no.

3827 Chairman Goodlatte. And the amendment is not agreed

3828 to. Are there further amendments to the amendment in the

3829 nature of a substitute?

3830 Ms. Jayapal. Mr. Chairman, I have an amendment at the

3831 desk.

3832 Chairman Goodlatte. The clerk will report the

3833 amendment from the gentlewoman from Washington.

3834 Ms. Adcock. Amendment to the amendment in the nature

3835 of a substitute to H.R. 391, offered by Ms. Jayapal. Add --

3836 [The amendment of Ms. Jayapal follows:]

3837 ***** COMMITTEE INSERT *****

3838 Chairman Goodlatte. Without objection, the amendment
3839 is considered as read, and the gentlewoman is recognized for
3840 5 minutes on her amendment.

3841 Ms. Jayapal. Thank you, Mr. Chairman. This amendment
3842 is actually the same as the amendment I offered before, but
3843 we have addressed the issue of germaneness that was raised
3844 before by saying that it would be the Department of Justice
3845 who would investigate the reports or complaints regarding
3846 these CBP officers who turn back asylum seekers at the
3847 border in violation of the law.

3848 And so, again, for those who were not here when I spoke
3849 about this amendment earlier, this amendment makes it clear
3850 that any CBP officer or agent who turns away an asylum
3851 seeker at the border in violation of the law would be
3852 referred to the Department of Justice to investigate those
3853 reports.

3854 And Mr. Chairman, I am going to use my 5 minutes, since
3855 I already gave my statement, I am going to use a little bit
3856 of time just to again attach a few stories to what we are
3857 talking about, because I do think that this bill is so
3858 severe in its entirety and we have spoken about some of the
3859 pieces of it. And frankly, I am really surprised that my
3860 colleagues on the other side are looking to completely
3861 change our asylum policy.

3862 But I wanted to give the story of a couple. We are

3863 going to call them Pedro and Magda -- their names have been
3864 changed -- who together with their four minor children and
3865 their nephew approached the Calexico point of entry in early
3866 June of 2017 to ask for asylum. They had fled their home
3867 located in a more southern state of Mexico after the cartel
3868 killed a close family member and threatened to kill the
3869 entire family. They presented themselves to the point of
3870 entry around 7:00 a.m. and tried to explain that they wished
3871 to seek protection in the United States.

3872 In addition to receiving other discriminatory and
3873 denigrating remarks on Pedro's appearance and the likelihood
3874 of their success on their asylum claim, they allege that a
3875 CBP officer threatened to separate the entire family from
3876 one another should they pursue their right to seek asylum.

3877 According to Magda, this agent claimed that Pedro would
3878 be sent to a detention center, that she would be sent to
3879 another, and that all four of her young children would be
3880 separated from her and one another. The officer allegedly
3881 posed the question, "Who knows how long they or you all will
3882 last?" and intimated that perhaps one or more of the
3883 children would not be able to withstand the length of the
3884 proceedings. The officer also suggested that if one of the
3885 kids were to be deported, neither Pedro nor Magda would have
3886 any way of knowing.

3887 Terrified at this prospect of being separated and

3888 having the children brought to tears with fear over the
3889 agent's comments, the family eventually decided not to
3890 pursue their right to asylum and was officially deported to
3891 Mexico the same day.

3892 This is an untenable choice to provide and, if true, it
3893 would be a violation of our laws that CBP officers are not
3894 supposed to make judgments about the claims for asylum.
3895 That is simply not within their purview. They are not
3896 trained to do that and we have laws around exactly what that
3897 process is and who conducts those credible-fear interviews.

3898 Another story, Mr. Chairman. On February 16th, 2017,
3899 the Women's Refugee Commission accompanied Anna Maria --
3900 again, her name has been changed -- an asylum-seeking woman
3901 from Guatemala who had previously been turned away from the
3902 Hidalgo port of entry back to that port. Two attorneys from
3903 the Texas Rio Grande Legal Aid also accompanied her.

3904 Once the group entered the Hidalgo port, WRC observed
3905 the interaction between Anna Maria and the TRLA attorneys,
3906 who approached together, and the CBP agent. The agent
3907 asked, "What can I do for you?" One of the TRLA attorneys
3908 explained that Anna Maria was seeking protection in the
3909 United States. In his response, the agent told Anna Maria
3910 that "the policies have changed."

3911 The same TRLA attorney insisted that the officer
3912 process Anna Maria and refer her for a credible-fear

3913 interview as required by law. The agent again responded
3914 that "things are changing all the time, so it all depends,"
3915 and he said that he would have to check. The attorney again
3916 insisted that Anna Maria had a right to seek asylum and that
3917 she should be processed in accordance with the law. The
3918 agent finally allowed for the group to pass into a waiting
3919 area off to the side which had a door and was physically
3920 separated from the passport control lines.

3921 Now, this kind of behavior continues, and if she had
3922 not had an attorney present who knew that she was required
3923 to have the right to present herself for a credible-fear
3924 interview and to have her asylum claim actually assessed by
3925 somebody who was trained and qualified, she would have been
3926 turned away, and that is happening all the time.

3927 So, once again, Mr. Chairman, my amendment just says
3928 that these kinds of cases would be investigated by the
3929 Department of Justice to make sure that we are actually
3930 complying with our asylum laws and allowing asylum seekers
3931 to get the due process and the process that has been
3932 outlined in the laws that they are entitled to. And with
3933 that, I yield back.

3934 Chairman Goodlatte. For what purpose does the
3935 gentleman from Louisiana seek recognition?

3936 Mr. Johnson of Louisiana. Mr. Chairman, I oppose the
3937 amendment.

3938 Chairman Goodlatte. The gentleman is recognized for 5
3939 minutes.

3940 Mr. Johnson of Louisiana. Thank you, Mr. Chairman.
3941 Again, this is another amendment that I know is very well-
3942 intended and I respect that, but it is in contravention of
3943 what the Department of Homeland Security has told us, and
3944 Customs and Border Protection. They gave us a statement
3945 this morning and I am just going to quote it.

3946 "According to CBP policy, if an officer or agent
3947 encounters a U.S.-bound migrant without legal papers at or
3948 between ports of entry and the person expresses fear of
3949 being returned to his or her home country, our officers and
3950 agents process them for an interview with an asylum officer
3951 with U.S. Citizenship and Immigration Services. Every
3952 individual encounter who is a candidate for removal is asked
3953 if they have a fear of returning to their country. CBP
3954 officers do not determine or evaluate the validity of the
3955 fear expressed."

3956 The point here is that everybody who presents
3957 themselves can be processed by CBP and provided a credible-
3958 fear interview. And --

3959 Ms. Jayapal. Would the gentleman yield?

3960 Mr. Johnson of Louisiana. Well, just a moment. No
3961 evidence exists to suggest that DHS is not following these
3962 processes and complaints can be raised to the Inspector

3963 General at DHS, and so we feel like the existing provisions
3964 adequately cover this. And I will just add and then I will
3965 yield, the volume here speaks for itself. We have 94,048
3966 referrals from CBP and ICE in the last year alone. It used
3967 to be 5,000 a year; now it's 94,000. So, I am not sure we
3968 can say with any credibility that they are not following
3969 these procedures and not providing everyone with their
3970 relative due process. With that, I yield.

3971 Ms. Jayapal. I thank the gentleman for yielding and I
3972 would just say that, unfortunately, we have a lawsuit right
3973 now by the American Immigration Council and the Center for
3974 Constitutional Rights on this very issue.

3975 The fact that CBP officers are supposed to not make any
3976 judgment on credible fear but are supposed to move those
3977 asylum seekers over to that process is exactly what we are
3978 talking about in this amendment. That we have been
3979 continuing to see CBP officers violate their authority by
3980 making judgments and trying to convince people who have come
3981 to the border seeking asylum in very legitimate situations
3982 that, somehow, they do not qualify.

3983 And you know, I am a mom and if somebody were to tell
3984 me that I was going to be separated from my kids if I
3985 continued with a process that I know I am entitled to, I
3986 still might not move forward with that process because who
3987 wants to be separated from their children? That is actually

3988 what happened.

3989 And so, I would just submit to the gentleman's
3990 statement just now, that this amendment would allow for
3991 those cases to be investigated. We are not saying that they
3992 would all be granted, but we are saying that there has been
3993 a repeated abuse of authority that appears to be happening
3994 at the border. And I have got and I ask unanimous consent
3995 to enter into the record this lawsuit.

3996 Also, we have a declaration of an attorney that
3997 specifically talks about the number of reports that refugees
3998 who are presenting to request political asylum are being
3999 denied the right to apply at all. So, I would just say that
4000 we are asking that these be investigated and I hope that the
4001 gentleman would agree to at least do that.

4002 Mr. Johnson of Louisiana. Reclaiming my time. I yield
4003 to the chairman.

4004 Chairman Goodlatte. Would the gentleman yield? I
4005 thank the gentleman for yielding. I just want to ask the
4006 gentlewoman from Washington, have you or have the folks who
4007 have been in communication with you about this asked the
4008 Inspector General of the Department of Justice to
4009 investigate this?

4010 Ms. Jayapal. I believe that they have asked the DHS to
4011 investigate this.

4012 Chairman Goodlatte. Sure.

4013 Ms. Jayapal. And we have continued to try to raise
4014 this because, Mr. Chairman, we are just trying to make sure
4015 that these agents are actually complying with the law, so
4016 that if people are presenting at the border with legitimate
4017 claims, that they are given the process that is articulated
4018 until it has changed.

4019 Chairman Goodlatte. Reclaiming my time. I understand
4020 the gentlewoman's concern and I think that the law has to be
4021 followed. The appropriate way to do that is not to pass
4022 something here calling for an investigation when the
4023 mechanism for the investigation already exists. And I am
4024 glad to hear that the Inspector General has been asked to
4025 look into this. We should await that investigation and seek
4026 what comes of it. I yield back to the gentleman.

4027 Mr. Johnson of Louisiana. And reclaiming my time, I
4028 would just add to that that the fact that you have the right
4029 to bring your civil rights suit is further evidence that
4030 this amendment is not necessary. You have got two avenues
4031 to go after abuses here and that system is adequate, in my
4032 view.

4033 Ms. Jayapal. Well, that system is not working, with
4034 all due respect. We have not gotten any investigations into
4035 this. This amendment really seeks to say, "Can this
4036 committee" -- since we are passing a very sweeping bill on
4037 asylum and we are taking away a whole bunch of rights that

4038 currently exist for asylum seekers -- "can we, at a minimum,
4039 say that we care that people at the border are able to
4040 present their credible-fear interviews, have their credible-
4041 fear interviews, and have their asylum actually
4042 investigated?"

4043 Chairman Goodlatte. The time of the gentleman has
4044 expired.

4045 Ms. Jayapal. File claims investigated.

4046 Mr. Cicilline. Mr. Chairman?

4047 Chairman Goodlatte. How much time is left?

4048 Voice. There are 10 minutes on the vote.

4049 Chairman Goodlatte. Ten minutes remaining to vote.

4050 For what purpose does the gentlewoman from California seek
4051 recognition?

4052 Ms. Lofgren. To strike the last word.

4053 Chairman Goodlatte. The gentlewoman is recognized for
4054 5 minutes.

4055 Ms. Lofgren. I think that this is an important
4056 amendment and although the gentlelady and the lawsuit
4057 outlined instances where there might have been conduct that
4058 was outside the norm by agents, perhaps even misconduct.
4059 And we know that in any large organization there can be a
4060 few bad apples, whether it is Congress, the Border Patrol,
4061 whatever. I think in some cases it is a training issue.

4062 I recall when we went down the border 2 years ago and

4063 the lawyers for the subcommittee went to the border and
4064 reviewed the processes with the CBP officials, and they had
4065 a checklist on what they were supposed to do and there was
4066 nothing on the checklist about asylum. And in the
4067 discussion, they expressed to the lawyers that was not
4068 something that was in their purview to refer anybody. They
4069 were just sending people back. Well, I do not think they
4070 were intending to violate the law. I think that they had
4071 been poorly trained on what the law was and what their job
4072 was to do.

4073 And this is not just the Trump administration; the
4074 Obama administration similarly declined to investigate. So,
4075 I do think it is important to support this amendment because
4076 it allows for a different opportunity with a different
4077 agency to make sure that the laws are upheld. And I know
4078 that all of us, just as all of us are against fraud, all of
4079 us are for adhering to law, and that is really what this
4080 amendment is about.

4081 So, unless the gentlelady wants additional time, in
4082 which case I would yield to her, I would yield back to the
4083 chairman with the hope that we will adopt this important
4084 amendment.

4085 Mr. Cicilline. Mr. Chairman?

4086 Chairman Goodlatte. The question occurs, but the
4087 gentleman from Rhode Island seeks recognition.

4088 Mr. Cicilline. I move to strike the last word.

4089 Chairman Goodlatte. The committee will stand in
4090 recess. There is approximately 6 minutes remaining in the
4091 vote that is on the floor of the House.

4092 Mr. Cicilline. Hopefully, my speaking will incentivize
4093 people to return to the committee.

4094 [Recess.]

4095 Chairman Goodlatte. The committee will reconvene.
4096 When the committee recessed, we were considering an
4097 amendment to the amendment in the nature of the substitute,
4098 offered by the gentlewoman from Washington, Ms. Jayapal, and
4099 the chair had recognized the gentleman from Rhode Island,
4100 Mr. Cicilline.

4101 Mr. Cicilline. Thank you, Mr. Chairman. I rise in
4102 strong support of this amendment. I would say at the
4103 outset, while there may be passionate disagreement about
4104 what our current immigration law should be and what standard
4105 should apply for the granting of asylum or admission into
4106 the United States or any other relevant immigration
4107 questions, there should be no disagreement about our
4108 commitment to ensure that the rule of law is followed. In
4109 fact, we should not be indifferent to the application and
4110 execution of these laws.

4111 We, of course, have a responsibility to make certain
4112 that our laws are being properly followed. And the

4113 suggestion has been made that, well, there is no evidence to
4114 support this. Or, actually, the first suggestion was, could
4115 they not write a letter? Which of course they have written
4116 letters. Could they not file a lawsuit? They have filed a
4117 lawsuit. But the question is, what is our responsibility as
4118 members of Congress? This amendment fulfills that
4119 responsibility.

4120 It says the Department of Justice shall investigate
4121 reports of custom and border officials who are not properly
4122 discharging their responsibilities. I think it is really
4123 important that we not get to the point where we do not take
4124 a position about the importance of honoring the faithful
4125 execution of the law and doing all that we can as members of
4126 Congress to ensure that that happens.

4127 Now, the second point has been made that, "well, there
4128 is really no evidence to support this." Well, I point my
4129 colleagues again to a report done by Human Rights First,
4130 which has been introduced into the record, called Crossing
4131 the Line. As everyone knows, Human Rights First is a well-
4132 respected independent advocacy organization focused on
4133 advancing human rights and civil rights here and around the
4134 world. This particular report was based on 125 cases of
4135 individuals and families wrongly denied access to U.S.
4136 asylum procedures at U.S. ports of entry. They conclude in
4137 this report "the United States is unlawfully turning away

4138 some asylum seekers at official ports of entry across the
4139 southern border without referring them, as required under
4140 U.S. law and treaty commitments, to asylum protection
4141 screenings or immigration proceedings.”

4142 They go on to give examples that these individuals
4143 include an artist from Colombia fleeing political
4144 persecution at the hands of violent paramilitaries, a
4145 Turkish opposition political party member, a former
4146 Guatemalan police officer who resisted gangs, a Salvadorian
4147 child of Christian pastors who witnessed the gang murder of
4148 his sister, a Mexican fleeing police kidnapping after
4149 reporting cartel violence, Cubans requesting asylum, and
4150 transgender women from El Salvador, among others.

4151 They go on to say that asylum seekers were turned away
4152 by CBP agents have been kidnapped, raped, and robbed upon
4153 return to Mexico and some face continued risk of
4154 persecution. So, there is ample evidence that there is a
4155 problem here. You couple that with sworn complaints that
4156 were filed in the court proceedings, coupled with
4157 testimonials from individuals, and we clearly have a
4158 problem. And so, all this amendment does is say the
4159 Department of Justice should investigate this.

4160 If they investigate these complaints and they find some
4161 of them are unfounded, no further action will be taken. But
4162 we should be making a very strong statement about our

4163 expectation that the men and women who serve in the Customs
4164 and Border Protection.

4165 And we acknowledge the vast majority of them are
4166 professionals who discharge their duties with a strong
4167 commitment to the rule of law and to the prevailing
4168 statutes, but there are obviously some problems,
4169 particularly in the context of the rhetoric that has been
4170 used by some members of the administration, including the
4171 President, which have sort of invited this side of treatment
4172 of asylee seekers.

4173 And so, I urge my colleagues to recognize that this is
4174 a problem, to take the de minimis step of simply saying,
4175 "Investigate this." We should have tremendous confidence
4176 that the United States can continue to maintain its position
4177 as a global leader by really honoring these great American
4178 values, and one of those most important values is that we
4179 are a country of laws, not of men and women, I guess, and
4180 that, in fact, we have a responsibility to abide by the laws
4181 that we enact, but also to honor our treaty obligations.

4182 So, with all of that, I just urge my colleagues to
4183 support this amendment. I thank the gentlelady for offering
4184 it. I think it is an important one, and I hope I will be
4185 surprised and we will get bipartisan support on it. And
4186 with that, I yield back.

4187 Chairman Goodlatte. For what purpose does the

4188 gentleman from Louisiana seek recognition?

4189 Mr. Johnson of Louisiana. Mr. Chairman, I oppose the
4190 amendment.

4191 Chairman Goodlatte. The gentleman is recognized.

4192 Mr. Johnson of Louisiana. Thank you. I oppose it just
4193 on the simple basis that the language of it is overly broad
4194 in a few cases, and I will give you some examples. But
4195 also, we just regard it to be unnecessary. Oh, I withdraw
4196 that. I do oppose that amendment, but I was already on the
4197 next one. I am sorry. I missed it on the break. I forget
4198 which one we were on.

4199 Chairman Goodlatte. All right.

4200 Mr. Johnson of Louisiana. I was about to unload, but I
4201 will --

4202 Ms. Jayapal. You were actually going to say you
4203 supported my amendment.

4204 Mr. Johnson of Louisiana. No, no.

4205 Ms. Jayapal. I would be happy to --

4206 Mr. Johnson of Louisiana. I yield back. Thank you,
4207 Mr. Chairman.

4208 Chairman Goodlatte. I recall your earlier comments in
4209 opposition to the amendment.

4210 The question occurs on the amendment offered by the
4211 gentlewoman from Washington.

4212 All those in favor, respond by saying aye.

4213 Those opposed, no.

4214 In the opinion of the chair, the noes have it. The
4215 amendment is not agreed to.

4216 A recorded vote is requested and the clerk will call
4217 the roll.

4218 Ms. Adcock. Mr. Goodlatte?

4219 Chairman Goodlatte. No.

4220 Ms. Adcock. Mr. Goodlatte votes no.

4221 Mr. Sensenbrenner?

4222 [No response.]

4223 Mr. Smith?

4224 [No response.]

4225 Mr. Chabot?

4226 Mr. Chabot. No.

4227 Ms. Adcock. Mr. Chabot votes no.

4228 Mr. Issa?

4229 [No response.]

4230 Mr. King?

4231 [No response.]

4232 Mr. Franks?

4233 [No response.]

4234 Mr. Gohmert?

4235 Mr. Gohmert. No.

4236 Ms. Adcock. Mr. Gohmert votes no.

4237 Mr. Jordan?

4238 Mr. Jordan. No.

4239 Ms. Adcock. Mr. Jordan votes no.

4240 Mr. Poe?

4241 [No response.]

4242 Mr. Marino?

4243 Mr. Marino. No.

4244 Ms. Adcock. Mr. Marino votes no.

4245 Mr. Gowdy?

4246 [No response.]

4247 Mr. Labrador?

4248 Mr. Labrador. No.

4249 Ms. Adcock. Mr. Labrador votes no.

4250 Mr. Farenthold?

4251 [No response.]

4252 Mr. Collins?

4253 Mr. Collins. No.

4254 Ms. Adcock. Mr. Collins votes no.

4255 Mr. DeSantis?

4256 [No response.]

4257 Mr. Buck?

4258 [No response.]

4259 Mr. Ratcliffe?

4260 Mr. Ratcliffe. No.

4261 Ms. Adcock. Mr. Ratcliffe votes no.

4262 Mrs. Roby?

4263 Mrs. Roby. No.

4264 Ms. Adcock. Mrs. Roby votes no.

4265 Mr. Gaetz?

4266 [No response.]

4267 Mr. Johnson of Louisiana?

4268 Mr. Johnson of Louisiana. No.

4269 Ms. Adcock. Mr. Johnson votes no.

4270 Mr. Biggs?

4271 Mr. Biggs. No.

4272 Ms. Adcock. Mr. Biggs votes no.

4273 Mr. Rutherford?

4274 Mr. Rutherford. No.

4275 Ms. Adcock. Mr. Rutherford votes no.

4276 Mrs. Handel?

4277 Mrs. Handel. No.

4278 Ms. Adcock. Mrs. Handel votes no.

4279 Mr. Conyers?

4280 Mr. Conyers. Aye.

4281 Ms. Adcock. Mr. Conyers votes aye.

4282 Mr. Nadler?

4283 [No response.]

4284 Ms. Lofgren?

4285 Ms. Lofgren. Aye.

4286 Ms. Adcock. Ms. Lofgren votes aye.

4287 Ms. Jackson Lee?

4288 [No response.]
4289 Mr. Cohen?
4290 [No response.]
4291 Mr. Johnson of Georgia?
4292 Mr. Johnson of Georgia. Aye.
4293 Ms. Adcock. Mr. Johnson votes aye.
4294 Mr. Deutch?
4295 Mr. Deutch. Aye.
4296 Ms. Adcock. Mr. Deutch votes aye.
4297 Mr. Gutierrez?
4298 [No response.]
4299 Ms. Bass?
4300 [No response.]
4301 Mr. Richmond?
4302 [No response.]
4303 Mr. Jeffries?
4304 [No response.]
4305 Mr. Cicilline?
4306 [No response.]
4307 Mr. Swalwell?
4308 [No response.]
4309 Mr. Lieu?
4310 [No response.]
4311 Mr. Raskin?
4312 Mr. Raskin. Aye.

4313 Ms. Adcock. Mr. Raskin votes aye.

4314 Ms. Jayapal?

4315 Ms. Jayapal. Aye.

4316 Ms. Adcock. Ms. Jayapal votes aye.

4317 Mr. Schneider?

4318 Mr. Schneider. Aye.

4319 Ms. Adcock. Mr. Schneider votes aye.

4320 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

4321 Mr. Poe. No.

4322 Ms. Adcock. Mr. Poe votes no.

4323 Chairman Goodlatte. Has every member voted who wishes

4324 to vote?

4325 Ms. Lofgren. I think we have got a member who is --

4326 Chairman Goodlatte. The gentleman from California, Mr.

4327 Lieu?

4328 Mr. Lieu. Aye.

4329 Ms. Adcock. Mr. Lieu votes aye.

4330 Chairman Goodlatte. The clerk will report.

4331 Ms. Adcock. Mr. Chairman, 8 members voted aye; 14

4332 members voted no.

4333 Chairman Goodlatte. And the amendment is not agreed

4334 to. Are there further amendments to H.R. 391? For what

4335 purpose does the gentleman from Maryland seek recognition?

4336 Mr. Raskin. Thank you, Mr. Chairman. I have an

4337 amendment at the desk.

4338 Chairman Goodlatte. The clerk will report the
4339 amendment.

4340 Ms. Adcock. Amendment to the amendment in the nature
4341 of a substitute to H.R. 391, offered by Mr. Raskin. Add at
4342 the end of the bill the following --

4343 [The amendment of Mr. Raskin follows:]

4344 ***** COMMITTEE INSERT *****

4345 Chairman Goodlatte. Without objection, the bill is
4346 considered as read and the gentleman is recognized for 5
4347 minutes on his amendment.

4348 Mr. Raskin. Mr. Chairman, thank you very much. My
4349 amendment would require a GAO report on the turnback of
4350 asylum seekers at the border, just a report to get the facts
4351 down. As I followed the twists and turns of our debate this
4352 morning and this afternoon, it strikes me that we have had
4353 lots of differences over facts, but I do not think we really
4354 differ fundamentally on the values. At least, I hope not.
4355 That is, I hope that all of us would agree that America
4356 should not be pulling up the ladders and closing the doors
4357 to valid asylum seekers coming to America.

4358 After all, this goes back to the very origins of our
4359 country. Here is George Washington: "The bosom of America
4360 is open to receive not only the opulent and respected
4361 stranger, but the oppressed and persecuted of all nations
4362 and religions whom we shall welcome to a participation of
4363 all of our rights and privileges."

4364 Here is Thomas Jefferson: "Shall we refuse the unhappy
4365 fugitives from distress that hospitality which the savages
4366 of the wilderness extended to our fathers arriving in this
4367 land? Shall oppressed humanity find no asylum on this
4368 globe?"

4369 And here is Tom Payne: "Freedom has been hunted around

4370 the globe. O, receive the fugitive and prepare in time an
4371 asylum for mankind here."

4372 Here is President Eisenhower: "It is imperative that
4373 our immigration policy be in the finest American tradition
4374 of providing a haven for oppressed peoples and fully in
4375 accord with our obligation as a leader of the free world."

4376 Now, Ms. Jayapal's amendment about unlawful conduct at
4377 the border was just rejected. Mine takes no position on
4378 whether or not it is happening. It asks only for a GAO
4379 report on the turnback of asylum seekers so we can get to
4380 the bottom of this. I, too, am privy to the Human Rights
4381 First report that was referenced by the gentleman from Rhode
4382 Island. Human Rights First, of course, is the successor
4383 organization to the Lawyers' Committee for Human Rights and
4384 they have collected a series of cases where people were
4385 actually being turned back at the border when they are
4386 trying to seek asylum. And let me just tell you about a few
4387 of the ones that are in this report, and I highly recommend
4388 it to everybody on the committee.

4389 One case is of Cuban asylum seekers who were denied
4390 access to the asylum system and told that "the law has
4391 changed; you have to go back." Reports from January through
4392 April of this year indicate that CBP agents are turning away
4393 some Cuban asylum seekers. In January, agents at the Laredo
4394 port of entry told Cuban asylum seekers to go back to Mexico

4395 and wait until Trump took over to see if he was going to
4396 change the so-called wet-foot/dry-foot policy.

4397 Here is another one about a Mexican family that was
4398 threatened with jail if they continued to claim that they
4399 feared persecution by the Mexican Government. This was in
4400 February of this year. The family fled to the PedWest port
4401 of entry to seek asylum after suffering violence and death
4402 threats from a major drug cartel. A CBP officer reportedly
4403 asked if they had any proof of the violence and if they had
4404 reported the incidents to the local police.

4405 A family member explained that the police were involved
4406 with the drug cartel, so they could not safely report the
4407 incidents to the police. The agent told the young man he
4408 was defaming the Mexican government and if he continued to
4409 do so, the CBP agent would call Mexican authorities to have
4410 him put in jail.

4411 And just one other I will mention: U.S. agents turned
4412 away a Honduran family twice, forcing them to cross the Rio
4413 Grande. The eldest son was under threat from a criminal
4414 gang so he sought asylum in the U.S. An immigration judge
4415 denied his case and he was deported. Two weeks later, he
4416 was murdered by the gang. Fearing for their lives, the
4417 entire family fled.

4418 On their first attempt to seek asylum at the Hidalgo
4419 port, a CBP officer told them, "You cannot be here. No

4420 Hondurans. If you do not leave, I will have to use force to
4421 remove you," and so on. Dozens and dozens of these cases.

4422 All that my amendment says is the GAO will give us a
4423 report about what is actually happening at the border. And
4424 so, this does elevate it to a different level from a member
4425 of this committee or member of Congress simply writing a
4426 letter. And, of course, we have heard from this
4427 administration at various points that they are not
4428 responding to letters from members of the minority party,
4429 that they are responding only to the chairs of committee.

4430 But in any event, I think that this pattern of activity
4431 that has been reported by very credible human rights groups
4432 and U.S. lawyers merits our inclusion in this legislation of
4433 a required report by the GAO. I hope that everybody can see
4434 fit to add this amendment. And with that, I will yield
4435 back, Mr. Chairman.

4436 Chairman Goodlatte. For what purpose does the
4437 gentleman from Louisiana seek recognition?

4438 Mr. Johnson of Louisiana. I oppose the amendment, Mr.
4439 Chairman.

4440 Chairman Goodlatte. The gentleman is recognized for 5
4441 minutes.

4442 Mr. Johnson of Louisiana. Thank you. I jumped the gun
4443 a little earlier, but I was beginning to say that I really
4444 have two primary reasons for opposing the amendment. Once

4445 again, understand the intent. I do not question that at
4446 all. I just question whether this is necessary. I think it
4447 is overbroad and unnecessary, and let me explain why.

4448 Every member of the committee got the memo this
4449 morning, as we always do, on this bill, this legislation,
4450 and on page three, it has the numbers and the numbers do not
4451 lie. They come straight from the officials who are charged
4452 with keeping all this data; and the credible-fear cases
4453 chart is very compelling.

4454 [Chart]

4455 I mean, if you just look across the board here on page
4456 3, in 2006 we had 5,338 referrals from CBP and ICE, and this
4457 year, just up to quarter three of fiscal year 2017, we are
4458 already at 61,063. So, the evidence clearly suggests that
4459 no one is being denied this at all.

4460 To the contrary, we have a flood of credible-fear
4461 processing going on and that in itself has become a problem.
4462 And the credible fear, by the way, has been found in 87
4463 percent of the cases all the way up to quarter three of this
4464 year. I do not think that what is being requested here is
4465 necessary or merited under the clear facts that are in front
4466 of us.

4467 And also, the way that the amendment is drafted is a
4468 bit overbroad. So, on line 8, for example, you know, it
4469 references the Department of Homeland Security's treatment

4470 of aliens. I mean, that is a rather amorphous, kind of
4471 broad term. It could encompass anything and thus be costly
4472 and overly subjective and require a lot of time to comply.

4473 And then, on line 14, you reference fear of
4474 persecution, but that is a statutorily defined term, of
4475 course, that we have discussed ad nauseum today, and that is
4476 not referenced there in particular. So I think the risks
4477 outweigh the benefit of the amendment.

4478 And finally, section 3, at the end, is overly broad.
4479 "Recommendations concerning additional needed training." I
4480 mean, that could be just anything.

4481 So, for those reasons I oppose the amendment and urge
4482 my colleagues to do the same, and I yield back.

4483 Chairman Goodlatte. The question occurs on the
4484 amendment offered by the gentleman from Maryland.

4485 All those in favor, respond by saying aye.

4486 Those opposed, no.

4487 In the opinion of the chair, the noes have it and the
4488 amendment is not agreed to.

4489 Mr. Raskin. Mr. Chairman, I seek a recorded vote.

4490 Chairman Goodlatte. A recorded vote is requested and
4491 the clerk will call the roll.

4492 Ms. Adcock. Mr. Goodlatte?

4493 Chairman Goodlatte. No.

4494 Ms. Adcock. Mr. Goodlatte votes no.

4495 Mr. Sensenbrenner?
4496 [No response.]
4497 Mr. Smith?
4498 [No response.]
4499 Mr. Chabot?
4500 Mr. Chabot. No.
4501 Ms. Adcock. Mr. Chabot votes no.
4502 Mr. Issa?
4503 [No response.]
4504 Mr. King?
4505 [No response.]
4506 Mr. Franks?
4507 [No response.]
4508 Mr. Gohmert?
4509 [No response.]
4510 Mr. Jordan?
4511 [No response.]
4512 Mr. Poe?
4513 [No response.]
4514 Mr. Marino?
4515 Mr. Marino. No.
4516 Ms. Adcock. Mr. Marino votes no.
4517 Mr. Gowdy?
4518 [No response.]
4519 Mr. Labrador?

4520 [No response.]
4521 Mr. Farenthold?
4522 [No response.]
4523 Mr. Collins?
4524 Mr. Collins. No.
4525 Ms. Adcock. Mr. Collins votes no.
4526 Mr. DeSantis?
4527 [No response.]
4528 Mr. Buck?
4529 [No response.]
4530 Mr. Ratcliffe?
4531 [No response.]
4532 Mrs. Roby?
4533 Mrs. Roby. No.
4534 Ms. Adcock. Mrs. Roby votes no.
4535 Mr. Gaetz?
4536 [No response.]
4537 Mr. Johnson of Louisiana?
4538 Mr. Johnson of Louisiana. No.
4539 Ms. Adcock. Mr. Johnson votes no.
4540 Mr. Biggs?
4541 Mr. Biggs. No.
4542 Ms. Adcock. Mr. Biggs votes no.
4543 Mr. Rutherford?
4544 Mr. Rutherford. No.

4545 Ms. Adcock. Mr. Rutherford votes no.
4546 Mrs. Handel?
4547 Mrs. Handel. No.
4548 Ms. Adcock. Mrs. Handel votes no.
4549 Mr. Conyers?
4550 Mr. Conyers. Aye.
4551 Ms. Adcock. Mr. Conyers votes aye.
4552 Mr. Nadler?
4553 [No response.]
4554 Ms. Lofgren?
4555 Ms. Lofgren. Aye.
4556 Ms. Adcock. Ms. Lofgren votes aye.
4557 Ms. Jackson Lee?
4558 [No response.]
4559 Mr. Cohen?
4560 [No response.]
4561 Mr. Johnson of Georgia?
4562 Mr. Johnson of Georgia. Aye.
4563 Ms. Adcock. Mr. Johnson votes aye.
4564 Mr. Deutch?
4565 [No response.]
4566 Mr. Gutierrez?
4567 [No response.]
4568 Ms. Bass?
4569 [No response.]

4570 Mr. Richmond?
4571 [No response.]
4572 Mr. Jeffries?
4573 [No response.]
4574 Mr. Cicilline?
4575 [No response.]
4576 Mr. Swalwell?
4577 [No response.]
4578 Mr. Lieu?
4579 Mr. Lieu. Aye.
4580 Ms. Adcock. Mr. Lieu votes aye.
4581 Mr. Raskin?
4582 Mr. Raskin. Aye.
4583 Ms. Adcock. Mr. Raskin votes aye.
4584 Ms. Jayapal?
4585 Ms. Jayapal. Aye.
4586 Ms. Adcock. Ms. Jayapal votes aye.
4587 Mr. Schneider?
4588 Mr. Schneider. Aye.
4589 Ms. Adcock. Mr. Schneider votes aye.
4590 Chairman Goodlatte. The gentleman from Idaho?
4591 Mr. Labrador. No.
4592 Ms. Adcock. Mr. Labrador votes no.
4593 Chairman Goodlatte. The gentleman from Florida?
4594 Mr. Gaetz. No.

4595 Ms. Adcock. Mr. Gaetz votes no.

4596 Chairman Goodlatte. The gentleman from Texas?

4597 Mr. Gohmert. No.

4598 Ms. Adcock. Mr. Gohmert votes no.

4599 Chairman Goodlatte. The gentleman from Illinois?

4600 Mr. Gutierrez. Aye. Thank you.

4601 Ms. Adcock. Mr. Gutierrez votes aye.

4602 Chairman Goodlatte. Has every member voted who wishes

4603 to vote? The clerk will report.

4604 The clerk will suspend. The gentleman from Texas?

4605 Mr. Ratcliffe. No.

4606 Ms. Adcock. Mr. Ratcliffe votes no.

4607 Chairman Goodlatte. The clerk will report.

4608 Ms. Adcock. Mr. Chairman, 8 members voted aye; 13

4609 members voted no.

4610 Chairman Goodlatte. And the amendment is not agreed

4611 to. Are there further amendments? For what purpose does

4612 the gentlewoman from Texas seek recognition?

4613 Ms. Lofgren. I am from California.

4614 Chairman Goodlatte. Sorry, California.

4615 Ms. Lofgren. I have an amendment at the desk.

4616 Chairman Goodlatte. The clerk will report the

4617 amendment from the gentlewoman from California.

4618 Ms. Adcock. Amendment to the amendment in the nature

4619 of a substitute to H.R. 391, offered by Ms. Lofgren. Strike

4620 section --

4621 [The amendment of Ms. Lofgren follows:]

4622 ***** COMMITTEE INSERT *****

4623 Chairman Goodlatte. Without objection, the amendment
4624 is considered as read and the gentlewoman is recognized for
4625 5 minutes on her amendment.

4626 Ms. Lofgren. This amendment strikes the provision that
4627 codifies the rather restrictive definition of particular
4628 social group found in that section on page 16 of the
4629 manager's amendment. Section 15 really eradicates the legal
4630 definition of particular social group as codified by the
4631 courts. Instead, section 15 constructs an impossibly narrow
4632 definition of particular social group that would exclude
4633 women who fear female genital mutilation, LGBT individuals,
4634 domestic violence victims, and many others who fear
4635 persecution.

4636 Now, membership in a particular social group represents
4637 one of the five protected grounds under not only United
4638 States but also international refugee law. For 20 years,
4639 the Board of Immigration Appeals operated under a simple,
4640 effective, and, I would add, in my judgment, fair definition
4641 of a particular social group which was articulated in the
4642 1985 case Matter of Acosta and it is this. It is a group of
4643 members who share an immutable characteristic. That means
4644 an attribute that they cannot change or that they should not
4645 have to change because it is core to who they are.

4646 Section 15 codifies a far more complicated and, I
4647 think, ultimately unworkable definition that was set forth

4648 in the Board of Immigration Appeals' 2014 precedential
4649 decision Matter of M-E-V-G- and Matter of W-G-R-. The Board
4650 held in those decisions that a particular social group must
4651 consist of members who share an immutable characteristic,
4652 but also must be sufficiently particularized and perceived
4653 as distinct within the society in question.

4654 These particularity and social distinction requirements
4655 have sown significant confusion among asylum applications,
4656 attorneys, as well as adjudicators; and Federal courts have
4657 had a hard time agreeing what those terms mean.

4658 In some cases, particularity and social distinction
4659 have appeared to be in conflict or even mutually exclusive,
4660 leaving the law and many vulnerable protection seekers in a
4661 state of ongoing uncertainty.

4662 Moreover, these heightened requirements have needlessly
4663 erected an evidentiary bar difficult, if not impossible, for
4664 many bonafide asylum seekers to meet. In some instances,
4665 the new legal standard may require expert testimony, costly
4666 legal counsel, and other tools not always available to
4667 vulnerable individuals who fled to the United States with
4668 little or no money.

4669 Now, by imposing these requirements beyond a shared
4670 immutable characteristic, this section also seems to run
4671 afoul of international law as well as the statute. The
4672 formulation appears to conflict with the statute that really

4673 is ejusdem generis, of the same kind. A particular social
4674 group language is best read in unison with the four other
4675 protected grounds: race, religion, nationality, and
4676 political opinion. The common denominator of those four
4677 grounds is an immutable characteristic or a characteristic
4678 that one should not have to change because it is core. And
4679 this was actually, as I mentioned earlier, the simple rule
4680 for 20 years.

4681 The international law also is at odds with section 15
4682 in the bill. The UNHCR has defined a particular social
4683 group as, and I quote, "a particular social group is a group
4684 of persons who share a common characteristic other than
4685 their risk of being persecuted or who are perceived as a
4686 group by society. The characteristic will often be one
4687 which is innate, unchangeable, or which is otherwise
4688 fundamental to identity, conscience, or the exercise of
4689 one's human rights."

4690 Now, several Federal courts have rejected the narrow
4691 reading that the BIA unwisely found in M-E-V-G- and Matter
4692 of W-G-R-, and that includes the Seventh Circuit, the Third,
4693 and the Ninth. So, this would actually overturn the
4694 decisions that have been made by the Federal court, in
4695 addition to being at odds with the statute.

4696 The real problem is that it would preclude asylum
4697 admissions for people who are harmed because of who they

4698 are. LGBT community, women, and children fleeing gender-
4699 based violence or gang violence, or other forms of
4700 persecution. I would note that Chinese women who were
4701 fleeing forced abortions -- a horrible thing -- were
4702 provided asylum because of the standard that this section
4703 would do violence to. I am not suggesting that the
4704 proponents of the bill intend to exclude Chinese women
4705 fleeing forced abortions, but that would be the result and I
4706 think that would be an unfortunate result indeed.

4707 So, I offer this amendment in hopes that we can adopt
4708 it on a bipartisan basis, align ourselves with the Federal
4709 district courts that have corrected the mistake made by the
4710 Board of Immigration Appeals. And with that, I see my time
4711 is expired, Mr. Chairman. I yield back.

4712 Chairman Goodlatte. The chair thanks the gentlewoman.
4713 For what purpose does the gentleman from Louisiana seek
4714 recognition?

4715 Mr. Johnson of Louisiana. Mr. Chairman, I oppose the
4716 amendment.

4717 Chairman Goodlatte. The gentleman is recognized for 5
4718 minutes.

4719 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I
4720 oppose the amendment for a number of reasons. H.R. 391
4721 makes an important reform to asylum law by codifying the
4722 definition of particular social group for the first time in

4723 statute. In recent holdings, the Board of Immigration
4724 Appeals defined membership in a particular social group as
4725 membership in a group composed of those who share a common
4726 immutable characteristic that is defined with particularity
4727 and is socially distinct within society.

4728 This definition is a culmination of many years of board
4729 and circuit court precedent that have undergone many
4730 iterations. It is crucial that the United States has a
4731 uniform approach to asylum cases, including in assessing
4732 whether an individual can show membership in a viable social
4733 group.

4734 For far too long, Federal circuits have been able to
4735 fit amorphous groups into the board category of particular
4736 social group. Without any guidance, we have already
4737 witnessed the emergence of court holdings aimed at whittling
4738 away at the definition and expanding it to include many more
4739 aliens than were intended by the statute.

4740 This is not a catch-all category and we cannot allow it
4741 to be viewed as the protected ground to rely on when all
4742 other grounds are unavailable. The ambiguity on this now-
4743 overused protected ground must be resolved and H.R. 391 does
4744 so in this provision.

4745 It just simply makes sense today to affirm the
4746 carefully drafted and considered BIA definition. I would
4747 note also, in response to what has been said, that a

4748 population control is already a protected area in the
4749 statute and so the ladies fleeing that horrible situation in
4750 China would be protected by our law already. For all these
4751 reasons, I urge my colleagues to oppose the amendment and I
4752 yield back.

4753 Chairman Goodlatte. The question occurs on the
4754 amendment offered by the gentlewoman from California.

4755 All those in favor, respond by saying aye.

4756 Those opposed, no.

4757 In the opinion of the chair, the noes have it and the
4758 amendment is not agreed to. Are there further amendments to
4759 H.R. 391?

4760 For what purpose does the gentlewoman from California
4761 seek recognition?

4762 Ms. Lofgren. I have an amendment at the desk,
4763 hopefully.

4764 Chairman Goodlatte. The clerk will report the
4765 amendment.

4766 Ms. Adcock. Amendment to the amendment in the nature
4767 of a substitute to H.R. 391, offered by Ms. Lofgren of
4768 California. Strike section 6 and 7 --

4769 [The amendment of Ms. Lofgren follows:]

4770 ***** COMMITTEE INSERT *****

4771 Chairman Goodlatte. Without objection, the amendment
4772 is considered as read and the gentlewoman is recognized for
4773 5 minutes on her amendment.

4774 Ms. Lofgren. This amendment strikes section 12 of the
4775 Asylum Reform and Border Protection Act. Section 12 would
4776 allow the United States --

4777 Chairman Goodlatte. Would the gentlewoman suspend?
4778 The amendment handed out struck section 6 and 7. Do we want
4779 to --

4780 Ms. Lofgren. You are right, absolutely right, and I
4781 misspoke.

4782 Chairman Goodlatte. So, are we going ahead with the
4783 one that was distributed?

4784 Ms. Lofgren. Yes, we are.

4785 Chairman Goodlatte. The gentlewoman is recognized.

4786 Ms. Lofgren. In any case, the gist of this is the
4787 provision would allow the United States, in the absence of a
4788 formal agreement, to declare any country a safe third
4789 country and require the asylum seeker to return to said
4790 country. The section closes the door on asylum seekers,
4791 preventing them from even applying for asylum in the United
4792 States. Now, how would this work?

4793 The safe third country designation bars individuals who
4794 transit through that nation from even applying for asylum in
4795 the United States. Under current law, and that is the law

4796 today, our government may prevent asylum seekers from
4797 applying for asylum in the U.S. and it may return those
4798 individuals to a safe third country pursuant to a bilateral,
4799 and in some cases multilateral, agreement.

4800 A safe country is defined as one where the individual's
4801 life or freedom would not be threatened on account of a
4802 protected ground and where that individual would have access
4803 to full and fair asylum procedures.

4804 The only nation which the United States has reached a
4805 safe third country agreement is Canada, and I think we would
4806 all agree that Canada is, in fact, a safe third country.
4807 Under this agreement, individuals in Canada, with certain
4808 exceptions, who arrive in the United States may not apply
4809 and are not permitted to apply for asylum in the U.S. The
4810 United States-Canada safe third country agreement was
4811 implemented in 2005, and it is aimed at protecting the
4812 rights of refugees. It does exempt some of those with close
4813 ties in the United States.

4814 There are safe third country agreements in Europe,
4815 Australia, and the agreement between the U.S. and Canada
4816 have led legal scholars to conclude that such agreements can
4817 in fact risk deportation chains in violation of
4818 international law, where one country returns refugees to a
4819 safe third country if they are eventually deported to the
4820 country from which they fled.

4821 So to allow the Secretary of Homeland Security the
4822 ability to unilaterally designate a country as a safe third
4823 country opens the possibility that such decisions could be
4824 motivated by a variety of political and other factors,
4825 circumventing the opportunity to negotiate protections for
4826 asylum seekers through bilateral agreement processes.

4827 It has been suggested that the U.S. would declare
4828 Mexico a safe third country and, in fact, I think this
4829 section is intended to accomplish that. However, a recent
4830 report by the Human Rights First found that despite minor
4831 improvements in law and policy, Mexico is a dangerous
4832 country for refugees, and in fact, they are not really set
4833 up to adequately process the asylum requests that are made
4834 by refugees that find themselves in Mexico. There are
4835 procedural barriers. There is a 30-day filing deadline, no
4836 appeal, hardly any asylum officers.

4837 In fact, we will end up with the situation where
4838 individuals who would get kicked back to Mexico after we
4839 have unilaterally decided that that is what should happen
4840 without Mexico's agreement may end up facing a legal wall of
4841 persecution and inability to seek asylum in Mexico. They
4842 may, in fact, be sent back to the place where they have been
4843 trafficked or where they have fled.

4844 This amendment would solve that problem, and I highly
4845 recommend its adoption. And I see my time is almost up, so

4846 I will yield back, Mr. Chairman.

4847 Chairman Goodlatte. The chair thanks the gentlewoman.
4848 And for what purpose does the gentleman from Louisiana seek
4849 recognition?

4850 Mr. Johnson of Louisiana. I oppose the amendment.

4851 Chairman Goodlatte. The gentleman is recognized for 5
4852 minutes.

4853 Mr. Johnson of Louisiana. Thank you. H.R. 391 allows
4854 DHS to remove asylum seekers to safe third countries where
4855 they would have access to a full and fair procedure for
4856 applying for asylum without the current necessity for
4857 bilateral agreements with those countries. This includes
4858 unaccompanied minors. Under current law, unaccompanied
4859 minors are exempted from this exception to asylum
4860 eligibility. The surges of unaccompanied minors over the
4861 past several years have forced a reevaluation of the manner
4862 in which our immigration laws deal with similarly situated
4863 aliens. Asylum law is no exception.

4864 The trend of unaccompanied minors massing at the border
4865 is largely due to the belief that if they present
4866 themselves, they will be immediately allowed to stay. We
4867 have an obligation to discourage and not encourage parents
4868 from paying coyotes to smuggle their children north. We
4869 must all take necessary steps to remove all those
4870 incentives. That unaccompanied minors are not subject to

4871 the safe third country exception is such an incentive.

4872 No matter how many countries an unaccompanied minor
4873 traverses to get to the U.S. and how many of those countries
4874 would provide them the opportunity to safely avail
4875 themselves of the laws of that country, they are still
4876 eligible to apply for asylum in the U.S. This makes the
4877 very perilous journey even more worth the risk.
4878 Unaccompanied minors should not be exempt from this
4879 exception.

4880 Regarding section 7, if asylum seekers understand that
4881 simply making it to the U.S. does not mean that they will be
4882 allowed to stay and that there is real possibility of
4883 resettlement in a safe third country, they may be less
4884 inclined to make the arduous and often dangerous journey to
4885 the U.S., whether they are minors or adults.

4886 In addition, why should countries who, in essence,
4887 promote trespass to the U.S. not be required to bear the
4888 settlement cost of those they allow into their country to
4889 pass through the U.S.? H.R. 391 allows the return of
4890 apprehended Central Americans to Mexico, where they could
4891 apply for asylum. Such returns would reduce the number of
4892 aliens seeking to come to the U.S.

4893 For these and other reasons, I urge my colleagues to
4894 oppose this amendment and I yield back.

4895 Chairman Goodlatte. The question occurs on the

4896 amendment offered by the gentlewoman from California.

4897 All those in favor, respond by saying aye.

4898 Those opposed, no.

4899 In the opinion of the chair, the noes have it. The
4900 amendment is not agreed to.

4901 For what purpose does the gentlewoman from California
4902 seek recognition?

4903 Ms. Lofgren. I have an amendment. I hope it is at the
4904 desk.

4905 Chairman Goodlatte. We are not aware of it.

4906 Ms. Lofgren. She is running down with the copies right
4907 now.

4908 Chairman Goodlatte. That counts. The clerk will
4909 report the amendment.

4910 Ms. Adcock. Amendment to the amendment in the nature
4911 of a substitute to H.R. 391, offered by Ms. Lofgren. Page
4912 15, strike the line --

4913 [The amendment of Ms. Lofgren follows:]

4914 ***** COMMITTEE INSERT *****

4915 Chairman Goodlatte. Without objection, the amendment
4916 is considered as read and the gentlewoman is recognized for
4917 5 minutes on her amendment.

4918 Ms. Lofgren. The section which this amendment strikes
4919 would preclude most victims of crime, including women
4920 fleeing domestic violence, from obtaining asylum. This
4921 amendment would provide an exemption for domestic violence
4922 survivors, ensuring that domestic violence victims can
4923 receive protection in the United States rather than face
4924 return to further persecution by their abusers.

4925 It is worth pointing out that there was an important
4926 decision made by the Board of Immigration Appeals in August
4927 of 2014. It is a Matter of A-R-C-G- and it recognized that
4928 women fleeing domestic violence may constitute a particular
4929 social group and qualify for asylum.

4930 Now, in the case of Guatemala, women in Guatemala were
4931 unable to leave their relationship. They represent such a
4932 group and it cleared the way for other comparable groups of
4933 domestic violence survivors to gain recognition under U.S.
4934 protection law. I think that is the proper legal
4935 conclusion, although the BIA opinion suffered from a few
4936 defects, including the employment of an unduly restrictive
4937 definition of particular social group, which I would add is
4938 completely obliterated in the draft bill on page 15 on line
4939 5.

4940 The outcome, that domestic violence victims can
4941 constitute such a group, is correct. The board rightly
4942 found that gender is an immutable characteristic and that
4943 persecution on account of that characteristic may, where
4944 other requirements are met, qualify the persecuted
4945 individual for asylum.

4946 Now, the ARCG case was part of a long and I would say
4947 bipartisan effort towards a formal acknowledgement meant
4948 that women fleeing domestic abuse need and deserve
4949 humanitarian protection. In the 1996 decision Matter of
4950 Kasinga, the BIA recognized that women fleeing female
4951 genital mutilation can constitute a particular social group
4952 and laid an important foundation for future jurisprudence,
4953 recognizing that gender-based persecution can form a basis
4954 for obtaining asylum.

4955 In the Matter of R-A-, the Department of Homeland
4956 Security under the Bush administration argued that Rody
4957 Alvarado, a Guatemalan woman who escaped to the United
4958 States after enduring years of unspeakable domestic
4959 violence, was a member of a particular social group.

4960 Further, the Bush administration recommended that Ms.
4961 Alvarado be granted asylum on the basis of persecution
4962 stemming from her membership in that group. Both Democratic
4963 and Republican administrations, therefore, have recognized
4964 the importance of ensuring access to asylum for domestic

4965 violence survivors.

4966 The plight of the victims central to ARCG demonstrates
4967 the moral imperative to provide such battered women with
4968 relief. In that case, Ms. C.G. faced abuse that is
4969 difficult to discuss and unimaginable to suffer. Among
4970 other acts of brutality, her husband consistently beat her;
4971 he raped her; he assaulted her with paint thinner, burning
4972 her body; he broke her nose and repeatedly threatened to
4973 kill her, including when she attempted to escape by moving
4974 to her father's house.

4975 This bill would deny protection to female domestic
4976 violence survivors like Ms. C.G. and return these women to
4977 further persecution by their abusers. As everyone on this
4978 committee knows, such horrific violence as that suffered by
4979 Ms. C.G. is not confined to her case. Regrettably, all too
4980 many women are subjected to abuse and torture by partners
4981 that more closely resemble captors.

4982 My amendment is simple. A vote for it is a vote to
4983 protect abused women. A vote against it is a vote to deny
4984 them protection. My amendment recognizes that victims
4985 fleeing domestic violence do in many instances constitute a
4986 particular social group and those who suffer persecution on
4987 account of membership in such groups may qualify for asylum.
4988 By voting for it, we ensure that thousands of battered women
4989 will find safety in the United States. By voting against

4990 it, members would ensure that these women get deported back
4991 to further persecution at the hands of their abusers.

4992 Protecting victims of domestic violence should not be a
4993 partisan issue and in fact, historically, it has not been a
4994 partisan issue. This committee has worked together to fight
4995 domestic violence and this amendment is part, I hope, of
4996 that bipartisan history, and I hope that my colleagues will
4997 support it, do the right thing, and support this amendment.
4998 I see my time is about to expire, so I will yield back, Mr.
4999 Chairman.

5000 Chairman Goodlatte. The chair thanks the gentlewoman.
5001 For what purpose does the gentleman from Louisiana seek
5002 recognition?

5003 Mr. Johnson of Louisiana. I oppose the amendment.

5004 Chairman Goodlatte. The gentleman is recognized for 5
5005 minutes.

5006 Mr. Johnson of Louisiana. Thank you, Mr. Chairman.
5007 Once again, a very well-intended proposed amendment, but I
5008 have to oppose it for the simple reason that this is not
5009 within the scope of our asylum law. I mean, let's just
5010 think about the implications of providing a new category for
5011 all victims of all crime and domestic violence. I mean,
5012 that would potentially be maybe hundreds of millions of
5013 people that we would say that they could seek asylum in the
5014 U.S. It is just not a tenable proposal.

5015 And to respond to what was said about the Matter of R-
5016 A-, that case; the finding there was that they qualified
5017 because it was based on political opinion, the political
5018 opinion of the husband in that case. He actually believed
5019 his wife was his property. So, that had a qualifying
5020 distinction there in and this would not overturn that matter
5021 at all. The point being that the asylum laws define the way
5022 it is. It includes the categories as they are for a reason
5023 and this would, in an almost literal sense, open the
5024 floodgates for everyone.

5025 We have tremendous sympathy for victims of domestic
5026 violence around the world, but we simply cannot provide
5027 asylum for every single one of them and for that reason I --

5028 Ms. Lofgren. Would the gentleman yield?

5029 Mr. Johnson of Louisiana. I yield.

5030 Ms. Lofgren. I thank the gentleman for yielding. You
5031 know, the law of asylum is not that anyone who is a victim
5032 gets asylum. It is when the government fails as a matter of
5033 policy to protect you from such abuse. So, it would not be
5034 the case under current law or, if this amendment passes,
5035 under prospective law that anyone who is a victim gets
5036 asylum.

5037 You have to also be a victim of your government failing
5038 to try and protect, and I would ask unanimous consent to put
5039 a copy of the decision in the record. The characterization

5040 that you have made is quite different than the reading I
5041 have of the decision. If we could put that in the --
5042 Mr. Johnson of Louisiana. I respect that.
5043 Chairman Goodlatte. Without objection --
5044 Ms. Lofgren. And I yield back to the gentleman.
5045 Chairman Goodlatte. The document will be made a part
5046 of the record.

5047 [The information follows:]

5048 ***** COMMITTEE INSERT *****

5049 Mr. Johnson of Louisiana. Just to clarify that it has
5050 to be on one of the five protected grounds. So, by adding
5051 the provision "or" in line 13, you are creating an entirely
5052 separate analysis and category that I do not think is
5053 warranted under the asylum law. So, for that reason, I
5054 would oppose the amendment.

5055 Ms. Lofgren. If the gentleman would further yield.

5056 Mr. Johnson of Louisiana. I yield.

5057 Ms. Lofgren. Here is the problem. If you look on page
5058 16, line 5, what is missing is the particular individuals.
5059 The language has been removed. The PSG has been removed.
5060 So, they would never necessarily qualify, even if they could
5061 make their claim, if they are a domestic violence victim
5062 who, as a matter of policy, their government has failed to
5063 protect.

5064 So I think your comment fails to accommodate the actual
5065 language of the bill, in my judgment, that removes a current
5066 section of law that allows for a decision of innate and
5067 particular cases, and I thank the gentleman for allowing me
5068 to comment. I yield back.

5069 Mr. Conyers. Mr. Chairman?

5070 Chairman Goodlatte. Does the gentleman yield back?

5071 Mr. Johnson of Louisiana. I yield back. Sorry.

5072 Chairman Goodlatte. For what purpose does the
5073 gentleman from Michigan seek recognition?

5074 Mr. Conyers. I support the amendment.

5075 Chairman Goodlatte. The gentleman is recognized for 5
5076 minutes.

5077 Mr. Conyers. And I would like to observe that this is
5078 a forward step in terms of the gender relationships between
5079 men and women that are occurring across the country and in
5080 some respects around the world. The important thing to me
5081 here -- and I commend the gentlelady for supporting and
5082 urging that we accept her amendment -- both administrations
5083 approve of ensuring access to asylum because of domestic
5084 violence, and I think that is a huge step forward in terms
5085 of the relationships between men and women. And I think
5086 that in the end it is going to grow and continue for many
5087 years to come.

5088 Both administrations, Democratic and Republican, have
5089 supported this concept and I am hoping that the Lofgren
5090 proposal is accepted here. I yield back, Mr. Chairman.

5091 Chairman Goodlatte. The question occurs on the
5092 amendment offered by the gentlewoman from California.

5093 All those in favor, respond by saying aye.

5094 Those opposed, no.

5095 In the opinion of the chair, the noes have it. The
5096 amendment is not agreed to.

5097 Ms. Lofgren. Could I have a recorded vote, Mr.
5098 Chairman?

5099 Chairman Goodlatte. A recorded vote is requested and
5100 the clerk will call the roll.

5101 Ms. Adcock. Mr. Goodlatte?

5102 Chairman Goodlatte. No.

5103 Ms. Adcock. Mr. Goodlatte votes no.

5104 Mr. Sensenbrenner?

5105 [No response.]

5106 Mr. Smith?

5107 [No response.]

5108 Mr. Chabot?

5109 [No response.]

5110 Mr. Issa?

5111 [No response.]

5112 Mr. King?

5113 Mr. King. No.

5114 Ms. Adcock. Mr. King votes no.

5115 Mr. Franks?

5116 [No response.]

5117 Mr. Gohmert?

5118 Mr. Gohmert. No.

5119 Ms. Adcock. Mr. Gohmert votes no.

5120 Mr. Jordan?

5121 [No response.]

5122 Mr. Poe?

5123 [No response.]

5124 Mr. Marino?
5125 [No response.]
5126 Mr. Gowdy?
5127 [No response.]
5128 Mr. Labrador?
5129 [No response.]
5130 Mr. Farenthold?
5131 [No response.]
5132 Mr. Collins?
5133 Mr. Collins. No.
5134 Ms. Adcock. Mr. Collins votes no.
5135 Mr. DeSantis?
5136 [No response.]
5137 Mr. Buck?
5138 [No response.]
5139 Mr. Ratcliffe?
5140 Mr. Ratcliffe. No.
5141 Ms. Adcock. Mr. Ratcliffe votes no.
5142 Mrs. Roby?
5143 Mrs. Roby. No.
5144 Ms. Adcock. Mrs. Roby votes no.
5145 Mr. Gaetz?
5146 Mr. Gaetz. No.
5147 Ms. Adcock. Mr. Gaetz votes no.
5148 Mr. Johnson of Louisiana?

5149 Mr. Johnson of Louisiana. No.

5150 Ms. Adcock. Mr. Johnson votes no.

5151 Mr. Biggs?

5152 [No response.]

5153 Mr. Rutherford?

5154 [No response.]

5155 Mrs. Handel?

5156 Mrs. Handel. No.

5157 Ms. Adcock. Mrs. Handel votes no.

5158 Mr. Conyers?

5159 Mr. Conyers. Aye.

5160 Ms. Adcock. Mr. Conyers votes aye.

5161 Mr. Nadler?

5162 Mr. Nadler. Aye.

5163 Ms. Adcock. Mr. Nadler votes aye.

5164 Ms. Lofgren?

5165 Ms. Lofgren. Aye.

5166 Ms. Adcock. Ms. Lofgren votes aye.

5167 Ms. Jackson Lee?

5168 [No response.]

5169 Mr. Cohen?

5170 [No response.]

5171 Mr. Johnson of Georgia?

5172 Mr. Johnson of Georgia. Aye.

5173 Ms. Adcock. Mr. Johnson votes aye.

5174 Mr. Deutch?
5175 [No response.]
5176 Mr. Gutierrez?
5177 Mr. Gutierrez. Yes.
5178 Ms. Adcock. Mr. Gutierrez votes yes.
5179 Ms. Bass?
5180 [No response.]
5181 Mr. Richmond?
5182 [No response.]
5183 Mr. Jeffries?
5184 [No response.]
5185 Mr. Cicilline?
5186 [No response.]
5187 Mr. Swalwell?
5188 Mr. Swalwell. Aye.
5189 Ms. Adcock. Mr. Swalwell votes aye.
5190 Mr. Lieu?
5191 Mr. Lieu. Aye.
5192 Ms. Adcock. Mr. Lieu votes aye.
5193 Mr. Raskin?
5194 Mr. Raskin. Aye.
5195 Ms. Adcock. Mr. Raskin votes aye.
5196 Ms. Jayapal?
5197 Ms. Jayapal. Aye.
5198 Ms. Adcock. Ms. Jayapal votes aye.

5199 Mr. Schneider?

5200 Mr. Schneider. Aye.

5201 Ms. Adcock. Mr. Schneider votes aye.

5202 Chairman Goodlatte. The gentleman from Ohio?

5203 Mr. Chabot. No.

5204 Ms. Adcock. Mr. Chabot votes no.

5205 Chairman Goodlatte. The gentleman from Florida?

5206 Ms. Adcock. No.

5207 Chairman Goodlatte. The gentleman from Ohio?

5208 Mr. Jordan. No.

5209 Ms. Adcock. Mr. Jordan votes no.

5210 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

5211 Mr. Poe. No.

5212 Ms. Adcock. Mr. Poe votes no.

5213 Chairman Goodlatte. The gentleman from Pennsylvania?

5214 Mr. Marino. No.

5215 Ms. Adcock. Mr. Marino votes no.

5216 Chairman Goodlatte. The gentleman from Idaho, Mr.

5217 Labrador?

5218 Mr. Labrador. No.

5219 Ms. Adcock. Mr. Labrador votes no.

5220 Chairman Goodlatte. The gentleman from California, Mr.

5221 Issa?

5222 Mr. Issa. No.

5223 Ms. Adcock. Mr. Issa votes no.

5224 Chairman Goodlatte. Has every member voted who wishes
5225 to vote? The clerk will report.

5226 Ms. Adcock. Mr. Chairman, 10 members voted aye; 15
5227 members voted no.

5228 Chairman Goodlatte. And the amendment is not agreed
5229 to. Has the gentleman from Illinois been recorded? He has
5230 been recorded? The gentleman from Arizona?

5231 Ms. Adcock. Not recorded.

5232 Chairman Goodlatte. All right. The gentleman from
5233 Florida?

5234 Mr. Deutch. Aye.

5235 Ms. Adcock. Mr. Deutch votes aye.

5236 Chairman Goodlatte. The clerk will report.

5237 Ms. Adcock. Mr. Chairman, 11 members voted aye; 16
5238 members voted no.

5239 Chairman Goodlatte. And the amendment is not agreed
5240 to. Are there further amendments?

5241 Mr. Johnson of Georgia. Mr. Chairman, I have an
5242 amendment at the desk.

5243 Chairman Goodlatte. The clerk will report the
5244 amendment of the gentleman from Georgia.

5245 Ms. Adcock. Amendment to the amendment in the nature
5246 of a substitute to H.R. 391, offered by Mr. Johnson of
5247 Georgia. Strike section 2 --

5248 [The amendment of Mr. Johnson of Georgia follows:]

5249

***** COMMITTEE INSERT *****

5250 Chairman Goodlatte. Without objection, the amendment
5251 is considered as read and the gentleman is recognized for 5
5252 minutes on his amendment.

5253 Mr. Johnson of Georgia. Thank you, Mr. Chairman.
5254 Today, the world faces its worst refugee crisis since World
5255 War II. Refugees and asylum seekers, not just from south of
5256 our border, but from Europe and Asia are in need of safety
5257 and security. My amendment would strike section 2 of H.R.
5258 391, which would restrict government-funded counsel for
5259 immigrants and asylum seekers and insert requirements
5260 regarding counsel for unaccompanied children and people
5261 suffering with serious mental trauma and other vulnerable
5262 people.

5263 I believe that it would be extremely difficult if not
5264 impossible to navigate our country's complex legal system as
5265 a non-English-speaking adult asylum seeker. For an
5266 unaccompanied minor child or an individual with serious
5267 mental disabilities, to be forced to navigate our country's
5268 immigration court process without counsel makes such
5269 navigation impossible. We should not treat unaccompanied
5270 children and people with serious mental disabilities this
5271 way in America. We are bigger than that.

5272 Due to asylum admission being classified as a civil
5273 matter, noncitizens are not afforded the protections of the
5274 Constitution that are provided to criminal defendants, yet

5275 in immigration proceedings the unaccompanied minor child or
5276 person with serious mental disability faces an experienced
5277 trial attorney pressing for their removal. We should not be
5278 treating children and people with serious mental
5279 disabilities as if they are able-bodied adults of sound
5280 mind. We are talking about individuals who may face
5281 credible and well-founded fear of persecution and death if
5282 deported to their native land.

5283 According to the American Immigration Lawyers
5284 Association, asylum seekers represented by counsel in
5285 removal proceedings are 12 times more likely to be granted
5286 asylum and children represented by attorneys are five times
5287 more likely to be granted protection. According to the
5288 National Association of Immigration Judges, legal
5289 representation is absolutely essential to ensure that
5290 children have meaningful access to asylum and other
5291 protections. This also improves the efficiency of the
5292 courts.

5293 Children are vulnerable and lack full competency and,
5294 therefore, immigration court cases involving children must
5295 be conducted in a manner different than that of adults. It
5296 can be challenging to effectively communicate complicated
5297 nuances of our law to children. Children may fake
5298 compliance in order to please the judge as an authority
5299 figure and a judge may need time to figure out if the child

5300 actually understands what is being communicated.

5301 Immigration judges must take more time with children who
5302 have been victims of emotional or psychological trauma.

5303 Children in proceedings need time to gather crucial
5304 corroborating documentation to support their relief claims
5305 and immigration judges are able to conduct proceedings more
5306 expeditiously and resolve cases more quickly when children
5307 are represented by attorneys. These statistics reveal the
5308 difficulty of applying for asylum without representation and
5309 I believe that those who come to the U.S. to escape violence
5310 and death deserve to have their applications fully
5311 considered.

5312 My amendment would ensure that asylum application
5313 seekers and the process is fair, with every applicant being
5314 able to properly communicate their needs and tell their
5315 story. I would urge my colleagues to support this amendment
5316 and I thank you and I yield back.

5317 Chairman Goodlatte. The chair thanks the gentleman.
5318 For what purpose does the gentleman from Louisiana seek
5319 recognition?

5320 Mr. Johnson of Louisiana. I oppose the amendment.

5321 Chairman Goodlatte. The gentleman is recognized for 5
5322 minutes.

5323 Mr. Johnson of Louisiana. Thank you. I oppose the
5324 amendment because this amendment would allow for an endless

5325 amount of U.S. taxpayer funds -- literally endless, as you
5326 can see on lines 13 to 15 on page 4 -- to be used to supply
5327 attorneys for unlawful aliens in immigration proceedings.

5328 Section 292 of the Immigration and Nationality Act
5329 states that "in any removal proceedings before an
5330 immigration judge, and in any appeal proceedings before the
5331 attorney general for many such removal proceedings, the
5332 person concerned shall have the privilege of being
5333 represented at no expense to the government by such
5334 counsel." So, the INA prohibits taxpayer-funded counsel and
5335 immigration removal proceedings.

5336 But the Obama administration ignored section 292.
5337 They just ignored it. In fact, the administration requested
5338 funding upwards of \$50 million in some years to provide
5339 attorneys for aliens in removal proceedings. H.R. 391
5340 clarifies section 292 by removing the prohibition from the
5341 parenthetical and adding a sentence that reads "in no
5342 instance shall the government bear any expense for counsel
5343 for any person" in immigration proceedings.

5344 Aliens in removal proceedings are there because they
5345 have no right to be in the United States. They have entered
5346 illegally. They have overstayed a visa or even committed an
5347 offense rendering them subject to deportation. And aliens
5348 in other immigration-related proceedings should not be
5349 provided attorneys at the expense of U.S. taxpayers.

5350 American taxpayers are already forced to shoulder the
5351 government's expenses incurred due to immigration
5352 proceedings. They should not also be required to bear the
5353 cost of the alien his or herself in those proceedings. H.R.
5354 391 will ensure that any administration understands that
5355 taxpayer funds cannot be used in these purposes.

5356 H.R. 391 does not prevent aliens from retaining their
5357 own counsel and that is important to point out. They can
5358 either do so by paying for it themselves or through pro bono
5359 representation, which is widely available, certainly, in
5360 tragic cases. Our legislation simply makes clear that U.S.
5361 tax dollars cannot be used to pay for the alien's
5362 representation. I oppose this amendment and urge my
5363 colleagues to do the same. I yield back the balance of my
5364 time.

5365 Chairman Goodlatte. For what purpose does the
5366 gentleman from Illinois seek recognition?

5367 Mr. Gutierrez. If the gentleman from Louisiana could
5368 send me the list of all those pro bono lawyers, I have got a
5369 bunch of people back at the district that would love to meet
5370 with them. I have not been able to find them. Please send
5371 me the list as soon as you.

5372 Mr. Johnson of Georgia. Would the gentleman yield?

5373 Mr. Gutierrez. Yes, I will.

5374 Chairman Goodlatte. The gentleman is recognized for 5

5375 minutes.

5376 Mr. Johnson of Georgia. This amendment has to do with
5377 protecting vulnerable people, namely children, unaccompanied
5378 minors, and also people suffering from mental trauma. It
5379 does not have to be someone who is crazy out of their mind,
5380 but just someone who is suffering from severe post-traumatic
5381 stress from what they have been through and may not be of
5382 the soundest of minds when they arrive at the border to be
5383 able to apply for asylum in a way that would be effective.

5384 And so, this amendment is humane, it is compassionate,
5385 and it would bring those qualities back to this bill, which
5386 is draconian and which would result in innocent and insecure
5387 and at-risk children and persons with mental disabilities
5388 being deported back to, in some cases, persecution, in some
5389 cases, death. So, I would ask my colleagues to consider
5390 voting in favor of this amendment and I will yield back to
5391 the gentleman.

5392 Mr. Gutierrez. I yield back the balance of my time,
5393 Mr. Chairman.

5394 Chairman Goodlatte. The chair thanks the gentleman.
5395 The question occurs on the amendment offered by the
5396 gentleman from Georgia.

5397 All those in favor, respond by saying aye.

5398 Those opposed, no.

5399 In the opinion of the chair, the noes have it and the

5400 amendment is not agreed to.

5401 Mr. Johnson of Georgia. Mr. Chairman, I would ask for
5402 a recorded vote.

5403 Chairman Goodlatte. A recorded vote is requested and
5404 the clerk will call the roll.

5405 Ms. Adcock. Mr. Goodlatte?

5406 Chairman Goodlatte. No.

5407 Ms. Adcock. Mr. Goodlatte votes no.

5408 Mr. Sensenbrenner?

5409 [No response.]

5410 Mr. Smith?

5411 [No response.]

5412 Mr. Chabot?

5413 Mr. Chabot. No.

5414 Ms. Adcock. Mr. Chabot votes no.

5415 Mr. Issa?

5416 Mr. Issa. No.

5417 Ms. Adcock. Mr. Issa votes no.

5418 Mr. King?

5419 Mr. King. No.

5420 Ms. Adcock. Mr. King votes no.

5421 Mr. Franks?

5422 Mr. Franks. No.

5423 Ms. Adcock. Mr. Franks votes no.

5424 Mr. Gohmert?

5425 Mr. Gohmert. No.

5426 Ms. Adcock. Mr. Gohmert votes no.

5427 Mr. Jordan?

5428 Mr. Jordan. No.

5429 Ms. Adcock. Mr. Jordan votes no.

5430 Mr. Poe?

5431 [No response.]

5432 Mr. Marino?

5433 Mr. Marino. No.

5434 Ms. Adcock. Mr. Marino votes no.

5435 Mr. Gowdy?

5436 [No response.]

5437 Mr. Labrador?

5438 Mr. Labrador. No.

5439 Ms. Adcock. Mr. Labrador votes no.

5440 Mr. Farenthold?

5441 [No response.]

5442 Mr. Collins?

5443 Mr. Collins. No.

5444 Ms. Adcock. Mr. Collins votes no.

5445 Mr. DeSantis?

5446 Mr. DeSantis. No.

5447 Ms. Adcock. Mr. DeSantis votes no.

5448 Mr. Buck?

5449 [No response.]

5450 Mr. Ratcliffe?
5451 Mr. Ratcliffe. No.
5452 Ms. Adcock. Mr. Ratcliffe votes no.
5453 Mrs. Roby?
5454 Mrs. Roby. No.
5455 Ms. Adcock. Mrs. Roby votes no.
5456 Mr. Gaetz?
5457 Mr. Gaetz. No.
5458 Ms. Adcock. Mr. Gaetz votes no.
5459 Mr. Johnson of Louisiana?
5460 Mr. Johnson of Louisiana. No.
5461 Ms. Adcock. Mr. Johnson votes no.
5462 Mr. Biggs?
5463 [No response.]
5464 Mr. Rutherford?
5465 [No response.]
5466 Mrs. Handel?
5467 Mrs. Handel. No.
5468 Ms. Adcock. Mrs. Handel votes no.
5469 Mr. Conyers?
5470 Mr. Conyers. No.
5471 Ms. Adcock. Mr. Conyers votes no.
5472 Mr. Nadler?
5473 Mr. Conyers. Oh, wait a minute. Aye.
5474 Chairman Goodlatte. Too late, too late.

5475 Mr. Nadler. Mr. Chairman?

5476 Chairman Goodlatte. The gentleman from Michigan
5477 prefers to be recorded as a no.

5478 Mr. Conyers. No, I --

5479 Chairman Goodlatte. No, an aye. I am sorry. I am
5480 getting with it, too.

5481 Mr. Nadler. How am I recorded?

5482 Mr. Conyers. Aye. Aye for Conyers.

5483 Chairman Goodlatte. The gentleman from New York wants
5484 to be recorded as an aye.

5485 Ms. Adcock. Aye.

5486 Mr. Nadler. Thank you very much.

5487 Ms. Adcock. Ms. Lofgren?

5488 Ms. Lofgren. Aye.

5489 Ms. Adcock. Ms. Lofgren votes aye.

5490 Ms. Jackson Lee?

5491 [No response.]

5492 Mr. Cohen?

5493 [No response.]

5494 Mr. Johnson of Georgia?

5495 Mr. Johnson of Georgia. Aye.

5496 Ms. Adcock. Mr. Johnson votes aye.

5497 Mr. Deutch?

5498 [No response.]

5499 Mr. Gutierrez?

5500 Mr. Gutierrez. Yes.

5501 Ms. Adcock. Mr. Gutierrez votes yes.

5502 Ms. Bass?

5503 [No response.]

5504 Mr. Richmond?

5505 [No response.]

5506 Mr. Jeffries?

5507 [No response.]

5508 Mr. Cicilline?

5509 [No response.]

5510 Mr. Swalwell?

5511 [No response.]

5512 Mr. Lieu?

5513 Mr. Lieu. Aye.

5514 Ms. Adcock. Mr. Lieu votes aye.

5515 Mr. Raskin?

5516 [No response.]

5517 Ms. Jayapal?

5518 Ms. Jayapal. Aye.

5519 Ms. Adcock. Ms. Jayapal votes aye.

5520 Mr. Schneider?

5521 Mr. Schneider. Aye.

5522 Ms. Adcock. Mr. Schneider votes aye.

5523 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

5524 Mr. Poe. No.

5525 Ms. Adcock. Mr. Poe votes no.

5526 Chairman Goodlatte. Has every member voted who wishes
5527 to vote? The clerk will report.

5528 Ms. Adcock. Mr. Chairman, 8 members voted aye; 17
5529 members voted no.

5530 Chairman Goodlatte. And the amendment is not agreed
5531 to. Are there further amendments?

5532 Mr. Gutierrez. Mr. Chairman?

5533 Chairman Goodlatte. For what purpose does the
5534 gentleman from Illinois seek recognition?

5535 Mr. Gutierrez. I have an amendment at the desk.

5536 Chairman Goodlatte. The clerk will report the
5537 amendment.

5538 Ms. Adcock. Amendment to the amendment in the nature
5539 of substitute to H.R. 391, offered by Mr. Gutierrez. In
5540 section 11 of the bill --

5541 [The amendment of Mr. Gutierrez follows:]

5542 ***** COMMITTEE INSERT *****

5543 Chairman Goodlatte. Without objection, the amendment
5544 is considered as read and the gentleman is recognized for 5
5545 minutes on his amendment.

5546 Mr. Gutierrez. Thank you, Mr. Chairman. This is what
5547 the gentleman from Idaho, the chairman of the Immigration

5548 Subcommittee, calls a "backdoor amnesty," but this backdoor
5549 amnesty program is for homeschoolers from northern European
5550 countries, Christians, educated people. We are in effect
5551 saying that the children of homeschoolers in Germany are
5552 more important than the children of people fleeing violence
5553 in the most deadly, murderous countries right here in our
5554 backyard: Honduras, Guatemala, and El Salvador.

5555 When our President does not consider grandparents to be
5556 close family members, because he tried, so far
5557 unsuccessfully, to bar them as part of his Muslim and
5558 refugee ban, but we know there are efforts to eliminate
5559 legal immigration or severely curtail it in the House and
5560 the Senate and the bills that expand legal immigration are
5561 done at the request of agricultural industry and amount
5562 almost to a form of indentured servitude or slavery for
5563 people to come work and leave.

5564 And now we have the cherry on top, a carveout for a
5565 small but dearly beloved group that resonates in the hearts
5566 of the majority much more than in the brown and black
5567 desperate people who come as refugees or come seeking
5568 asylum. "Turn those people away," the majority says,
5569 echoing their president. And if you can turn them away,
5570 let's put them in jail and pay private prisons to lobby us
5571 for a healthy profit. And if we put them in jail, let's
5572 hunt them down with their families and anyone that is here

5573 to give them a home or put them in jail and deport them.

5574 And if someone comes at the age of 15 and we have not
5575 adjudicated their case, they may have a qualified asylum
5576 case, but by the time they turn 15, which we all know is
5577 very likely because we have not invested in having an asylum
5578 system that works well, then we put them in jail and deport
5579 them, just because they turned 18.

5580 I think we all understand the priority of the majority.
5581 Let's make legal immigration difficult for everyone and
5582 impossible for most people, and let's score political points
5583 by rallying against the illegalities that we create. But
5584 that is a political strategy, not a strategy for
5585 controlling, regulating, embracing legal immigration, and
5586 promoting national security.

5587 No, not all immigrants, except for the Christian
5588 homeschoolers from Europe, are criminals, rapists, security
5589 threats, just as Trump has been saying since the day he
5590 descended the golden escalators to announce his campaign.
5591 The problem is that now the majority in this committee is
5592 turning those bad ideas based on prejudice and political
5593 opportunism into law that hurts the American people. It
5594 hurts our standing as the greatest Nation in the world and a
5595 beacon of hope for freedom-loving people around the world
5596 and hurts this committee and the institution.

5597 It seems to me we have had this bill before us. It

5598 went nowhere before. It will probably go nowhere now, but
5599 we keep doing this. It would seem to me we might want to
5600 have a hearing on the fact that the President of the United
5601 States just tweeted that his Attorney General should be
5602 investigating his opponent in the last presidential
5603 election.

5604 I can only imagine the outcry and the fact that there
5605 will be hearings of Eric Holder if President Obama were to
5606 tweet to Eric Holder, "Why do you not put my political
5607 opponents in jail?" With that, I return the balance of my
5608 time.

5609 Ms. Lofgren. Oh, could I ask a question, Mr.
5610 Gutierrez?

5611 Mr. Gutierrez. Sure, you can.

5612 Ms. Lofgren. I am reading this. It really is an
5613 astonishing section on page 11, asylum cases for
5614 homeschoolers, but it is not clear to me and I am wondering
5615 if you have a view or maybe we should direct this to the
5616 majority. "The right of the person to direct the upbringing
5617 and education of a child of that person, including any law
5618 or regulation preventing homeschooling."

5619 Now, in the case of madrassas, we have, you know, like
5620 in England, there is a requirement to send your kid to
5621 public school, but there are some parents who want their
5622 kids to go to madrassas and basically be indoctrinated

5623 religiously instead of going to public school. Would they
5624 not be eligible for asylum under this provision in your
5625 view?

5626 Mr. Gutierrez. I do believe so. And one of the best
5627 things, and I have shared this with other members of the
5628 committee, is that I am always enlightened when the
5629 gentlelady from California speaks on these issues, and I am
5630 so happy -- I want to say this with all sincerity of my
5631 heart -- that you are here to be a guiding light and beacon
5632 for us. So, I think yes, and I give the balance of my time
5633 to the gentlelady from California.

5634 Ms. Lofgren. No, I think our time is about expired,
5635 but still although the intent may be, as you have suggested,
5636 for Christians in Europe trying to homeschool, the language
5637 would certainly be wide-ranging across the world --

5638 Mr. Gutierrez. I agree.

5639 Ms. Lofgren. -- that would allow narrow
5640 fundamentalists who are resisting public education to gain
5641 asylum. And that is probably not a good idea. And I yield
5642 back.

5643 Chairman Goodlatte. For what purpose does the
5644 gentleman from Louisiana seek recognition?

5645 Mr. Johnson of Louisiana. Oppose the amendment.

5646 Chairman Goodlatte. The gentleman is recognized for 5
5647 minutes.

5648 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I
5649 will not need 5 minutes because much of this discussion and
5650 debate can be reference by what we did on the last
5651 amendment. This would open the door for potentially
5652 hundreds of millions of people to come to the U.S. to seek
5653 or be given asylum. Crime cannot be a category for asylum.
5654 Crime is not the same as persecution, and our laws
5655 historically recognize this, and we just simply cannot
5656 change it now.

5657 So for that reason, I oppose the amendment and urge my
5658 colleagues to do --

5659 Ms. Lofgren. Would the gentleman yield?

5660 Mr. Johnson of Louisiana. I will yield.

5661 Ms. Lofgren. Because I think, if I am reading this
5662 correctly -- and maybe I am not -- that the expansion to
5663 domestic violence and sexual violence would still be subject
5664 to the numerical limitation on this section found on line 3
5665 on page 12, which would be 500 a year. It is just that we
5666 would not have the madrasas parents, we would also have the
5667 domestic violence victims among the 500.

5668 Mr. Johnson of Louisiana. Reclaiming my time. I guess
5669 it is my time; I have lost track.

5670 Ms. Lofgren. It is your time. It is a question that I
5671 asked you.

5672 Mr. Johnson of Louisiana. Thank you. So, Ms. Lofgren,

5673 I think the answer is, the number 500 is a reasonable
5674 number; it allows up to 500 individuals per year to receive
5675 asylum if they have been persecuted or have a well-founded
5676 fear of persecution based on the fact that they homeschool
5677 their children.

5678 And look, it is not just white Westerners and
5679 Christians and all that, whatever was alleged here. It is
5680 for anyone who fits that category. And you have to put a
5681 number; it cannot be an unlimited, uncapped amount.

5682 Ms. Lofgren. No, no, but if I may, the question was,
5683 you said thousands and thousands of domestic violence
5684 victims; but I think the limitation is 500, and that
5685 continues to apply to this section even if we accept Mr.
5686 Gutierrez's amendment that expands it to domestic violence
5687 and sexual violence. It is a question, not a statement.

5688 Mr. Johnson of Louisiana. No, no, I think on its face,
5689 arguably that is probably true, but if we get the 500 cap
5690 there would almost certainly be an outcry to raise the
5691 number, and it does not change the important point of what
5692 we would be doing. By changing the statute, the underlying
5693 law, and the purpose of it is that we make a distinction --
5694 and we always have -- between crime and persecution, and if
5695 we open the door to every crime -- and this is a pretty
5696 broad listing of crimes -- then we open a Pandora's box.

5697 We have tremendous concern, care, and sympathy for all

5698 these persons who are victims of domestic violence, for
5699 example. But we just simply cannot use the asylum statute
5700 to go there. And for that reason, we oppose the amendment.
5701 I yield back.

5702 Mr. Johnson of Georgia. Mr. Chairman?

5703 Chairman Goodlatte. For what purpose does the
5704 gentleman from Georgia seek recognition?

5705 Mr. Johnson of Georgia. Move to strike the last word.

5706 Chairman Goodlatte. Gentleman is recognized for 5
5707 minutes.

5708 Mr. Johnson of Georgia. Yield to the gentleman from
5709 Illinois.

5710 Mr. Gutierrez. Thank you. Well, there we have it.
5711 Homeschoolers, you are protected. You are fleeing for your
5712 lives because your parents decided to homeschool you. So
5713 let us put you in the definition because you are a
5714 homeschooler. I read every day, there are just all these
5715 vicious ugly people out to get you. So the Republican
5716 majority says, let us put them in there. All my amendment
5717 says is, people really die because they are persecuted
5718 because they need to be accepted as asylum seekers in this
5719 country.

5720 I do not know how many homeschoolers die, but I can
5721 tell you how many kids die because they did not allow
5722 themselves to be recruited into a gang. I can tell you how

5723 many people die and how many women have been put into sexual
5724 exploitation and death because they were women and there was
5725 no State there to protect them.

5726 Part of the purpose of the amendment is, yeah, it is
5727 500, it is limited, as the lady from California -- all I am
5728 saying is, homeschoolers, the Republican majority will not
5729 let homeschoolers compete with people that are trafficked,
5730 with women that are victims of abuse and exploitation, of
5731 those that would be murdered. That is the only point.

5732 But I guess we are going to make sure that our great
5733 American flag and the Statue of Liberty is all happy because
5734 homeschoolers of the world, all you need to do is to get to
5735 America; there is only 500 of you, so get in line quickly
5736 and come to America and bring your visa. But if you are
5737 coming here fleeing murder, mayhem, death, much of which is
5738 created -- much of which, not all -- is created by the
5739 consumption of the illicit drugs uncontrolled in this
5740 country, which causes to those countries in Central America
5741 to become debilitated, then it is okay, you do not have a
5742 way in.

5743 I do not know. I am just going to call over to
5744 Honduras, El Salvador, and Guatemala, and start a
5745 homeschool. Tell everybody, "Send your kids to homeschool."
5746 You know, they are not going to let you in America because
5747 there are drug dealers out to get your kids. Homeschool

5748 your kids, because in America, drug dealers, okay, you do
5749 not get to come to America and seek safety. Homeschoolers,
5750 great. Sign up in Central America today.

5751 Thank you so much. And I return the balance of my time
5752 to the gentleman.

5753 Mr. Johnson of Georgia. Thank you. I find it ironic
5754 that at a time when the world is experiencing its worst
5755 refugee crisis since World War II, and an influx of people
5756 seeking asylum into this country from across the world who
5757 have a well-founded fear of danger and persecution should
5758 they be returned to their native lands, and we are trying to
5759 shut that door but leaving a little crack for 500 folks who
5760 are educating their kids in homeschooling. There is
5761 something about the homeschooling deal and politics that has
5762 crept into this bill and has, therefore, devalued the whole
5763 process that this bill is founded upon.

5764 It is disappointing. And I would ask my colleagues to
5765 really support the Gutierrez amendment. We are not talking
5766 about decreasing the numbers at all; just talking about
5767 expanding the qualifications for people to be able to get in
5768 so that we are really talking about people with serious
5769 well-founded fears of persecution, should they be returned
5770 home.

5771 And with that, Mr. Chairman, I will yield back.

5772 Chairman Goodlatte. Question occurs on the amendment

5773 offered by the gentleman from Illinois.

5774 All those in favor, respond by saying aye.

5775 Those opposed, no.

5776 In the opinion of the chair, the noes have it, and the
5777 amendment is not agreed to.

5778 Are there further amendments to H.R. 391?

5779 Ms. Jayapal. I have an amendment at the desk, Mr.

5780 Chairman.

5781 Chairman Goodlatte. The clerk will report the
5782 amendment offered by the gentlewoman from Washington.

5783 Ms. Adcock. Amendment to the amendment in the nature
5784 of a substitute to H.R. 391, offered by Ms. Jayapal. Strike
5785 sections 14 and 17.

5786 [The amendment of Ms. Jayapal follows:]

5787 ***** COMMITTEE INSERT *****

5788 Chairman Goodlatte. Without objection, the amendment
5789 is agreed to as read, and the gentlewoman is recognized for
5790 5 minutes on her amendment.

5791 Ms. Jayapal. Thank you, Mr. Chairman. At the
5792 beginning of this session, my friend from Louisiana talked
5793 about our moral leadership in the world. And I have to say,
5794 I wonder whether everybody on the other side even knows what
5795 is in this bill. If we had had a hearing on this bill, as
5796 with many of the immigration bills that we have seen -- we
5797 have not had a hearing -- if we had had a hearing, then we
5798 would have been able to go into some of these points and see
5799 the ridiculousness of including homeschooling and making a
5800 carveout but then somehow saying that we cannot provide
5801 relief for domestic violence victims or others who are in
5802 deep need of asylum. And I do worry about what message we
5803 send to the world with this bill and what moral leadership
5804 we can continue to claim.

5805 My amendment would strike sections 14 and 17 of H.R.
5806 391 because together these sections essentially decimate our
5807 asylum laws and the protections that we have in place for
5808 those who are fleeing serious persecution and harm. These
5809 sections together would prohibit crime victims, LGBT
5810 persons, domestic abuse survivors, children fleeing gang
5811 recruitment, and individuals persecuted by rogue government
5812 officials from obtaining asylum, and would force them to

5813 return to a perilous situation.

5814 Section 14 claims to deny asylum to anyone who claims
5815 persecution based on, quote, "generalized violence," but it
5816 focuses on gangs, and it bars asylum to anyone who is in a
5817 gang or participates in a gang, but then it also denies
5818 asylum to anyone who was recruited or fears being recruited
5819 into a gang.

5820 The nonsensical and inhumane result of this section
5821 means, for example, that a young boy who was recruited into
5822 a gang but makes the right decision not to join that gang
5823 and is afraid for his life as a result, that young boy would
5824 be denied asylum into the United States. Or an 11-year-old
5825 girl who fears being recruited into a gang for purposes of
5826 sexual slavery, and escapes to the United States seeking
5827 safety, that young girl would be denied asylum. Or a 7-
5828 year-old child who is repeatedly gang raped by a member of a
5829 criminal gang, that child would be denied asylum in the
5830 United States.

5831 And I just wonder if my colleagues on the other side
5832 actually know what this bill contains, because we are
5833 limiting protection to people who are victims of gang
5834 violence. And many of these victims are kids who have been
5835 sexually and physically abused. So in the guise of being
5836 tough on gangs, this section actually expands asylum
5837 prohibition to all victims of crime regardless of whether

5838 the crime is gang-related.

5839 Section 14 states that anyone who is a victim of a
5840 crime or who fears being a victim of a crime cannot get
5841 asylum unless the motivating factor is related to race,
5842 religion, national origin or political opinion. It omits
5843 the enumerated ground of membership in a particular social
5844 group as a reason why a victim of crime can qualify.

5845 Section 14 would warp U.S. protection law by barring
5846 grants of asylum to individuals who suffer persecution on
5847 account of their membership in a particular social group
5848 whenever such membership takes the form of a crime. So, in
5849 any country in which such terrible acts as domestic abuse or
5850 rape or torture constitutes crimes, if someone commits such
5851 acts against an individual on account of that individual's
5852 membership in a particular social group, that individual
5853 then cannot receive asylum in the United States.

5854 This just flies in the face of humanitarian protection
5855 principles and potentially violates our country's
5856 international treaty obligations. And it would lead to
5857 absurd results including denial of protection, for example,
5858 to families who are targeted for death by gang members in
5859 countries where attempted murder is a crime.

5860 Section 17 goes even further. It bars asylum to an
5861 individual persecuted by, quote, "a rogue official on
5862 account of any protected ground, whether race, religion,

5863 nationality, political opinion, or membership in a
5864 particular social group." That even further distorts U.S.
5865 asylum law and denies many vulnerable individuals an
5866 opportunity for protection. Thus, any non-sanctioned
5867 persecutory act committed against an individual by a
5868 government official cannot form the basis for asylum.

5869 For example, if a government official rapes a woman as
5870 retribution for her participation in an opposition political
5871 party, and the act was not government-sanctioned, that rape
5872 cannot serve as the basis of asylum for the raped woman. If
5873 a police officer, while on duty, bombed a Christian church
5874 due to anti-Christian convictions, and in contravention of
5875 government policy, that bombing could not serve as basis for
5876 asylum for the attacked Christians.

5877 And if enacted into law, this bill would result in the
5878 denial of asylum to somebody like Malala Yousafzai, a
5879 Pakistani schoolgirl who we have all heard about, who was
5880 shot in the head by a man who opposed girls' education. As
5881 a victim of crime, Malala would be denied asylum in the
5882 United States and forced to return to Pakistan.

5883 If enacted into law, the United States would no longer
5884 have a respectable asylum system, but instead would have a
5885 decimated humanitarian-like program that recognizes the
5886 plight of Christian homeschoolers but not victims of
5887 violence and people whose lives are in danger.

5888 I urge my colleagues to support my amendment, to ensure
5889 that some small piece of our asylum program is maintained.
5890 And I yield back the balance of my time.

5891 Chairman Goodlatte. For what purpose does the
5892 gentleman from Louisiana seek recognition?

5893 Mr. Johnson of Louisiana. I oppose the amendment.

5894 Chairman Goodlatte. Gentleman is recognized for 5
5895 minutes.

5896 Mr. Johnson of Louisiana. This amendment that would
5897 strike from H.R. 391 one of the bill's most important
5898 provisions, and that is to limit eligibility for asylum
5899 based on generalized violence, especially in the gang
5900 context.

5901 Look, the gang issue is nothing new for asylum law.
5902 For the past several years, more asylum claims from regions
5903 such as Central America have focused on fear of gangs or
5904 being a current or former gang member. Asylum is not a
5905 remedy for everyone who is afraid to return to their home
5906 countries; it cannot be. The Board of Immigration Appeals
5907 has held that fear of gangs cannot alone form the basis for
5908 asylum eligibility.

5909 In so finding, the Board has found that even if the
5910 particular social group element is met, the inquiry must
5911 still focus on the nexus. In other words, does membership
5912 in that particular social group constitute one central

5913 reason for the claim of persecution?

5914 In the context of gang violence, it typically does not.
5915 Instead gangs are using violence to control territory and
5916 instill fear so they can make money and continue their
5917 criminal enterprises. While no one would argue that there
5918 are many reasons to be fearful of gangs, this fear alone
5919 cannot constitute the basis for asylum under our current
5920 Federal framework.

5921 Yet again, we have seen courts chip away at the Board's
5922 holding. The Fourth Circuit Court of Appeals has published
5923 several decisions finding that the threat of gang reprisal
5924 against a family unit constitutes a sufficient basis for
5925 asylum. That court has gone even farther in finding that
5926 even former gang members can qualify as a particular social
5927 group for the purpose of asylum eligibility. These
5928 decisions contradict long-held precedent of asylum law and
5929 represent not only a serious departure from the Board
5930 decision but also a Circuit split.

5931 These decisions fail to recognize the dangers of
5932 finding that gang members are persecuting others on account
5933 of their membership in a particular group. This erosion of
5934 the nexus requirement ignores the need for a direct
5935 connection between the protected and the persecution, and
5936 makes wholly irrelevant the one central reason standard.

5937 The courts have always differentiated persecution from

5938 crime. And we must not allow those lines to blur. While
5939 the gang violence and street crime in Central America and in
5940 other places around the world is certainly horrific, we must
5941 affirm the rule of law that asylum is limited to those
5942 suffering persecution as traditionally defined.

5943 As the Board stated recently in Matter of M-E-V-G-,
5944 quote, "a national community may struggle with significant
5945 societal problems resulting from gangs, but not all societal
5946 problems are the basis for asylum," unquote. This provision
5947 also codifies established precedent and further creates the
5948 bright line rule that gang members who seek asylum will not
5949 be eligible.

5950 We have to continue to fight against dangerous
5951 transnational criminal street gangs. We must ensure that no
5952 court provides immigration relief in the form of asylum to
5953 those gang members.

5954 Regarding section 17 -- this has been said -- asylum
5955 law does not protect all those fearful of returning to their
5956 home countries. Victims of crime are not eligible for
5957 asylum under current law, and the acts in question must,
5958 with limited exception, be committed at the hands of
5959 government agents acting in their official capacity.

5960 H.R. 391 resolves a split in the Federal Circuits
5961 regarding the actions of rogue government officials who are
5962 not acting within the auspices within their official

5963 capacity. While the First, Second, and Tenth Circuits have
5964 found that the actions of rogue government agents may not
5965 constitute government action for purposes of asylum, the
5966 Ninth Circuit has found otherwise. Rogue government
5967 officials are not acting under color of law, and the actions
5968 they take are more akin to criminal activity than government
5969 action.

5970 In order to clarify this concept, section 17
5971 definitively states that the actions of rogue officials
5972 cannot form the basis for eligibility for either asylum or
5973 withholding of removal. Without evidence to support that
5974 the actual government and the country supports the actions
5975 of the rogue official, there cannot be a prima facie case
5976 for protection.

5977 H.R. 391 follows the approach espoused by the three
5978 Circuits distinguishing rogue officials from government
5979 officials. Without evidence of participation by the
5980 government, support by the government, or willful blindness
5981 by the government, the actions of the rogue official cannot
5982 be impugned on the government itself.

5983 Requiring an alien to show their fear of persecution is
5984 based on government action, and that is not an overzealous
5985 standard. It is a reasonable standard and helps ensure the
5986 legitimacy of the U.S. asylum process and the spirit and rule
5987 of our law. So for those reasons, I oppose the amendment

5988 and urge my colleagues to do the same. I yield back.

5989 Mr. Johnson of Georgia. Mr. Chairman?

5990 Chairman Goodlatte. For what purpose does the

5991 gentleman from Georgia seek recognition?

5992 Mr. Johnson of Georgia. Move to strike the last word.

5993 Chairman Goodlatte. Gentleman is recognized for 5

5994 minutes.

5995 Mr. Johnson of Georgia. Thank you, Mr. Chairman. We

5996 have got a well-considered, conservatively applied asylum

5997 process in this country. H.R. 391 chokes the life out of

5998 that asylum process. This bill named Asylum Reform and

5999 Border Protection Act is definitely misleading. In reality,

6000 this legislation destroys the asylum program, a program that

6001 is instrumental in safeguarding those who are fleeing

6002 persecution and violence.

6003 While the majority claims that this bill will close

6004 loopholes in the asylum program, in reality it will simply

6005 lead to the removal, instantly, of innocent individuals

6006 seeking asylum protection in the U.S. At its core, the bill

6007 targets some of the most vulnerable people in the world,

6008 those fleeing persecution, violence, terror, sexual slavery,

6009 torture.

6010 For decades America has served as a beacon of safety

6011 for these people, but unfortunately this bill represents the

6012 latest step in the Steve Bannon-led effort to dismantle our

6013 Nation's humanitarian protection system. It has got Steve
6014 Bannon written all over it.

6015 The destruction of the U.S. asylum program will result
6016 in thousands of innocent people facing violence or death,
6017 being turned away from our shores. This is not what our
6018 country stands for, and as the Congress, we should work to
6019 find solutions to help these people, not send them back into
6020 harm's way.

6021 This bill hurts some of the citizens this country holds
6022 in the highest regard: our military. Over 4,400 loved ones
6023 of active or former military personnel maintain lawful
6024 presence in America from parole in place authorization; and
6025 this bill even kills the parole in place program, which
6026 could lead to mass deportations of United States military
6027 spouses and children. Our service members deserve better,
6028 the people of the world deserve better, and we should not
6029 place the isolationist agenda of the Trump administration
6030 over the lives and wellbeing of those who have served our
6031 country.

6032 I urge my colleagues to support the Jayapal amendment,
6033 a sensible and measured amendment to this very draconian
6034 bill --

6035 Mr. Conyers. Would the gentleman yield?

6036 Mr. Johnson of Georgia. And I will.

6037 Mr. Conyers. I thank the gentleman for yielding. And

6038 I support the amendment as well. But I ask unanimous
6039 consent to put in the record a letter from the American-Arab
6040 Anti-Discrimination Committee, known as ADC, whose president
6041 is Samer Khalaf, into the record at this point.

6042 Chairman Goodlatte. Without objection, it will be made
6043 a part of the record.

6044 [The information follows:]

6045 ***** COMMITTEE INSERT *****

6046 Mr. Conyers. Thank you, sir.

6047 Mr. Johnson of Georgia. Mr. Chairman, I yield back.

6048 Chairman Goodlatte. The chair thanks the gentleman.

6049 The chair recognizes himself in opposition to the amendment.

6050 I hear the statement of the gentleman from Georgia, that

6051 somehow we are destroying the long-held valued asylum

6052 process in the United States. But frankly, what has put at

6053 risk the asylum process in this country is the gross abuse

6054 of that process during the Obama administration. And for

6055 those of you who are interested, you can look at page 3 of

6056 the memorandum regarding this markup.

6057 From fiscal year 2006 to fiscal year 2009, an average

6058 of 5,000 referrals were made from the Border Patrol to ICE,

6059 and a comparable number were completed. In fiscal year

6060 2010, that jumped up to nearly 9,000. In fiscal year 2011,

6061 11,500. In fiscal year 2012, 13,500. In fiscal year 2013,

6062 it nearly tripled as word spread as to how the Obama

6063 administration was abusing the asylum process to make it

6064 possible, and many talented lawyers, educated people, on how

6065 to participate in this abuse to 36,170.

6066 In fiscal year 2014, it went to 48,630. In fiscal year

6067 2015, for some reason it leveled off, also 48,000. And last

6068 year it jumped to almost 93,000 people filing for asylum

6069 claims; almost 19 times as many as filed in fiscal year

6070 2006.

6071 This is an abuse of the process. It destroys the merit
6072 of the process for those several thousand people each year
6073 who do have valid, legitimate fears of persecution in
6074 countries where the government is either sponsoring the
6075 persecution or failing to protect people from that
6076 persecution. That is intention of the asylum law, and it
6077 has been grossly abused in recent years. And that is why
6078 this legislation is needed.

6079 Ms. Jayapal. Would the chairman yield?

6080 Chairman Goodlatte. I would be happy to yield.

6081 Ms. Jayapal. Thank you so much, Mr. Chairman. I just
6082 wanted to say that you are right that asylum claims have
6083 increased, but they have not just been an increase in the
6084 United States. They have increased around the world because
6085 there has been an increase in violence in Latin America --

6086 Chairman Goodlatte. Reclaiming my time. The fact of
6087 the matter is that there has always been violence in various
6088 places around the world, and the United States has always
6089 been a beacon of hope. But people have come here, brought
6090 here by coyotes, human smugglers -- like the ones who
6091 smuggle people in recently, where 10 were suffocated to
6092 death in the back of a tractor trailer -- and they are told
6093 that they should simply go across the border, and if they do
6094 not succeed in being admitted they should then offer an
6095 asylum claim. The asylum claims, in my opinion, are not

6096 based upon a 19 times increase in the amount of violence in
6097 Central America or other places around the world.

6098 Ms. Jayapal. Actually, Mr. Chairman, if you would
6099 yield.

6100 Chairman Goodlatte. I will not yield. I am very
6101 strongly opposed to this amendment, and I urge my colleagues
6102 --

6103 Ms. Lofgren. Mr. Chairman?

6104 Chairman Goodlatte. For what purpose does the
6105 gentlewoman from California seek recognition?

6106 Ms. Lofgren. To strike the last word.

6107 Chairman Goodlatte. Gentlewoman is recognized for 5
6108 minutes.

6109 Ms. Lofgren. And I would yield to the gentlelady from
6110 Washington.

6111 Ms. Jayapal. Thank you so much for yielding. Let me
6112 just read you what the UNHCR, the U.N. Commission for
6113 Refugees has documented: a 712 percent increase in the
6114 number of asylum applications from Salvadorian, Honduran,
6115 and Guatemalan citizens from 2008 to 2013. So in fact, our
6116 increase has been less than what has been seen by the UNHCR.
6117 And if your side is asserting that somehow the asylum
6118 process is being abused, let us talk about how many asylum
6119 applications are actually granted.

6120 In 2014, 41,920 asylum cases were received and only

6121 8,775 were granted. Out of 3,996 asylum requests from
6122 Mexico, only 38 were granted. So I do not understand how we
6123 can assert that the system is being abused. In fact, there
6124 is a very strong system in place, and I do not know if every
6125 member of this committee has had a chance, on both sides of
6126 the aisle, to go down and actually be present for the
6127 process that happens at the border when people come to apply
6128 for asylum. Because if everyone were to go through that, I
6129 think what you would see is it is an extremely difficult and
6130 rigorous process, both to actually go through the process
6131 and then finally to be granted asylum status.

6132 And so, to say that there is extreme fraud in the
6133 system, of course there may be fraud in every system, and we
6134 should root it out. I think members on both sides of the
6135 aisle would be willing to talk about ways to do that.
6136 Without a hearing and with a broad bill that completely
6137 mischaracterizes, in my opinion, what we are trying to do
6138 here and says that it is somehow reforming an asylum system,
6139 when in fact it is decimating an asylum system that was set
6140 up because we have been a beacon of hope. And it is our
6141 moral responsibility to make sure that we continue to
6142 protect that ability for people from around the world.

6143 And we should not sugarcoat what we are doing here.
6144 This would dramatically affect the ability of people to seek
6145 asylum in a system that is not ridden with fraud. If the

6146 system were ridden with fraud then we would see a lot more
6147 people getting granted asylum, but that is not the case.
6148 That is not what the statistics show. Sure, there is an
6149 increase in applications because we are seeing an increase
6150 in violence. We are seeing an increase in inequality around
6151 the world. We are seeing an increase in drought. We are
6152 seeing an increase in climate refugees. There are all kinds
6153 of reasons why we continue to see increases in refugees and
6154 asylum seekers.

6155 But the reality is the system is working pretty darn
6156 well because we continue to allow very few of those people
6157 to actually get in and be granted asylum status. So I am
6158 strongly opposed to the idea that there is fraud in the
6159 system, and I hope that perhaps we can take a trip together
6160 to the border to actually sit and listen to these credible
6161 fear interviews and see how they go, because right now what
6162 this bill will do is decimate our asylum program.

6163 Ms. Lofgren. Reclaiming my time, I appreciate the
6164 gentlelady's comment. And I would just note that I think
6165 there are some points of agreement between the majority and
6166 the minority. It is not that because there is an increase
6167 in potential asylees that there is therefore something
6168 impermissible, because we have got more people on the move
6169 today than we have had since World War II because of
6170 disorder in parts of the world. But I think we would agree

6171 that the best place to deal with failed states is not at the
6172 border of the United States.

6173 If we have people seeking protection, we should stand
6174 up, live up to our obligations under international law and
6175 provide protection. But we ought to be taking more vigorous
6176 steps -- not just with ourselves, but with other Western
6177 Hemisphere nations -- to bring some peace to the Northern
6178 Triangle, where most of the asylees are fleeing, not just to
6179 the U.S., but also to Belize, and Nicaragua, and other
6180 places.

6181 The enduring frustration I have is that we have shown
6182 so little leadership in working with the U.N., in working
6183 with other Western Hemisphere countries -- Canada, Costa
6184 Rica, and others -- who would be willing to join us, and to
6185 say, "This is not just a U.S. problem; this is a hemisphere-
6186 wide problem that ought to be addressed on a hemisphere-wide
6187 basis." I think, ultimately, that is a good resolution to
6188 the trauma that we see at our borders and one that we have
6189 neglected as a country.

6190 And with that, I yield back, Mr. Chairman.

6191 Mr. Cohen. Mr. Chairman?

6192 Chairman Goodlatte. For what purpose does the
6193 gentleman from Tennessee seek recognition?

6194 Mr. Cohen. Strike the last word.

6195 Chairman Goodlatte. The gentleman is recognized for 5

6196 minutes.

6197 Mr. Cohen. And to yield time to my friend, the
6198 honorable gentleman of Georgia, Mr. Hank Johnson.

6199 Mr. Johnson of Georgia. I thank the gentleman for
6200 yielding. And the specter of the Obama administration has
6201 once again been wielded in this hearing. I wonder, why is
6202 it that we keep raising that specter, and on a problem that
6203 does not exist? According to the research of Congresswoman
6204 Jayapal, less than one-fourth of asylum applications are
6205 granted yearly. Less than a fourth. Well-less than a
6206 fourth.

6207 But yet, we are wielding this specter of President
6208 Obama, and then we are driving in the Trump/Steve Bannon
6209 bandwagon that got them into office, ever since, as my
6210 colleague noted, Congressman Gutierrez, that he descended
6211 the golden stairs of the Trump Tower to make his campaign
6212 announcement, and then proceeded to rail against every
6213 minority present in this country.

6214 So, this is something that is inhumane. It is not well
6215 thought out. And it is political. It is just rank
6216 political appeal to the lower instincts of people when it
6217 comes to blaming others for a non-existent problem that we
6218 have in this country, when we should be using our time
6219 instead of bringing bills that have not gone through regular
6220 order, not gone through committee, subcommittee hearings

6221 before brought up for markup.

6222 And we are doing a cascade of these Steve Bannon-type
6223 bills, and while there is something looking us in the face,
6224 asking us to look at. And that is Russian collusion,
6225 obstruction of justice, money laundering, abuse of the
6226 democratic system. And this committee has done absolutely
6227 nothing, and we continue with these types of messaging bills
6228 that seek to remedy a non-existent problem.

6229 The American people are watching us. They are watching
6230 us waste time and they are watching Congress getting ready
6231 to go on a 1-month, 5-week vacation, leaving serious issues
6232 that need oversight un-overseen. We are just ignoring the
6233 obvious while trying to trick people into thinking that
6234 something that is a problem somewhere in the asylum process,
6235 when there is none.

6236 I would implore us to get to work as a committee doing
6237 the people's business that actually needs to be done, and
6238 move away from these messaging -- we are 6 months into this
6239 new administration and we are still in campaign mode. And
6240 Trump is in campaign mode, going to the Boy Scouts, talking
6241 to 30,000 young Boy Scouts, leading them astray, talking
6242 about false news. And we are following up on that with our
6243 process here in this committee. And I am sick and tired of
6244 it. I want us to move forward. With that, I yield back to
6245 the gentleman.

6246 Mr. Cicilline. Mr. Chairman?

6247 Chairman Goodlatte. Thank you. For what purpose does
6248 the gentleman from Rhode Island seek recognition?

6249 Mr. Cohen. I still have the time, I think.

6250 Chairman Goodlatte. Okay.

6251 Mr. Cohen. I was just going to comment that in a
6252 wonderful spirit of bipartisanship, the freshman member on
6253 the other side of the aisle, Mr. Gaetz, came over to me on -
6254 - is it -- am I pronouncing it correctly? Is it Gaetz or --
6255 I yield to the gentleman from Florida for pronunciation
6256 purposes only.

6257 Mr. Gaetz. I thank the gentleman for yielding. It's
6258 "Gates."

6259 Mr. Cohen. "Gates."

6260 Mr. Gaetz. Think, like open gates.

6261 Mr. Cohen. Open gates. Jim Gaetz, in the wonderful
6262 spirit of bipartisanship, came and said, "How nice was it in
6263 the last meeting when the chairman said he was going to work
6264 with us on finally doing some research, a long research on
6265 medical marijuana?" And I agreed with him. I signed onto
6266 his bill today on scheduling of marijuana, and I wanted to
6267 thank the chairman for his offer and just ask the chairman,
6268 where are we on that?

6269 Chairman Goodlatte. The gentleman's question is
6270 totally not germane.

6271 Mr. Cohen. It is about bipartisanship, and Kumbaya and
6272 Republicans and Democrats.

6273 Chairman Goodlatte. Well, I would just say to the
6274 gentleman that open gates are better than closed gates, and
6275 we ought to move back to the subject at hand.

6276 Mr. Gutierrez. Mr. Chairman?

6277 Mr. Cohen. I yield back the balance of my 5 seconds.

6278 Chairman Goodlatte. All right. The gentleman from
6279 Illinois is recognized for 5 minutes.

6280 Mr. Gutierrez. Thank you. Thank you very much, Mr.
6281 Chairman. Look. Here is what we are going to vote on: that
6282 a legitimate fear of persecution, indeed, of violence, is
6283 homeschooling. That is what we are saying. If you prohibit
6284 -- if the State, if the government prohibits you from
6285 homeschooling your children -- and this is supposed to be a
6286 stop abuse of the asylum system. But the majority inserted
6287 into this bill, this reform bill -- and in order to reform
6288 it, it said, "Those poor homeschoolers." I get lots of
6289 letters from them every day from all over the world, saying,
6290 "Luis, do something for me, because we are being
6291 persecuted."

6292 I mean, this is asylum status for homeschoolers. But
6293 who do they want to cut down the asylum status for? For
6294 real people that are in real jeopardy of dying. No one on
6295 this side of the aisle -- I have not found anybody -- has

6296 proposed that we allow gang members, and drug dealers, and
6297 cartel people to come. I challenge anybody to show me where
6298 those words exist in any one of our proposals.

6299 But that is where we go. Now, I would like to say to
6300 my colleagues, unfortunately, I do see people who apply for
6301 government jobs at the White House who forget -- who forget
6302 -- about their meetings with the Russians, who forget about
6303 putting down on their applications things that they own, and
6304 financial transactions, in violation of the law. I see that
6305 pretty regularly.

6306 Everybody has amnesia over at the White House about
6307 what Russians they saw, and what they talked to the Russian
6308 about, and how many times they saw that Russian. Now, that
6309 is something we do not want to discuss, but is germane to
6310 the committee, the Judiciary Committee. But we are not
6311 going to discuss that.

6312 I do not know how we do not have the Attorney General
6313 of the United States -- for as long as he is going to stay
6314 there, because I understand he was once a huge person for
6315 President Trump. He thought of him hugely; he thought he
6316 was huge, he was great. I am not quite sure how long he is
6317 going to last, that great friend of the President as
6318 Attorney General.

6319 But before the President gets rid of him, maybe we
6320 should invite him down here, since there is a tweet, which

6321 is an official message these days, from the President of the
6322 United States, almost demanding that he start an
6323 investigation, and indict, and "lock her up."

6324 But we do not see any criminality or any reason to look
6325 into that here in the committee of jurisdiction. But we
6326 keep talking about criminals, criminals, criminals,
6327 criminals, criminals, criminals when the committee does have
6328 jurisdiction over that.

6329 Or, moreover, that the Attorney General of the United
6330 States should not have recused himself, although the
6331 regulations at the Department of Justice require him,
6332 because he was the member of a campaign, to withdraw
6333 himself. And they say, "Well, then the Deputy became in
6334 charge, and how come the Deputy did not ask the General
6335 Attorney before he appointed a special prosecutor?" Because
6336 he recused himself, because he could not have anything to do
6337 with that. You cannot go and ask somebody who recused
6338 themselves from an investigation, an area investigation, to
6339 then appoint.

6340 So, we have a live, acting investigation on the part of
6341 Mueller, and we know that there are rumors -- just like
6342 Comey, and last time I checked, it seems to me to be kind of
6343 criminal to say to the Vice President, "Leave the room" --
6344 your son-in-law to leave the room, to tell the Attorney
6345 General to leave the room, and then to call -- whisper over

6346 to the FBI Director and say, "Hey, can you lay off on the
6347 investigation of Flynn?" That happened. We have that from
6348 none other than the former Director of the FBI. But we are
6349 talking about crimes.

6350 So, I would just suggest, there are crimes that may be
6351 occurring, and certainly have surfaced, and merit the
6352 attention. And you know what? I got to say, I am pretty
6353 proud of the Judiciary Committee over on the Senate. They
6354 are fulfilling their responsibilities. While what are we
6355 doing? Limiting the possibility, unless you are a
6356 homeschooler suffering from that abuse, and terror, and
6357 near-death situation, because the State says, "No, you got
6358 to go to school outside your house and you cannot do it at
6359 home."

6360 Look, let's do the investigation into what may really
6361 be criminal activity, instead of making it up. And I return
6362 the balance of my time.

6363 Mr. Cicilline. Mr. Chairman?

6364 Chairman Goodlatte. For what purpose does the
6365 gentleman from Rhode Island seek recognition?

6366 Mr. Cicilline. I move to strike the last word.

6367 Chairman Goodlatte. The gentleman is recognized for 5
6368 minutes.

6369 Mr. Cicilline. Mr. Chairman, I rise in strong support
6370 of the amendment. You know, we have sort of forgotten, I

6371 think, some of the basic values of this country. It might
6372 be good to recall the words on the Statue of Liberty: "Give
6373 me your tired, your huddled masses, your poor, yearning to
6374 breathe free."

6375 That reflected deeply-held American values, that we
6376 were a country that when people were fleeing unspeakable
6377 violence, drought, famine, that we would be a place that
6378 would welcome people who had genuine, well-founded fear of
6379 persecution.

6380 We heard our friends on the other side of the aisle
6381 continue to repeat that this is a system that is filled with
6382 fraud. There is no such evidence. No matter how many times
6383 you say it does not make it true.

6384 And if all you are relying on is the increase in the
6385 numbers of people who legally are entitled to asylum status,
6386 you are not paying attention to what is happening in the
6387 world. We have 65 million people displaced.

6388 Chairman Goodlatte. Will the gentleman yield?

6389 Mr. Cicilline. No. I will not.

6390 Chairman Goodlatte. Okay.

6391 Mr. Cicilline. I will just finish my point, and then I
6392 am happy to yield.

6393 Chairman Goodlatte. Okay. Thank you.

6394 Mr. Cicilline. Sixty-five million people displaced,
6395 more than at any other point in our history. Of course

6396 there are more people who are being granted asylum. There
6397 are more people fleeing instability, war, violence, climate
6398 refugees, droughts. This is a time of record instability in
6399 the world. You cannot draw the conclusion that because more
6400 people are trying to come to America because the world is
6401 more violent and less secure, and people are facing greater
6402 violence, that that is evidence of a fraud or evidence of a
6403 system which is being abused. It is in fact a system that
6404 is working.

6405 People who can make a well-founded claim, a fear of
6406 persecution, get to come to the United States. Now, if you
6407 disagree with that law, you can argue there should be a
6408 different standard. But do not make up this claim that it
6409 is being fraudulently applied. We have a responsibility, as
6410 people who live in an inter-connected world, to do our fair
6411 share, in terms of taking care of refugees. We are very
6412 generous donors to the refugee crisis around the world. I
6413 think we are the most generous donor. But we also have a
6414 responsibility to accept some refugees into our country.
6415 And we have a good law, a high standard that works. We
6416 should be proud of that.

6417 I have refugees that have moved to Rhode Island, and I
6418 welcome them to my State. And I got to say, "You are here
6419 because America stands for something." We stand for being a
6420 place that people can come at a time of complete horror in

6421 their lives, where they are fleeing unspeakable persecution.
6422 We should be proud of that. We should protect that. And
6423 so, I urge my colleagues to support this amendment, defeat
6424 this horrible bill. And with that, I yield the balance of
6425 my time to the chairman.

6426 Chairman Goodlatte. I thank the gentleman for
6427 yielding.

6428 Ms. Jackson Lee. Mr. Chairman?

6429 Chairman Goodlatte. I would like to respond to the
6430 gentleman, because I am impressed by his passion. I respect
6431 it. But I have to say that you are ignoring the problem as
6432 well, because when we had a hearing on this issue in March,
6433 we had an immigration law judge who testified that the
6434 overwhelming majority of his asylum cases were fraudulent.

6435 And to back that up, we have a report -- which, without
6436 objection, I will ask to be put into the record -- to the
6437 House from the General Accountability Office on asylum.
6438 "Additional actions needed to assess and address fraud
6439 risks," 95 pages long. Without objection, it will be made a
6440 part of the record.

6441 [The information follows:]

6442 ***** COMMITTEE INSERT *****

6443 Chairman Goodlatte. And I thank the gentleman for
6444 yielding to me.

6445 Mr. Cicilline. Mr. Chairman, I will reclaim it, if I
6446 might. While I do not recall the testimony of a judge, I
6447 would presume that if the judge thought a claim was
6448 fraudulent, he would not have granted asylum. That is why
6449 we have judges, and hearings, and evidentiary requirements.
6450 So, that is not to say people may not make a claim, which is
6451 rejected because it is not a legitimate claim, but that is
6452 why we have a system for that.

6453 And if he identified claims as fraudulent, I dare say
6454 he would never approve them. If he did, he should not be a
6455 judge. So, we have a system that works. That does not mean
6456 that every person who files a claim, that it is not a valid
6457 claim. But those claims are rejected. And if they are not
6458 rejected by judges, then those individuals ought not be
6459 judges.

6460 But we have a legal standard. We have a system that
6461 works, that ferrets out a claim that may not be valid and
6462 only awards asylum when individuals have, in fact, proved a
6463 well-founded fear of persecution. And with that, I yield
6464 back.

6465 Mr. Issa. Mr. Chairman?

6466 Chairman Goodlatte. For what purpose does the
6467 gentleman from California seek recognition?

6468 Mr. Issa. I move to strike the last word.

6469 Chairman Goodlatte. The gentleman is recognized for 5
6470 minutes.

6471 Mr. Issa. You know, American values are described by a
6472 great many things. And the Statue of Liberty is cited
6473 often. I must first remind my colleague from Rhode Island
6474 that the French put that on and gave it to us. And at that
6475 time, and through the years that followed, we took an
6476 unprecedented amount of people into this country. But we
6477 always rejected some. Ellis Island was not just a place you
6478 stopped coming in; it was a place you often got turned
6479 around at.

6480 So, when the gentleman from Rhode Island talks about a
6481 system as though it is not broken, and makes a statement
6482 which I think the chairman eloquently refuted, that there is
6483 no fraud, when in fact there is huge fraud, what I might say
6484 to the gentleman is that one of the reasons we need reform
6485 is, in an expeditious way, we need to return people who are,
6486 in fact, at the front end of fraud, because as the gentleman
6487 from Rhode Island knows all too well, people who are
6488 defrauding that judge are in the United States for prolonged
6489 periods of time, being Americans, if you will, while
6490 offering a fraudulent reason for coming in.

6491 If we simply had an Ellis Island, and you sat at Ellis
6492 Island, it might be a little different. But we do not. The

6493 fact is, they are in our communities when they have made
6494 fraudulent claims that often are so boldly fraudulent on
6495 their face that they are really an insult to the 1.2 million
6496 people who come here and are granted immigrant status every
6497 year legally.

6498 And so, I commend the chairman for this markup today,
6499 for dealing with a system in which we want to live up, in
6500 every way, to what is on the base of the Statue of Liberty.
6501 But we want to live up to it while also enforcing laws that
6502 are not gamed by those who can be here for years by simply
6503 making a false claim.

6504 And so, I commend the chairman and I look forward to
6505 the final passage. And I yield back.

6506 Ms. Jackson Lee. Mr. Chairman?

6507 Chairman Goodlatte. The chair thanks the gentleman.
6508 For what purpose does the gentlewoman from Texas seek
6509 recognition?

6510 Ms. Jackson Lee. Mr. Chairman, I think it is
6511 appropriate for me to come right behind my good friend
6512 because he is speaking to --

6513 Chairman Goodlatte. The gentlewoman is recognized for
6514 5 minutes.

6515 Ms. Jackson Lee. Forgive me, Mr. Chairman, to strike
6516 the last word. Thank you so very much. As I said, to come
6517 behind my good friend, because he is speaking generally

6518 about the bill, and as I understand, a number of amendments
6519 that have occurred. It is really not about violating the
6520 law as much as the misconception that there is a lot of
6521 fraud in the asylum process. And so, here we are at an
6522 amendment that strikes at the very evidence, again, of how
6523 this would harm individuals seeking asylum.

6524 In the early part of this markup, I offered an
6525 amendment to strike section 5, which severely restricted the
6526 parole authority. And members have, in successive fashion,
6527 tried to reform the very devastating problems of this bill.
6528 And we have meticulously tried to offer one amendment after
6529 another.

6530 The amendment by the gentlelady, Congresswoman Jayapal,
6531 is one of those amendments. And again, none of the answers
6532 that have been given by our friends on the other side of the
6533 aisle can explain how, beyond being in a gang, that you are
6534 also penalized for being recruited or being fearful of being
6535 recruited in a gang, when we know that many of the
6536 unaccompanied minors that fled were fleeing because they had
6537 seen their siblings or relatives being murdered for not
6538 going into a gang, or in the midst of gang violence. And
6539 they were fleeing for the very reason, so they could be
6540 secure.

6541 So, this this particular provision that the amendment
6542 seeks to strike would provide relief to a male child who is

6543 recruited into a gang but makes the right decision not to
6544 join the gang, and is afraid for his life, as a result, that
6545 he would be denied asylum in the U.S. An 11-year-old female
6546 who fears being recruited into a gang for purposes of sexual
6547 slavery and escapes to the U.S. seeking safety will be
6548 denied asylum, or a 7-year-old child who is repeatedly gang
6549 raped by a member of a criminal gang would be denied asylum.

6550 These are the very children that, when there was a wave
6551 of individuals coming in, and it was the unaccompanied
6552 children some years ago, and they were demonized, it was in
6553 fact because they were fleeing these very conditions.

6554 So, I would very enthusiastically support the
6555 amendment. And I would just cite what my colleagues may
6556 consider an unrelated element that has just struck me and
6557 causes me to recount it in the Judiciary Committee.

6558 And that is the tweet that came out from the President
6559 of the United States this morning, a tweet that indicated
6560 that trans service individuals already serving, wearing the
6561 uniform of this Nation, could no longer be allowed or
6562 accepted into the United States military, with the whim of a
6563 tweet.

6564 And so, this is what we are doing here. We have denied
6565 military persons their right to die for this country. Now,
6566 with a whim of a bill, we are setting out a whole
6567 reformatinal change on how people can live; the asylum

6568 structure that allows people to survive. A male child
6569 refusing to be in a gang. An 11-year-old female fleeing
6570 from sexual slavery. And a 7-year-old who has been
6571 repeatedly gang raped. These are not non-reality shows.
6572 This is not TV. This is real lives, of which those of us
6573 who are at the border saw in living color. And we saw
6574 people who fled out of fear of their lives.

6575 I want a government returned back to the people, where
6576 we do not have tweets that dismiss human beings serving in
6577 the United States military, and we do not have legislation
6578 that -- as I started out this morning, and I do apologize; I
6579 was in another markup -- that literally takes away rights
6580 and a protocol of relief to refugees that we have utilized
6581 on a continuous basis.

6582 I might add that all of the amendments that I have
6583 missed, Democratic amendments, if I had been present, I
6584 would have voted aye for each and every one of them. I ask
6585 my colleagues to support the Jayapal amendment.

6586 I yield back.

6587 Chairman Goodlatte. The question occurs on the
6588 amendment offered by the gentlewoman from Washington.

6589 All those in favor, respond by saying aye.

6590 Those opposed, no.

6591 In the opinion of the chair, the noes have it and the
6592 amendment is not agreed to.

6593 Ms. Jayapal. Mr. Chairman, may I have a recorded vote?
6594 Chairman Goodlatte. A recorded vote has been
6595 requested, and the clerk will call the roll.
6596 Ms. Adcock. Mr. Goodlatte?
6597 Chairman Goodlatte. No.
6598 Ms. Adcock. Mr. Goodlatte votes no.
6599 Mr. Sensenbrenner?
6600 [No response.]
6601 Mr. Smith?
6602 [No response.]
6603 Mr. Chabot?
6604 Mr. Chabot. No.
6605 Ms. Adcock. Mr. Chabot votes no.
6606 Mr. Issa?
6607 Mr. Issa. No.
6608 Ms. Adcock. Mr. Issa votes no.
6609 Mr. King?
6610 Mr. King. No.
6611 Ms. Adcock. Mr. King votes no.
6612 Mr. Franks?
6613 Mr. Franks. No.
6614 Ms. Adcock. Mr. Franks votes no.
6615 Mr. Gohmert?
6616 Mr. Gohmert. No.
6617 Ms. Adcock. Mr. Gohmert votes no.

6618 Mr. Jordan?

6619 Mr. Jordan. No.

6620 Ms. Adcock. Mr. Jordan votes no.

6621 Mr. Poe?

6622 [No response.]

6623 Mr. Marino?

6624 Mr. Marino. No.

6625 Ms. Adcock. Mr. Marino votes no.

6626 Mr. Gowdy?

6627 [No response.]

6628 Mr. Labrador?

6629 Mr. Labrador. No.

6630 Ms. Adcock. Mr. Labrador votes no.

6631 Mr. Farenthold?

6632 [No response.]

6633 Mr. Collins?

6634 Mr. Collins. No.

6635 Ms. Adcock. Mr. Collins votes no.

6636 Mr. DeSantis?

6637 Mr. DeSantis. No.

6638 Ms. Adcock. Mr. DeSantis votes no.

6639 Mr. Buck?

6640 [No response.]

6641 Mr. Ratcliffe?

6642 Mr. Ratcliffe. No.

6643 Ms. Adcock. Mr. Ratcliffe votes no.
6644 Mrs. Roby?
6645 [No response.]
6646 Mr. Gaetz?
6647 Mr. Gaetz. No.
6648 Ms. Adcock. Mr. Gaetz votes no.
6649 Mr. Johnson of Louisiana?
6650 Mr. Johnson of Louisiana. No.
6651 Ms. Adcock. Mr. Johnson votes no.
6652 Mr. Biggs?
6653 Mr. Biggs. No.
6654 Ms. Adcock. Mr. Biggs votes no.
6655 Mr. Rutherford?
6656 Mr. Rutherford. No.
6657 Ms. Adcock. Mr. Rutherford votes no.
6658 Mrs. Handel?
6659 Mrs. Handel. No.
6660 Ms. Adcock. Mrs. Handel votes no.
6661 Mr. Conyers?
6662 Mr. Conyers. Aye.
6663 Ms. Adcock. Mr. Conyers votes aye.
6664 Mr. Nadler?
6665 Mr. Nadler. Aye.
6666 Ms. Adcock. Mr. Nadler votes aye.
6667 Ms. Lofgren?

6668 Ms. Lofgren. Aye.

6669 Ms. Adcock. Ms. Lofgren votes aye.

6670 Ms. Jackson Lee?

6671 Ms. Jackson Lee. Aye.

6672 Ms. Adcock. Ms. Jackson Lee votes aye.

6673 Mr. Cohen?

6674 Mr. Cohen. Aye.

6675 Ms. Adcock. Mr. Cohen votes aye.

6676 Mr. Johnson of Georgia?

6677 Mr. Johnson of Georgia. Aye.

6678 Ms. Adcock. Mr. Johnson votes aye.

6679 Mr. Deutch?

6680 [No response.]

6681 Mr. Gutierrez?

6682 Mr. Gutierrez. Aye.

6683 Ms. Adcock. Mr. Gutierrez votes aye.

6684 Ms. Bass?

6685 Ms. Bass. Aye.

6686 Ms. Adcock. Ms. Bass votes aye.

6687 Mr. Richmond?

6688 [No response.]

6689 Mr. Jeffries?

6690 [No response.]

6691 Mr. Cicilline?

6692 Mr. Cicilline. Aye.

6693 Ms. Adcock. Mr. Cicilline votes aye.

6694 Mr. Swalwell?

6695 [No response.]

6696 Mr. Lieu?

6697 Mr. Lieu. Aye.

6698 Ms. Adcock. Mr. Lieu votes aye.

6699 Mr. Raskin?

6700 [No response.]

6701 Ms. Jayapal?

6702 Ms. Jayapal. Aye.

6703 Ms. Adcock. Ms. Jayapal votes aye.

6704 Mr. Schneider?

6705 Mr. Schneider. Aye.

6706 Ms. Adcock. Mr. Schneider votes aye.

6707 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

6708 Mr. Poe. No.

6709 Ms. Adcock. Mr. Poe votes no.

6710 Chairman Goodlatte. The gentlewoman from Alabama?

6711 Mrs. Roby. No.

6712 Ms. Adcock. Mrs. Roby votes no.

6713 Chairman Goodlatte. Has every member voted who wishes

6714 to vote? The clerk will report.

6715 Ms. Adcock. Mr. Chairman, 12 members voted aye; 19

6716 members voted no.

6717 Chairman Goodlatte. And the amendment is not agreed

6718 to. Are there further amendments to the amendment in the
6719 nature of a substitute?

6720 The question is on the amendment in the nature of a
6721 substitute.

6722 All those in favor, respond by saying aye.

6723 Those opposed, no.

6724 In the opinion of the chair, the ayes have it, and the
6725 amendment in the nature of a substitute is agreed to.

6726 A reporting quorum being present, the question is on
6727 the motion to report the bill H.R. 391 as amended favorably
6728 to the House.

6729 Those in favor will respond by saying aye.

6730 Those opposed, no.

6731 In the opinion of the chair, the ayes have it and the
6732 bill is --

6733 Ms. Lofgren. Can we have a recorded vote, Mr.
6734 Chairman?

6735 Chairman Goodlatte. A recorded vote has been requested
6736 and the clerk will call the roll.

6737 Ms. Adcock. Mr. Goodlatte?

6738 Chairman Goodlatte. Aye.

6739 Ms. Adcock. Mr. Goodlatte votes aye.

6740 Mr. Sensenbrenner?

6741 [No response.]

6742 Mr. Smith?

6743 [No response.]

6744 Mr. Chabot?

6745 Mr. Chabot. Aye.

6746 Ms. Adcock. Mr. Chabot votes aye.

6747 Mr. Issa?

6748 Mr. Issa. Aye.

6749 Ms. Adcock. Mr. Issa votes aye.

6750 Mr. King?

6751 Mr. King. Aye.

6752 Ms. Adcock. Mr. King votes aye.

6753 Mr. Franks?

6754 Mr. Franks. Aye.

6755 Ms. Adcock. Mr. Franks votes aye.

6756 Mr. Gohmert?

6757 Mr. Gohmert. Aye.

6758 Ms. Adcock. Mr. Gohmert votes aye.

6759 Mr. Jordan?

6760 Mr. Jordan. Yes.

6761 Ms. Adcock. Mr. Jordan votes yes.

6762 Mr. Poe?

6763 Mr. Poe. Yes.

6764 Ms. Adcock. Mr. Poe votes yes.

6765 Mr. Marino?

6766 Mr. Marino. Yes.

6767 Ms. Adcock. Mr. Marino votes yes.

6768 Mr. Gowdy?
6769 [No response.]
6770 Mr. Labrador?
6771 Mr. Labrador. Yes.
6772 Ms. Adcock. Mr. Labrador votes yes.
6773 Mr. Farenthold?
6774 [No response.]
6775 Mr. Collins?
6776 Mr. Collins. Yes.
6777 Ms. Adcock. Mr. Collins votes yes.
6778 Mr. DeSantis?
6779 Mr. DeSantis. Aye.
6780 Ms. Adcock. Mr. DeSantis votes aye.
6781 Mr. Buck?
6782 [No response.]
6783 Mr. Ratcliffe?
6784 Mr. Ratcliffe. Yes.
6785 Ms. Adcock. Mr. Ratcliffe votes yes.
6786 Mrs. Roby?
6787 Mrs. Roby. Aye.
6788 Ms. Adcock. Mrs. Roby votes aye.
6789 Mr. Gaetz?
6790 Mr. Gaetz. Aye.
6791 Ms. Adcock. Mr. Gaetz votes aye.
6792 Mr. Johnson of Louisiana?

6793 Mr. Johnson of Louisiana. Aye.

6794 Ms. Adcock. Mr. Johnson votes aye.

6795 Mr. Biggs?

6796 Mr. Biggs. Aye.

6797 Ms. Adcock. Mr. Biggs votes aye.

6798 Mr. Rutherford?

6799 Mr. Rutherford. Aye.

6800 Ms. Adcock. Mr. Rutherford votes aye.

6801 Mrs. Handel?

6802 Mrs. Handel. Aye.

6803 Ms. Adcock. Mrs. Handel votes aye.

6804 Mr. Conyers?

6805 Mr. Conyers. No.

6806 Ms. Adcock. Mr. Conyers votes no.

6807 Mr. Nadler?

6808 Mr. Nadler. No.

6809 Ms. Adcock. Mr. Nadler votes no.

6810 Ms. Lofgren?

6811 Ms. Lofgren. No.

6812 Ms. Adcock. Ms. Lofgren votes no.

6813 Ms. Jackson Lee?

6814 Ms. Jackson Lee. No.

6815 Ms. Adcock. Ms. Jackson Lee votes no.

6816 Mr. Cohen?

6817 Mr. Cohen. No.

6818 Ms. Adcock. Mr. Cohen votes no.
6819 Mr. Johnson of Georgia?
6820 Mr. Johnson of Georgia. No.
6821 Ms. Adcock. Mr. Johnson votes no.
6822 Mr. Deutch?
6823 [No response.]
6824 Mr. Gutierrez?
6825 Mr. Gutierrez. No.
6826 Ms. Adcock. Mr. Gutierrez votes no.
6827 Ms. Bass?
6828 [No response.]
6829 Mr. Richmond?
6830 [No response.]
6831 Mr. Jeffries?
6832 [No response.]
6833 Mr. Cicilline?
6834 Mr. Cicilline. No.
6835 Ms. Adcock. Mr. Cicilline votes no.
6836 Mr. Swalwell?
6837 [No response.]
6838 Ms. Adcock. Mr. Lieu?
6839 Mr. Lieu. No.
6840 Ms. Adcock. Mr. Lieu votes no.
6841 Mr. Raskin?
6842 [No response.]

6843 Ms. Adcock. Ms. Jayapal?

6844 Ms. Jayapal. No.

6845 Ms. Adcock. Ms. Jayapal votes no.

6846 Mr. Schneider?

6847 Mr. Schneider. No.

6848 Ms. Adcock. Mr. Schneider votes no.

6849 Chairman Goodlatte. Has every member voted who wishes

6850 to vote? Is the gentleman from Texas, Mr. Poe, recorded?

6851 The clerk will report.

6852 Ms. Adcock. Mr. Chairman, 19 members voted aye; 11

6853 members voted no.

6854 Chairman Goodlatte. The ayes have it, and the bill, as

6855 amended, is ordered reported favorably to the House.

6856 Members will have 2 days to submit views.

6857 Without objection, the bill will be reported as a

6858 single amendment in the nature of a substitute,

6859 incorporating all adopted amendments, and staff is

6860 authorized to make technical and conforming changes.

6861 Pursuant to notice, I now call up House Resolution 446

6862 for purposes of markup. The clerk will report the

6863 resolution.

6864 Ms. Adcock. House Resolution 446, of inquiry

6865 requesting the President and directing the Attorney General

6866 to transmit, respectively, certain documents to the House of

6867 Representatives relating to the removal of former Federal

6868 Bureau of Investigation Director James Comey.

6869 [The bill follows:]

6870 ***** INSERT 3 *****

6871 Chairman Goodlatte. Without objection, the resolution
6872 is considered as read and open for amendment at any time. I
6873 recognize myself for an opening statement.

6874 Today we will consider the fourth resolution of inquiry
6875 that has been referred to the Judiciary Committee this
6876 Congress. Pursuant to rule 13 of the Rules of the House of
6877 Representatives, the committee must act on this resolution
6878 within 14 legislative days of its introduction, or we could
6879 be discharged from our referral.

6880 Accordingly, we have scheduled the resolution for
6881 markup today in order to preserve our referral. By
6882 scheduling this resolution for consideration in committee,
6883 we are following what has been the practice in the House for
6884 the last 30 years, regardless of which party has been in
6885 control. In that time, over 75 resolutions of inquiry have
6886 been introduced in the House. Of those, only 2 were
6887 considered on the House floor, but even those 2 resolutions
6888 were marked up in committee.

6889 I believe that so few resolutions of inquiry are
6890 considered on the House floor because they have no effect on
6891 the executive branch's obligation to produce documents to
6892 Congress. Resolutions of inquiry are not subpoenas.
6893 Rather, resolutions of inquiry, if acted upon by the House,
6894 have no greater legal force or effect than sending the
6895 Attorney General or the President a letter requesting this

6896 information.

6897 The difference, though, is that sending a letter would
6898 not monopolize the committee's time. And when appropriate,
6899 this committee has proven itself willing and able to seek
6900 information from Federal agencies. Last week, every
6901 Judiciary Committee Republican joined in a letter to the
6902 Attorney General seeking responses to inquiries that have
6903 gone unanswered by the previous administration. That is an
6904 appropriate use of the committee's oversight authority.
6905 This resolution is not.

6906 This resolution requests the President and directs the
6907 Attorney General to transmit any documents, recordings, or
6908 other communications in their possession relating to the
6909 removal of Director Comey. Each of the separate requests in
6910 the proposed resolution relates to the circumstances
6911 surrounding the removal of Director Comey, including
6912 Attorney General Jeff Sessions' recusal and testimony on the
6913 subject.

6914 As legal commentary following Comey's ouster showed in
6915 near-uniform agreement, it is directly within the
6916 President's constitutional authority to fire a subordinate,
6917 which, of course, means everyone in the executive branch.
6918 The President's oath under the Constitution to faithfully
6919 execute the office of the President of the United States
6920 would mean nothing if those serving at his pleasure declined

6921 to carry out lawful Presidential directives or act in a
6922 manner that fails to conform to standards expected of
6923 political appointees.

6924 Deputy Attorney General Rosenstein's reasoning for
6925 recommending Mr. Comey's termination is, therefore, not to
6926 be discounted. Rosenstein specifically cited Comey's
6927 improper action to, "Usurp the Attorney General's
6928 authority," in infamously taking on the role of prosecutor,
6929 judge, and jury, rather than his sole responsibility as
6930 investigator, when claiming that, "No reasonable prosecutor
6931 would bring such a case," against Hillary Clinton, despite
6932 actions by Clinton and her associates that Mr. Comey
6933 characterized as extremely careless in their handling of
6934 very sensitive, highly classified information.

6935 One can just as legitimately argue that it was
6936 President Trump's responsibility to fire an FBI Director who
6937 had clearly transgressed beyond his statutory role as
6938 investigator, in order to preserve our system of justice,
6939 which allows for prosecutorial discretion. This resolution
6940 seems to be just one more opportunity for my colleagues on
6941 the other side of the aisle to vicariously voice Hillary
6942 Clinton's long and growing list for reasons why she lost the
6943 election.

6944 In fact, just this past weekend, Senate Minority Leader
6945 Chuck Schumer's comments highlight how Democrats on this

6946 committee continue to seek, in Senator Schumer's words, to,
6947 "Blame other things, Comey, comma, Russia," rather than the
6948 more appropriate and constructive response recommended by
6949 Mr. Schumer, to, "blame yourself."

6950 So instead of soul searching to understand how they
6951 lost the election, including overwhelming losses throughout
6952 State legislatures, Democrats now fall back on the oldest
6953 trick in the book: the blame game. It is unfortunate for
6954 them that President Trump's action in firing Mr. Comey was
6955 and is on solid statutory and constitutional grounds.

6956 Notwithstanding the President's authority, as my
6957 colleagues all know, Special Counsel Robert Mueller is
6958 currently engaged in an investigation into, "Any links
6959 and/or coordination between the Russian Government and
6960 individuals associated with the campaign of President Donald
6961 Trump any matters that arise or may arise directly from the
6962 investigation and any other matters within the scope," of
6963 the special counsel regulations.

6964 While it is highly questionable whether this directive
6965 is broad enough to include the President's firing of Mr.
6966 Comey, the investigation of Russian influence on the 2016
6967 election appears to be in full swing. So it is difficult to
6968 understand how the President's firing of Mr. Comey and,
6969 importantly, swift nomination of a replacement for FBI
6970 Director Christopher Ray has, in any way, hampered any

6971 investigation. Until Mr. Mueller's investigation is
6972 complete, it is redundant for the House of Representatives
6973 to engage in fact-gathering on many of the same issues he is
6974 investigating.

6975 There is no salient reason for this committee to become
6976 the sixth entity that is using taxpayer dollars to
6977 investigate the Trump campaign's connections, or lack
6978 thereof, to the Russian Government. My friends on the other
6979 side of the aisle know all of this as well. When there was
6980 clear evidence, which there is not in this situation, that
6981 former Secretary Clinton broke the law, this committee did
6982 the responsible thing and allowed the FBI to complete its
6983 investigation without interference.

6984 Now that we have a Republican President, my friends on
6985 the other side of the aisle suddenly have a problem with
6986 allowing the investigation to proceed without political
6987 interference. As with the previous resolutions of inquiry,
6988 this is simply an attempt by the minority to have it both
6989 ways: a special counsel to investigate whether there was any
6990 criminality involved in the Trump campaign's alleged ties to
6991 Russia, and a congressional investigation, so they can score
6992 political points against this administration on that front.
6993 This committee must not enable that. I urge my colleagues
6994 to vote to report this resolution unfavorably.

6995 [The prepared statement of Chairman Goodlatte follows:]

6996

***** COMMITTEE INSERT *****

6997 Mr. Conyers. Mr. Chairman?

6998 Chairman Goodlatte. The chair is pleased to recognize
6999 the gentleman from Michigan, Mr. Conyers, for his opening
7000 statement.

7001 Mr. Conyers. Thank you, Mr. Chairman. And members of
7002 the committee, House Resolution 446, offered by the
7003 gentlewoman from Washington, Ms. Jayapal, and the gentleman
7004 from Rhode Island, Mr. Cicilline, is an important measure.
7005 I support it and urge my colleagues to do the same. The
7006 resolution seeks information about the administration of the
7007 Department of Justice, at a time when the Attorney General
7008 is under direct attack by the President, and the President
7009 has openly encouraged the Department to pursue a criminal
7010 investigation of his political enemies.

7011 Whatever we think about the political views of Attorney
7012 General Sessions, this conduct is not right. It is not
7013 normal, and it deserves the immediate attention of this
7014 Committee. That is why, Mr. Chairman, my colleagues and I
7015 wrote to you last Thursday, requesting hearings with
7016 Attorney General Jeff Sessions, Deputy Attorney Rob
7017 Rosenstein, and acting FBI Director Andrew McCabe. Without
7018 objection, I ask that that letter be placed into the record.

7019 Chairman Goodlatte. Without objection, the letter will
7020 be made part of the record.

7021 [The information follows:]

7022

***** COMMITTEE INSERT *****

7023 Mr. Conyers. Thank you, sir. That list of leaders at
7024 the Department of Justice may be familiar to you, Mr.
7025 Chairman. As we transmitted our letter to you, we learned
7026 that the President had questioned the credibility of each of
7027 these officials in his interview with the New York Times.
7028 Without objection, I ask that a transcript of that interview
7029 be placed in the record as well.

7030 Chairman Goodlatte. Without objection, it will be made
7031 part of the record.

7032 [The information follows:]

7033 ***** COMMITTEE INSERT *****

7034 Mr. Conyers. Now let me say something that may
7035 surprise you, Mr. Chairman. I agree that a resolution of
7036 inquiry is not the most effective tool for conducting
7037 oversight of the executive branch. As you have observed,
7038 resolutions of inquiry, if acted upon by the House, have no
7039 greater legal force or effect than sending the Attorney
7040 General or the President a letter requesting this
7041 information.

7042 Our problem, Mr. Chairman, is that the majority will
7043 not allow us to even take this modest step. We have sent
7044 letters to the Attorney General and the President requesting
7045 this information; more than a dozen combined to the
7046 Department of Justice and the White House. And we have sent
7047 letters to you, Mr. Chairman, four so far, calling for
7048 hearings on matters that, in ordinary times, would command
7049 the attention of this committee, no matter which party held
7050 power.

7051 But we have received no response from the
7052 administration, Mr. Chairman, and we have received no
7053 response from you, sir. I appreciate your reaching out to
7054 me yesterday and offering to schedule briefings with the
7055 special counsel and the Deputy Attorney General. That offer
7056 is a necessary step in the right direction, but it is
7057 certainly not sufficient if we are to fulfill our
7058 responsibilities here.

7059 This committee has not held a single hearing on events
7060 that have the public openly speculating about the line of
7061 succession at the Department of Justice. President Trump
7062 fired the Director of the FBI because he did not like an
7063 ongoing criminal investigation. In his words, regardless of
7064 the recommendation he received from the Attorney General and
7065 the Deputy Attorney General, he was going to fire Director
7066 Comey because of, "This Russia thing with Trump and Russia."

7067 The President is open about attempting to undermine
7068 that investigation now that it is in the hands of the
7069 special counsel. He takes to Twitter to question the
7070 integrity of career prosecutors of both parties. He has
7071 plunged the Department of Justice into crisis after crisis.
7072 Our committee has sat on the sidelines through it all, so
7073 what choice do we have but to call this resolution of
7074 inquiry before the committee? How else are we to remind the
7075 majority that we have a responsibility to protect the
7076 institutions that are trusted to our oversight?

7077 The resolution before us today will help us get at the
7078 precise scope of the Attorney General's recusal from matters
7079 related to the Presidential campaigns. It will also help us
7080 to understand whether the Attorney General has applied that
7081 recusal consistently to matters outside the special
7082 counsel's investigation, and why he felt that he could
7083 participate in the removal of Director Comey despite that

7084 action's direct connections to the campaigns.

7085 We must have that information in order to do our jobs.

7086 And we must do our jobs, Mr. Chairman. As we wrote in our

7087 last letter to you, "We believe that our failing to act now

7088 will allow others to inflict lasting damage to the

7089 Department of Justice. It will also inflict lasting damages

7090 to our committee, which has in years past, under the

7091 leadership of chairmen of both parties, rarely shied away

7092 from providing meaningful oversight of the Department and

7093 its component agencies." I urge this committee to please

7094 act and to support the resolution before us today. I thank

7095 you, Mr. Chairman, and I yield back.

7096 [The prepared statement of Mr. Conyers follows:]

7097 ***** COMMITTEE INSERT *****

7098 Chairman Goodlatte. Thank you, Mr. Conyers. I
7099 recognize myself for purposes of offering an amendment in
7100 the nature of a substitute. The clerk will report the
7101 amendment.

7102 Ms. Adcock. Amendment in the nature of a substitute to
7103 H. Res. 446, offered by Mr. Goodlatte of Virginia. Strike
7104 all that follows after --

7105 [The amendment of Chairman Goodlatte follows:]

7106 ***** INSERT 4 *****

7107 Chairman Goodlatte. Without objection, the amendment
7108 will be considered as read, and I will recognize myself to
7109 explain the amendment. I am offering this substitute
7110 amendment to House Resolution 446.

7111 Ms. Lofgren. Mr. Chairman, we do not have an
7112 amendment. Is it in the packet?

7113 Chairman Goodlatte. I will start again. I am offering
7114 this substitute amendment to House Resolution 446 for 2
7115 reasons. First, it makes a small change to clause 1 of the
7116 introduced version of the resolution, to make that clause
7117 consistent with clauses 2 and 4, and it adds a missing comma
7118 in clause 6.

7119 Second, offering this substitute amendment preserves
7120 the majority's ability to ensure that the markup of this
7121 resolution proceeds smoothly and without dilatory tactics.
7122 Under the Rules of the House, prior to conclusion of debate,
7123 a previous question can only be moved in order to proceed
7124 immediately to a vote on an amendment. By offering a
7125 substitute amendment today, the majority is reserving the
7126 right to exercise this procedural motion.

7127 Let me be clear. I do not believe that we will need to
7128 exercise this procedural motion. I intend to give members
7129 sufficient time to debate this resolution. However,
7130 offering this substitute preserves the ability to exercise
7131 this motion should the need arise. I ask members to support

7132 this substitute, and I recognize the gentlewoman from
7133 Washington for any comments she may have on the amendment.

7134 Ms. Jayapal. Thank you, Mr. Chairman. For 6 months,
7135 we have watched as the Trump administration's actions have
7136 raised grave concerns about constitutional government in the
7137 United States, from concerns about his financial conflicts
7138 of interests, to collusion with a foreign government, to
7139 obstruction of justice. Meanwhile, this committee, the
7140 House Judiciary Committee, has failed to assert any
7141 oversight authority.

7142 The website for this committee states that the
7143 committee functions as, "The lawyer for the House of
7144 Representatives." Well, Mr. Chairman, with due respect, if
7145 that is so, then we should fire our lawyer because this
7146 committee has refused to have a single hearing on any of the
7147 critical issues that have emerged in the past 6 months, even
7148 as our counterparts in the Senate Judiciary Committee and
7149 the House and Senate Intelligence Committees have put
7150 country over party and have refused to step away from their
7151 essential roles.

7152 Congressman Cicilline and I introduced this resolution
7153 of inquiry to get to the facts. Did the President obstruct
7154 justice by firing FBI Director James Comey? Are tapes being
7155 made of the conversations within the White House? And what
7156 was the potential collusion with Russia within the Trump

7157 administration?

7158 The intelligence community agrees that Russia
7159 interfered with our election. Now the question is, what
7160 role did the Trump campaign play in potentially colluding
7161 with Russia to undermine our Democracy? The answers become
7162 even more grave when we consider former campaign officials
7163 who are now at the highest levels of our government:
7164 Attorney General Jeff Sessions, our Nation's top law
7165 enforcement officer, and Jared Kushner, a senior advisor to
7166 the President. This committee must get to the bottom of
7167 these questions.

7168 We know that the Attorney General failed to disclose
7169 meeting with the Russian Government in testimony before
7170 Congress. He also failed to disclose contacts with foreign
7171 governments on his security clearance application, which is
7172 blank, calling into question whether he should even have a
7173 security clearance. And last Friday, we learned that the
7174 Attorney General discussed campaign-related matters,
7175 including policy issues important to the Kremlin, with the
7176 Russian ambassador during meetings that the Attorney General
7177 claimed not to have had.

7178 Ironically, the President is now undermining his own
7179 Attorney General with every tweet and potentially
7180 threatening to fire him. If he does, it will not be for any
7181 of the reasons that this resolution raises, but rather

7182 because Mr. Sessions recused himself from overseeing the
7183 Russian investigation. This President is on a path of grave
7184 peril, questioning the loyalty of and threatening to fire
7185 anyone who investigates him.

7186 We have written, Mr. Chairman, to the Justice
7187 Department 13 times, requesting information on matters
7188 related to Mr. Comey's firing, conflicts of interest, the
7189 Russia investigation, and have received no response. On the
7190 Senate side, Chairman Grassley sent a letter rebuking this
7191 position, and reiterating the need for Federal agencies to
7192 be responsive to all members of Congress, regardless of
7193 party. Unfortunately, on the House side, we have seen no
7194 such thing. This committee has relinquished any authority
7195 over these issues, which are a critical part of the
7196 committee's jurisdiction.

7197 Mr. Chairman, on February 28th, the committee
7198 considered H. Res. 111, which examined the President's
7199 conflicts of interest, potential ethics violations, and
7200 Russia ties. Every single Republican member of this
7201 committee voted against it. On March 29th, we considered H.
7202 Res. 184 to compel the President and Attorney General to
7203 provide all information concerning his interactions with
7204 Russian operatives. For a second time, every single
7205 Republican member rejected that resolution.

7206 And Mr. Chairman, with respect, each time, you have

7207 stated that our resolutions have been, in your word,
7208 premature. Mr. Chairman, when will it not be premature?
7209 What are we waiting for? If the President fires his
7210 Attorney General because he did not recuse himself from
7211 proclaiming loyalty to the President, would that be
7212 premature? Just last weekend, the President stated that he
7213 has, "Complete power to pardon himself and his family
7214 members and aides."

7215 Mr. Chairman, if the President pardons himself and his
7216 family, will this committee's role to investigate be
7217 premature? What exactly are we waiting for? Your
7218 Republican colleagues in the Senate do not think any of this
7219 is premature, and neither should we in the House. The
7220 integrity of our Democracy is at stake. Every time this
7221 committee refuses to conduct oversight and rejects these
7222 resolutions, we are enabling a cover-up and enabling a
7223 potential flouting of our laws.

7224 We have a President who appears to believe that he and
7225 his associates are beyond accountability and oversight. Mr.
7226 Chairman, history looks kindly on those who stand up to the
7227 abuses of power. Tomorrow, July 27th, marks the 43rd
7228 anniversary of the crucial vote that happened in this very
7229 committee, when the House Judiciary Committee approved its
7230 first article of impeachment, charging President Nixon with
7231 obstruction of justice. At that time, 6 of the committee's

7232 17 Republicans joined all 21 Democrats in voting for the
7233 article.

7234 We are not at that place, Mr. Chairman, but this
7235 committee has refused to even have a single hearing on these
7236 issues. Every member of this committee should want to be
7237 able to look themselves in the eye and say they did
7238 everything they could to protect the future of our children
7239 and grandchildren to have a Democracy. Let us follow the
7240 example of the Senate and House Intelligence Committees and
7241 the Senate Judiciary Committee, who are all taking action on
7242 the Trump-Russia matter. I urge my colleagues to support
7243 this resolution, so that we can finally get to the truth.
7244 The American people deserve nothing less. I yield back.

7245 Chairman Goodlatte. For what purpose does the
7246 gentleman from Florida seek recognition?

7247 Mr. Gaetz. Mr. Chairman, I have an amendment at the
7248 desk.

7249 Chairman Goodlatte. The clerk will report the
7250 amendment.

7251 Ms. Jayapal. Mr. Chairman, I reserve --

7252 Mr. Cicilline. Mr. Chairman, reserving a point of
7253 order.

7254 Chairman Goodlatte. Point of order has been reserved.

7255 Mr. Cicilline. Mr. Chairman, point of parliamentary
7256 inquiry: is there not an amendment currently pending before

7257 the committee that we have not voted on?

7258 Chairman Goodlatte. Well, that is the amendment in the
7259 nature of a substitute, and it is open for amendment, just
7260 like it was on the last.

7261 Mr. Cicilline. Okay.

7262 Ms. Jayapal. Mr. Chairman, was my point of order
7263 reserved? I was not sure who you were referring to.

7264 Chairman Goodlatte. Point of order has been reserved.
7265 I think it is only necessary to have one.

7266 Ms. Jayapal. Thank you.

7267 Chairman Goodlatte. The Clerk will report the
7268 amendment.

7269 Ms. Adcock. Substitute for the amendment in the nature
7270 of a substitute to H. Res. 446, offered by Mr. Gaetz of
7271 Florida. Strike all that follows.

7272 [The amendment of Mr. Gaetz follows:]

7273 ***** COMMITTEE INSERT *****

7274 Chairman Goodlatte. Without objection, the amendment
7275 is considered as read, and the gentleman is recognized for 5
7276 minutes on his amendment.

7277 Mr. Gaetz. Mr. Chairman, my legislation, in the form
7278 of this amendment, calls for a special counsel to
7279 investigate the real crimes, harmful lies, and the
7280 undermining of American security by the prior
7281 administration. Just because Hillary Clinton lost the last
7282 election does not mean we should forget or forgive conduct
7283 that is likely criminal.

7284 The 2016 election was a rule of law election. Voters
7285 want real criminals who have harmed our Nation locked up.
7286 Susan Rice's unmasking of members of the Trump transition
7287 team is a serious matter for which there has been no
7288 accountability yet. Loretta Lynch directed James Comey to
7289 call the Clinton email scandal a matter and not an
7290 investigation. We need to know why the Attorney General of
7291 the United States directed the FBI Director to lie to the
7292 American people.

7293 While on the subject of the improper conduct of Loretta
7294 Lynch, what in the world was she doing on a private jet at
7295 the Phoenix airport talking to Bill Clinton while she was
7296 supposed be investigating his wife? This is somewhere on
7297 the continuum between unethical and illegal, and we need an
7298 investigation of Tarmac-gate. We need to know why the Obama

7299 administration gave immunity deals to potential Hillary
7300 Clinton co-conspirators.

7301 Think about that: giving immunity to people who
7302 potentially worked with Hillary Clinton to break the law.
7303 Let us get to the bottom of the Clinton Foundation. Cash
7304 was flowing to the Clinton Foundation while the Uranium One
7305 deal was at work. That is real collusion that threatens
7306 American's security.

7307 I do suspect that there was Russia collusion in the
7308 2016 election. But the only actual evidence of that
7309 collusion is tied to Fusion GPS, a company that was creating
7310 fake dossiers on then-candidate Trump and spreading them
7311 both before and after the election to undermine his
7312 legitimate Presidency. Now, Federal statute 600.1 outlines
7313 the criteria for special counsel. It says that there must
7314 be a conflict of interest or extraordinary circumstances and
7315 that a special counsel must be in the public interest.

7316 The Department of Justice has an obvious conflict
7317 investigating the immediate past Attorney General and FBI
7318 Director. Currently, Department of Justice officials may
7319 have been involved in the very immunity deals or the
7320 implementation of Lynch or Comey directives that would need
7321 to be investigated. Moreover, these are extraordinary
7322 circumstances, where the prior administration was
7323 prioritizing politics over the law. As for the public

7324 interest, if it is in the public interest to investigate the
7325 Trump administration, it is most certainly in the public
7326 interest to investigate the real crimes by the real
7327 criminals.

7328 Mr. Chairman, prior to proceeding, I would like to make
7329 a point of parliamentary inquiry and inquire as to the
7330 potential germanity of this amendment. Given the privileged
7331 nature of the resolution, I would yield to the chairman for
7332 response.

7333 Chairman Goodlatte. I thank the gentleman for
7334 yielding. I like the spirit of his amendment, and I think
7335 it is very well-intentioned. However, counsel for the
7336 committee has consulted with the House Parliamentarian and
7337 been advised that the amendment is not germane to the
7338 resolution.

7339 In consultation with the committee's Parliamentarian,
7340 that is the same conclusion that we have reached: that it is
7341 not germane. However, because I agree with the desire of
7342 the gentleman to see that these matters are properly
7343 investigated, I have prepared a very detailed letter that
7344 sets forth the basis for asking the Department of Justice to
7345 appoint a special counsel, and I would invite the gentleman
7346 to join me in signing that letter.

7347 Mr. Cicilline. Mr. Chairman?

7348 Mr. Gaetz. Reclaiming my time; therefore, Mr.

7349 Chairman, I agree. I will join you in signing a letter to
7350 call for a special counsel to investigate these potential
7351 crimes in the prior administration, and at this time, I
7352 would like to withdraw the amendment, and I have another
7353 amendment at the desk.

7354 Mr. Cicilline. Mr. Chairman?

7355 Chairman Goodlatte. The gentleman has another
7356 amendment at the desk. The clerk will report the amendment.

7357 Mr. Cicilline. Mr. Chairman, could I just inquire
7358 about the --

7359 Ms. Jackson Lee. I would like to strike the last word,
7360 Mr. Chairman.

7361 Chairman Goodlatte. Not until the gentleman's time has
7362 expired, and he is going to introduce another amendment.

7363 Ms. Jackson Lee. Well, he is almost expiring.

7364 Chairman Goodlatte. Well, we may give him more time.

7365 Mr. Gaetz. Mr. Chairman, I would like to withdraw the
7366 first amendment.

7367 Mr. Cicilline. Will the gentleman yield for a moment?

7368 Chairman Goodlatte. No, the clerk will report the
7369 amendment.

7370 Mr. Cicilline. I am asking Mr. Gaetz, Mr. Chairman,
7371 not you. He has the controlling of time.

7372 Chairman Goodlatte. Well, let us report the amendment,
7373 and then you can ask him any question you want, if he yields

7374 his time.

7375 Mr. Cicilline. That is what I am trying to avoid.

7376 Point of parliamentary inquiry: if Mr. Gaetz were to yield
7377 to me, can I offer my amendment?

7378 Chairman Goodlatte. No.

7379 Mr. Gaetz. Mr. Chairman, I do not yield to Mr.
7380 Cicilline until I have the opportunity to offer my second
7381 amendment, at which point I will be more than eager to yield
7382 to Mr. Cicilline.

7383 Mr. Cicilline. Point of parliamentary inquiry, Mr.
7384 Chairman. Is it not a Democrat's opportunity now to offer
7385 an amendment? You just had one, two from the Republicans;
7386 are not we entitled to offer an amendment?

7387 Chairman Goodlatte. It was withdrawn.

7388 Mr. Cicilline. No, but you had your amendment, Mr.
7389 Chairman, and now he has offered an amendment. It is now
7390 the opportunity for Democrats to offer an amendment.

7391 Chairman Goodlatte. The clerk will report the
7392 amendment of the gentleman from Florida.

7393 Ms. Adcock. Substitute for the amendment in the nature
7394 of a substitute to H. Res. 446, offered by Mr. Gaetz of
7395 Florida. Strike all that follows after the resolving pause.

7396 [The amendment of Mr. Gaetz follows:]

7397 ***** COMMITTEE INSERT *****

7398 Chairman Goodlatte. Without objection, the amendment
7399 is considered as read, and the gentleman is recognized on
7400 his.

7401 Ms. Jayapal. I object.

7402 Chairman Goodlatte. An objection has been heard.

7403 Ms. Jayapal. Could I ask for the whole amendment to be
7404 read, please, Mr. Chairman?

7405 Chairman Goodlatte. Let's do it. Why not? Let
7406 everybody read. Let's everybody hear.

7407 Ms. Jayapal. It is story time at the Judiciary
7408 Committee.

7409 Chairman Goodlatte. We will ask to report. The clerk
7410 will read the amendment.

7411 Ms. Adcock. That it is the sense of the House of
7412 Representatives that a special counsel should be appointed -
7413 -

7414 Ms. Jackson Lee. Reserve a point of order.

7415 Ms. Adcock. -- by the Attorney General or his designee
7416 to investigate the following. Then-Attorney General Loretta
7417 Lynch directing James B. Comey to mislead the American
7418 people by stating --

7419 Chairman Goodlatte. Will the clerk suspend? Is she
7420 reading the correct --

7421 Mr. Gaetz. Mr. Chairman, am I recognized?

7422 Chairman Goodlatte. Yes.

7423 Mr. Gaetz. Mr. Chairman, the second amendment that I
7424 have begins, "That the President has requested the Attorney
7425 General of the United States."

7426 Chairman Goodlatte. The clerk will read that
7427 amendment. The clerk will proceed.

7428 Ms. Adcock. That the President is requested, and the
7429 Attorney General of the United States is directed, to
7430 transmit, respectively, in a manner appropriate to
7431 classified information if the President or Attorney General
7432 determines appropriate to the House of Representatives not
7433 later than 60 days after the date of the adoption of this
7434 resolution copies of any document, record, audio recording,
7435 memo, correspondence, or other communication in their
7436 possessions or any portion of any such communication that
7437 refers or relates to the firing of James B. Comey in the
7438 following respects: then-Attorney General Loretta Lynch
7439 directing James B. Comey to mislead the American people by
7440 stating that he should refer to the investigation --

7441 Mr. Gaetz. Mr. Chairman, I move that the amendment be
7442 considered as read.

7443 Ms. Jackson Lee. No, you are late. Object.

7444 Chairman Goodlatte. What is the objection?

7445 Ms. Jackson Lee. We want it read.

7446 Chairman Goodlatte. Great. Continue reading.

7447 Ms. Adcock. -- by stating that he should refer to the

7448 investigation into the mishandling of classified data and
7449 use of an unauthorized email server by former Secretary of
7450 State Hillary Clinton as a matter, rather than a criminal
7451 investigation; leaks by James B. Comey to Columbia
7452 University Law Professor Daniel Richmond regarding
7453 conversations had between President Donald Trump and then-
7454 FBI Director James B. Comey; and how the leaked information
7455 was purposely released to lead to the appointment of a
7456 special counsel, Robert Mueller, a longtime friend of James
7457 Comey.

7458 The propriety and consequence of immunity deals given
7459 to possible Hillary Clinton co-conspirators, Cheryl Mills,
7460 Heather Samuelson, John Bentel, and potentially others by
7461 the Federal Bureau of Investigation during the criminal
7462 investigation James B. Comey led into Hillary Clinton's
7463 misconduct; the decision by James B. Comey to usurp the
7464 authority of then-Attorney General Loretta Lynch in his
7465 unusual announcement that criminal charges would not be
7466 brought against Hillary Clinton following her unlawful use
7467 of a private email server and mishandling of classified
7468 information.

7469 James B. Comey's knowledge and impressions of any ex
7470 parte conversation between then-Attorney General Loretta
7471 Lynch and former President Bill Clinton on June 27, 2016, at
7472 a Phoenix airport on a private jet; James B. Comey's

7473 knowledge of the company Fusion GPS, including its creation
7474 of a dossier of information about Mr. Donald J. Trump, that
7475 dossier's commission and dissemination in the months before
7476 and after the 2016 Presidential election, and the
7477 intelligence sources of Fusion GPS or any person or company
7478 working for Fusion GPS or its affiliates; any and all
7479 potential leaks originated by James B. Comey and provided to
7480 Author Michael Schmidt, dating back 1993.

7481 James B. Comey's knowledge of the purchase of a
7482 majority stake in the company Uranium One by the company
7483 Rosatum; whether the approval of the sale was connected to
7484 any donations made by the Clinton Foundation; what role
7485 then-Secretary of State Hillary Clinton played in the
7486 approval of that sale; and whether the sale could have
7487 affected the national security of the United States of
7488 America. James B. Comey's refusal to investigate then-
7489 Secretary of State Hillary Clinton, regarding selling access
7490 to U.S. State Department through Clinton Foundation
7491 donations; Huma Abedin's dual employment at the State
7492 Department and the Clinton Foundation simultaneously; or
7493 utilization of the State Department to further paid speaking
7494 opportunities for her husband.

7495 Any collusion between former FBI director James B.
7496 Comey and Special Counsel Robert Mueller, including the
7497 information James B. Comey admitted to leaking to the

7498 Columbia University law professor being intentional, such
7499 that a special counsel, his longtime friend Robert Mueller,
7500 would be appointed to lead the investigation against the
7501 Trump administration, and any communication between Robert
7502 Mueller and James B. Comey in advance of the Senate
7503 Intelligence Committee hearing.

7504 Whether James B. Comey had any knowledge of efforts
7505 made by any Federal agency to monitor communications of
7506 then-candidate Donald Trump; to assess any knowledge by
7507 James B. Comey about the unmasking of individuals on Donald
7508 Trump's campaign team, transition team, or both; to assess
7509 the role that former National Security Adviser Susan Rice
7510 played in the unmasking of these individuals or to reveal
7511 the purpose served by masking any individual or individuals
7512 serving on the staff of then-candidate Donald Trump, or the
7513 dissemination of unredacted information to various
7514 intelligence agencies and any attempts to use surveillance
7515 of then-candidate Donald Trump for the purposes of damaging
7516 the credibility of his campaign, his Presidency, or both.

7517 Chairman Goodlatte. Does the gentlewoman from
7518 Washington seek to reserve a point of order?

7519 Ms. Jayapal. Yes, I do.

7520 Chairman Goodlatte. A point of order has been
7521 reserved. The gentleman from Florida is recognized on his
7522 amendment.

7523 Mr. Gaetz. I thank the chairman, and given the
7524 amendment's thorough reading, I doubt a detailed explanation
7525 is necessary. I would yield to the gentleman from Rhode
7526 Island as I had promised, but I see he has stepped out for a
7527 moment and so I yield -- oh, is he there? No? Very well.
7528 I yield back, Mr. Chairman.

7529 Chairman Goodlatte. Does the gentlewoman wish to be
7530 heard on her point of order?

7531 Ms. Jayapal. I do, Mr. Chairman.

7532 Chairman Goodlatte. The gentlewoman is recognized.

7533 Ms. Jayapal. Thank you, Mr. Chairman. This amendment
7534 is not germane. First, it addresses an entirely different
7535 subject matter. The underlying resolution seeks information
7536 about the scope of the Attorney General's recusal, the
7537 President's decision to fire director James Comey, and the
7538 President's claim that he recorded his conversations with
7539 Director Comey. These matters relate to current government
7540 officials and agencies that fall into our jurisdiction. The
7541 amendment, however, relates to a long list of former
7542 government officials.

7543 James Comey's current state of mind, his "purpose" for
7544 transmitting his notes to another private citizen, his
7545 current, "Knowledge and impressions" of any conversations
7546 between Attorney General Lynch and President Clinton, and
7547 his knowledge of Fusion GPS are entirely beyond the subject

7548 matter of this resolution and probably our jurisdiction, as
7549 well.

7550 Second, Mr. Chairman, the amendment would render the
7551 resolution not privileged. Under House rules and precedence
7552 of this committee, that also makes the amendment not
7553 germane. In order to enjoy its privileged status, a
7554 resolution of inquiry must call for facts, rather than
7555 opinions, and cannot require the government to undertake a
7556 new investigation. We asked the House Parliamentarian to
7557 review our resolution and we worked with them to reach
7558 language that they believe meets both of those tests.

7559 This amendment that is offered here asks for opinions.
7560 For example, whether the sale could have affected the
7561 national security of the United States of America, and it
7562 requires the government to open several new investigations
7563 to determine James Comey's current state of mind, for
7564 example, and to root out a completely unsubstantiated theory
7565 that Mr. Comey and the special counsel are somehow in
7566 cahoots. And it asks for investigations, for example, any
7567 and all potential leaks by James Comey. This both changes
7568 the nature of the resolution, and it breaks its privilege.

7569 In 1998, the chairman of this committee set a
7570 precedent, "To a privileged resolution of impeachment, an
7571 amendment proposing, instead, censure, which is not
7572 privileged, was held not germane." That precedent applies

7573 here. An amendment that makes the underlying privileged
7574 resolution not privileged is not germane.

7575 Nevertheless, Mr. Chairman, I am willing to withdraw my
7576 point of order if the sponsors of this amendment can agree
7577 to a friendly amendment in turn. My colleagues are as
7578 entitled to their oversight prerogatives as I am to mine, so
7579 if my colleagues are willing to add these points that are in
7580 your amendment to our resolution, rather than substitute
7581 your questions for hours, then I will withdraw my point of
7582 order, and I will look forward to their support for the
7583 underlying resolution.

7584 Chairman Goodlatte. Does the gentleman from Florida
7585 seek to be heard on the point of order?

7586 Mr. Gaetz. I do, Mr. Chairman.

7587 Chairman Goodlatte. The gentleman is recognized.

7588 Mr. Gaetz. Thank you, Mr. Chairman, and I will
7589 respectfully decline the gentlelady's offer. There is
7590 already a special counsel reviewing the conduct of the Trump
7591 administration. I think what the American people want to
7592 see and what I suspect a majority of this committee will
7593 want to see is, ultimately, evidence produced to us and then
7594 the subsequent appointment of a special counsel to ensure
7595 that the real criminals are held accountable for their
7596 conduct that has undermined the country.

7597 I will now speak to the specific germanity points, and

7598 I would like to begin on the matter of privilege. My
7599 language only impacts those documents which currently exist,
7600 and so there is no requirement under the language that I
7601 have produced for a new investigation to be undertaken or
7602 for new documents to be generated. If there are not
7603 documents responsive to the request made, that will simply
7604 be the response that the committee receives, and thus, the
7605 privilege is not impaired and the amendment would be
7606 germane.

7607 As to whether or not the amendment expands the scope of
7608 the matter at hand, the gentlelady from Washington's
7609 amendment seek to find information regarding the firing of
7610 James Comey, and my substitute amendment seeks information
7611 regarding the firing of James Comey. We simply have a more
7612 detailed and, I would say, more focused approach to what
7613 might be those things that Mr. Comey was fired about. And
7614 what is interesting about Mr. Comey's service is that that
7615 service did not solely occur under the Presidency of Donald
7616 Trump.

7617 Mr. Comey was Director of the FBI under the prior
7618 administration, and Mr. Trump has publicly stated, I should
7619 say President Trump, has publicly stated that Mr. Comey was
7620 fired not just as a consequence of his conduct during the
7621 Trump administration, but as a consequence of his conduct
7622 under the Obama administration. This is not a view uniquely

7623 held by Mr. Trump. It is a view held by many Democrats,
7624 something that was certainly illuminated during the
7625 chairman's opening statement.

7626 And so, if there is an amendment that seeks information
7627 regarding Mr. Comey's firing, it is entirely within the
7628 scope of that amendment to determine whether or not Mr.
7629 Comey's refusal to investigate the crimes of the Clinton
7630 Foundation, whether Mr. Comey's observance of the unmasking
7631 of members of the Trump transition team, whether Mr. Comey's
7632 potential participation or knowledge of the Fusion GPS
7633 matter, where there was active collusion with Russia to
7634 undermine Donald Trump, both before and after he was sworn
7635 in as President, is entirely within the scope. It is simply
7636 more focused and, I would say, Mr. Chairman, more in line
7637 with the views of the American people. And I would yield my
7638 remaining time. Very well. I yield back.

7639 Chairman Goodlatte. The chair is prepared to rule on
7640 the point of order, and the chair --

7641 Mr. Gutierrez. Mr. Chairman, point of order?

7642 Chairman Goodlatte. No, the chair is prepared to rule
7643 on the point of order.

7644 Ms. Jackson Lee. We need to speak to the point of
7645 order, Mr. Chairman.

7646 Chairman Goodlatte. Both sides have had the
7647 opportunity to present their arguments on the point of

7648 order, and the chair is prepared to rule. The chair has --

7649 Mr. Nadler. Point of parliamentary inquiry.

7650 Chairman Goodlatte. The gentleman will state his

7651 parliamentary inquiry.

7652 Mr. Nadler. Is it the intention of the chair to hide

7653 behind the procedure --

7654 Chairman Goodlatte. That is not a parliamentary

7655 inquiry.

7656 Mr. Nadler. It certainly is.

7657 Chairman Goodlatte. No, it is not. The chair is

7658 prepared to rule. The counsel for the committee has

7659 consulted the Parliamentarians on this amendment as well,

7660 and the Parliamentarian has advised the committee, and the

7661 Parliamentarian of the committee has advised the chair that

7662 this amendment is germane.

7663 Who seeks recognition? The gentleman from New York is

7664 recognized for 5 minutes.

7665 Mr. Nadler. What? He has not ruled.

7666 Chairman Goodlatte. I have ruled that the amendment is

7667 germane.

7668 Ms. Jayapal. Mr. Chairman?

7669 Chairman Goodlatte. The gentleman can be recognized on

7670 the amendment.

7671 Ms. Jayapal. I move to appeal the ruling of the chair.

7672 Chairman Goodlatte. The ruling of the chair has been

7673 appealed.

7674 Mr. Chabot. I move to table it.

7675 Chairman Goodlatte. The appeal of the ruling of the
7676 chair has been tabled. The question is on the table of the
7677 appeal of the ruling of the chair.

7678 All those in favor of tabling, respond by saying aye.

7679 Those opposed, no.

7680 In the opinion of the chair, the ayes have it.

7681 Ms. Jayapal. Mr. Chairman, I request a roll call vote.

7682 Chairman Goodlatte. A recorded vote has been
7683 requested, and the clerk will call the roll.

7684 Ms. Adcock. Mr. Goodlatte?

7685 Chairman Goodlatte. Aye.

7686 Ms. Adcock. Mr. Goodlatte votes aye.

7687 Mr. Sensenbrenner?

7688 [No response.]

7689 Mr. Smith?

7690 [No response.]

7691 Mr. Chabot?

7692 Mr. Chabot. Aye.

7693 Ms. Adcock. Mr. Chabot votes aye.

7694 Mr. Issa?

7695 [No response.]

7696 Mr. King?

7697 Mr. King. Aye.

7698 Ms. Adcock. Mr. King votes aye.
7699 Mr. Franks?
7700 Mr. Franks. Aye.
7701 Ms. Adcock. Mr. Franks votes aye.
7702 Mr. Gohmert?
7703 [No response.]
7704 Mr. Jordan?
7705 Mr. Jordan. Yes.
7706 Ms. Adcock. Mr. Jordan votes yes.
7707 Mr. Poe?
7708 Mr. Poe. Yes.
7709 Ms. Adcock. Mr. Poe votes yes.
7710 Mr. Marino?
7711 Mr. Marino. Yes.
7712 Ms. Adcock. Mr. Marino votes yes.
7713 Mr. Gowdy?
7714 [No response.]
7715 Mr. Labrador?
7716 [No response.]
7717 Mr. Farenthold?
7718 Mr. Farenthold. Yes.
7719 Ms. Adcock. Mr. Farenthold votes yes.
7720 Mr. Collins?
7721 [No response.]
7722 Mr. DeSantis?

7723 Mr. DeSantis. Yes.

7724 Ms. Adcock. Mr. DeSantis votes yes.

7725 Mr. Buck?

7726 [No response.]

7727 Mr. Ratcliffe?

7728 Mr. Ratcliffe. Yes.

7729 Ms. Adcock. Mr. Ratcliffe votes yes.

7730 Mrs. Roby?

7731 [No response.]

7732 Mr. Gaetz?

7733 Mr. Gaetz. Yes.

7734 Ms. Adcock. Mr. Gaetz votes yes.

7735 Mr. Johnson of Louisiana?

7736 Mr. Johnson of Louisiana. Yes.

7737 Ms. Adcock. Mr. Johnson votes yes.

7738 Mr. Biggs?

7739 Mr. Biggs. Aye.

7740 Ms. Adcock. Mr. Biggs votes aye.

7741 Mr. Rutherford?

7742 Mr. Rutherford. Aye.

7743 Ms. Adcock. Mr. Rutherford votes aye.

7744 Mrs. Handel?

7745 Mrs. Handel. Yes.

7746 Ms. Adcock. Mrs. Handel votes yes.

7747 Mr. Conyers?

7748 Mr. Conyers. No.

7749 Ms. Adcock. Mr. Conyers votes no.

7750 Mr. Nadler?

7751 Mr. Nadler. No.

7752 Ms. Adcock. Mr. Nadler votes no.

7753 Ms. Lofgren?

7754 Ms. Lofgren. No.

7755 Ms. Adcock. Ms. Lofgren votes no.

7756 Ms. Jackson Lee?

7757 Ms. Jackson Lee. No.

7758 Ms. Adcock. Ms. Jackson Lee votes no.

7759 Mr. Cohen?

7760 Mr. Cohen. No.

7761 Ms. Adcock. Mr. Cohen votes no.

7762 Mr. Johnson of Georgia?

7763 Mr. Johnson of Georgia. No.

7764 Ms. Adcock. Mr. Johnson votes no.

7765 Mr. Deutch?

7766 Mr. Deutch. No.

7767 Ms. Adcock. Mr. Deutch votes no.

7768 Mr. Gutierrez?

7769 [No response.]

7770 Ms. Bass?

7771 [No response.]

7772 Mr. Richmond?

7773 [No response.]

7774 Mr. Jeffries?

7775 [No response.]

7776 Mr. Cicilline?

7777 [No response.]

7778 Mr. Swalwell?

7779 [No response.]

7780 Mr. Lieu?

7781 [No response.]

7782 Mr. Raskin?

7783 [No response.]

7784 Ms. Jayapal?

7785 Ms. Jayapal. No.

7786 Ms. Adcock. Ms. Jayapal votes no.

7787 Mr. Schneider?

7788 Mr. Schneider. No.

7789 Ms. Adcock. Mr. Schneider votes no.

7790 Chairman Goodlatte. Has every member voted who wishes

7791 to vote? The gentleman from Idaho?

7792 Mr. Labrador. Yes.

7793 Chairman Goodlatte. The gentleman from Texas?

7794 Gohmert. Yes.

7795 Chairman Goodlatte. The clerk will report.

7796 Ms. Adcock. Mr. Chairman, 17 members aye; 9 members

7797 voted no.

7798 Chairman Goodlatte. And the tabling of the appeal of
7799 the ruling of the chair is sustained. Who seeks recognition
7800 on the amendment?

7801 For what purpose does the gentleman from New York seek
7802 recognition?

7803 Mr. Nadler. I move to strike the last word.

7804 Chairman Goodlatte. The gentleman is recognized for 5
7805 minutes.

7806 Mr. Nadler. Mr. Chairman, I oppose this amendment
7807 obviously because it hijacks the intent of the resolution of
7808 inquiry and goes into entirely different subjects. Now, I
7809 mean, if you want to waste the committee's time, frankly, by
7810 pursuing rightwing conspiracy theories from the past, okay,
7811 as long as you also look at the questions raised in the
7812 committee in the resolution of inquiry. But instead, you
7813 are shutting off the subjects of the committee of the
7814 resolution of inquiry.

7815 Back in February, I introduced the first resolution of
7816 inquiry related to Russia's relationship with the Trump
7817 campaign and the Trump administration. At the time, the
7818 chairman told us it was unnecessary, premature, and not the
7819 best way for this committee or the House to conduct
7820 oversight over the issues covered by the resolution. We
7821 were assured the committee would be conducting significant
7822 oversight over the Department of Justice, as well as

7823 Russia's interference in the U.S. election and the possible
7824 collusion between the Trump campaign and Russia, but here we
7825 are, 5 months later, with what is potentially one of the
7826 greatest scandals in American history unfolding in front of
7827 our eyes, and this committee has, so far, remained silent.

7828 When Democrats first started raising questions about
7829 Russia, we were told by the White House, the Department of
7830 Justice, and by Republican members of Congress that there
7831 was nothing to the story. We were just conspiracy theorists
7832 disappointed with the outcome of the election. But each
7833 day, we learn more information that only confirms our
7834 earlier suspicions and that raises yet more questions while
7835 this committee refuses to act. Just recently, Donald Trump,
7836 Junior published an email exchange showing that he actively
7837 solicited assistance to the Trump campaign from an
7838 unfriendly foreign government, and yet, this committee has
7839 been silent.

7840 During his confirmation hearings, then-Senator Sessions
7841 flatly denied having any contact with Russian officials;
7842 then we learned that he had at least 2 meetings and possibly
7843 a third with the Russian ambassador. Then he told us that
7844 those meetings were simply in his capacity as a senator and
7845 he certainly never discussed anything related to the Trump
7846 campaign. Now, we know that this was false, too, and yet,
7847 in the face of this ever-changing story from the Attorney

7848 General of the United States, this committee has been
7849 silent.

7850 Despite having to recuse himself from the Russia
7851 investigation, we learned that Attorney General Sessions was
7852 involved in the decision to fire former FBI director James
7853 Comey, a decision the President himself said was because of,
7854 "This Russia thing with Trump and Russia," and yet the
7855 committee has been silent. Being in the majority is about
7856 setting priorities for the committee. Unfortunately, last
7857 week, the majority showed us where their priorities lie.

7858 On Friday, every Republican member of this committee
7859 wrote to Attorney General Sessions to demand responses, not
7860 to any issue before us today, but to a number of letters
7861 they sent during the last administration. How does our
7862 majority choose to use its limited resources? On questions
7863 about a low-level fraud investigation submitted to the
7864 acting associate AG in 2014, on a letter about a cross-
7865 border data flow submitted to the former Deputy Assistant
7866 Attorney General in 2015. But our oversight
7867 responsibilities did not end on January 20th.

7868 Perhaps Republicans long for a simpler time when there
7869 was a different administration, when our biggest concern
7870 seemed to be Lois Lerner's emails and when the prospects for
7871 stripping healthcare from millions of Americans to finance
7872 taxes for the rich were but a distant dream. It is deeply

7873 disappointing that the majority chooses to ignore world
7874 events, direct threats to the integrity of the Department of
7875 Justice, and the four letters that Democrats in this
7876 committee have now sent to the chairman calling for hearings
7877 on these matters. Rather than relitigate the past, we
7878 should pay attention to what is happening today.

7879 The resolution offered by the gentlelady from
7880 Washington did not seek information about last year's
7881 campaign or about the Russian Government's actions to
7882 subvert our election process. The resolution deals with the
7883 functioning of the executive branch, the FBI, and the
7884 Department of Justice this year. Right now, the President
7885 is attacking and undermining the entire senior leadership of
7886 the Department of Justice, not to mention Special Counsel
7887 Mueller.

7888 This could be an attempt to lay the foundation of his
7889 own Saturday Night Massacre and to try to stop the
7890 investigation, the Russia investigation, from advancing.
7891 That makes it absolutely critical that we understand exactly
7892 how the Comey firing was handled and who was involved. The
7893 resolution of inquiry would do just that.

7894 The FBI and the Justice Department are at the heart of
7895 the jurisdiction of this committee. The firing of Mr.
7896 Comey, the recusal of Attorney General Sessions, the threats
7897 by the President aimed at Attorney General Sessions and at

7898 Special Counsel Mueller, the possible obstructions of
7899 justice in all this are all in the oversight jurisdiction of
7900 the Judiciary Committee.

7901 Mr. Mueller's investigation of possible crimes does
7902 not, as the chairman said at an earlier hearing, that is, I
7903 am disagreeing with what he said, does not, as he said in an
7904 earlier hearing, relieve us of our oversight
7905 responsibilities over the Justice Department, the FBI, and
7906 our justice system in general. The House and Senate
7907 intelligence committees are investigating matters within
7908 their purview. The Senate Judiciary Committee has begun its
7909 own investigation of this matter. We are alone in our
7910 inaction, and there is no excuse for burying our heads in
7911 the sand at this critical moment. I urge the committee to
7912 take our oversight responsibilities seriously and to focus
7913 on the important issues at hand.

7914 This amended resolution deals entirely with the past,
7915 and as I said, if the committee wants to spend its time on
7916 that, fine, but we should not avoid the oversight
7917 responsibility for the attempted subversion of the
7918 Department of Justice now. I urge that we go back and take
7919 the original resolution favorably, whatever we do with the
7920 amended resolution now. I yield back the balance of my
7921 time.

7922 Chairman Goodlatte. The chair recognizes himself in

7923 support of the amendment. I thank the gentleman from
7924 Florida for offering this amendment. I agree that many of
7925 the items listed in this amendment are things that this
7926 committee has great interest in. In fact, last Congress, we
7927 sent more than a dozen letters to the Obama Justice
7928 Department seeking information about the FBI investigation
7929 into Secretary Clinton and related matters. Our efforts
7930 were largely ignored by Attorney General Lynch. I share my
7931 colleague's desire to determine the extent to which laws
7932 were broken during the election by individuals named in this
7933 amendment.

7934 We are all well aware, and this is a point my
7935 colleagues on the other side of the aisle do not seem to
7936 pick up on, there is already a special counsel investigation
7937 into the connection between the Trump campaign and the
7938 Russian Government. As my colleagues no doubt know, the
7939 special counsel regulations require that there be grounds
7940 for a criminal investigation. What those grounds are with
7941 respect to the current administration is an open question.
7942 We simply do not know what Mr. Mueller is investigating or
7943 how broad his authority is. There is real concern that this
7944 is a fishing expedition.

7945 What we do know, however, is that Mr. Mueller's
7946 investigation is limited to matters involving the
7947 President's campaign. There is no mandate to look into any

7948 of the very real questions enumerated in this amendment.
7949 There has been no accountability. The previous
7950 administration was simply permitted to run out the clock.
7951 However, I believe strongly that we need these answers. Our
7952 constituents, the American people, deserve to know the
7953 facts, all of them, surrounding the 2016 Presidential
7954 election.

7955 However, the Attorney General has recused himself from
7956 matters related to the 2016 campaign, and the current
7957 special counsel investigation is insufficient to fully
7958 investigate those matters. Consequently, I support the
7959 gentleman's amendment as a way to ensure that this committee
7960 receives information it requested, but was denied.

7961 I plan to make further inquiries to the Deputy Attorney
7962 General, specifically calling upon him to investigate
7963 matters related to the Clinton campaign, its ties to Russia,
7964 and the associated matters listed in this amendment, which
7965 establish the grounds for a criminal investigation. I urge
7966 my colleagues to join me in supporting the gentleman's
7967 amendment.

7968 Who seeks recognition?

7969 Ms. Jackson Lee. Mr. Chairman?

7970 Chairman Goodlatte. For what purpose does the
7971 gentlewoman from Texas seek recognition?

7972 Ms. Jackson Lee. I rise to strike the last word.

7973 Chairman Goodlatte. The gentlewoman is recognized for
7974 5 minutes.

7975 Ms. Jackson Lee. I have indicated throughout the day
7976 that I do not attribute to my colleagues, albeit my vigorous
7977 disagreement with them, their right to express their views
7978 or their opinions, and I stand by that today. And I imagine
7979 that is the position that the gentleman from Florida is
7980 taking in the offering of this resolution, but it is nothing
7981 but a fishing expedition of old, dated, and already decided
7982 upon matters that, rather than those of us on this side of
7983 the aisle being concerned about spilt milk, it is clearly a
7984 bucket of spilt milk.

7985 I would venture to say that there are not many
7986 constituents collectively across the United States that
7987 would be interviewed that have any concern on what the
7988 gentleman has now asked about, none whatsoever. Certainly,
7989 my good friends on the other side of the aisle had every
7990 opportunity to pass resolutions; they were in charge, to
7991 hold hearings, and they did not.

7992 The gentlelady's underlying amendment is a thoughtful
7993 resolution of inquiry because it deals with the immediacy of
7994 what the American people are now concerned about. I would
7995 venture to say that, if one went on the streets of rural
7996 America or urban America and asked the question about
7997 Russian collusion or the firing of James Comey or the issues

7998 that have been delineated in Ms. Jayapal's resolution, they
7999 would both understand and say, "I think it is important that
8000 we move forward on getting those answers."

8001 The gentleman from Virginia, the chairman, indicated
8002 that it is very true that the special counsel's
8003 investigation deals with potential criminal prosecution.
8004 This committee has a responsibility for oversight into the
8005 actions of the Attorney General, which exploded upon us in
8006 the last 3 to 4 days, hearing that the Attorney General
8007 might have had discussions about the campaign with the
8008 Ambassador to the United States from Russia.

8009 All of these point to the necessity of the very
8010 thoughtful resolution that asked the Department of Justice
8011 to provide information regarding the firing of Director
8012 James Comey, participation of Attorney General Sessions, the
8013 scope of the application of Attorney General Sessions'
8014 recusal, the application of Attorney General Sessions'
8015 recusal to the removal of Director Comey. These are
8016 legitimate current issues that need to be addressed.

8017 I would offer, for 6 months, we have watched the Trump
8018 administration make a mockery of our laws and the highest
8019 office in the land. This resolution will force Republicans
8020 to vote on production of evidence relevant to some of the
8021 most egregious actions that have been taken to date, if it
8022 had been addressed in a fair manner. The FBI's

8023 investigation into potential collusion between Trump and the
8024 campaign officials and Russian operatives is an important
8025 discussion, but information regarding the Attorney General's
8026 action is even more important as our responsibilities of
8027 oversight over the Department of Justice.

8028 I would offer to say, however, that, in addition to
8029 asking constituents across America what they are most
8030 concerned is the orderly running of this country, they might
8031 also be familiar with Ike Kaveladze, if I am pronouncing
8032 right, a translator, Russian real estate individual; or
8033 Natalia, a Russian lawyer; or Jared Kushner; or Paul
8034 Manafort; Rinat Akhmetshin, a Russian-American lobbyist; or
8035 Donald Trump, Junior, all participants in a meeting that
8036 certainly had the ramifications of suggestion of talking
8037 about a campaign and colluding with Russia to undermine the
8038 2016 election.

8039 Even separate and standing aside from this great
8040 resolution that we have, H. Res. 446, we have never answered
8041 those questions, and those questions are rising up among the
8042 minds of Americans. I would venture to say that not many
8043 people are interested in tarmac visitations, unmasking that
8044 have already been answered, emails that have already been
8045 said there was nothing there, and a whole list of sore
8046 points of people who cannot seem to get enough of people who
8047 have served this Nation, either former President William

8048 Jefferson Clinton or Secretary Clinton. I would venture to
8049 say that, in this coming election, they will not be on the
8050 ballot.

8051 So, to those who are indicating that we are sore
8052 losers, let me be very clear. Democrats did not suffer
8053 massive losses. Democrats gained House seats; Democrats
8054 gained Senate seats; and the Democratic candidate for
8055 President won the popular vote by 3 million votes. The
8056 question has to be, how did they lose the election? And
8057 that is the issue undermining or underlying the resolution
8058 is to get to the facts of firing and get to the facts of the
8059 issues dealing with Attorney General Sessions.

8060 How was the collusion between the Trump administration
8061 and campaign and the Russians to skew the election to one
8062 candidate over the other? And in this instance, it is the
8063 President of the United States. You do not want to answer
8064 those questions, so you offer a deja vu, already-answered
8065 resolution that will now trump a reasonable, thoughtful
8066 resolution offered by the gentlelady from Washington,
8067 gentleman from Rhode Island, and thoughtful members of the
8068 United States Congress Judiciary Committee.

8069 It is a sad state of affairs and unfortunate that we
8070 find ourselves in this particular predicament. There lies
8071 the resolution that Mr. Cohen offered just a few days ago
8072 and my resolution that I am offering that has been

8073 introduced that I hope the way we can put on the agenda that
8074 is to avoid or prevent the President from firing the special
8075 counsel or abusing the pardon power H. Res. 474. Let's put
8076 that on the agenda and have a real debate. I yield back.

8077 Chairman Goodlatte. Time for the gentlewoman has
8078 expired. For what purpose does the gentleman from Ohio seek
8079 recognition?

8080 Mr. Jordan. Mr. Chairman, to strike the last word, Mr.
8081 Chairman.

8082 Chairman Goodlatte. The gentleman is recognized for 5
8083 minutes.

8084 Mr. Jordan. Mr. Chairman, why would the Attorney
8085 General tell the FBI Director to call the investigation a
8086 matter? Last time I checked he is not Director of the
8087 Federal bureau of matters.

8088 Why would the Attorney General meet with the subject of
8089 the investigation's husband 3 days before the subject of the
8090 investigation is to be interviewed by the FBI? Why would
8091 that happen?

8092 Maybe because they wanted Clinton to win the election.
8093 Right? We have got all these investigations about Putin's
8094 government trying to influence our election. How about the
8095 Obama administration's influence on our election? Think
8096 about this, you had the Attorney General of the United
8097 States tell the FBI Director of the United States, "Go tell

8098 the American public something that is not true," and he did
8099 it. He did it willfully. He did it intentionally. He did
8100 that the direction of the United States Attorney General.

8101 This is the judiciary committee charged with defending
8102 the Constitution, and we have a Justice Department that
8103 knowingly, intentionally, willfully misled the American
8104 public in the middle of a campaign, and we are not going to
8105 ask for these documents, and we are not going to pass a
8106 resolution saying we need a special counsel? Are you
8107 kidding me?

8108 I mean think about that: our Justice Department not
8109 being square with the American people. Comey, it gets
8110 better. I mean, you cannot make this up. It gets better.
8111 Comey gets fired. Then what does he do?

8112 He leaks a government memo through a friend to the New
8113 York Times, and he testified under oath, for what purpose
8114 did he do that? To create momentum for a special counsel to
8115 review and look at the Trump campaign and the Trump issues.
8116 Really? He did that? I mean this is unbelievable. Through
8117 a friend, leaks a document to create momentum. And it is
8118 not just any special counsel; it is his best friend. It is
8119 his predecessor. It is his mentor. It has to be Bob
8120 Mueller. That is where we are at. And we are not going to
8121 pass this resolution? And we are not going to call for a
8122 special? Are you kidding me?

8123 We have to do this. Think about the tarmac. I mean, I
8124 applaud the gentleman for bringing this resolution up,
8125 bringing this amendment up to the resolution. One thing
8126 that we all know that drives our constituents crazy, drives
8127 Americans crazy, is this idea that there are now 2 standards
8128 of justice: one for us regular people, one for the folks we
8129 all get to represent, the 3 quarters of a million people in
8130 all our districts. But if your name is Comey, if your name
8131 is Lynch, if your name is Clinton, it is a whole different
8132 standard.

8133 This is the Judiciary Committee. This is important
8134 stuff. This is fundamental stuff. This is exactly the kind
8135 of thing we should be focused on, exactly the kind of
8136 resolution we should pass, exactly the kind of resolution
8137 calling for a special counsel that should pass this
8138 committee with the letter and be supported by the full House
8139 of Representatives. That is what our constituents talk to
8140 us about every single day we are out in our districts
8141 talking with them.

8142 That is the kind of action that is needed. And again,
8143 I just applaud the gentleman from Florida for having the
8144 courage to do what our constituents have been asking us to
8145 do, the courage to do what this committee is supposed to be
8146 focused on doing. And I would urge everyone to vote yes on
8147 this resolution.

8148 Mr. Gaetz. Will the gentleman yield?

8149 Mr. Jordan. I would be happy to yield to the sponsor
8150 of the amendment.

8151 Mr. Gaetz. I thank the gentleman for yielding. The
8152 gentlelady from Texas said that the American people, they
8153 are not really worried about these things that we have
8154 discussed. They are not focused on things like the Clinton
8155 Foundation functionally selling access to the State
8156 Department. They are not worried about uranium reserves
8157 potentially changing hands in a mechanism that would hurt
8158 American security. They are not worried about unmasking. I
8159 would ask the gentleman from Ohio, in his district, has he
8160 heard from individuals about those things, and what are his
8161 constituents saying about them?

8162 Mr. Jordan. Yes.

8163 Mr. Gaetz. I yield back to the gentleman.

8164 Mr. Jordan. Yes. The simple answer is heck yes. And
8165 what they are also worried about is this double standard.
8166 It is supposed to be, in this great country, equal treatment
8167 under the law.

8168 Ms. Jayapal. Would the gentleman yield?

8169 Mr. Jordan. Equal treatment under the law. That is
8170 all we are asking for. That is all we want to investigate.
8171 So let's do that.

8172 Ms. Jayapal. Would the gentleman yield?

8173 Mr. Jordan. The gentleman from Texas has asked first;
8174 if I have time, I will yield to the gentlelady as well.

8175 Mr. Gohmert. And I would just like to applaud those
8176 comments and add there is another name that needs
8177 investigation. The regulations are very clear. If there is
8178 a witness in an investigation that an attorney in the
8179 Justice Department is too close to, he must recuse himself.
8180 Bob Mueller is very close friends with Comey. So close
8181 Comey actually admitted that he colluded with Mueller about
8182 his testimony. What all did they collude about?

8183 I mean, did Comey actually do to Jeff Sessions, did he
8184 encourage him to recuse himself the way he did John Ashcroft
8185 so he could get his godchild in to be a special prosecutor
8186 back when he went after Scooter Libby? There are a lot of
8187 questions we need to know. And my time has expired.

8188 Ms. Jayapal. Would the gentleman yield?

8189 Chairman Goodlatte. The time of the gentleman has
8190 expired.

8191 Mr. Jordan. Of course I have no time.

8192 Chairman Goodlatte. For what purpose does the
8193 gentleman from Tennessee seek recognition?

8194 Mr. Cohen. To strike the last word and --

8195 Chairman Goodlatte. Gentleman is recognized for 5
8196 minutes.

8197 Mr. Cohen. -- [inaudible] what is occurring. This is

8198 the most astonishing moments I have ever experienced in my,
8199 now, 11th here in the Judiciary Committee. To take a
8200 question concerning the firing of James Comey and turn it
8201 into a question about Hillary Clinton, this is unbelievable,
8202 sir. The chairman has left the room. Justice has left the
8203 room. Commonsense has left the room. A lot has left this
8204 room, maybe never entered it.

8205 Now I wanted to ask the chairman: he started off
8206 earlier by saying all the Republicans signed a letter and
8207 sent it to the Attorney General, asking for his answers to
8208 questions that were raised during the previous
8209 administration they never got answers to. I wanted to ask
8210 him if the issues in this particular resolution were in that
8211 letter. And if they were, are they are being answered or
8212 not answered already? And I also wanted to ask if he asked
8213 a single Democrat to sign onto that letter because he
8214 certainly did not ask me, and he did not ask any of the
8215 Democrats I have asked. Why is he sending a letter, as
8216 chairman of the committee, without asking all members of the
8217 committee to join in?

8218 He is making it strictly, totally partisan. And by
8219 taking this over, Ms. Jayapal had already said she would be
8220 happy to have Mr. Gaetz' issues included in her resolution,
8221 so we can ask the Attorney General to answer all these
8222 issues, all of these questions. That is what is fair. You

8223 want to answer those questions? I was not wild about
8224 uranium and giving it up and whatever happened. I thought
8225 there were some issues about the foundation and the
8226 Secretary of State's office. I do not have a problem with
8227 those issues being answered. But I think Ms. Jayapal, who
8228 started, should have her questions answered too. And that
8229 is only fair, not to take over and hijack her resolution to
8230 put out some issues that probably were encompassed in the
8231 chairman's letter. But what is fair would be to have all
8232 the questions asked for and ask the Attorney General look
8233 into them.

8234 You know, the question was asked about, oh, they talk
8235 about Russia, but did the Obama administration get involved
8236 in this election? There is a big, big difference between
8237 Obama getting involved in the election, a partisan election
8238 and helping somebody who was part of his administration run
8239 for office, and the Russians and Putin getting involved.
8240 You all get it totally wrong. It is not about somebody
8241 getting involved in the election. When Americans get
8242 involved the election, it is okay. When Russia gets
8243 involved, we need to be united and be against that. Russia
8244 and Putin have --

8245 Mr. Jordan. Will the gentleman yield?

8246 Mr. Cohen. No, sir, I will not. Russia and Putin have
8247 no right getting involved in our elections. Never have.

8248 This should be bipartisan, and we should be together on
8249 this. Instead, we are divided, and we are bringing up
8250 issues from the past election. We need to get answers.
8251 America does not need to have Moscow give its imprimatur to
8252 actions. There is something afoul in the White House when
8253 the President of the United States goes up to Putin and
8254 says, "I am honored to meet you." The mayor of Chicago
8255 never went up to Al Capone and said, "I am honored to meet
8256 you." It is, in essence, the same thing.

8257 Mr. Jordan. Will the gentleman yield? Just a
8258 question?

8259 Mr. Cohen. No, I do not yield.

8260 Mr. Jordan. Just a question?

8261 Mr. Cohen. Once KGB, always KGB. And you are not
8262 honored to meet the man who was the KGB and still is the KGB
8263 and who murders his opponents and gets them wiped out, puts
8264 them in jail, so they are not eligible to run against him.
8265 And the idea of having a joint Kumbaya committee to look
8266 into election fraud is absurd. They do not have elections
8267 in Russia. They kill or imprison their opponents, and they
8268 count the votes. It is not the same.

8269 Mr. Jordan. Will the gentlemen yield for a question?

8270 Mr. Cohen. And there is a question about the FBI
8271 standard that, you know, all Republicans signed that letter.
8272 And then the chairman said something about this is using

8273 taxpayer dollars. Taxpayer dollars? This probably cost
8274 what it cost us to put up 10 people at Mar-a-Lago at
8275 government expense when he goes down there. He goes to Ohio
8276 the other day, and he says, "Oh, it is great to be here out
8277 of the swamp. I love it." Well, when he is not in
8278 Washington at the swamp, he is at the people that own the
8279 swamp's home at Mar-a-Lago. He does not know the swamp. He
8280 is the swamp. And the fact is this country is being run
8281 into the ground.

8282 Mr. Chabot. [Presiding.] The gentleman will suspend.

8283 Mr. Cohen. Yes, sir.

8284 Mr. Chabot. The gentleman's words, if they have not
8285 already crossed the line, I think, are very close to it. So
8286 I would urge the gentleman to consider his remarks before he
8287 makes any further remarks.

8288 Mr. Cohen. Thank you, sir. I appreciate it. It is
8289 very difficult, with our rules, about not saying things
8290 about the President and speaking the truth and asking about
8291 the truth, and it is a hard place. The truth is an offense
8292 and libel action, but I am not sure what the situation is
8293 here. I yield back the balance of my time.

8294 Mr. Chabot. The gentleman's time has expired. The
8295 gentleman from Arizona, Mr. Biggs, is recognized for 5
8296 minutes.

8297 Mr. Biggs. I move to strike the last word. Thank you,

8298 Mr. Chairman, and I support the Gaetz amendment. I am very
8299 pleased to do so. I think it is on the right track. It is
8300 what we should have been doing. And I want you to know, in
8301 my district, my constituents say, "Hey, what is going on?
8302 What is going on with the investigation of the crimes of the
8303 previous administration?" They want justice. They want the
8304 rule of law. And what I just heard is a denial of the fact
8305 that investigation is already going on to all the issues
8306 that the gentleman just talked about with regard to this
8307 administration.

8308 But what I heard previously from people today is, "Oh,
8309 this is old. The things in this the Gaetz amendment are
8310 dated. They were decided upon. It is deja vu, already
8311 answered. Let's not relitigate the past." That is what was
8312 said.

8313 The reality is these things were never litigated. That
8314 rationale would be, if you take anything that happened in
8315 the previous administration, we are not concerned about
8316 that. We are not going to worry about that. That rationale
8317 basically says, "Let's not look back unless it is convenient
8318 for us on a partisan basis." Well, the reality is I am
8319 going to give you some examples from the amendment of things
8320 that were not looked back at that need to be looked at. And
8321 we need the documents.

8322 And that is whether James Comey had any knowledge of

8323 efforts made to monitor communications of then-candidate
8324 Donald Trump. There has been numerous news reports
8325 indicating that that was the case. To assess any knowledge
8326 by Mr. Comey about the unmasking of individuals on the Trump
8327 campaign. That is a crime. Unmasking is a crime. And to
8328 assess the role that former NSA National Security Adviser
8329 Susan Rice played in the unmasking of these individuals.

8330 That is real. That is something that needs to be
8331 looked at. To reveal the purpose served by unmasking any
8332 individual or individual serving on the staff of then-
8333 candidate Donald Trump. Those are not old, dated, decided
8334 upon, deja vu, already answered. Those need to be answered.
8335 I commend my friend from Florida for this amendment.

8336 Mr. Nadler. Will the gentleman yield?

8337 Mr. Biggs. No, I will not. When I hear talk about
8338 this, it contains rightwing conspiracy theories. Well, I am
8339 telling you my constituents, in reference made to what are
8340 your constituents thinking, my constituents think what is
8341 going on in the underlying bill that was introduced today,
8342 the resolution introduced today, they think that is leftwing
8343 conspiracy theories. There is no doubt about it. This is a
8344 divided, divided Nation. But the reality is you do not get
8345 there by not seeking the rule of law and seeking justice.

8346 Mr. Nadler. Will the gentleman yield?

8347 Mr. Biggs. And in my opinion, that is exactly what

8348 this Gaetz amendment is all about. And with that, Mr.

8349 Chairman --

8350 Mr. Chabot. Will the gentleman yield?

8351 Mr. Biggs. I yield back to the chair. Thank you.

8352 Mr. Chabot. The gentleman yields back. Does the

8353 gentleman from New York seek recognition?

8354 Mr. Johnson of Georgia. Mr. Chairman, I move to strike

8355 the --

8356 Mr. Chabot. The gentleman from New York is recognized.

8357 Mr. Nadler. Yes. I just want to point out in one or

8358 two sentences. Unmasking is not a crime. It is a procedure

8359 done pursuant to section 702 of the FISA Act and may be

8360 appropriate in certain circumstances. It may not be

8361 appropriate. But to say that it is a crime is simply wrong.

8362 I yield back.

8363 Mr. Chabot. The gentleman from Texas is recognized for

8364 5 minutes.

8365 Mr. Gohmert. Thank you. Appreciate being recognized

8366 on this issue. And it really is amazing to hear, probably

8367 and actually, nobody better perfected the -- oh, was I only

8368 recognized for a minute and a half? Oh, here we go.

8369 Mr. Chabot. The clerk is working on the clock. The

8370 gentleman will proceed.

8371 Mr. Gohmert. Okay. Thank you. But the Clinton

8372 administration perfected the defense of, "This is old news,"

8373 after years and years of obfuscating, refusing to produce
8374 evidence. And the Obama administration did not miss any of
8375 those tactics. We still do not have documentation on Fast
8376 and Furious, and we know we lost a precious U.S. agent's
8377 life because of that. The things that I ask for, the
8378 documents that were provided to the convicted terrorists in
8379 the Holy Land Foundation trial, never produced, never
8380 produced.

8381 And the Attorney General Holder had the nerve to say,
8382 "Well, you know, there may be classifications issues." I
8383 said, "You provided it to the terrorists. Do not you think
8384 you could provide it to Congress?" And obviously, his
8385 response by his actions was no. He will not provide
8386 documentation to Congress that he provided to convicted
8387 terrorists.

8388 With regard to Putin and "Honored to meet you," I would
8389 just rhetorically ask compare "Honored to meet you" to a
8390 President sending over a Secretary of State after Russia
8391 attacks Georgia and the Bush administration gets so upset
8392 they put sanctions in place to send a message to Putin, "We
8393 are not putting up with this type of attack on a neighboring
8394 country." So what did we do? The new administration Obama
8395 since this Secretary of State Hillary Clinton over with a
8396 red button, with the misinterpreted Russian translation.

8397 They want to reset relations with Russia. Clearly, the

8398 message that Obama and Clinton sent to Putin, this person
8399 that is now being vilified by the people that did everything
8400 they could just suck up to the guy, they say, "Look, we want
8401 you to know we were not really bothered by your attack on
8402 Georgia. We want to reset things; you know, Bush just
8403 overreacted. So we are good with what you do," which is
8404 clearly a message, "We are good with you attacking Georgia."

8405 And to double-down on that message, the Obama
8406 administration did the most double-crossing, dirty deal to
8407 allies of the United States. Polish elected officials that
8408 put their political careers on the line to protect Poland
8409 and the United States by allowing us to put missile defense
8410 system against Russia in Poland. What does Obama do? He
8411 does the ultimate gift to Obama for nothing in return, stabs
8412 our allies in the back in Poland, and withdraws that defense
8413 system. We are not going to put it in place. Did not get
8414 anything in return. And what does he ask in return from
8415 Putin?

8416 Well, at another opportunity, he says, "Be sure and
8417 tell Vladimir I will have a lot more flexibility, in effect,
8418 to give away more of America's protection and Western
8419 Europe's protection after my election." And people have the
8420 nerve to point the finger at the Trump administration? And
8421 it seems like, I know there is allegation of old news. But
8422 the more we find out, the more it is really new news.

8423 First, we have all the screaming and hollering about
8424 Donald Trump, Junior, meeting with this Natalia
8425 Veselnitskaya. And then we find out, actually, she should
8426 not have been in this country, but for the Obama
8427 administration interceding, so she can have this meeting,
8428 apparently, with Donald Trump, Junior. Nothing came out of
8429 the meeting worthwhile. That is why he left early. And he
8430 got an apology for a worthless meeting.

8431 But it was not so worthless because Donald Trump,
8432 Junior, met with this person affiliated with Fusion GPS, the
8433 Democratic opposition research firm, and with very notorious
8434 characters in Russia, then that was a big help to the Obama
8435 administration finally getting a warrant from the FISA court
8436 after they turned it down the first time.

8437 Now they get a warrant to bug the Trump Tower. This is
8438 stuff, the more we find out, the more it smells from the
8439 Obama administration and we need the new news, the real
8440 motivation behind what has been going on and the obfuscation
8441 from the other side. It is time to get to the bottom of
8442 this. I yield back.

8443 Mr. Chabot. Thank you. The gentleman's time has
8444 expired. For what purpose does the gentleman from Georgia
8445 seek recognition?

8446 Mr. Johnson of Georgia. I move to strike the last
8447 word.

8448 Mr. Chabot. The gentleman is recognized for 5 minutes.

8449 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I am
8450 alarmed that after 16 intelligence agencies have concluded
8451 that Russia tried to influence the outcome of the
8452 Presidential election, and this House Judiciary Committee
8453 having had not one hearing to oversee the administration at
8454 this time when there are many questions arising about
8455 whether or not they have tried to obstruct the investigation
8456 that is ongoing, at this point, it forces Ms. Jayapal to
8457 introduce a resolution of inquiry.

8458 And when we have a hearing on that, the first thing
8459 that happens is the Republicans try to undermine that
8460 resolution by introducing this amendment, and it appears to
8461 me that House Republicans are colluding with the Trump
8462 administration to obstruct the investigation of the special
8463 counsel into allegations of the Trump campaign's collusion
8464 with the Russians and allegations that President Trump
8465 attempted to cover up and obstruct that investigation.

8466 Forty-four years ago, we had a House Judiciary
8467 Committee that rose above partisanship and protected our
8468 Democracy from a constitutional crisis by oversight
8469 investigations that led to the impeachment and resignation
8470 of President Richard Nixon, resulting from his obstruction
8471 and cover up of the Watergate break-in.

8472 Today, sadly, we have a House Judiciary Committee that

8473 colludes with an abusive and, perhaps, treasonous
8474 administration by refusing to provide a check on executive
8475 overreach by exercising its constitutional duty and
8476 responsibility to provide oversight. It is deeply
8477 disappointing, and it is, indeed --

8478 Mr. Biggs. Mr. Chairman?

8479 Mr. Johnson of Georgia. -- an alarming --

8480 Mr. Biggs. Mr. Chairman, I ask that the gentleman's
8481 words be taken down.

8482 Mr. Chabot. The gentlemen will suspend.

8483 The clerk will review the words. Read the words back.

8484 Does the gentlemen have the capability to read back the
8485 gentleman's words? My recollection of what the gentleman
8486 said was that the accusation that this side is colluding
8487 with a possibly treasonous administration? Is that the
8488 word?

8489 Mr. Chabot. The word was not "possibly."

8490 Mr. Johnson of Georgia. The word "is colluding with an
8491 abusive and perhaps treasonous administration by refusing to
8492 provide a check on executive overreach by exercising its
8493 constitutional duty and responsibility to provide
8494 oversight."

8495 Mr. Biggs. Request the ruling of the chair.

8496 Mr. Chabot. The chair is being advised that the words
8497 are too general to be directed specifically at a party or

8498 entity and, therefore, are not out of bounds. The chair
8499 would also note that the gentleman is very close, so the
8500 chair would advise the gentleman to be very careful.

8501 Mr. Johnson of Georgia. I was very careful with how I
8502 worded my comments, and I will repeat them again.

8503 Mr. Chabot. The chair would advise the gentleman to
8504 try to be more careful because the gentleman is very close.

8505 Mr. Johnson of Georgia. Thank you, Mr. Chairman. The
8506 American people should be concerned about the direction that
8507 this country is headed in under Republican Party, unified
8508 Republican Party control. Republicans in control of this
8509 committee are perhaps complicit in peddling fake news and
8510 alternative facts to the American people, anything to

8511 AFTER 6:00 p.m.
8512 distract people's attention away from the investigation into
8513 possible collusion between the Russians and the Trump
8514 campaign. Republicans on this committee conducted vigorous
8515 oversight of the Obama administration: Benghazi, Fast and
8516 Furious, the IRS with Lois Lerner and trying to impeach the
8517 IRS Commissioner, and on and on.

8518 And today, we want to reopen the investigation into
8519 Benghazi. Well, this is Benghazi. This is the special
8520 committee. This is the special committee report, all 11
8521 volumes, on Benghazi; it has been beaten like a dead horse.
8522 This is oversight. But this Congress is refusing to do
8523 oversight. It is very disappointing.

8524 Today, I guess we will probably hear from the other
8525 side that they want us to support their move to investigate
8526 Pizzagate, the child molestation conspiracy that caused a
8527 gentleman to drive all the way from South Carolina up to
8528 Washington, D.C., and take hostages or take a restaurant
8529 hostage and fire his weapon, thinking that there was a real
8530 conspiracy.

8531 That is the danger that we are confronting with leaders
8532 of America peddling fake news and alternative facts, knowing
8533 that it is not true. I am really concerned about the
8534 direction of this country under this leadership. We are not
8535 doing the right thing by way of the American people. And I

8536 am heartened to know that it was not a majority of the
8537 people in this country that elected this Congress and this
8538 administration. It was a minority of people who selected
8539 this current regime, and it is leading America to dark
8540 places. And with that, I yield back.

8541 Mr. Chabot. The gentleman's time has expired.

8542 For what purpose is the gentleman from Florida seek
8543 recognition?

8544 Mr. Rutherford. To strike last comments.

8545 Mr. Chabot. The gentleman is recognized for 5 minutes.

8546 Mr. Rutherford. Thank you, Mr. Chairman. I first want
8547 to thank my colleague from Florida for having brought this
8548 resolution forward. You know, in the past, we had the great
8549 privilege of working together. He was in the Florida
8550 legislature, and I was a lifelong law enforcement officer,
8551 and we had the great privilege of working together to fight
8552 against injustice in our State. And I am very proud to
8553 support him in this resolution here today because, again, I
8554 think there has been a great injustice in our country.

8555 I have to tell you, Mr. Chairman, when I was in law
8556 enforcement, I was a very ardent supporter of FBI Director
8557 James Comey. In fact, when he was appointed to look into
8558 the email scandal concerning campaign President Hillary
8559 Clinton, I told folks that I was confident that he would get
8560 to the bottom of exactly what had happened in regards to

8561 those emails. And I felt, from some of the evidence that
8562 had been presented, that he would absolutely do an excellent
8563 job, as I had always known him to do.

8564 However, I have to say, after listening to his press
8565 conference, Mr. Comey conducted a press conference for
8566 almost 30, 45 minutes back in July of 2016 and, during that
8567 time, laid out what I know to be probable cause for
8568 certainly a more in-depth investigation into the Clinton
8569 email possible conspiracy involving these emails. And I
8570 wondered also about the propriety and the consequences of
8571 the immunity deals that his office had given to potential
8572 Hillary Clinton co-conspirators Cheryl Mills, Heather
8573 Samuelson, John Bethel, and possibly others.

8574 And I have to tell you, Mr. Chairman, it was at the end
8575 of that, when you then usurp the authority of then-Attorney
8576 General Loretta Lynch, completely getting out his law
8577 enforcement lane in saying that there would be no criminal
8578 prosecution or charges brought, I have to tell you, I was
8579 personally let down by that performance of the FBI Director.

8580 So, I think this is now the time, Mr. Chairman, that we
8581 need to come together and have a full disclosure of the
8582 issues that are so clearly laid out in this resolution. I
8583 yield back.

8584 Mr. Chabot. The gentleman yields back.

8585 Ms. Jayapal. Mr. Chairman?

8586 Mr. Chabot. For what purpose does the gentlelady seek
8587 recognition?

8588 Ms. Jayapal. Move to strike the last word.

8589 Mr. Chabot. The gentlelady is recognized for 5
8590 minutes.

8591 Ms. Jayapal. Thank you, Mr. Chairman. You know, when
8592 I introduced this resolution, I thought we would have a
8593 discussion on the resolution. When the other side
8594 introduced, essentially, an amendment that would gut my
8595 resolution and tried to focus it on an entirely different
8596 set of questions, I offered a friendly amendment to say, "I
8597 am happy to include your questions, because I think you have
8598 a right to those answers. I do not think there is anything
8599 there, but how do I know that unless we have those questions
8600 answered?" You chose not to accept that, and so I really
8601 reject any idea that, somehow, we are avoiding things that
8602 you want to discuss.

8603 We have agreed to include those questions in our
8604 resolution, create one resolution that answers your
8605 questions and answers my questions. I think we have a right
8606 to that; I think that is what is fair. And in the absence
8607 of doing that, what it seems to me is happening, Mr.
8608 Chairman, is that there is deliberate stonewalling that
8609 appears to be happening to stop any movement into the
8610 questions that are before us today: very serious and grave

8611 constitutional questions. And if you look at some of the
8612 things that have been emerging, this is not just Democrats
8613 who are saying this. It would be one thing if you could say
8614 that it was only Democrats who raise questions about the
8615 things that are happening; that is not what is happening.

8616 And I wonder if you are questioning the credibility of
8617 the Senate Judiciary Committee in raising these questions,
8618 in calling before the committee Donald Trump, Junior, and
8619 Comey and all of these people to hearings in the Senate
8620 Judiciary Committee because they know that it is their
8621 responsibility to the country and to the Constitution and to
8622 our Democracy to examine those questions because I do not
8623 think that Chairman Grassley or Republicans in the Senate
8624 who are investigating this think it is ridiculous. They are
8625 investigating it because it is the responsibility to do so
8626 because, increasingly, troubling things are occurring.

8627 When Donald Trump, Junior, has a meeting, purportedly
8628 to get information provided by the Russians around the
8629 campaign and Hillary Clinton's Presidential campaign, and
8630 when following the revelation of that meeting, the President
8631 tweets his support for his son, does not even ask any
8632 questions, but says, this was his July 11th tweet, "My son,
8633 Donald, will be interviewed by Sean Hannity tonight. He is
8634 a great person who loves our country." July 13th: "My son,
8635 Donald, did a good job last night. He was open,

8636 transparent, and innocent. This is the greatest witch hunt
8637 in political history."

8638 But for the other side to imply that, somehow, Donald
8639 Trump, Junior, is okay because he left the meeting because
8640 there was nothing worthwhile there, what does that mean? If
8641 there was information that was presented by the Russians
8642 that that, somehow, would have been worthwhile, and then he
8643 would have stayed? The reality is he should have never
8644 taken the meeting.

8645 And, again, it is not just Democrats who are saying
8646 this. David French from the National Review, respected
8647 Conservative, wrote an article saying, "No, you do not take
8648 the meeting." You do not take the meeting. And when this
8649 committee and my friends on the other side undermine Robert
8650 Mueller as somehow also being partisan, I find that
8651 incredibly disrespectful to Mr. Mueller.

8652 In fact, when Mr. Mueller was selected as the
8653 independent counsel, there was wide, bipartisan agreement.
8654 Mr. Mueller was the longest serving FBI director since J.
8655 Edgar Hoover, originally an appointee of George W. Bush in
8656 2001. And yet, now, because Mr. Mueller is uncovering
8657 things that must be investigated, like obstruction of
8658 justice by the President, all of a sudden, some of my
8659 Republican colleagues seem to be implying, and the President
8660 is certainly implying, that he is going to be fired from

8661 that role. And that is the problem with the special counsel
8662 role is that it reports to the chain to command. And
8663 Representative Jason Chaffetz called Mueller a great
8664 selection with impeccable credentials; Charles Grassley said
8665 the same thing; many Republicans have said that.

8666 So, the reality is, Mr. Chairman, that I am distressed
8667 that this committee cannot, on a bipartisan basis, agree
8668 that there are significant questions before the American
8669 people. You want to have another beating the dead horse of
8670 Hillary Clinton and her emails? Fine, I will include it.
8671 But let me and let us and let the American people have the
8672 opportunity to actually debate the issues that are before us
8673 today, that Democrats and Republicans in the Senate have
8674 agreed are important to come before the Judiciary Committee.
8675 But this Committee of the House Judiciary has yet to have a
8676 single hearing, and, in fact, has stripped my resolution.

8677 Mr. Chabot. The gentlelady's time has expired.

8678 Ms. Jayapal. I thank you, Mr. Chairman, and I will
8679 yield back, but I want to say that I will introduce the
8680 resolution again because I intend to have a discussion on
8681 the resolution. Thank you, Mr. Chairman.

8682 Mr. Chabot. The gentlelady's time has expired. For
8683 what purpose does the gentleman from Iowa --

8684 Mr. King. Move to strike the last word.

8685 Mr. Chabot. The gentleman is recognized for 5 minutes.

8686 Mr. King. Thank you, Mr. Chairman. Listening to this
8687 debate, it strikes me that there are few things that have
8688 been left out of this discussion. And I do support the
8689 gentleman from Florida's amendment, and I follow the
8690 ideology of this in the process.

8691 One of things that I would say to that is that, as I
8692 listen to the gentleman from Tennessee address this subject
8693 matter and raise his voice pretty strongly about the
8694 allegations of Obama versus Russians versus Putin, I would
8695 make a couple of points on this.

8696 One is, it is clear that the Obama administration sent
8697 their people over to Israel to work against Prime Minister
8698 Benjamin Netanyahu, pretty much openly, significant dollars
8699 invested in that campaign over there. The President of the
8700 United States, with at least the moral support of the people
8701 who had worked for him, in the country of Israel seeking to
8702 shift the results of the election against the seated Prime
8703 Minister Benjamin Netanyahu.

8704 Then, the gentleman --

8705 Mr. Nadler. Will the gentleman yield?

8706 Mr. King. No, no, I will not yield. I have a lot of
8707 things I must say, but thank you. Then, the gentleman did
8708 object to U.S. tax dollars being used. I just came back,
8709 not that long ago, from the Balkans where I sat in a place
8710 like Macedonia. And there, I learned that the United States

8711 Government, borrowing money from China and Saudi Arabia, had
8712 handed over somewhere at least \$5 million in contracts
8713 transferred through USAID into George Soros' organizations
8714 that were used to manipulate elections in the Balkans. And
8715 that is just particularly in Macedonia, not including the
8716 neighboring countries that are there.

8717 And some of that money was used to translate Saul
8718 Alinsky's Rules for Radicals into Macedonian, to distribute
8719 the books, and the Rules for Radicals and the actions of
8720 radicals were manifested within the election efforts in that
8721 part of the world. So, I would say that the Obama
8722 administration is a long ways from clean on this, as far as
8723 being involved in elections in other countries, not to
8724 mention little comments like the British: "If you vote
8725 Brexit, you are going to have to go to the back of queue."

8726 So, that is the taxpayer dollars piece of this, but the
8727 long string that we should be looking at with this
8728 investigation and special counsel that is our request here,
8729 it goes a long ways back. It goes clear back to Huma
8730 Abedin, Anthony Weiner, 650,000 emails, which we still have
8731 access to. And the question that was answered to us by
8732 James Comey, which is there was nothing to see there. We
8733 did a fast software search of 650,000 emails, and in the
8734 case of Huma Abedin and Anthony Weiner sharing laptop and
8735 sharing emails, there was nothing new in 650,000 emails.

8736 And what we have done in this Congress so far is just taken
8737 his word for that.

8738 Now, it seemed fairly logical to take his word for it
8739 at the time, until you examine the investigation that he
8740 conducted of Hillary Clinton. Oh, by the way, it was a
8741 matter. The investigation that had Cheryl Mills, her Chief
8742 of Staff, as her chief counsel, in the room with Hillary
8743 Clinton, and both of them had a plea bargain of some kind;
8744 they were exempted from prosecution by limited terms.

8745 But, in any case, when you have this Chief of Staff,
8746 who is a subject of investigation, too, there as counsel to
8747 the person who is the subject of the investigation, and we
8748 ask under oath, and I asked these questions of Loretta Lynch
8749 and Comey under oath, and that is: where is the copy of the
8750 transcript? Where are the audio files? Where are the video
8751 files? Who was in the room?

8752 We do not have the answer to any of that except, "No,
8753 if there were notes taken, we do not know whose they are or
8754 where they are. If there was any transcript of the
8755 deposition, then that does not exist either, neither do the
8756 tapes of either audio or video."

8757 This is, what looks like on its face, a sham
8758 investigation. Plus, they destroyed a tremendous amount of
8759 information, at least 30,000 emails; crushed hard drives;
8760 bought bleach bet; hired outside contractors to scrub the

8761 emails up; and we are to take James Comey's word for this
8762 that there was not enough substance there to bring a
8763 prosecution. Even though, on a year ago July 5th, James
8764 Comey delivered 15 minutes of the summary of a prosecution
8765 that was completely convincing to me, until they got down to
8766 the last couple sentences of that presentation, which is,
8767 "Well, we cannot prove intent." Well, curiously, there is
8768 no requirement for intent in the two statutes that appear to
8769 have been violated.

8770 And, furthermore, I looked back in the records to the
8771 previous October the previous April, Barack Obama stated
8772 that into the news media record, he said Hillary Clinton
8773 would never intend to put our national security at risk.
8774 Hillary Clinton would never intend to harm America's
8775 security. That is October and April, the previous October
8776 and April. Well, James Comey latched on to that word
8777 "intend," and they made up new law and gave Hillary Clinton
8778 an exemption for this lack of intent that they said they
8779 could not prove, which is absolutely proven by the facts
8780 that he delivered to us in the summary that day and that
8781 there is evidence for. And I would go on.

8782 Not only does this trail lead through Hillary Clinton
8783 and James Comey, but the Loretta Lynch component of this, as
8784 well. When you put this in place and you look at the
8785 example of them on the tarmac, it is hard to imagine they

8786 sat there for 38 minutes and discussed grandchildren; I
8787 think that might even be singular grandchild at the time.
8788 We should check that. But the answers that we got from
8789 Loretta Lynch were far less than satisfying.

8790 And then that brings me to Alexandra Chalupa. She is a
8791 DNC contractor that went off over to Ukraine to try and
8792 gather dirt on the Trump people. So, bringing this around,
8793 Mr. Chairman, I will conclude it with this as my time will
8794 soon run out. And that is this, that the trail leads, I
8795 believe, also to Barack Obama.

8796 Mr. Chabot. The gentleman's --

8797 Mr. King. We need to investigate all of this.

8798 Mr. Chabot. The gentleman's time has expired.

8799 Mr. King. I yield back.

8800 Mr. Gutierrez. Mr. Chairman?

8801 Mr. Chabot. The gentleman's time has expended. Does
8802 any member seek recognition?

8803 Mr. Gutierrez. Mr. Chairman?

8804 Mr. Chabot. The gentleman from Illinois, for what
8805 purpose does --

8806 Mr. Gutierrez. I move to strike the last word.

8807 Mr. Chabot. The gentleman is recognized for 5 minutes.

8808 Mr. Gutierrez. Thank you. Well, it is clear to me
8809 that some people watch Fox News and actually believe what
8810 they see on Fox News. It is clear. And this is another

8811 episode of the unbelievable that will be shown on Fox News,
8812 and tomorrow, you know, Hannity will have a good time. You
8813 all will have additions for Fox News tonight. You know
8814 what? They might send you all a check, too, because,
8815 clearly, this is what this all about, is to feed a false
8816 narrative to people.

8817 I watched Fox News this morning; they went out, "What
8818 do you think about Trump's speech?" Did you really think
8819 they were going to say something bad? Have you ever heard
8820 anybody say anything bad about the President of the United
8821 States on Fox & Friends in the morning? No.

8822 Mr. Labrador. Will the gentleman yield?

8823 Mr. Gutierrez. No. Absolutely not. Fox & Friends has
8824 all they need already. So, the difference is that you watch
8825 it; you believe it; and then you say, "Let me continue to
8826 entertain the notion that we are not in a crisis in
8827 America." I mean, think about it one moment. At least we
8828 have got to give Grassley, the Senator, credit and the
8829 Senators. They are not over there denying the reality of
8830 what is going on.

8831 You know, we have men and women in the intelligence
8832 services of the United States of America that I have
8833 learned, from the Republican majority, risk their lives
8834 every day to keep us safe, and what do you do? You squander
8835 their work. You squander their heroism. You squander their

8836 patriotism coming here and not dealing with the reality of
8837 what we are confronting as a Nation. I mean, does anybody
8838 really believe that it would take a nanosecond, if then-
8839 President Barack Obama would have sent a note, a text. Tell
8840 me, what does the President do? I do not do that thing.

8841 Tweet. Now, here it is, the President of the United
8842 States sends a tweet that says, "How come the Attorney
8843 General of the United States, who I appointed, is not
8844 investigating Hillary Clinton and locking her up?" which he
8845 was very good at saying during the campaign, the Attorney
8846 General of the United States. But I do not know how long he
8847 is going to be Attorney General because it looks like Trump,
8848 you know, he hires and fires at will. He got rid of Comey;
8849 he is going to get rid of the Attorney General; then he is
8850 going to get rid of Mueller, and this committee will still
8851 not take its job seriously. We are going back to this. I
8852 want to just think a moment.

8853 He said, "How long would it have taken for this
8854 committee, if President Barack Obama would have tweeted to
8855 Eric Holder, 'Why are you not investigating my opponent in
8856 the past election and locking him up?'" How long do you
8857 think? A nanosecond before we would come here, and there
8858 would be impeachment. I mean, we had impeachment here over
8859 a past President of the United States because he had sex;
8860 that is what it was really all about, and the interesting

8861 thing was he was being impeached and voting by impeachment
8862 by people who have done exactly what they were accusing him
8863 of doing.

8864 I would have thought they would have resigned first
8865 from their positions before they would have taken on an
8866 impeachment of a President. Now, anybody could take down my
8867 word if what I am saying is wrong, but it seems to me, I
8868 recall that the chairman of the Judiciary Committee had some
8869 astonishing pictures of beautiful women on his lap, but that
8870 was okay. Let's impeach the President.

8871 But when it comes to somebody circumventing the
8872 Constitution of the United States, the majority does not
8873 find any reason that we should call. Grassley does. The
8874 Senate does. Why do you think we are held in such low
8875 esteem? Because we do not do our job, because we do not
8876 fulfill our constitutional commitment to safeguard the
8877 Constitution of the United States. This President is a
8878 threat to this Nation, to its Constitution, to its
8879 Democracy, and we are doing absolutely nothing to respond
8880 except, let's go back to talk about Hillary Clinton's
8881 emails.

8882 Hillary Clinton lost the campaign. You have already
8883 demonized her enough. Let's get on with the real business
8884 that we have before us. We have a President of the United
8885 States that is talking about forgiving and pardoning his

8886 children and his cabinet and himself, and he already fired
8887 the FBI Director; he already is trying to figure out if he
8888 can fire Mueller. This is the greatest threat I have seen
8889 to our Democratic institution and to our Constitution, and
8890 what we are doing is laughable. All due respect to Fox News
8891 & Friends and the Fox News Network --

8892 Mr. Chabot. The gentleman's time has expired.

8893 Mr. Gutierrez. -- they do not need us to be
8894 subsidizing their television newscast.

8895 Mr. Chabot. The gentleman's time has expired. For
8896 what purpose does the gentleman from Texas seek recognition?

8897 Mr. Poe. I thank the chair.

8898 Mr. Chabot. The gentleman is recognized for 5 minutes.

8899 Mr. Poe. I thank the chairman. The issue about
8900 Russia, which we hear every day, and all of my days as a
8901 judge in Texas, I never heard the word "collusion." I do
8902 not see that in our statutes. "Conspiracy" is a different
8903 word, but "collusion" is not a crime, as far as I know. Be
8904 that as it may, in all fairness, I think that we should have
8905 an open investigation to all of these matters that have been
8906 discussed today, and I think that has been obvious by the
8907 statements that have been said by both sides. Let's talk
8908 about Comey.

8909 He is supposed to be, or was, the head of the most
8910 prestigious law enforcement investigation unit in the world:

8911 the FBI. And I have always held the FBI in high regard, so
8912 what happens? The investigation in our system is done by
8913 the police, as I call them; the prosecution is done by the
8914 Attorney General or the district attorney or the county
8915 attorney. And in almost all cases, the investigator
8916 investigates, gets the information, and turns it over to
8917 those that will prosecute the case and let them decide
8918 whether to prosecute or whether not to prosecute.

8919 We had, in this case, the most unbelievable, unique
8920 experience, where the investigator denied the Attorney
8921 General the ability to prosecute the case by holding a press
8922 conference and stating the facts, some of the facts, and
8923 then saying no reasonable prosecutor would ever prosecute
8924 this case, thus poisoning the case against Hillary Clinton
8925 because she could not be prosecuted after that.

8926 The Attorney General would not prosecute her. Now, I
8927 was a prosecutor for 8 years, and I saw plenty of evidence
8928 there. There are a lot of juries in Texas that would have
8929 convicted on that evidence if they had been shown that
8930 evidence, but that is a different issue, so then he holds
8931 another press conference saying, "Oh, I was wrong. There is
8932 evidence to prosecute Hillary Clinton." And then thirdly,
8933 he states that we will go with the first argument: there is
8934 no evidence.

8935 Totally improper for Mr. Comey, the head of the

8936 greatest law enforcement agency in the world, to hold these
8937 press conferences. Now, the issue is about the firing of
8938 Mr. Comey; that is one of the issues that the other side has
8939 brought up. Let's discuss his firing. Well, reasons for
8940 his firing go all the way back to last year under the Obama
8941 administration, and that is something that needs to be
8942 investigated: what was Comey's relationship with the last
8943 administration, with the Attorney General of the last
8944 administration, and about prosecuting or not prosecuting
8945 Hillary Clinton for things that a lot of Americans are still
8946 talking about.

8947 Now the other side says, "Oh, she lost the election.
8948 Forgive her of her potential sins as a candidate." Well,
8949 no, it does not work that way. The law does not work that
8950 way. If crimes have been committed, and I am not saying
8951 they have been, but if they were committed, they still
8952 should be investigated. And if they were not, that should
8953 be investigated, as well, to clear the air, but the idea
8954 that Mr. Comey can get a pass from being investigated
8955 because he was in the last administration is an unreasonable
8956 thought.

8957 So if we want to investigate him, investigate all of
8958 his absurd actions, including the fact that, while he was no
8959 longer with the FBI, a private citizen, he is releasing
8960 information that belongs to law enforcement in an

8961 investigation. Law enforcement agencies do not have that
8962 ability. For a police officer, former, retired police
8963 officer, to pull out an offense report of a case that
8964 happened when he may or may not have been there and give
8965 that access to the public, that at least violate procedure
8966 of the FBI to release that unauthorized information because
8967 he was then a private citizen.

8968 He releases it to his friend; his friend releases it to
8969 the press. Leave the press out of this issue; the issue is
8970 whether he was authorized as a private citizen. So there is
8971 a lot to be discussed about Mr. Comey and his actions, and I
8972 think that we should proceed on the investigation of Mr.
8973 Comey's firing and the reasons he was fired because that is
8974 what we are supposed to do, and I will not go into some of
8975 the other matters discussed because we are out of time, but
8976 I yield the other 10 seconds to the gentleman from Ohio.

8977 Mr. Jordan. Mr. Chairman, I just had a question.

8978 Chairman Goodlatte. The gentleman has 20 seconds, but
8979 --

8980 Mr. Jordan. I just had a question for the chairman.
8981 The chairman, in his opening remarks, mentioned a letter
8982 that he is prepared to put together and send. The magnitude
8983 of the situation, in my mind, would warrant that that letter
8984 go today; is that the plan of the chairman?

8985 Chairman Goodlatte. I want to afford all the members

8986 the opportunity to sign it, but it is available, and people
8987 are already signing it now, so --

8988 Mr. Jordan. I would encourage members to do that, and
8989 we can send that as quickly as possible. Thank you, Mr.
8990 Chairman.

8991 Mr. Raskin. Mr. Chairman?

8992 Chairman Goodlatte. For what purpose does the
8993 gentleman from Maryland seek recognition?

8994 Mr. Raskin. Move to strike the last word.

8995 Chairman Goodlatte. The gentleman is recognized for 5
8996 minutes.

8997 Mr. Raskin. I had to step away for a few moments, and
8998 I came back, and I feel like I am in a Midsummer Night's
8999 Dream here. There are some extraordinary comments on the
9000 floor, and if I could just try to reframe the context a bit,
9001 17 of America's intelligence agencies reported to us, with a
9002 high degree of certainty, that Vladimir Putin and the
9003 Russian Government engaged in a campaign to subvert and
9004 undermine the Presidential election of the United States in
9005 2016.

9006 And if there is anyone on either side of the aisle who
9007 wants to dispute that conclusion and finding, I will gladly
9008 yield some of my precious 4 minutes and 12 seconds remaining
9009 to hear if anybody rejects the conclusion of our
9010 intelligence agencies.

9011 Okay, so that is a fact that we all accept about the
9012 world now, and it is pervasively accepted because it is
9013 true, and nobody wants to dispute it.

9014 Mr. Jordan. Will the gentleman yield for a second?

9015 Mr. Raskin. Yes.

9016 Mr. Jordan. Does the gentleman accept the fact that
9017 the Attorney General of the United States instructed the FBI
9018 Director of the United States to tell the American citizenry
9019 something that was not, in fact, true? Do you accept that
9020 fact? Because Mr. Comey testified to that.

9021 Mr. Raskin. Let us deal with that on your time, if we
9022 could. I want to stay on course for what I am talking about
9023 here, which is our intelligence agencies have told us
9024 definitively that there was a Russian effort to undermine
9025 and thwart our democratic process in 2016. I think that any
9026 constitutional patriot in America would consider this an
9027 emergency situation, that we have foreign powers trying to
9028 disrupt American elections. It is not a partisan issue; it
9029 is not Democrat, it is not Republican, liberal or
9030 conservative. It is an assault on the sovereignty of the
9031 American people that took place.

9032 Mr. Labrador. Would the gentleman yield?

9033 Mr. Raskin. Yes, I would.

9034 Mr. Labrador. The Russian Government has been
9035 interfering with our elections for years. Why did you not

9036 have a concern about that when they interfered 4 years ago,
9037 8 years ago, 12 years ago?

9038 Mr. Raskin. Reclaiming my time. I entered Congress in
9039 January of this year, so you were brought into Congress
9040 before me.

9041 Mr. Labrador. But your party has not been concerned
9042 about this.

9043 Mr. Raskin. I am reclaiming my time, Mr. Chairman. I
9044 am reclaiming my time.

9045 Chairman Goodlatte. The gentleman from Maryland
9046 controls the time.

9047 Mr. Raskin. So, we have in the White House a President
9048 who appears to be a master of deflection, diversion, and
9049 distraction. And now we are all running on a wild goose
9050 chase. We want to indict Mr. Comey. We want to go after
9051 everybody except for what is actually the subject of the
9052 investigation, which is what we need to know, which was how
9053 was our election impaired and tampered with in that way?
9054 That is the proper subject of our inquiry here.

9055 Now, I understand that the author of the amendment, the
9056 gentlewoman from Washington State, has said that she would
9057 gladly incorporate all of the inquiries that were suggested
9058 as a substitute to her amendment and to combine them
9059 together. And I hear my good friend and colleague from
9060 Texas, Judge Poe, say that what we need is an open

9061 comprehensive investigation, which is what some of us have
9062 been calling for from the beginning. Not controlled by one
9063 side or the other; an independent 9/11-style outside
9064 investigation.

9065 And I would gladly work with him on legislation to do
9066 that if that is what he is talking about. If that is not
9067 what he is talking about, if he wants this committee to do
9068 it, then let us combine the two efforts from the Democratic
9069 side and the Republican side. Let us put them together. We
9070 have got nothing to be afraid of. And if Hillary Clinton or
9071 the Ukrainians were involved in trying to subvert our
9072 election process I want to know about it.

9073 Chairman Goodlatte. Would the gentleman yield?

9074 Mr. Raskin. Yes, by all means.

9075 Chairman Goodlatte. I thank the gentleman for
9076 yielding. The difference is that there is a special counsel
9077 appointed to investigate the elections last year, and there
9078 is not a special counsel appointed to investigate the
9079 alleged wrongdoings by one of the two candidates last year.
9080 And that is why members on this side of the aisle want to
9081 see some parity. We are asking questions about an issue
9082 where there is no special counsel, and if there is a special
9083 counsel appointed I will adhere to the same process that I
9084 adhered to when she was being investigated by the Director
9085 FBI.

9086 Last year we did not hold any hearings until he
9087 completed his investigation. And as you know, we are
9088 allowing to do his job with regard to the Trump Russia issue
9089 --

9090 Mr. Raskin. Reclaiming my time if I might, Mr.
9091 Chairman. I do not know if I am allowed to reclaim --

9092 Chairman Goodlatte. -- and that is the difference, and
9093 that is why this amendment has been offered.

9094 Mr. Raskin. Okay, well as the chairman well knows, the
9095 special counsel process is not one which we control. That
9096 is something that takes place within the Department of
9097 Justice --

9098 Chairman Goodlatte. I think that is the point of the
9099 special counsel. He is to do it without the political
9100 influence that we hope is not taking place, and then we will
9101 receive the benefit of his investigation.

9102 Mr. Raskin. Perhaps I am being dimwitted here, but I
9103 understand the objection to be that there is not a special
9104 counsel appointed to investigate Hillary Clinton, James
9105 Comey; how is that properly addressed to the Democrats on
9106 this panel?

9107 Mr. Nadler. Will the gentleman yield?

9108 Mr. Raskin. Yes.

9109 Mr. Nadler. I would simply point out what has been
9110 said before, and what the chairman said a few months ago.

9111 The special counsel is to investigate crimes. Our oversight
9112 jurisdiction is to investigate the functioning of government
9113 and whether something should be done about it. And if you
9114 want to investigate what is in the amendment, wonderful, but
9115 it does not negate that we should investigate the things
9116 that were originally in the gentlelady's resolution, and the
9117 fact that there is a special counsel for crimes and not for
9118 the general questions that we ought to investigate. I yield
9119 back.

9120 Mr. Raskin. Thank you very much. Mr. Chairman, again,
9121 I want to try to kind of arrive at some common ground here.
9122 I take it that the position of the chair is that we have a
9123 special counsel who is operating to investigate the Russian
9124 undermining of our election and potential collusion or
9125 conspiracy that took place, any potential coordination made
9126 illegal under the Federal Election Campaign Act, and
9127 assorted crimes; okay.

9128 Now could we all agree the special counsel should not
9129 be dismissed by the President of the United States?

9130 Chairman Goodlatte. I think that is a separate issue
9131 beyond the scope of this discussion. And if the gentleman
9132 would yield, I would point out that there are other
9133 committees including the Intelligence Committee
9134 investigating the underlying issue of whether or not Russia
9135 influenced our election. That is you know many committees

9136 can and some committees have claimed jurisdiction to do
9137 that. It is my belief that this work should be conducted
9138 and then report should be given to the committee and the
9139 committee should act in response to that.

9140 Now, that has not happened with regard to the matter
9141 with regard to the Clinton campaign. And therefore we are
9142 asking in a letter for a special counsel. And until we get
9143 that we are asking for information about it. If we get the
9144 special counsel, we do not need the information.

9145 Mr. Raskin. Well, if I could just complete, then, with
9146 this thought. It seems to me that if there is a serious
9147 effort being made to find out whether there was some kind of
9148 misconduct related to the Ukrainians or Hillary Clinton.
9149 Fair enough. Go for it if you think it is there. If all of
9150 this is simply meant to distract and divert from the ongoing
9151 special counsel investigation somehow to create the idea of
9152 symmetry or parody, that strikes me as, you know,
9153 antithetical to the purposes of this committee.

9154 There is a special counsel who is at work, whose
9155 integrity, whose sovereignty in that investigation is being
9156 challenged every single day by the President of the United
9157 States who seems to want to be either firing the attorney
9158 general or the United States or isolating him or going after
9159 the special counsel. And I think our role should be to
9160 stand up with the special counsel rather than further

9161 undermine what he is doing.

9162 Chairman Goodlatte. Would the gentleman yield?

9163 Mr. Raskin. Yes, by all means.

9164 Chairman Goodlatte. The gentleman's time has expired.

9165 I appreciate you yielding to me. I just want to point out

9166 that as was noted by the ranking member, we have requested

9167 that the special counsel meet with us in closed session, so

9168 we can ascertain whether or not he is doing his job

9169 properly. And I think that is an appropriate function for

9170 us to do. But holding public hearings and inviting in

9171 witnesses that are also being interviewed by the special

9172 counsel in requesting documents that are also being examined

9173 by the special counsel is interference in that investigation

9174 and I do not intend to participate in that.

9175 Mr. Jordan. Mr. Chairman, has Mr. Mueller responded to
9176 that? When can we have that hearing?

9177 Chairman Goodlatte. It is not a hearing.

9178 Mr. Jordan. When would we have that inquiry?

9179 Chairman Goodlatte. It is a meeting of myself and the
9180 ranking member with the special counsel.

9181 Mr. Jordan. Rest of us are not invited?

9182 Chairman Goodlatte. He has not responded yet. But we
9183 are told that it will not be before the recess. So, I
9184 cannot tell you when it will take place. But we are going
9185 to make sure it takes place.

9186 Ms. Jayapal. Mr. Chairman, I have just a question on
9187 the point that you just raised.

9188 Chairman Goodlatte. If the gentleman whose time long
9189 ago expired would yield to you.

9190 Mr. Raskin. I will yield my negative time to the
9191 gentlelady from Washington.

9192 Ms. Jayapal. I just had a question Mr. Chairman
9193 because you are saying that you think it would be
9194 interference for this committee to interview people but are
9195 you saying, then, that the Senate Judiciary Committee is
9196 interfering by having the hearings that they are having?
9197 Because these hearings are taking place in the Senate
9198 Judiciary Committee because we do have jurisdiction and
9199 authority. And so, all we are saying is the House Judiciary
9200 Committee is the only committee that does have jurisdiction
9201 the two intelligence committees and the --

9202 Chairman Goodlatte. That is not correct. There are
9203 other committees that have jurisdiction over parts of this.

9204 Ms. Jayapal. That is true. But in terms of these
9205 issues --

9206 Chairman Goodlatte. Acting as well. But I will tell
9207 you that I do not believe that a sixth committee conducting
9208 hearings that could interfere with an investigation is
9209 better than five committees holding hearings that could
9210 impede with the investigation.

9211 Ms. Jayapal. Mr. Chairman, you stated that this was
9212 interference, and I just want to make it clear that the
9213 Senate Judiciary Committee is continuing to look into these
9214 questions because they are important to the judiciary, to
9215 the Constitution, to our democracy. And that is what we
9216 were trying to get at. And I was willing to incorporate the
9217 other side's questions so that we could actually move
9218 forward. This is something that the Senate Judiciary
9219 Committee has determined is well within the scope. Yield
9220 back.

9221 Mr. Chabot. Mr. Chairman?

9222 Chairman Goodlatte. What purpose does the gentleman
9223 from Ohio seek recognition?

9224 Mr. Chabot. To strike the last word.

9225 Chairman Goodlatte. Gentleman is recognized for 5
9226 minutes.

9227 Mr. Chabot. Thank you, Mr. Speaker. It was stated
9228 earlier by one of my colleagues on the other side of the
9229 aisle that President Clinton was impeached for having sex
9230 with a woman. And I think it is important, since we are the
9231 Judiciary Committee that we are accurate about these things.
9232 And that is not accurate at all. Bill Clinton was impeached
9233 for perjury. That is why he was impeached. Now it did have
9234 something to do with the fact that you know he had a history
9235 of sexual harassment of women. That is what this arose out

9236 of.

9237 I happened to be on this committee at the time. This
9238 happened in my second term. Quite a few years ago. And
9239 this committee did vote out articles of impeachment which
9240 went to the House floor, and he was impeached by the House.
9241 And then, I was one of the House managers in the trial of
9242 the President over on the Senate side.

9243 But what happened, essentially, as an American citizen,
9244 Paula Jones, one whom he had harassed, brought a lawsuit
9245 against him. And being a citizen and having the rights
9246 under our justice system to essentially protect her rights,
9247 her attorney had a deposition and asked the President.
9248 Because that would be one of the things that one was a
9249 plaintiff in a case like that would want to know are there
9250 other women that he is harassed under him, and there were a
9251 number of them.

9252 And one of those happened to be an intern down at the
9253 White House whose name is pretty famous now, Monica
9254 Lewinsky, and he lied about that. And he lied under oath
9255 about that. You know he put his hand on the Bible he swore
9256 to tell the truth, the whole truth, and nothing but the
9257 truth. And he lied. And that is perjury.

9258 And there are a lot of people in fact hundreds all
9259 across the country, American citizens who are behind bars at
9260 that time probably still are many for committing perjury.

9261 And our view was that every person ought to be equal under
9262 the law including the president of the United States. But
9263 that is why President Clinton was impeached for perjury not
9264 for the things that led up to that. Those things that led
9265 up to that were pretty unsavory. That type of behavior is
9266 inappropriate whether it is in a hotel room in Arkansas or
9267 whether it is in the White House. It may not be illegal,
9268 but it is certainly unsavory and wrong.

9269 Mr. Johnson of Georgia. Would the gentleman yield?

9270 Mr. Chabot. That is why he was impeached. It was for
9271 perjury. I would be happy to yield.

9272 Mr. Johnson of Georgia. Well, thank you. I recall the
9273 Whitewater investigation in Ken Starr, 40 investigators, 40
9274 lawyers, \$40 million over 4 years investigating Whitewater,
9275 Vince Foster, Travelgate; I mean, a bunch of stuff. And all
9276 they could come up with was a stain on a dress. But this
9277 committee at this time is refusing to take any kind of
9278 action.

9279 Mr. Chabot. Reclaiming my time. The stain that you
9280 mentioned, I had mentioned that. But that was actual
9281 physical proof that what was said was true not what the
9282 President said was true but what the accusations were true
9283 and I would also --

9284 Mr. Johnson of Georgia. Maybe has more than a soiled
9285 dress --

9286 Chairman Goodlatte. The gentlemen will suspend. It is
9287 the time of the gentleman from Ohio.

9288 Mr. Chabot. I would also note that even though the
9289 Senate voted 50-50 to remove him from office and, obviously,
9290 it was not just one vote away because it takes a two-thirds.
9291 Our Founding Fathers made it very difficult to remove a
9292 president from office. I would also note that after that,
9293 the bar association disbarred him. They took away his
9294 license to practice law. He was fined something like a half
9295 million dollars. There were settlements with a number of
9296 the women involved here. But there is no question that that
9297 President did do things which should not occur in this
9298 country. And he was held at least somewhat accountable for
9299 that.

9300 Mr. Johnson of Georgia. Would the gentleman yield?

9301 Mr. Chabot. I would be happy to yield.

9302 Mr. Johnson of Georgia. Well I wish that this
9303 committee would pay as much attention to what is going on
9304 now as it did to what was happening with Bill Clinton. And
9305 with that you are back to you.

9306 Mr. Chabot. And again, reclaiming my time, there has
9307 to be a crime in order for something like that to happen, or
9308 high crimes and misdemeanors, or an impeachable offense, or
9309 something along those lines.

9310 Mr. Johnson of Georgia. Would the gentlemen yield?

9311 Mr. Chabot. And just one other thing. Somebody also
9312 mentioned pardons earlier in this thing. I remember asking
9313 the question of one of the attorneys, I believe it was, as
9314 to would the President forego pardoning himself, and the
9315 answer was in the affirmative at that time. But my time has
9316 expired.

9317 Mr. Cicilline. Mr. Chairman? Mr. Chairman?
9318 Chairman Goodlatte. For what purpose is the gentlemen
9319 from Rhode Island seeking recognition?

9320 Mr. Cicilline. I move to strike the last word.

9321 Chairman Goodlatte. You are recognized for 5 minutes.

9322 Mr. Cicilline. Mr. Chairman, 6 months ago President
9323 Donald Trump was inaugurated. The Judiciary Committee's
9324 oversight function has all but come to a standstill and now
9325 it is in a full-fledged farcical mode.

9326 Evidence has been mounting of conflicts of interest, of
9327 ongoing ties to foreign governments, of potential
9328 constitutional crises. Democratic members of this committee
9329 have written letters urging immediate hearings on the
9330 actions of this administration but our requests have gone
9331 unanswered. Our committee has even voted three times along
9332 party lines to decline to request documents related to
9333 pressing matters including the President's wiretapping
9334 claims, potential violations of the Emoluments Clause, and
9335 troubling contacts between the Trump campaign and Russian

9336 officials.

9337 This committee has failed to take action at every
9338 opportunity despite the three-alarm fire happening right in
9339 front of our eyes. Let's look at what just happened in this
9340 past month. The President has repeatedly undermined the
9341 credibility of top Justice Department officials including
9342 the attorney general, the deputy attorney general, and the
9343 FBI director.

9344 The President has openly suggested both the possibility
9345 of firing special counsel Robert Mueller and pardoning
9346 himself and his family. It was revealed that during the
9347 2016 presidential campaign, Donald Trump, Jr., Paul
9348 Manafort, and Jared Kushner met with a person described as a
9349 Russian government attorney and a former Russian military
9350 intelligence officer. Donald Trump, Jr. agreed to the
9351 meeting after being promised incriminating information about
9352 Hillary Clinton which had been collected as part of a
9353 Russian government effort to aid his father's candidacy.

9354 Intercepts by U.S. intelligence agencies showed that
9355 then Senator Sessions may have discussed the Trump campaign
9356 during his meeting with Russia's ambassador. It also came
9357 to light that the attorney general did not disclose these
9358 meetings on his security clearance application. Security
9359 clearance which he still currently holds. Throughout all of
9360 this, the Judiciary Committee has stood idly by. We are

9361 reaching the point where this Congress is willfully denying
9362 the American people the opportunity to learn the truth.

9363 I am sure my colleagues on the other side of the aisle
9364 would agree that in carrying out our oversight function the
9365 first step is an honest attempt to get the facts. In what
9366 was originally presented as a resolution from his Ms.
9367 Jayapal and myself, was a tool to help us get to the bottom
9368 of still unanswered questions. The full extent of the ties
9369 between Donald Trump's inner circle and the Kremlin, whether
9370 James Comey was fired to hide the truth about Donald Trump's
9371 ties to Russia or collusion between the Trump campaign and
9372 Russian officials, and if Jeff Sessions violated his recusal
9373 when he participated in the firing of James Comey. We have
9374 crossed into unprecedented territory. And I fear that we
9375 are witnessing a tipping point in our Nation's history that
9376 is unlike anything we have ever seen before in American
9377 politics.

9378 Our committee can and must exercise our authority to
9379 act as a check on the executive branch. Instead, this
9380 committee and this very clever procedural maneuver is
9381 attempting to shift the attention to -- oh, yes -- their
9382 favorite subject, Hillary Clinton. These ongoing
9383 investigations have nothing to do with Hillary Clinton. And
9384 the American people cannot be so easily fooled. No matter
9385 the evidence of obstruction of justice, abuse of power, or

9386 collusion with the Russian government, will the refrain
9387 always be Hillary Clinton and some reference to her? Will
9388 our colleagues refuse to engage in any meaningful oversight
9389 and continue to hide behind this phony argument in the hopes
9390 that the American people will grow numb to all of this
9391 alarming evidence?

9392 Mr. Chairman, members of the committee, history will
9393 judge us very harshly if we continue to refuse to do our
9394 duty and get to the bottom of this. Think about the men and
9395 women who have given their lives in defense of our
9396 democracy. The men and women who serve in the armed forces,
9397 who risk their lives to defend this great democracy. We owe
9398 it to them to honor their service by doing our part to
9399 defend our democracy as well.

9400 And I am deeply saddened that a serious effort to help
9401 this committee collect the facts so that we can follow them
9402 where they will lead and get to the bottom of this, has
9403 turned into an opportunity for my colleagues on the other
9404 side of the aisle to make a mockery of the seriousness of
9405 these allegations by talking about Bill Clinton and Hillary
9406 Clinton, and refusing to look at all of the evidence of all
9407 of this misconduct, potential collusion, deep conflicts of
9408 interest, and obstruction of justice that imperil our
9409 democracy. And with that I yield back.

9410 Chairman Goodlatte. The question occurs on the

9411 amendment to the amendment in the nature of substitute
9412 offered by the gentleman from Florida.

9413 All those in favor respond by saying aye.

9414 Those opposed, no.

9415 In the opinion of the chair, the ayes have it. And the
9416 amendment is agreed to.

9417 Ms. Jayapal. Recorded vote, Mr. Chairman.

9418 Chairman Goodlatte. Recorded vote is requested and the
9419 clerk will call the roll.

9420 Ms. Adcock. Mr. Goodlatte?

9421 Chairman Goodlatte. Aye.

9422 Ms. Adcock. Mr. Goodlatte votes aye.

9423 Mr. Sensenbrenner?

9424 [No response.]

9425 Ms. Adcock. Mr. Smith?

9426 Mr. Smith. Aye.

9427 Ms. Adcock. Mr. Smith votes aye.

9428 Mr. Chabot?

9429 Mr. Chabot. Aye.

9430 Ms. Adcock. Mr. Chabot votes aye.

9431 Mr. Issa?

9432 [No response.]

9433 Mr. King?

9434 Mr. King. Aye.

9435 Ms. Adcock. Mr. King votes aye.

9436 Mr. Franks?

9437 Mr. Franks. Aye.

9438 Ms. Adcock. Mr. Franks votes aye.

9439 Mr. Gohmert?

9440 Mr. Gohmert. Aye.

9441 Ms. Adcock. Mr. Gohmert votes aye.

9442 Mr. Jordan?

9443 Mr. Jordan. Yes.

9444 Ms. Adcock. Mr. Jordan votes yes.

9445 Mr. Poe?

9446 [No response.]

9447 Mr. Marino?

9448 Mr. Marino. Yes.

9449 Ms. Adcock. Mr. Marino votes yes.

9450 Mr. Gowdy?

9451 Mr. Gowdy. Aye.

9452 Ms. Adcock. Mr. Gowdy votes aye.

9453 Mr. Labrador?

9454 Mr. Labrador. Yes.

9455 Ms. Adcock. Mr. Labrador votes yes.

9456 Mr. Farenthold?

9457 Mr. Farenthold. Yes.

9458 Ms. Adcock. Mr. Farenthold votes yes.

9459 Mr. Collins?

9460 [No response.]

9461 Mr. DeSantis?
9462 [No response.]
9463 Mr. Buck?
9464 [No response.]
9465 Mr. Ratcliffe?
9466 [No response.]
9467 Mrs. Roby?
9468 [No response.]
9469 Mr. Gaetz?
9470 Mr. Gaetz. Aye.
9471 Ms. Adcock. Mr. Gaetz votes aye.
9472 Mr. Johnson of Louisiana?
9473 Mr. Johnson of Louisiana. Aye.
9474 Ms. Adcock. Mr. Johnson votes aye.
9475 Mr. Biggs?
9476 Mr. Biggs. Aye.
9477 Ms. Adcock. Mr. Biggs votes aye.
9478 Mr. Rutherford?
9479 Mr. Rutherford. Aye.
9480 Ms. Adcock. Mr. Rutherford votes aye.
9481 Mrs. Handel?
9482 Mrs. Handel. yes.
9483 Ms. Adcock. Mrs. Handel votes yes.
9484 Mr. Conyers?
9485 Mr. Conyers. No.

9486 Ms. Adcock. Mr. Conyers votes no.
9487 Mr. Nadler?
9488 Mr. Nadler. No.
9489 Ms. Adcock. Mr. Nadler votes no.
9490 Ms. Lofgren?
9491 Ms. Lofgren. No.
9492 Ms. Adcock. Ms. Lofgren votes no.
9493 Ms. Jackson Lee?
9494 Ms. Jackson Lee. No.
9495 Ms. Adcock. Ms. Jackson Lee votes no.
9496 Mr. Cohen?
9497 [No response.]
9498 Mr. Johnson of Georgia?
9499 Mr. Johnson of Georgia. No.
9500 Ms. Adcock. Mr. Johnson votes no.
9501 Mr. Deutch?
9502 [No response.]
9503 Mr. Gutierrez?
9504 Mr. Gutierrez. No.
9505 Ms. Adcock. Mr. Gutierrez votes no.
9506 Ms. Bass?
9507 Ms. Bass. No.
9508 Ms. Adcock. Ms. Bass votes no.
9509 Mr. Richmond?
9510 [No response.]

9511 Mr. Jeffries?
9512 [No response.]
9513 Mr. Cicilline?
9514 Mr. Cicilline. No.
9515 Ms. Adcock. Mr. Cicilline votes no.
9516 Mr. Swalwell?
9517 Mr. Swalwell. No.
9518 Ms. Adcock. Mr. Swalwell votes no.
9519 Mr. Lieu?
9520 [No response.]
9521 Mr. Raskin?
9522 Mr. Raskin. No.
9523 Ms. Adcock. Mr. Raskin votes no.
9524 Ms. Jayapal?
9525 Ms. Jayapal. No.
9526 Ms. Adcock. Ms. Jayapal votes no.
9527 Mr. Schneider?
9528 Mr. Schneider. No.
9529 Ms. Adcock. Mr. Schneider votes no.
9530 Chairman Goodlatte. The gentleman from Florida, Mr.
9531 Deutch?
9532 Mr. Deutch. No.
9533 Ms. Adcock. Mr. Deutch votes no.
9534 Chairman Goodlatte. Has every member who wishes to
9535 vote voted?

9536 The clerk will report.

9537 Ms. Adcock. Mr. Chairman, 16 members votes aye; 13
9538 members voted no.

9539 Chairman Goodlatte. And the amendment to the amendment
9540 in the nature of a substitute is adopted. Are there further
9541 amendments to the amendment in the nature of a substitute?

9542 The question is on --

9543 Ms. Jackson Lee. Mr. Chairman, parliamentary inquiry.

9544 Chairman Goodlatte. The gentlewoman will state her
9545 parliamentary inquiry.

9546 Ms. Jackson Lee. My parliamentary inquiry is, what is
9547 the impact of this resolution passing?

9548 Chairman Goodlatte. I think that is not a
9549 parliamentary inquiry. The bill speaks for itself. The
9550 amendment to the amendment in the nature of a substitute is
9551 before the committee, and the vote occurs on it now.

9552 Ms. Jackson Lee. Well, Mr. Chairman, the impact is
9553 that it will come back to us, it will go to the floor. We
9554 are getting a special counsel. Because I tried to read it
9555 and I did not see that action item. And then I wonder, for
9556 those of us who desire to file an impeachment inquiry for
9557 the untruth that the President of the United States has now
9558 been engaged in, denied that he fired Mr. Comey for anything
9559 other than his misbehavior as opposed to the Russian thing,
9560 we will also be able to file an impeachment inquiry --

9561 Chairman Goodlatte. The gentlewoman is not stating a
9562 parliamentary inquiry.

9563 Ms. Jackson Lee. Well I want to know, if we pass this,
9564 does that mean that we can also have before the committee an
9565 impeachment inquiry of Mr. Trump?

9566 Chairman Goodlatte. The question is on the amendment
9567 in the nature of a substitute as amended to House Resolution
9568 446.

9569 Ms. Jackson Lee. I hope that will open the door for an
9570 impeachment inquiry. I yield back.

9571 Chairman Goodlatte. All those in favor, respond by
9572 saying aye.

9573 Those opposed, no.

9574 In the opinion of the chair, the ayes have it, and the
9575 amendment is agreed to. A reporting quorum --

9576 Ms. Jayapal. May I have a recorded vote, Mr. Chairman?
9577 Never mind.

9578 Mr. Smith. Mr. Chairman?

9579 Chairman Goodlatte. For what purpose does the
9580 gentleman from Texas seek recognition?

9581 Mr. Smith. Mr. Chairman, I move that the committee
9582 report the resolution favorably to the House.

9583 Chairman Goodlatte. A reporting quorum being present,
9584 the question is on the motion to report House Resolution 446
9585 as amended favorably to the House.

9586 All those in favor, respond by saying aye.
9587 Those opposed, no.
9588 The ayes have it and resolution is ordered favorably.
9589 A recorded vote is requested and the clerk will call
9590 the roll.
9591 Ms. Adcock. Mr. Goodlatte?
9592 Chairman Goodlatte. Aye.
9593 Ms. Adcock. Mr. Goodlatte votes aye.
9594 Mr. Sensenbrenner?
9595 [No response.]
9596 Mr. Smith?
9597 Mr. Smith. Aye.
9598 Ms. Adcock. Mr. Smith votes aye.
9599 Mr. Chabot?
9600 Mr. Chabot. Aye.
9601 Ms. Adcock. Mr. Chabot votes aye.
9602 Mr. Issa?
9603 [No response.]
9604 Mr. King?
9605 [No response.]
9606 Mr. Franks?
9607 Mr. Franks. Aye.
9608 Ms. Adcock. Mr. Franks votes aye.
9609 Mr. Gohmert?
9610 Mr. Gohmert. Aye.

9611 Ms. Adcock. Mr. Gohmert votes aye.

9612 Mr. Jordan?

9613 Mr. Jordan. Yes.

9614 Ms. Adcock. Mr. Jordan votes yes.

9615 Mr. Poe?

9616 [No response.]

9617 Mr. Marino?

9618 Mr. Marino. Yes.

9619 Ms. Adcock. Mr. Marino votes yes.

9620 Mr. Gowdy?

9621 Mr. Gowdy. Yes.

9622 Ms. Adcock. Mr. Gowdy votes yes.

9623 Mr. Labrador?

9624 Mr. Labrador. Yes.

9625 Ms. Adcock. Mr. Labrador votes yes.

9626 Mr. Farenthold?

9627 Mr. Farenthold. Yes.

9628 Ms. Adcock. Mr. Farenthold votes yes.

9629 Mr. Collins?

9630 [No response.]

9631 Mr. DeSantis?

9632 [No response.]

9633 Mr. Buck?

9634 [No response.]

9635 Mr. Ratcliffe?

9636 [No response.]

9637 Mrs. Roby?

9638 [No response.]

9639 Mr. Gaetz?

9640 Mr. Gaetz. Yes.

9641 Ms. Adcock. Mr. Gaetz votes yes.

9642 Mr. Johnson of Louisiana?

9643 Mr. Johnson of Louisiana. Yes.

9644 Ms. Adcock. Mr. Johnson votes yes.

9645 Mr. Biggs?

9646 Mr. Biggs. Aye.

9647 Ms. Adcock. Mr. Biggs votes aye.

9648 Mr. Rutherford?

9649 Mr. Rutherford. Aye.

9650 Ms. Adcock. Mr. Rutherford votes aye.

9651 Mrs. Handel?

9652 Mrs. Handel. Yes.

9653 Ms. Adcock. Mrs. Handel votes yes.

9654 Mr. Conyers?

9655 Mr. Conyers. No.

9656 Ms. Adcock. Mr. Conyers votes no.

9657 Mr. Nadler?

9658 Mr. Nadler. No.

9659 Ms. Adcock. Mr. Nadler votes no.

9660 Ms. Lofgren?

9661 Ms. Lofgren. No.

9662 Ms. Adcock. Ms. Lofgren votes no.

9663 Ms. Jackson Lee?

9664 Ms. Jackson Lee. No.

9665 Ms. Adcock. Ms. Jackson Lee votes no.

9666 Mr. Cohen?

9667 [No response.]

9668 Mr. Johnson of Georgia?

9669 Mr. Johnson of Georgia. No.

9670 Ms. Adcock. Mr. Johnson votes no.

9671 Mr. Deutch?

9672 Mr. Deutch. No.

9673 Ms. Adcock. Mr. Deutch votes no.

9674 Mr. Gutierrez?

9675 Mr. Gutierrez. No.

9676 Ms. Adcock. Mr. Gutierrez votes no.

9677 Ms. Bass?

9678 [No response.]

9679 Mr. Richmond?

9680 [No response.]

9681 Mr. Jeffries?

9682 [No response.]

9683 Mr. Cicilline?

9684 Mr. Cicilline. No.

9685 Ms. Adcock. Mr. Cicilline votes no.

9686 Mr. Swalwell?

9687 Mr. Swalwell. No.

9688 Ms. Adcock. Mr. Swalwell votes no.

9689 Mr. Lieu?

9690 [No response.]

9691 Mr. Raskin?

9692 Mr. Raskin. No.

9693 Ms. Adcock. Mr. Raskin votes no.

9694 Ms. Jayapal?

9695 Ms. Jayapal. No.

9696 Ms. Adcock. Ms. Jayapal votes no.

9697 Mr. Schneider?

9698 Mr. Schneider. No.

9699 Ms. Adcock. Mr. Schneider votes no.

9700 Chairman Goodlatte. The gentlewoman from California,

9701 Ms. Bass?

9702 Ms. Bass. No.

9703 Ms. Adcock. Ms. Bass votes no.

9704 Ms. Jackson Lee. How am I recorded?

9705 Chairman Goodlatte. The gentlewoman is recorded as a

9706 no.

9707 Ms. Jackson Lee. Thank you.

9708 Chairman Goodlatte. Has every member voted who wishes

9709 to vote?

9710 The clerk will report.

9711 Ms. Adcock. Mr. Chairman, 15 members votes aye; 13
9712 members voted no.

9713 Chairman Goodlatte. The ayes have it and the
9714 resolution as amended is ordered favorably to the House.
9715 Members will have 2 days to submit views.

9716 Without objection, the resolution will be reported as a
9717 single amendment in the nature of a substitute,
9718 incorporating all adopted amendments. And staff is
9719 authorized to make technical and conforming changes.

9720 This concludes our business for today, and thanks for
9721 all our members for attending. The markup is adjourned.

9722 [Whereupon, at 6:59 p.m., the committee was adjourned.]