

1 NATIONAL CAPITOL CONTRACTING

2 RPTS AVERETT

3 HJU179000

4 MARKUP OF H.R. 2826; H.R. 1096; H.R. 2480

5 Wednesday, June 28, 2017

6 House of Representatives,

7 Committee on the Judiciary,

8 Washington, D.C.

9 The committee met, pursuant to call, at 10:28 a.m., in
10 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
11 [chairman of the committee] presiding.

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

20 Staff Present: Shelley Husband, Staff Director; Branden

21 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian
22 and General Counsel; Andrea Loving, Deputy Chief Counsel,
23 Subcommittee on Immigration and Border Security; Joe Edlow,
24 Counsel, Subcommittee on Immigration and Border Security;
25 John Coleman, Counsel, Subcommittee on the Constitution and
26 Civil Justice; Meg Barr, Counsel, Subcommittee on Crime,
27 Terrorism, Homeland Security, and Investigations; Alley
28 Adcock, Clerk; Danielle Brown, Minority Chief Legislative
29 Counsel & Parliamentarian; Joe Graupensperger, Minority
30 Chief Counsel, Subcommittee on Crime, Terrorism, Homeland
31 Security, and Investigations; Monalisa Dugue, Minority
32 Deputy Chief Council, Subcommittee on Crime, Terrorism,
33 Homeland Security, and Investigations; David Shahoulian,
34 Minority Chief Counsel, Subcommittee on Immigration and
35 Border Security; Slade Bond, Minority Chief Counsel,
36 Subcommittee on Regulatory Reform, Commercial and Antitrust
37 Law; David Greengrass, Minority Counsel; Maunica Sthanki,
38 Minority Counsel; Matthew Morgan, Minority Counsel; Jason
39 Boyd, Minority Counsel (USCIS Detailee); Regina Milledge-
40 Brown (ATF Detailee), Minority Counsel; Mauri Gray (Federal
41 Defenders Detailee); and Joseph Ehrenkrantz, Professional
42 Staff; and Elizabeth McElvein, Professional Staff.

43 Chairman Goodlatte. Good morning. The Judiciary

44 Committee will come to order, and without objection, the
45 chair is authorized to declare a recess at any time. We
46 will introduce our new member when she arrives.

47 Pursuant to notice, I now call up H.R. 2480 for
48 purposes of markup and move that the committee report the
49 bill favorably to the House. The clerk will report the
50 bill.

51 Ms. Adcock. H.R. 2480, to amend the Omnibus Crime
52 Control and Safe Streets Act of 1968 to include an
53 additional permissible use of amounts provided as grants
54 under the Byrne JAG Program and for other purposes.

55 [The bill follows:]

56 ***** INSERT 1 *****

57 Chairman Goodlatte. Without objection, the bill is

58 considered as read and open for amendment at any time, and I
59 will begin by recognizing myself for an opening statement.

60 Actually, before we do that, I would like to welcome,
61 as she takes her seat, the newest member of the Judiciary
62 Committee. Karen Handel joins us from the Sixth District of
63 Georgia. As Georgia's former Secretary of State, Karen has
64 a distinguished background in public service. She also has
65 significant private sector work experience. Her knowledge
66 in all of these areas will be of tremendous value to the
67 work of our committee and the matters we are tackling this
68 Congress, and I hope you will all join me in welcoming Karen
69 to the committee.

70 Mrs. Handel. Thank you, Mr. Chairman.

71 Chairman Goodlatte. And I will turn to the ranking
72 member.

73 Mr. Conyers. Welcome aboard.

74 Mrs. Handel. Thank you, sir.

75 Mr. Conyers. All right.

76 Mr. Raskin. Would the gentleman yield?

77 Mr. Conyers. Of course.

78 Mr. Raskin. I just want to say that Congresswoman
79 Handel and I were in a leadership training program together
80 as State legislators, and I got to know her well, and I
81 think very highly of her. And she also has Maryland roots,
82 and I think, if I remember correctly, went to University of

83 Maryland and Prince George Community College. So I am very
84 happy to be serving with you on this committee.

85 Mrs. Handel. It is a real pleasure to see you again.
86 Look forward to it.

87 Chairman Goodlatte. The chair thanks the gentleman.

88 Mr. Conyers. Thank you.

89 Chairman Goodlatte. And now, we will return to
90 consideration of the bill, and I recognize myself for an
91 opening statement.

92 Yesterday, Secretary of State Rex Tillerson hosted the
93 State Department's ceremony to launch the 2017 Trafficking
94 in Persons Report, the 17th installment of the report, which
95 assesses government efforts around the world to combat human
96 trafficking. Secretary Tillerson remarked that human
97 trafficking is one of the most tragic human rights issues of
98 our time. He went on to observe that the worst thing about
99 trafficking is that it robs human beings of their freedom
100 and dignity.

101 Today, our committee marks up legislation to combat
102 human trafficking by ensuring State and local law
103 enforcement can pursue criminals who are buying trafficking
104 victims. H.R. 2480, the Empowering Law Enforcement to Fight
105 Sex Trafficking Demand Act, does this by adding antihuman
106 trafficking efforts as an allowable use for funds under the
107 Byrne JAG Program, the Justice Department's flagship grant

108 program for State and local law enforcement. Every day, the
109 men and women of American law enforcement use these funds to
110 fight crime and protect the most vulnerable among us. It is
111 entirely appropriate to allow JAG funds to be used to combat
112 trafficking in persons.

113 As part of any comprehensive approach in combating
114 trafficking, law enforcement must address what many call the
115 demand issue; that is going after those who are buying sex
116 from young victims off the street and, very often, off the
117 internet. This is simple economics applied to a horrific
118 crime. By deterring demand, we hope that traffickers will
119 have fewer buyers and abandon that illegal activity. These
120 demand reduction operations and programs are most often
121 carried out at the local level, and it is important to
122 ensure local governments have the tools they need to prevent
123 this horrible crime. H.R. 2480 will help make that a
124 reality.

125 I want to thank Congresswoman Hartzler for introducing
126 this legislation, and I urge my colleagues to support it.
127 And it is now my pleasure to recognize the ranking member of
128 the committee, the gentleman from Michigan, Mr. Conyers, for
129 his opening statement.

130 [The prepared statement of Chairman Goodlatte follows:]

131 ***** COMMITTEE INSERT *****

133 the morning, members. H.R. 2480, the Empowerment Law
134 Enforcement to Fight Sex Trafficking Demand Act, would amend
135 the Omnibus Crime Control and Safe Streets Act of 1968 to
136 add an additional purpose area for the use of funds from the
137 Edward Byrne Memorial Justice Assistance Grant Program, or
138 what is known as the Byrne JAG Grant Program.

139 The bill is intended to clarify that State and local
140 jurisdictions may use JAG Grant Program funds to combat
141 human trafficking, including initiatives to reduce the
142 demand for trafficked persons, namely the buyers driving the
143 demand for such crimes.

144 Without question, the epidemic of the abhorrent
145 practices of sex trafficking is growing, which makes the
146 need for consideration of all measures to help law
147 enforcement prevent these crimes from occurring is even more
148 imperative. This escalating epidemic can be seen
149 nationwide, including in my home State of Michigan. In
150 fact, data from the National Human Trafficking Hotline show
151 that reports of human trafficking cases have more than
152 tripled in Michigan from 69 reported cases in 2012 to 246
153 reported cases in 2016, with sex trafficking accounting for
154 more than 75 percent of all human trafficking cases
155 reported.

156 Too often, victims of these horrendous crimes,
157 especially children, are afraid to seek help from law

158 enforcement because of the risk that they will be treated as
159 criminals rather than victims, yet these unfortunate
160 children should absolutely not be treated as criminals for
161 their involvement in these sex acts.

162 Secondly, traffickers and those who would pay to
163 exploit victims are the ones who should be held responsible
164 for human trafficking in its various forms and for sexual
165 exploitation, including sex trafficking involving children.
166 As such, it is critical that we must do everything possible
167 to ensure the most effective practices are in place, so that
168 perpetrators of sex trafficking are ultimately brought to
169 justice.

170 The true criminals involved in human and sex
171 trafficking are those who seek to engage in such horrific
172 acts. These are the individuals who should be targeted and
173 penalized, not the victims. Finally, we understand it is
174 already possible for State and local jurisdictions to use
175 JAG Grant Program funding to combat human trafficking,
176 including demand reduction under the current purpose areas.
177 However, I have no objection to adding an additional purpose
178 area for these grants that emphasizes the need to fund
179 initiatives that target and fight human trafficking as
180 proposed under H.R. 2480.

181 And so for these reasons, I support this bill. I urge
182 you to consider them favorably, and I yield back the balance

183 of my time and thank the chairman.

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

185 ***** COMMITTEE INSERT *****

186 Ms. Jackson Lee. Mr. Chairman?

187 Chairman Goodlatte. The chair thanks the gentleman,
188 and is now pleased to recognize the ranking member of the
189 Crime Subcommittee, the gentlewoman from Texas, for her
190 opening statement.

191 Ms. Jackson Lee. Mr. Chairman, thank you and good
192 morning. I am delighted to join my colleagues and the
193 chairman and ranking member on an issue that many members
194 have been working on, on this committee, and I take note of
195 a number of members, particularly my colleague from Texas,
196 who has been working on human trafficking and sex
197 trafficking, Judge Poe, along with my seatmate neighbor, Ms.
198 Lofgren, and myself as a member of the Judiciary Committee
199 and as a member of Homeland Security. So I rise in support
200 of 2480. Pleased to be a cosponsor of this bill, Empowering
201 Law Enforcement to Fight Sex Trafficking Demand Act of 2017.

202 We know that human trafficking and sex trafficking is
203 still a scourge here in the United States and as well around
204 the world. Sadly, sex trafficking is a modern day form of
205 slavery that occurs every day, almost in every State,
206 including my State of Texas, which my own city has been
207 called the epicenter of such trafficking. But thank
208 goodness, I want to cite my mayors, previous mayor and the
209 present mayor, who have been working very hard with law
210 enforcement and those who will intervene to stop this
211 scourge of sex trafficking, particularly the plight that it

212 puts young girls in, and young boys.

213 Following California, Texas is the second largest hub
214 for human trafficking, with a disturbing increase in cases.
215 The National Human Trafficking Hotline found that, in 2015,
216 there were 330 human trafficking cases and a spike of 670 at
217 the end of 2016 in Texas. Of those 670 cases, 473 were sex
218 trafficking and 31 were sex and labor. I personally went to
219 one of those stash houses, and the conditions were horrid.
220 The conditions were dangerous and life-threatening.

221 My congressional district of Houston has the highest
222 number of human trafficking victims nationwide due to its
223 proximity to the border and its urban focus. A few years
224 ago, we convened the first congressional hearing on human
225 trafficking through the Homeland Security Committee and
226 listened to a number of law enforcement, including Kathy
227 Griffin, who has managed to take both prostitutes and
228 trafficked victims off of the streets.

229 If the chairman and ranking member might remember, when
230 we went to the Harris County Jail as part of the Police
231 Working Group, we met individuals whose lives had been
232 intervened in, although they were incarcerated, who had been
233 sex trafficked, human trafficked, and were so grateful that
234 they were in this program, that they could restore their
235 lives and say no to human traffickers and to the life that
236 would lead them to be a sex slave.

237 Of the thousands of calls made into the hotline last
238 year, 76 percent involved some sort of sex trade. This
239 alarming epidemic will continue to flourish so long as there
240 are substantial monetary gains for traffickers in our cities
241 across the United States. Many of these traffickers are
242 using brothel stages, cantinas, and domestic work within the
243 hotel industry to expand their practice and finance their
244 illegal enterprise.

245 We must dismantle these illegal activities by allowing
246 law enforcement to fight the demand offered in these various
247 hot spots and rescue these innocent victims forced into sex,
248 labor, and, oftentimes, charged of crimes that become
249 difficult to erase from their records. And they are
250 innocent. In many instances, the victims are innocent.

251 Traffickers are bringing sex victims across the border
252 and reducing them to a commodity that can be bought and sold
253 in an open market. Distinctive from individuals coming and
254 fleeing for their life, there are those who are specifically
255 brought for the purposes of sex trafficking, which is really
256 a constructive victimization of which we, as members of this
257 committee, can fight in a bipartisan manner.

258 And Houston has become one of those markets with its
259 access to the I-10 Highway Corridor that serves as a gateway
260 for the traffickers to disperse victims throughout the
261 country. Therefore, the Empowering Law Enforcement to Fight

262 Sex Trafficking Demand Act can stand in the gap to help us
263 and help local communities continue their fight.

264 And I want to express my appreciation to the city of
265 Houston, the nonprofit NGOs, and individuals who have been
266 working strongly, our chief of police, sheriff, to thwart
267 this dastardly act and victimization. So I strongly stand
268 against sex trafficking and support this bill to empower law
269 enforcement to fight the demand and would clearly want to
270 acknowledge an article that I would like to put in the
271 record; that is "Inside Houston's Sex Slave" is the article
272 by Thom Patterson, and ask unanimous consent to put this
273 into the record. I ask unanimous consent to put this into
274 the record, Mr. Chairman.

275 Chairman Goodlatte. Without objection, it will be made
276 part of the record.

277 [The information follows:]

278 ***** COMMITTEE INSERT *****

279 Ms. Jackson Lee. And I just conclude by saying this

280 opening sentence: "Esperanza was waiting for her cousins
281 outside her high school in Mexico one day when a strange man
282 drove up in a car, forced her inside, and sped away. At
283 that moment, Esperanza had, in effect, become a sex slave."
284 He goes on to say that she was beat and raped. This is the
285 horror of being a sex slave, and this is the importance of
286 continuing legislation to stop these dastardly acts. With
287 that, I yield back.

288 [The prepared statement of Ms. Jackson Lee follows:]

289 ***** COMMITTEE INSERT *****

290 Chairman Goodlatte. The chair thanks the gentlewoman.

291 Are there any amendments to H.R. 2480?

292 For what purpose does the gentleman from Georgia seek
293 recognition?

294 Mr. Johnson of Georgia. Move to strike the last word.

295 Chairman Goodlatte. The gentleman is recognized for 5
296 minutes.

297 Mr. Johnson of Georgia. Thank you, Mr. Speaker. I
298 rise in support of H.R. 2480, which is the Empowering Law
299 Enforcement to Fight Sex Trafficking Demand Act. H.R. 2480
300 increases money for the Byrne JAG Grant Program to permit
301 the use of funds under that program to combat sex
302 trafficking. While I will support this bill in the
303 committee, I would note that I am not entirely sure that we
304 need another bill for this purpose, as the program already
305 permits the use of funds for that purpose.

306 I would like to talk about a glaring contrast, however,
307 that this committee is creating by expanding the Byrne JAG
308 Grant Program here while, at the same time, constricting its
309 application elsewhere. Specifically, I am talking about a
310 pair of bills scheduled for a vote on the House floor this
311 week. I am talking about H.R. 3003, the No Sanctuary for
312 Criminals Act, and H.R. 3004, Kate's Law.

313 Municipalities across the country have taken a position
314 that they will not let their police forces be deputized as
315 deportation forces. Sanctuary cities are acutely aware of

316 the problems and the circumstances confronting their
317 municipalities, and they have concluded that they will limit
318 their cooperation with the national government effort to
319 enforce immigration law; actually, to crack down on
320 immigration law.

321 These cities are being forced, or would be forced, to
322 become immigration enforcers while, at the same time, taking
323 their attention away from important local issues, such as
324 fighting sex trafficking, fighting drug use, fighting
325 burglaries and armed robberies, and instead divert them into
326 becoming Federal immigration deportation deputies. That is
327 pretty senseless.

328 But while H.R. 2480, which is the underlying
329 legislation here, is good in sentiment, there is still a lot
330 that needs to be done with regard to the injustices that
331 would be enacted if we pass H.R. 3003 and H.R. 3004 later
332 this week. So I urge my colleagues to vote yea on 2480 and
333 nay on H.R. 3003 and H.R. 3004 that are on the House floor
334 this week. And with that, Mr. Chairman, I yield back.

335 Mr. Swalwell. Would the gentleman yield before he
336 yields back?

337 Mr. Johnson of Georgia. I will.

338 Mr. Swalwell. Thank you, and I share my colleague from
339 Georgia's concern. I have a deep interest in addressing
340 some of the issues around crime in our communities,

341 particularly with respect to Kate's Law. The Steinle family
342 is a family I grew up with, I knew very well. And I am
343 disappointed that we are not going through the markup
344 process here, because I do believe that it addresses issues
345 that people in the community are understandably concerned
346 about, but there are a number of issues that I think are
347 unintended that could come about if not addressed.

348 And so I was hopeful that perhaps the chair could pull
349 this bill from the floor this week, give us an opportunity
350 in this committee to address those issues, and then put it
351 forward to the whole Congress. And I was hopeful that the
352 chair would address that, because I do have a genuine
353 interest in working with the chair on this issue, knowing
354 the pain that this murder brought to the Steinle family and
355 the interest that the community has in making sure it never
356 happens again. And with that, I would yield back to the
357 gentleman from Georgia.

358 Mr. Johnson of Georgia. I yield back.

359 Chairman Goodlatte. Are there any amendments to H.R.
360 2480?

361 A reporting quorum being present, the question is on
362 the motion to report the bill, H.R. 2480, favorably to the
363 House.

364 Those in favor will say aye.

365 Those opposed, no.

366 The ayes have it. The bill is ordered reported
367 favorably. Members will have 2 days to submit views.

368 The Judiciary Committee will resume consideration of
369 H.R. 2826, the Refugee Program Integrity Restoration Act of
370 2017. When we ended last week's markup of this bill, we had
371 an amendment in the nature of a substitute pending, and were
372 in the process of considering amendments to the substitute.

373 I hope that we can proceed at a reasonably quick pace
374 through the remaining amendments to this bill. The
375 committee has a bill on the floor this afternoon, and it is
376 my hope that we can complete consideration of this bill
377 before we have to go to the floor.

378 Are there further amendments to H.R. 2826?

379 For what purpose does the gentleman from New York seek
380 recognition?

381 Mr. Nadler. Mr. Chairman, I have an amendment at the
382 desk.

383 Chairman Goodlatte. The clerk will report the
384 amendment.

385 Ms. Adcock. Amendment to the amendment in the nature
386 of a substitute to H.R. 2826, offered by Mr. Nadler. Amend
387 section 2 of the bill --

388 [The amendment of Mr. Nadler follows:]

389 ***** COMMITTEE INSERT *****

390

Chairman Goodlatte. Without objection, the amendment

391 is considered as read, and the gentleman is recognized for 5
392 minutes on his amendment.

393 Mr. Nadler. Thank you, Mr. Chairman. This amendment
394 would address just one of the many mean-spirited and
395 irresponsible provisions in this legislation. It would
396 remove the bill's arbitrary and unreasonably low cap on
397 refugees who may be admitted into the United States each
398 year and would preserve the President's discretion to set an
399 annual cap and his ability to respond to emergency
400 situations that may arise.

401 Under current law, the President determines the annual
402 cap on refugees, which President Obama set at 110,000 for
403 fiscal year 2017. Many people believe this figure was
404 already too low, given the humanitarian crises unfolding in
405 Syria and in Central America. But this legislation would
406 further reduce the cap by more than half to just 50,000
407 refugees a year, the same number as was ordered by President
408 Trump when he announced his Muslim travel ban.

409 It would also remove the discretion and flexibility the
410 President currently has to adjust the cap as circumstances
411 warrant. It would fix into law the 50,000-person cap,
412 regardless of international events, regardless of any crises
413 that may occur, and would allow the President merely to
414 recommend an increase to Congress, provided that
415 recommendation is made at least 6 months before the start of

416 a fiscal year. Should an emergency refugee situation arise,
417 current law provides the President flexibility to respond to
418 the crisis, but under this legislation, even if there was an
419 emergency, the President's hands would be tied, and he or
420 she could only recommend an increase to Congress without
421 needing to wait the 6 months otherwise required.

422 There is no guarantee under the bill that Congress will
423 even act on the President's recommendations, whether for an
424 emergency or in setting an annual cap. Waiting for a
425 bitterly divided and hopelessly gridlocked Congress to act
426 is essentially a guarantee that this arbitrary and
427 unreasonably low cap will stay in law for a long, long time.
428 My amendment would strike these harsh and unnecessary
429 provisions from the bill and would retain the current law.

430 The United States has always been and should always be
431 a place of refuge. Across the globe, people are fleeing
432 unspeakable violence, persecution, terror, sexual slavery,
433 and torture. There are as many as 65 million refugees
434 worldwide today, more than at any time since World War II.
435 But this legislation would have us shrink our commitment to
436 help those most in need. What sort of example would we set
437 for the world when Nations with much smaller populations
438 than ours are taking in hundreds of thousands of Syrian
439 refugees while we slash our assistance?

440 The unspoken assumption behind this bill is that

441 refugees are a danger and a drain on our society, despite
442 clear evidence to the contrary. Refugees have made many,
443 many contributions to our society in disproportion to their
444 numbers. We have been down this path before. In 1924, a
445 racist, xenophobic, and anti-Semitic Congress passed
446 legislation slamming the door shut on Jewish, Italian,
447 Greek, and Eastern European immigrants. The Almanac of
448 American Politics has said that, if it were not for the 1924
449 Immigration Act, perhaps 2 million of the 6 million Jews who
450 were murdered in the Holocaust in Europe would have been
451 living safely in the United States instead.

452 We should not revisit the shameful policies of the
453 past, and we must not be guided by irrational fear. We have
454 a moral obligation to help the most desperate among us. But
455 this legislation would turn our backs on those who need our
456 protection the most. Throughout the world, huge numbers of
457 innocent people are being subjected to violence, slavery,
458 sexual abuse, and persecution, conditions we could not
459 imagine in our worst nightmares. Some of them seek the
460 safety of our shores, so they can build a new life for
461 ourselves and for their families. If anything, we should be
462 welcoming more refugees to our country, rather than reducing
463 the cap as this bill would do.

464 Many countries with much smaller populations are
465 admitting larger numbers of refugees to meet the crisis. It

466 is shameful that we are not and that this would reduce even
467 what we are doing. My amendment would at least preserve the
468 status quo and would leave it up to the President.

469 Granted, President Trump has sought a cap of 50,000
470 refugees. That is his decision, and my amendment would
471 enable him to enforce that decision at 50,000. That is his
472 decision, as cruel and unwise as it may be. But we will not
473 always have a President who demonizes refugees and who
474 treats them as dangerous criminals to be feared. One day,
475 we will once again have a President who is guided by reason
476 and compassion, and we should not tie his or her hands by
477 giving in to the politics of fear today and locking it in,
478 in perpetuity. I urge adoption of the amendment, and I
479 yield back the balance of my time.

480 Chairman Goodlatte. For what purpose does the
481 gentleman from Idaho, Mr. Labrador, seek recognition?

482 Mr. Labrador. Mr. Chairman, I oppose the amendment.

483 Chairman Goodlatte. The gentleman is recognized for 5
484 minutes.

485 Mr. Labrador. The Refugee Act of 1980 set the refugee
486 ceiling at 50,000 for the first 3 years after enactment.
487 But for subsequent years, the act required that the
488 President set the annual refugee ceiling after appropriate
489 consultation with Congress. Unfortunately, that appropriate
490 consultation has become simply a September meeting between

491 the Secretary of State and certain members of the House and
492 Senate Judiciary Committees, at which the Secretary tells us
493 how many refugees the President has decided can be admitted
494 during the next fiscal year. So Congress has now no real
495 say in setting the numerical ceiling.

496 During the consultation meeting for fiscal year 2016,
497 then-Secretary of State Kerry told the members in
498 attendance, including the chairman of this committee, that
499 the administration would set the ceiling at 75,000. But
500 when the President signed the final fiscal year 2016
501 determination, the ceiling was actually 10,000 more than
502 what Secretary Kerry had indicated just days before. H.R.
503 2826 brings the refugee program in line with other
504 immigration programs that have an annual limit, so that
505 Congress, as opposed to the President, sets that limit.

506 The United States consistently resettles many times
507 more UNHCR-referred refugees than any other country. For
508 instance, the nearly 53,000 refugees resettled by the U.S.
509 during calendar year 2015 was five times more than the
510 number resettled by Canada, the country with the next
511 highest number of resettled UNHCR-referred refugees.

512 Some of my colleagues have called upon the U.S. to
513 admit as many as 200,000 per fiscal year, and others have
514 called for a moratorium on refugee resettlement. H.R. 2826
515 takes a middle-of-the-road approach, setting the annual

516 refugee ceiling at 50,000 and calling on the President to
517 make a recommendation to increase the number if he sees fit.
518 Congress can then choose to act on that recommendation.

519 Congress created the refugee program and should have
520 all responsibility for setting the number that can be
521 admitted each year. A 6-month wait time on the Presidential
522 recommendation is not problematic. Normally, the President
523 submits his budget to Congress in early February, in which
524 funding is requested for a certain number of refugee
525 resettlement for the next fiscal year. And for this reason,
526 I oppose this amendment, and I yield back.

527 Chairman Goodlatte. The chair thanks the gentleman.

528 For what purpose does the gentlewoman from California
529 seek recognition?

530 Ms. Lofgren. Move to strike the last word.

531 Chairman Goodlatte. The gentlewoman is recognized for
532 5 minutes.

533 Ms. Lofgren. I would like to speak in favor of Mr.
534 Nadler's amendment. We jealously guard our legislative
535 authority as a Congress, but there are times when we should
536 recognize the need for executive authority, and this is one
537 of them. The refugee program responds to events that are
538 prevalent in the world that can change rapidly. They change
539 at a pace that is quite different than the legislative pace.

540 I would note that, when Saigon fell in April of 1975,

541 thousands, hundreds of thousands of Vietnamese who fought
542 against communism fled Vietnam in boats, in any way that
543 they could. And at one point, the United States was
544 resettling refugees from Vietnam at a pace of 10,000 a month
545 or more. That was something that was not predicted, and yet
546 it was the right thing for us to do. And had this bill been
547 law, we would not really have been able to respond the way
548 that we did, that was the right way.

549 So I do think that, even though I often disagree with
550 President Trump, I do think that having this decisionmaking
551 in the executive branch with consultation of the Congress is
552 the preferred method. And therefore, I think Mr. Nadler's
553 amendment is a sensible one and ought to be supported.

554 Obviously, this is not, you know, in support of
555 President Trump, because I have many disagreements with
556 President Trump. It is really about the structure of the
557 executive branch versus the legislative branch and what is
558 likelier to yield a result that is tuned to the times and
559 able to be agile in responding to world events.

560 So I thank Mr. Nadler for his amendment, and I hope
561 that we could support it in a bipartisan basis, especially
562 considering that the delegation, at this point, would be to
563 a Republican President, with whom most of us on this side of
564 the aisle disagree. And with that, I would be happy to
565 yield back, Mr. Chairman.

566 Ms. Jackson Lee. Mr. Chairman?

567 Chairman Goodlatte. For what purpose does the
568 gentlewoman from Texas seek recognition?

569 Ms. Jackson Lee. I would like to strike the last word.

570 Chairman Goodlatte. The gentlewoman is recognized for
571 5 minutes.

572 Ms. Jackson Lee. Thank you. Just a few steps away
573 from this room, Ambassador Haley is testifying before the
574 Foreign Affairs Committee. And I would ask the gentleman in
575 a rhetorical manner whether or not anyone in this committee
576 has consulted with the ambassador to the United Nations, who
577 has to sit every day with her international colleagues and
578 put a face on America that is of strength, is of extreme
579 integrity, excessive integrity and honesty, and leadership,
580 which, among many other traits -- democratic ideals, mercy -
581 - we are known for around the world. I wonder if anybody
582 has consulted with Ambassador Haley, who is now just a few
583 steps away?

584 I rise to support the gentleman's amendment because I
585 dare say he might not have consulted, but he might have
586 understood the relevance of the opportunity for an
587 assessment to be made on the issue of refugees. Refugees is
588 not necessarily immigration, and I know that there is a
589 contentious perspective on immigration. It has almost
590 become demonized, when in fact the Nation was built on

591 immigrants. And, of course, I must acknowledge the false
592 statement that slaves were immigrants; that was certainly
593 not accurate. But, certainly, labor of slaves built this
594 Nation.

595 Refugees can be many things: fleeing catastrophic
596 natural disasters such as the incident in some of our
597 Central American countries, initially; or the terrible
598 bloodshed in Liberia with President Charles Taylor killing
599 his own citizens. Although we do not see a rush of
600 Sudanese, the terrible conflict now in South Sudan. The
601 horrors in Syria, where Syrian refugees are on the border of
602 Georgia and other refugees, a million-plus; the refugee
603 crisis in Europe, coming through Greece and other places.
604 So, I want to support the gentleman's amendment because it
605 allows the integrity of our government to uphold the values
606 of which the world perceives us to have.

607 This is a narrowly-framed thought process. We in the
608 Judiciary Committee -- and I will constantly say, I wish we
609 were dealing with the issue of obstruction of justice in our
610 oversight over the DOJ -- but we in the Judiciary Committee
611 are making a world statement. We are making a foreign
612 policy statement because we are equating refugees to
613 immigrants. Get these bad guys out of here. I do not think
614 that is our direction to make a foreign policy statement
615 about what country will be in a devastating situation,

616 bloodshed in the streets, fleeing wars, our allies, and we
617 have a standard lowering the annual refugee cap without
618 knowing the catastrophic incidences that may occur in 2019
619 or 2020.

620 So, I ask my colleagues to take their head out of the
621 concept of getting rid of the bad guys, the immigrants, and
622 put their head back in the overall world position that
623 America has and the signal that this will send and resound
624 across the world. These guys, in 2017, are putting their
625 hand behind their back and their head in the sand, and never
626 looking up. I implore my colleagues that this is really a
627 worth amendment of the gentleman, and I would ask my
628 colleagues to vote for the Nadler amendment. I yield back.

629 Chairman Goodlatte. The question occurs on the
630 amendment offered by --

631 Mr. Johnson of Georgia. Mr. Chairman?

632 Mr. Nadler. Mr. Chairman?

633 Chairman Goodlatte. For what purpose does the
634 gentleman from Georgia seek recognition?

635 Mr. Johnson of Georgia. Move to strike the last word.

636 Chairman Goodlatte. The gentleman is recognized for 5
637 minutes.

638 Mr. Johnson of Georgia. I yield to the gentleman from
639 New York.

640 Mr. Nadler. Thank the gentleman for yielding. I want

641 to make three points. Number one, the gentleman from Idaho
642 referred to Canada as taking the next largest number of
643 refugees. Canada's population is about 11 percent of ours.
644 And assuming the gentleman's statistic is correct, they are
645 taking twice as many per capita as we are. Many European
646 countries are taking much more. I want to say, also, you
647 can debate, obviously, the number of immigrants we should be
648 taking in this country, but the number of refugees is a
649 different question. The number of refugees that we should
650 be taking depends on what is happening abroad, how many
651 people are fleeing catastrophe, and we should do our fair
652 share.

653 Secondly, we have to retain the flexibility which
654 current law allows because we do not know what is going to
655 happen. Maybe 1 year it can be below 50,000, but another it
656 should be 200,000, depending on what is happening, you know,
657 how many desperate people there are. Now, if the gentleman
658 were saying that, well, we have ceded too much power to the
659 President, if he would propose that the President should
660 name the number, but Congress should have an ability to veto
661 it afterwards or something, that might be more rational than
662 saying that Congress should have to legislate a number
663 different than 50,000. Because you know how difficult it is
664 to legislate anything, and 50,000 will be it for every year,
665 no matter what, unless Congress acts, and Congress is

666 unlikely to act on any particular thing any time.

667 Number three, I am very sensitive, as the gentleman is,
668 to congressional prerogative. But we are looking at the
669 wrong prerogative. If we are really concerned about
670 maintaining constitutional prerogatives in the Constitution,
671 why are we not saying to President Trump, "Hey, you can say
672 what you want about Syria, but we are not at war with Syria,
673 and you cannot attack Syria, no matter what they do, without
674 prior congressional approval." And the same with North
675 Korea. And we should have said the same to President Obama
676 with respect to Libya several years ago. That is a much
677 more important, much more consequential abdication of
678 congressional responsibility to the President: much more
679 consequential.

680 I mean, when the President makes a statement that we
681 know they are going to do chemical weapons, a chemical
682 attack, and maybe they are, and they better not, or else --
683 what does or else mean? He is threatening a military
684 response, and maybe we should, but that is our decision, not
685 his. And the same, before he launched those missiles at
686 Syria, what, a few months ago, and when he makes a threat
687 against North Korea. The congressional prerogative to
688 decide on war and peace is something we have let slip, and
689 it is a heck of a lot more consequential to this country
690 than whether we admit 50,000 or 75,000 or 100,000 refugees

691 in a given situation. That is where we should retain
692 flexibility to respond to exigencies and emergencies abroad
693 which may generate refugees, or not, depending.

694 And you could argue that we should have a congressional
695 veto over a President who acts in a way that we do not
696 approve of. But to say that it will be 50,000, and why not
697 say 100,000? To pick an arbitrary number, a low number at
698 that, but an arbitrary number and say it is going to stay
699 that way until Congress acts by the full legislative route,
700 which you know how difficult that is, that is not a way to
701 respond to an emergency abroad. So, I again urge the
702 amendment, and I thank the gentleman from Georgia for
703 yielding, and I yield back to him.

704 Chairman Goodlatte. Does the gentleman yield back?

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

706 Chairman Goodlatte. The question occurs on the
707 amendment offered by the gentleman from New York.

708 All those in favor, respond by saying aye.

709 Those opposed, no.

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

712 Mr. Nadler. Let's do a roll call vote, please.

713 Chairman Goodlatte. A recorded vote is requested, and
714 the clerk will call the roll.

715 Ms. Adcock. Mr. Goodlatte?

716 Chairman Goodlatte. Aye. No. I vote no, sorry.

717 Ms. Adcock. Mr. Goodlatte votes no.

718 Mr. Sensenbrenner?

719 Mr. Sensenbrenner. No.

720 Ms. Adcock. Mr. Sensenbrenner votes no.

721 Mr. Smith?

722 Mr. Smith. No.

723 Ms. Adcock. Mr. Smith votes no.

724 Mr. Chabot?

725 [No response.]

726 Mr. Issa?

727 [No response.]

728 Mr. King?

729 Mr. King. No.

730 Ms. Adcock. Mr. King votes no.

731 Mr. Franks?

732 [No response.]

733 Mr. Gohmert?

734 Mr. Gohmert. No.

735 Ms. Adcock. Mr. Gohmert votes no.

736 Mr. Jordan?

737 Mr. Jordan. No.

738 Ms. Adcock. Mr. Jordan votes no.

739 Mr. Poe?

740 [No response.]

741 Mr. Marino?
742 Mr. Marino. No.
743 Ms. Adcock. Mr. Marino votes no.
744 Mr. Gowdy?
745 Mr. Gowdy. No.
746 Ms. Adcock. Mr. Gowdy votes no.
747 Mr. Labrador?
748 Mr. Labrador. No.
749 Ms. Adcock. Mr. Labrador votes no.
750 Mr. Farenthold?
751 [No response.]
752 Mr. Collins?
753 Mr. Collins. No.
754 Ms. Adcock. Mr. Collins votes no.
755 Mr. DeSantis?
756 [No response.]
757 Mr. Buck?
758 [No response.]
759 Mr. Ratcliffe?
760 Mr. Ratcliffe. No.
761 Ms. Adcock. Mr. Ratcliffe votes no.
762 Mrs. Roby?
763 [No response.]
764 Mr. Gaetz?
765 [No response.]

766 Mr. Johnson of Louisiana?
767 [No response.]
768 Mr. Biggs?
769 Mr. Biggs. No.
770 Ms. Adcock. Mr. Biggs votes no.
771 Mr. Rutherford?
772 Mr. Rutherford. No.
773 Ms. Adcock. Mr. Rutherford votes no.
774 Mrs. Handel?
775 Mrs. Handel. No.
776 Ms. Adcock. Mrs. Handel votes no.
777 Mr. Conyers?
778 Mr. Conyers. Aye.
779 Ms. Adcock. Mr. Conyers votes aye.
780 Mr. Nadler?
781 Mr. Nadler. Aye.
782 Ms. Adcock. Mr. Nadler votes aye.
783 Ms. Lofgren?
784 Ms. Lofgren. Aye.
785 Ms. Adcock. Ms. Lofgren votes aye.
786 Ms. Jackson Lee?
787 Ms. Jackson Lee. Aye.
788 Ms. Adcock. Ms. Jackson Lee votes aye.
789 Mr. Cohen?
790 Mr. Cohen. Aye.

791 Ms. Adcock. Mr. Cohen votes aye.
792 Mr. Johnson of Georgia?
793 Mr. Johnson of Georgia. Aye.
794 Ms. Adcock. Mr. Johnson votes aye.
795 Mr. Deutch?
796 [No response.]
797 Mr. Gutierrez?
798 [No response.]
799 Ms. Bass?
800 [No response.]
801 Mr. Richmond?
802 Mr. Richmond. Aye.
803 Ms. Adcock. Mr. Richmond votes aye.
804 Mr. Jeffries?
805 [No response.]
806 Mr. Cicilline?
807 Mr. Cicilline. Aye.
808 Ms. Adcock. Mr. Cicilline votes aye.
809 Mr. Swalwell?
810 Mr. Swalwell. Aye.
811 Ms. Adcock. Mr. Swalwell votes aye.
812 Mr. Lieu?
813 [No response.]
814 Mr. Raskin?
815 Mr. Raskin. Aye.

816 Ms. Adcock. Mr. Raskin votes aye.

817 Ms. Jayapal?

818 Ms. Jayapal. Aye.

819 Ms. Adcock. Ms. Jayapal votes aye.

820 Mr. Schneider?

821 Mr. Schneider. Aye.

822 Ms. Adcock. Mr. Schneider votes aye.

823 Chairman Goodlatte. The gentleman from California?

824 Mr. Issa. No.

825 Ms. Adcock. Mr. Issa votes no.

826 Chairman Goodlatte. The gentleman from Texas?

827 Mr. Poe. No.

828 Ms. Adcock. Mr. Poe votes no.

829 Chairman Goodlatte. The gentleman from California?

830 Mr. Lieu. Yes.

831 Ms. Adcock. Mr. Lieu votes yes.

832 Chairman Goodlatte. Has every member voted who wishes

833 to vote?

834 Mr. Conyers. There he is.

835 Chairman Goodlatte. The gentleman from Florida?

836 Mr. Deutch. Aye.

837 Ms. Adcock. Mr. Deutch votes aye.

838 Chairman Goodlatte. The clerk will report.

839 Ms. Adcock. Mr. Chairman, 14 members voted aye; 16

840 members voted no.

841 Chairman Goodlatte. And the amendment is not agreed
842 to. Are there further amendments to H.R. 2826? For what
843 purpose does the gentlewoman from California seek
844 recognition?

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

846 Chairman Goodlatte. The clerk will report the
847 amendment.

848 Ms. Adcock. Amendment to the amendment in the nature
849 of a substitute to H.R. 2826 offered by Ms. Lofgren. Strike
850 section 4.

851 Chairman Goodlatte. The gentlewoman is recognized for
852 5 minutes on her amendment.

853 [The amendment of Ms. Lofgren follows:]

854 ***** COMMITTEE INSERT *****

855 Ms. Lofgren. Mr. Chairman, this amendment strikes the

856 portion of the bill that prioritizes the refugee program to
857 practitioners of a minority religion from a country of
858 particular concern as determined by the Commission on
859 International Religious Freedom. Now, while current law
860 recognizes that individuals who face religious persecution
861 can and should qualify for refugee protection, section four
862 prioritizes religious minorities over all other refugees
863 from the same country, regardless of their vulnerability or
864 the danger to them of imminent harm.

865 The notion that religious minorities are more worthy of
866 protection than other refugees is inconsistent with the
867 fundamental values on which U.S. asylum and refugee law is
868 based, as well as international law. Currently, refugees to
869 the U.S. are resettled based on their vulnerability.

870 Using this approach, we have often, working with the
871 U.N., prioritized orphans, women with children, women who
872 have been victims of sexual slavery, and other vulnerable
873 populations. This amendment would change that in certain
874 countries, mostly, but not entirely, Muslim countries, so
875 that the religious minorities would have preference over
876 other vulnerable populations. For the first time in our
877 history, it would lift religious persecution above all
878 grounds. I think that is a mistake.

879 Now, I think some assume that the amendment would
880 prioritize Christian refugees over Muslims in Middle East

881 countries such as Syria, Iraq, and Iran. That would be
882 unconstitutional. That would be a violation of the First
883 Amendment's Establishment Clause if that were the intent.
884 But, in fact, I do not think the amendment even achieves
885 that. For example, the current list of countries of concern
886 include, for example, Iran and Pakistan. In Iran, the
887 primary minority religion would be Sunni Muslim, and in
888 Pakistan, the primary minority religion would be Shia
889 Muslim.

890 Also on the list is the country of Vietnam. Now, the
891 major religion in Vietnam, the primary religion, is
892 Buddhism, but the communist government has oppressed the
893 Buddhist church, and they have founded a state-run Buddhist
894 church, and the real Buddhists are fighting the communist-
895 established Buddhist church.

896 The question is, would the Buddhists who are fighting
897 the communists be eligible for refugee status because
898 Buddhism is the primary religion in that country? Or would
899 only the Catholics, who are also being oppressed by the
900 communist government, be eligible for refugee status? As
901 you can see, this leads us to a path that does not
902 necessarily lead to rational decision making because we
903 ought to be making these decisions based on who is most
904 vulnerable, who is likeliest to face imminent harm, not on
905 religious priorities. And the religious priorities do not

906 even work when you take a look at the countries of
907 particular concern that is referenced in the amendment.

908 I will just mention that in the case of China, which is
909 also on the list, would prioritize Christian refugees, I
910 believe, who have been oppressed, but it would not allow for
911 the priority of a Saudi human rights defender who was
912 sentenced to 2 years in jail and 200 lashes for advocating
913 for the rights of religious minorities in Saudi Arabia,
914 because that is not on the list. And since we have included
915 a solid top number in the bill, this would really prevent
916 those who are freedom fighters and who are facing imminent
917 death from being in the group that might find safe haven
918 here in the United States.

919 I think this amendment is a huge mistake. It will not
920 achieve the goals that the authors possibly intended, and is
921 really contrary to the history of refugee laws,
922 international law, when it comes to refugees. And I urge
923 that we strike this provision. And with that, Mr. Chairman,
924 I yield back.

925 Chairman Goodlatte. The chair thanks the gentlewoman.
926 For what purpose does the gentleman from Idaho seek
927 recognition?

928 Mr. Labrador. Mr. Chairman, I oppose the amendment.

929 Chairman Goodlatte. The gentleman is recognized for 5
930 minutes.

931 Mr. Labrador. We are very fortunate that in the United
932 States, religious freedom is respected. In fact, the First
933 Amendment to the U.S. Constitution states, "Congress shall
934 make no law respecting an establishment of religion or
935 prohibiting the free exercise thereof." Of course, in many
936 countries across the world, religious persecution is
937 commonplace, and the U.S. has a long history of providing
938 safe haven for those persecuted on the basis of their
939 religion.

940 The bill provides that for refugees from countries with
941 the worst records of religious persecution, refugee claims
942 based on religious persecution are given preference over
943 other claims. In particular, the bill states that when
944 processing refugee applications from a country of particular
945 concern as listed in the annual U.S. Commission on
946 International Religious Freedom report, preference is given
947 to religious persecution claims. In fact, the gentlelady
948 from California just showed us why you should never assume
949 what the intentions of somebody else are. We actually are
950 trying to protect all religious minorities, not just
951 Christians.

952 If you look at the countries of particular concern, you
953 are looking at countries like Burma, where the minority is
954 actually a Muslim group that is being persecuted. You look
955 at countries in the Central African Republic, China,

956 Eritrea, Iran, Nigeria, North Korea, Pakistan, Russia, Saudi
957 Arabia, Sudan, Syria, Tajikistan, Turkmenistan, Uzbekistan,
958 and Vietnam. In many of these countries, it is actually
959 non-Christian minority groups that need to be protected, so
960 our intent has always been to protect religious minorities.

961 I know the other side likes to ascribe motives to us
962 that are usually not correct and very inaccurate, but this
963 is the perfect example where we can show that their beliefs
964 about our intent are false. We are actually trying to
965 protect the religious minorities of the world. That is what
966 the refugee law is supposed to do, and I think that this is
967 very appropriate. No specific religion is singled out by
968 this bill, so members of whichever religion is persecuted in
969 the country -- whether they be Christian, Jewish, Muslim, or
970 other -- will be eligible to take advantage of the
971 preference provided by the bill. And with that, I think
972 this amendment should be opposed, and I yield back.

973 Mr. Richmond. Mr. Chairman?

974 Chairman Goodlatte. For what purpose does the
975 gentleman from Louisiana seek recognition?

976 Mr. Richmond. I was going to speak in favor of the
977 amendment and yield the balance of my time to Ms. Lofgren.

978 Chairman Goodlatte. The gentlewoman is recognized for
979 5 minutes.

980 Ms. Lofgren. Thank you. I appreciate that very much.

981 I, in my remarks, certainly did not indicate that the
982 gentleman from Idaho had intended to preference Christian
983 refugees, although I think some in the Congress do hope for
984 that, and they have told me that. But here is what the bill
985 would do.

986 Let's take Pakistan, for example. They have a very
987 severe system where if you are accused of blasphemy, you can
988 be killed on that basis. So, if you have two individuals,
989 one who is a Christian and one who is a Muslim, and they are
990 both facing charges of blasphemy and death, the Christian
991 gets priority over the Muslim. And I do not think that
992 really is sensible. The point is that they are facing death
993 for the expression of a belief, a religious belief, and the
994 fact that one is a prevalent religion and the other is not
995 really is not a material fact.

996 I also would note that many, as I mention, in the case
997 of Vietnam, but it is not only Vietnam, you have got people
998 who are in predominant religion groups who are viciously
999 oppressed. In the case of Vietnam, the Buddhist church has
1000 been hounded. We have had Buddhist priests arrested. We
1001 have had not only house arrest, but beatings. The Hoa Hao
1002 Buddhists have been oppressed, and they are the majority.
1003 So, I do not think that the change to elevate a minority
1004 religion victim over all others really meets the criteria of
1005 the freedom agenda that is really behind our American

1006 refugee law, and for that matter, the refugee law of the
1007 world.

1008 And so, you know, not changing the law does not
1009 preclude providing relief to those who have been oppressed
1010 on account of their religion. But it certainly allows for
1011 people whose religion is the majority in their country to
1012 also claim that relief, as well as people whose oppression
1013 is not related to religion, that may be related to a fight
1014 for freedom, as example we have seen in certain countries
1015 also listed where people have spoken out against corruption
1016 in China or in Burma against the unbelievably brutal
1017 military regime where they have stood up for democracy and
1018 for freedom.

1019 I think the elevation of this is misguided, but I also
1020 believe it does not even promote religious freedom because
1021 it is based only on which religion has the most people in a
1022 given country, which is really not the measure of how you
1023 evaluate religious oppression.

1024 So, I think the bill is a confused mess, frankly, and
1025 that we would be much better off deleting this section and
1026 going with current law. And with that, I would be happy to
1027 yield to the gentleman, if the gentleman from Louisiana is
1028 game, to the gentleman from Maryland.

1029 Mr. Raskin. Thank you very much, and I want to thank
1030 the gentlewoman from California for introducing this

1031 essential amendment.

1032 In addition to the problems of ambiguity and
1033 indeterminacy that the author of the amendment advises
1034 about, I think that there is a fundamental constitutional
1035 problem with the way this is written. And I do not know
1036 whether the author of this language is still with us, but it
1037 prioritizes in the refugee program practitioners of a
1038 minority religion, and presumably, that would be within any
1039 category of people seeking refugee status, whether it is
1040 religious refugee status, political refugee status, and so
1041 on.

1042 So, if you think about it, even if you added
1043 practitioners of a minority or a majority religion, it is
1044 privileging practitioners of religion over people who are
1045 not practicing religion. So, it privileges religionists or
1046 the devout or the faithful over secularists or people who
1047 are non-religious. And I think that is unconstitutional.
1048 There are lots of Supreme Court precedents which say that
1049 the government can neither privilege one particular
1050 religious sect over others, nor can it privilege religion
1051 over non-religion. So, this is in direct contradiction of
1052 the Establishment Clause of the United States.

1053 Now, even if you were somehow to clean up that
1054 language, which I think you could if you wanted to say that
1055 we privilege victims of religious persecution, whether they

1056 are religious or secular in nature, you could clean that up.
1057 The problem there goes to an underlying question of
1058 political morality in our Constitution and in the origins of
1059 our republic.

1060 Tom Paine said that America was founded as a haven of
1061 refuge for people fleeing religious and political
1062 persecution, and what this does is it plucks out those
1063 people who are the victims of religious persecution over
1064 those who are victims of political persecution. And I am
1065 not sure we want to do that. Oh, I am sorry. I will yield
1066 back and seek recognition if I could, Mr. Chairman.

1067 Chairman Goodlatte. For what purpose does the
1068 gentleman from Rhode Island seek recognition?

1069 Mr. Cicilline. Move to strike the last word.

1070 Chairman Goodlatte. The gentleman is recognized for 5
1071 minutes.

1072 Mr. Cicilline. I am anxious to hear the balance of the
1073 gentleman from Maryland's historic and important discussion,
1074 so I will yield to Mr. Raskin.

1075 Mr. Raskin. Thank you very much, Mr. Cicilline.
1076 Again, the founders thought that America would be defined as
1077 a place where refugees from religious persecution and
1078 political persecution would find a safe haven, and you can
1079 find that in the writings of John Adams, in James Madison,
1080 in Tom Paine. And they put religious persecution and

1081 political persecution on the same plane.

1082 So, even if you were to clean up what I think is the
1083 blatantly unconstitutional language that is presently in the
1084 bill and you made it victims of religious persecution over
1085 victims of political persecution, I still think it is the
1086 wrong move. It could probably pass constitutional muster.
1087 I am not sure. I would have to think about it. But it is
1088 the wrong move.

1089 Take Saudi Arabia, for example, where there are people
1090 who are in prison today for having practiced blasphemy in
1091 the eyes of the law. There are also people in prison
1092 because they object to the political regime in Saudi Arabia
1093 and the violation of human rights and object to rules
1094 against women having civil equality and women even being
1095 able to drive.

1096 Now, assuming that we have two people who are the
1097 victims of political persecution in Saudi Arabia, and one is
1098 in because their views are considered heretical or apostate
1099 or blasphemous, and you have another whose views are
1100 considered antiauthoritarian and politically heretical and
1101 subversive because they are standing up for the equality of
1102 women, why would we privilege someone who is fleeing the
1103 religious repression in Saudi Arabia, but not the political
1104 repression in Saudi Arabia?

1105 And I speak as someone who has a resolution, Mr.

1106 Chairman, which is on a bipartisan basis that I have
1107 introduced with Mr. Cicilline and with Mr. Culberson and Mr.
1108 Mooney against the blasphemy, heresy, and apostasy laws all
1109 over the world, calling for the repeal of those laws and
1110 calling for making it a central part of American foreign
1111 policy that we get those religious offenses -- which in some
1112 countries include sorcery and witchcraft -- repealed and
1113 taken off of the books.

1114 But having said that, I do not see how, consistent with
1115 the political morality of our Founders and the ethics of our
1116 country, we would privilege the victims of religious
1117 persecution over the victims of political persecution.

1118 So, I strongly urge passage of the Lofgren amendment in
1119 order, if nothing else, to make the legislation
1120 constitutional. But this phrase is a sitting duck for a
1121 First Amendment lawsuit. It will lead to the invalidation
1122 of that provision, and I think that we should clean it up
1123 and rethink the whole enterprise of somehow privileging
1124 victims of religious persecution over political persecution.
1125 And with that, I would gladly yield back to my good friend
1126 from Rhode Island.

1127 Mr. Cicilline. I thank the gentleman for that really
1128 helpful explanation, and strongly support the Lofgren
1129 amendment that I think cures not only an unconstitutional
1130 provision of this bill, but also undermines the important

1131 founding principles of this country. And I thank the
1132 gentlelady from California for offering it, and I yield
1133 back.

1134 Chairman Goodlatte. The question occurs on the
1135 amendment offered by the gentlewoman from California.

1136 All those in favor, respond by saying aye.

1137 Those opposed, no.

1138 In the opinion of the chair, the noes have it, and the
1139 amendment is not agreed to.

1140 Ms. Lofgren. May I have a recorded vote, Mr. Chairman?

1141 Chairman Goodlatte. A recorded vote is requested, and
1142 the clerk will call the roll.

1143 Ms. Adcock. Mr. Goodlatte?

1144 Chairman Goodlatte. No.

1145 Ms. Adcock. Mr. Goodlatte votes no.

1146 Mr. Sensenbrenner?

1147 Mr. Sensenbrenner. No.

1148 Ms. Adcock. Mr. Sensenbrenner votes no.

1149 Mr. Smith?

1150 [No response.]

1151 Mr. Chabot?

1152 [No response.]

1153 Mr. Issa?

1154 [No response.]

1155 Mr. King?

1156 Mr. King. No.

1157 Ms. Adcock. Mr. King votes no.

1158 Mr. Franks?

1159 [No response.]

1160 Mr. Gohmert?

1161 Mr. Gohmert. No.

1162 Ms. Adcock. Mr. Gohmert votes no.

1163 Mr. Jordan?

1164 [No response.]

1165 Mr. Poe?

1166 [No response.]

1167 Mr. Marino?

1168 Mr. Marino. No.

1169 Ms. Adcock. Mr. Marino votes no.

1170 Mr. Gowdy?

1171 Mr. Gowdy. No.

1172 Ms. Adcock. Mr. Gowdy votes no.

1173 Mr. Labrador?

1174 Mr. Labrador. No.

1175 Ms. Adcock. Mr. Labrador votes no.

1176 Mr. Farenthold?

1177 [No response.]

1178 Mr. Collins?

1179 Mr. Collins. No.

1180 Ms. Adcock. Mr. Collins votes no.

1181 Mr. DeSantis?
1182 [No response.]
1183 Mr. Buck?
1184 Mr. Buck. No.
1185 Ms. Adcock. Mr. Buck votes no.
1186 Mr. Ratcliffe?
1187 Mr. Ratcliffe. No.
1188 Ms. Adcock. Mr. Ratcliffe votes no.
1189 Mrs. Roby?
1190 [No response.]
1191 Mr. Gaetz?
1192 [No response.]
1193 Mr. Johnson of Louisiana?
1194 [No response.]
1195 Mr. Biggs?
1196 Mr. Biggs. No.
1197 Ms. Adcock. Mr. Biggs votes no.
1198 Mr. Rutherford?
1199 [No response.]
1200 Mrs. Handel?
1201 Mrs. Handel. No.
1202 Ms. Adcock. Mrs. Handel votes no.
1203 Mr. Conyers?
1204 Mr. Conyers. Aye.
1205 Ms. Adcock. Mr. Conyers votes aye.

1206 Mr. Nadler?

1207 Mr. Nadler. Aye.

1208 Ms. Adcock. Mr. Nadler votes aye.

1209 Ms. Lofgren?

1210 Ms. Lofgren. Aye.

1211 Ms. Adcock. Ms. Lofgren votes aye.

1212 Ms. Jackson Lee?

1213 Ms. Jackson Lee. Aye.

1214 Ms. Adcock. Ms. Jackson Lee votes aye.

1215 Mr. Cohen?

1216 [No response.]

1217 Mr. Johnson of Georgia?

1218 Mr. Johnson of Georgia. Aye.

1219 Ms. Adcock. Mr. Johnson votes aye.

1220 Mr. Deutch?

1221 Mr. Deutch. Aye.

1222 Ms. Adcock. Mr. Deutch votes aye.

1223 Mr. Gutierrez?

1224 [No response.]

1225 Ms. Bass?

1226 [No response.]

1227 Mr. Richmond?

1228 Mr. Richmond: Aye.

1229 Ms. Adcock. Mr. Richmond votes aye.

1230 Mr. Jeffries?

1231 [No response.]

1232 Mr. Cicilline?

1233 Mr. Cicilline. Aye.

1234 Ms. Adcock. Mr. Cicilline votes aye.

1235 Mr. Swalwell?

1236 Mr. Swalwell. Aye.

1237 Mr. Adcock: Mr. Swalwell votes aye.

1238 Mr. Lieu?

1239 [No response.]

1240 Mr. Raskin?

1241 Mr. Raskin. Aye.

1242 Ms. Adcock. Mr. Raskin votes aye.

1243 Ms. Jayapal?

1244 Ms. Jayapal. Aye.

1245 Ms. Adcock. Ms. Jayapal votes aye.

1246 Mr. Schneider?

1247 Mr. Schneider. Aye.

1248 Ms. Adcock. Mr. Schneider votes aye.

1249 Chairman Goodlatte. The gentlewoman from Alabama?

1250 Mrs. Roby. No.

1251 Ms. Adcock. Mrs. Roby votes no.

1252 Chairman Goodlatte. The gentleman from Texas?

1253 Mr. Farenthold. No.

1254 Chairman Goodlatte. The gentleman from --

1255 Ms. Adcock. Mr. Farenthold votes no.

1256 Chairman Goodlatte. -- Texas, Mr. Poe?
1257 Mr. Poe. No.
1258 Ms. Adcock. Mr. Poe votes no.
1259 Chairman Goodlatte. The gentleman from Florida, Mr.
1260 Rutherford?
1261 Mr. Rutherford. No.
1262 Ms. Adcock. Mr. Rutherford votes no.
1263 Ms. Lofgren. Mr. Chairman, how am I recorded?
1264 Chairman Goodlatte. The sponsor of the amendment is
1265 recorded as an aye.
1266 Ms. Lofgren. Oh.
1267 Chairman Goodlatte. The gentleman from California, Mr.
1268 Lieu?
1269 Mr. Lieu. Yes.
1270 Ms. Adcock. Mr. Lieu votes yes.
1271 Chairman Goodlatte. Has every member voted who wishes
1272 to vote? The clerk will report.
1273 Ms. Adcock. Mr. Chairman, 13 members voted aye; 16
1274 members voted no.
1275 Chairman Goodlatte. And the amendment is not agreed
1276 to.
1277 Ms. Jackson Lee. Mr. Chairman?
1278 Chairman Goodlatte. Are there further amendments? For
1279 what purpose does the gentlewoman from Texas seek
1280 recognition?

1281 Ms. Jackson Lee. I have an amendment at the desk.

1282 Chairman Goodlatte. The clerk will report the

1283 amendment.

1284 Ms. Adcock. Amendment to the amendment in the nature

1285 of a substitute to H.R. 2826, offered by Ms. Jackson Lee.

1286 Page 11 --

1287 Chairman Goodlatte. Without objection, the amendment

1288 is considered as read and the gentlewoman is recognized for

1289 5 minutes on her amendment.

1290 [The amendment of Ms. Jackson Lee follows:]

1291 ***** COMMITTEE INSERT *****

1292 Ms. Jackson Lee. Mr. Chairman, I am happy to offer

1293 this amendment with myself and my wonderful cosponsor, Mr.
1294 Schneider, and I ask to strike the last word or to begin my
1295 discussion.

1296 Chairman Goodlatte. The gentlewoman is recognized.

1297 Ms. Jackson Lee. The Jackson Lee-Schneider Amendment
1298 simply adds a requirement that the Government Accountability
1299 Office reports on the number of persons who apply for
1300 admission as refugees, but who are separated from their
1301 families as a result of delays in the processing of
1302 applications. The underlying bill already calls for GAO
1303 reports, for example, and information about refugees'
1304 participation in federally funded programs. The Jackson
1305 Lee-Schneider amendment would simply require an additional
1306 GAO report on information documenting the conditions and
1307 experiences of families who are separated.

1308 For example, it would be useful to know whether
1309 prolonged family separation leads to at-risk children, sex
1310 trafficking rings, human trafficking, prostitution, drug
1311 use, gang membership, and all the evils that come when
1312 families are separated. The bill requires additional
1313 refugee processing time, which could result in lengthy
1314 family separations. Refugees seeking admission to the
1315 United States are currently subjected to more intense
1316 screening than any other applicant for admission. Refugee
1317 processing currently takes 18 to 24 months. This bill adds

1318 a number of new measures that will substantially lengthen
1319 the amount of time a refugee has to wait abroad.

1320 Let me be very clear: as a member of the Homeland
1321 Security Committee, with oversight over the Homeland
1322 Security Department, we have touted the stringent
1323 requirements that are already set on our refugees and the
1324 ability to ensure that individuals who come are, in fact,
1325 here to seek relief and not to harm, and I would say that
1326 the record has been effective. There will be some
1327 citations, but I will say that as we look across the
1328 landscape of individuals, including the 9/11 terrorists,
1329 they were not refugees.

1330 So, I think it is important to know that the measures
1331 that are already there for detecting, including that a USCIS
1332 fraud detection national security officer be present in the
1333 refugee interview; authorizing FDNS officers to place
1334 refugee applications on hold; requiring that refugees be re-
1335 interviewed if there was any error, even a non-material
1336 error, in interpretation; the requiring additional vetting
1337 of refugees; making fundamental changes in the refugee
1338 definition; eliminating all inadmissibility waivers.

1339 The result of these extra burdensome measures is that
1340 refugee families could be separated because some members of
1341 a family -- i.e., the wife and child -- are approved more
1342 quickly and others -- a father or brother -- are approved

1343 slowly or not at all. The result would be family
1344 separation, families possibly living in two complete
1345 continents apart. And so, I would ask my colleagues to
1346 consider, for example, a refugee woman who never gives up,
1347 forced to flee due to violence and persecution of country.

1348 Maria Christina arrived in Atlanta on January 2009 as
1349 an asylee from Colombia. Before coming to Atlanta, she and
1350 her family spent 7 years in Costa Rica, where they failed to
1351 get refugee status. Then, they were helped and they managed
1352 to come. She has experience and skills in sewing, et
1353 cetera, bought a sewing machine, and she was referred to the
1354 Refugee Women's Network, constructively working and
1355 constructively being a part of the relief that we give to
1356 refugees. This is what we see mostly in refugee
1357 resettlement, and to have these stringent additions that may
1358 separate families, we need to assess by a GAO study to
1359 ensure what impact that would have.

1360 With that, I ask my colleagues to support the Jackson
1361 Lee Amendment and I yield back.

1362 Chairman Goodlatte. For what purpose does the
1363 gentleman from Idaho seek recognition?

1364 Mr. Labrador. Mr. Chairman, I oppose the amendment.

1365 Chairman Goodlatte. The gentleman is recognized for 5
1366 minutes.

1367 Mr. Labrador. And I will be very brief. I think the

1368 language is in this amendment is very vague. I do not think
1369 it makes it clear what it is trying to accomplish, and I
1370 also believe that we need screening for these refugees that
1371 are coming to the United States. For those reasons, I
1372 oppose the amendment, and I yield back.

1373 Mr. Schneider. Mr. Chairman?

1374 Chairman Goodlatte. For what purpose does the
1375 gentleman from Illinois seek recognition?

1376 Mr. Schneider. I seek to strike the last word.

1377 Chairman Goodlatte. The gentleman is recognized for 5
1378 minutes.

1379 Mr. Schneider. Thank you, Mr. Chairman. I would like
1380 to echo the comments of my colleague, Congresswoman Sheila
1381 Jackson Lee of Texas, in support of this amendment that we
1382 are offering jointly today.

1383 We must continue to strengthen and look for ways to
1384 improve our screening processes for refugees to keep the
1385 American people safe, but the refugee vetting process is
1386 already very robust. In fact, our current procedures
1387 typically take 18 to 24 months. Any changes to this process
1388 need to be carefully considered, but some of the provisions
1389 of H.R. 2826 create unnecessary burdens without improving
1390 security. The likely practical result of these new rules
1391 will be more family separation. That is, situations where
1392 some members of a family, such as the mother and child, are

1393 approved for refugee status and entry into the United States
1394 while other family members, such as a father or siblings,
1395 remain in legal limbo.

1396 This amendment would require the GAO to produce a
1397 report on the prevalence of these situations and the
1398 conditions and experiences of the families who are
1399 separated. I do not think there is any vagueness in this at
1400 all. It is important we understand whether family
1401 separation is increasing under this legislation and what
1402 risk this prolonged separation exposes at-risk children
1403 seeking refugee status. The underlying legislation already
1404 requires GAO reports on other topics, so this amendment
1405 should not be seen as burdensome. I ask my colleagues to
1406 join me in supporting this amendment, and I yield back --

1407 Ms. Jackson Lee. Would the gentleman yield?

1408 Mr. Schneider. Yes, I will.

1409 Ms. Jackson Lee. I thank the gentleman very much for
1410 his leadership and support/co-sponsorship of this amendment
1411 and his clarity [laughs] in the simplicity of the amendment.
1412 And I want to share with my distinguished gentleman from
1413 Idaho because I do not want anyone to seem to find this
1414 amendment unclear. It is very clear. The language says,
1415 adding to the other studies that the gentleman has in GAO,
1416 it says, "The number of aliens seeking admission to the
1417 United States as refugees who were separated from a spouse,

1418 a minor child or parent" -- that is number one, separated;
1419 that is a simple point -- "due to refugee screening
1420 mechanisms under this Act and the amendments made by this
1421 Act," which means that in the process of screening you go
1422 forward, but you do not go forward. That means separated on
1423 the basis of this act. "Including the length of separation
1424 and the reasons for delay."

1425 Colleagues, I beg to differ with my friend from Idaho.
1426 The amendment is very clear. It is not unclear and it is
1427 not untenable. You can do this, because all of these
1428 numbers are reported. I would ask my colleagues to support
1429 the Jackson Lee-Schneider amendment and I thank the
1430 gentleman for yielding. I yield back to the gentleman.

1431 Mr. Schneider. Thank you.

1432 Mr. Gutierrez. Mr. Chairman?

1433 Mr. Schneider. And I yield back the balance of my
1434 time.

1435 Mr. Gutierrez. Mr. Chairman?

1436 Chairman Goodlatte. For what purpose does the
1437 gentleman from Illinois seek recognition?

1438 Mr. Gutierrez. To strike the last word.

1439 Chairman Goodlatte. The gentleman is recognized for 5
1440 minutes.

1441 Mr. Gutierrez. Thank you, Mr. Chairman. Mr. Chairman,
1442 before we proceed I just thought, number one, great

1443 amendment, Congresswoman Lee. I was just reading in the
1444 1840s there was a potato crop disappeared, and the blight
1445 just killed the potato crops in Ireland, and the Irish
1446 people were left starving, literally starving. And of the
1447 eight million people in Ireland, three to four million faced
1448 starvation; about a million of them died of disease. Two
1449 million of them -- two million of the eight million -- came
1450 to the United States of America.

1451 According to a recent article, back in those days, in
1452 the Irish Times, it said panic had set in by the winter of
1453 1846, 1847. People risked winter voyages across the
1454 Atlantic on unsanitary, unsafe coffin ships. Of the nearly
1455 100,000 who left for Canada in 1847, at least 30,000 were
1456 dead by the end of that year, perishing at sea and shortly
1457 thereafter, the article continues. People were placed in
1458 quarantine stations or held on board ships docked at ports;
1459 refugees experienced violence and racist reactions in
1460 Liverpool, Glasgow, Edinburgh, Montreal, Boston, New York,
1461 Philadelphia, and they all sought to restrict them. Yeah,
1462 they all sought to restrict the Irish.

1463 Is not it interesting? They were fleeing hunger and
1464 they sought to restrict them when they came, and they died
1465 on the voyage across, tens of thousands of them. And I just
1466 thought that, in the context of what we are talking about
1467 here today, I bet that if they were leaders of the Judiciary

1468 Committee back then, they would not have thought they were
1469 sending their best. They would have said, "Well, they are
1470 poor, they are hungry, they are uneducated, and they are
1471 fleeing for their lives. Those are economic refugees. We
1472 cannot let them into the United States of American."

1473 And if we had had the same kind of Judiciary Committee
1474 back then and had they been successful -- they were not --
1475 in stopping them, 10 percent of everyone who lives in the
1476 United States of America can trace their roots to those
1477 Irish people. Ten percent; one out of 10 Americans can
1478 trace their roots to those people who came here. Now, I
1479 just bring this because I just think that at this
1480 extraordinary moment, when we see people fleeing and we say,
1481 "Well, they are not sending their best and maybe we should
1482 be careful because they are different than we are." That is
1483 what they thought of the Irish, that they were different
1484 than the rest of us because they were not white, Anglo-Saxon
1485 Protestant. No, it is true!

1486 So, why did they want to keep the Irish out? They
1487 wanted to keep them out because they were Irish. And I wish
1488 everybody could go back to see the cartoons and the
1489 editorials against them: the demeaning, racist editorials
1490 against them. So, there were two things they feared. They
1491 said, "Well, they are not sending their best," and number
1492 two, they said, "They are Catholics. Their religion is not

1493 consonant with the United States of America. They are not
1494 Protestant. Yes, they are Catholics."

1495 Now, interestingly enough, about 120 years later,
1496 Kennedy -- President Kennedy -- his grandfather came in 1948
1497 in the middle of this famine. 1848, thank you. 1848, in
1498 the middle of this famine. And just think about it.
1499 Sometimes I think about it and I think, "wow, 120 years
1500 later, there was John F. Kennedy, President of the United
1501 States of America, the same Irish lineage that, 120 years
1502 later, in America everybody said, 'Stop them from coming in.
1503 They cannot be let into the country; they are dangerous.
1504 They are poor. They are uneducated.'" And think about all
1505 of the contributions and think about the 10 percent of
1506 Americans who can trace.

1507 And I just want you to think today, think of Supreme
1508 Court justices. Right? CEOs of companies, right?
1509 Presidents of the United States. Think of all of the Irish-
1510 surnamed people in America and all of their contributions.
1511 And if people had stopped them from coming, think what a
1512 tragedy it would have been. And they wanted to stop them
1513 from coming because they were not their best and, number
1514 two, because of their religion. It sounds so familiar
1515 today. "Let's stop and have a Muslim ban because of their
1516 religion and because of where they come from, because
1517 somehow that is not consonant with America." They were

1518 wrong then about the Irish. Guess what? Let's not make the
1519 same mistake again and be wrong once again. Thank you, Mr.
1520 Chairman.

1521 Ms. Jackson Lee. Will the gentleman yield?

1522 Mr. Gutierrez. Sure, I will.

1523 Ms. Jackson Lee. [?] articles that I would like to put
1524 into the record. Office of Refugee Resettlement; Charlotte,
1525 Soles for Success in the microenterprise -- she is from
1526 Congo -- was a refugee that came in from Congo. And then,
1527 "A Refugee Woman Who Never Gives Up." This is the woman I
1528 mentioned from Colombia. I ask unanimous consent to put
1529 these two articles of refugee success into the record.

1530 Chairman Goodlatte. Without objection, they will be
1531 made part of the record.

1532 [The information follows:]

1533 ***** COMMITTEE INSERT *****

1534 Ms. Jackson Lee. I yield back. I thank the gentleman

1535 from yielding.

1536 Ms. Jayapal. Mr. Chairman?

1537 Chairman Goodlatte. For what purpose does the
1538 gentlewoman from Washington seek recognition?

1539 Ms. Jayapal. I move to strike the last word.

1540 Chairman Goodlatte. The gentlewoman is recognized for
1541 5 minutes.

1542 Ms. Jayapal. Thank you, Mr. Chairman. I yield to the
1543 cosponsor of the amendment, Mr. Schneider.

1544 Mr. Schneider. Thank you for letting me have an extra
1545 moment. I just want to take the chance to remind my
1546 colleagues that as we have looked at this legislation and
1547 other legislation, the idea of having good information to
1548 make better decisions, is something we have talked quite a
1549 bit about. And in other amendments, even though I may have
1550 had concerns about certain aspects of the amendments in the
1551 effort and intent of getting better facts and better
1552 reports, I have continued to support those amendments. And
1553 I do not want to block any efforts to uncover facts or data.
1554 So, I would just like to urge my colleagues to support this
1555 amendment, which will do nothing more than give us better
1556 information to make better decisions.

1557 Ms. Lofgren. Will the gentleman yield?

1558 Mr. Schneider. Yes.

1559 Ms. Lofgren. I very much think this amendment is

1560 worthwhile. I mean, it is always a good idea to know the
1561 impact of what we are doing so that we can be informed to do
1562 even better. So, I appreciate Ms. Jackson Lee and your
1563 sponsorship of this ament. I also would like to note that
1564 there is vast opposition to this bill, and I would like to
1565 ask unanimous consent to put in the record statements from
1566 the following individuals and organizations in opposition to
1567 H.R. 2826, the Refugee Program Destruction Act, as we call
1568 it.

1569 One, a statement from the Cato Institute; a statement
1570 of Church World Services; a statement of 80 CEOs, former
1571 CEOs, and business leaders; a statement from the
1572 International Rescue Committee; a statement from the
1573 National Immigration Law Center; a statement from OCA, the
1574 Asian-Pacific Americans Advocates; a statement from the U.S.
1575 Conference of Catholic Bishops; a statement from the
1576 American Immigration Lawyers Association; a statement from
1577 the Global Jewish Advocacy Group; as well as a statement
1578 from the Employees Union of USCIS. And I think that would
1579 be unanimous consent requested --

1580 Chairman Goodlatte. Without objection, those documents
1581 have been made a part of the record.

1582 [The information follows:]

1583 ***** COMMITTEE INSERT *****

1584

Ms. Lofgren. And I would yield back with thanks to the

1585 gentlewoman.

1586 Ms. Jayapal. And I will reclaim my time, Mr. Chairman,
1587 and just say thank you to the cosponsors of this amendment.
1588 I rise in strong support of it. I did want to say that part
1589 of the reason that all of these groups have submitted
1590 statements opposing this bill is because they understand
1591 that this bill, which I believe is a refugee program
1592 destruction act, represents an un-American assault on our
1593 country's bipartisan humanitarian record of welcoming those
1594 who are fleeing violence.

1595 And I did want to correct the record just in terms of
1596 something my colleague from Idaho said. In terms of
1597 refugees resettled per thousand in the population -- so, per
1598 capita -- Canada leads, Norway is second, Lichtenstein is
1599 third, Australia is fourth, and the United States is fifth.
1600 So, that is the per-capita ranking of refugees. So, of
1601 course, if you look at absolute numbers, that is one thing,
1602 but you have to look at per capita.

1603 And I also just wanted to say that I think it is
1604 disappointing, frankly, and distressing that this bill is
1605 somehow being put forward as a national security solution,
1606 because the Cato Institute has documented that on an annual
1607 basis the odds of anyone being murdered by somebody born in
1608 America are 269 times higher than the odds of being killed
1609 in a terrorist incident by a refugee in the United States.

1610 So, this goes counter to our national security interests.

1611 We have interests in other countries that require that
1612 we actually provide safe refuge and haven for those who are
1613 fighting alongside American troops in other countries, not
1614 to mention the humanitarian reasons at a time when right
1615 now, Mr. Chairman, one person is being displaced every 3
1616 seconds in the world. One person every 3 seconds.

1617 The United States has had a long record, bipartisan
1618 record; in my home State of Washington, it was a Republican
1619 governor, Dan Evans, who welcomed the Vietnamese refugees
1620 into our State and that really helped set the precedent for
1621 Washington State to become one of the top refugee
1622 resettlement states in the country.

1623 We are proud of that on both sides of the aisle and we
1624 are going to meet the 50,000 cap next week at a time when
1625 there is such turmoil in the world and such need for us to
1626 welcome refugees. And I think this amendment is simple, it
1627 is clear, it is just asking for information, and, in my
1628 view, information is always better for us to have so that we
1629 can craft better policy. And I urge my colleagues on both
1630 sides of the aisle to support this amendment. I yield back.

1631 Chairman Goodlatte. The question occurs on the
1632 amendment offered by the gentlewoman from Texas.

1633 All those in favor, respond by saying aye.

1634 Those oppose, no.

1635 In the opinion of the chair, the noes have it.

1636 Ms. Jackson Lee. Mr. Chairman?

1637 Chairman Goodlatte. The amendment is not agreed to.

1638 Ms. Jackson Lee. Mr. Chairman?

1639 Chairman Goodlatte. For what purpose does the

1640 gentlewoman from Texas --

1641 Ms. Jackson Lee. I request a roll call vote.

1642 Chairman Goodlatte. A recorded vote is requested and

1643 the clerk will call the roll.

1644 Ms. Adcock. Mr. Goodlatte?

1645 Chairman Goodlatte. No.

1646 Ms. Adcock. Mr. Goodlatte votes no.

1647 Mr. Sensenbrenner?

1648 Mr. Sensenbrenner. No.

1649 Ms. Adcock. Mr. Sensenbrenner votes no.

1650 Mr. Smith?

1651 [No response.]

1652 Mr. Chabot?

1653 [No response.]

1654 Mr. Issa?

1655 Mr. Issa. No.

1656 Ms. Adcock. Mr. Issa votes no.

1657 Mr. King?

1658 Mr. King. No.

1659 Ms. Adcock. Mr. King votes no.

1660 Mr. Franks?
1661 [No response.]
1662 Mr. Gohmert?
1663 Mr. Gohmert. No.
1664 Ms. Adcock. Mr. Gohmert votes no.
1665 Mr. Jordan?
1666 [No response.]
1667 Mr. Poe?
1668 [No response.]
1669 Mr. Marino?
1670 Mr. Marino. No.
1671 Ms. Adcock. Mr. Marino votes no.
1672 Mr. Gowdy?
1673 Mr. Gowdy. No.
1674 Ms. Adcock. Mr. Gowdy votes no.
1675 Mr. Labrador?
1676 Mr. Labrador. No.
1677 Ms. Adcock. Mr. Labrador votes no.
1678 Mr. Farenthold?
1679 [No response.]
1680 Mr. Collins?
1681 Mr. Collins. No.
1682 Ms. Adcock. Mr. Collins votes no.
1683 Mr. DeSantis?
1684 [No response.]

1685 Mr. Buck?

1686 Mr. Buck. No.

1687 Ms. Adcock. Mr. Buck votes no.

1688 Mr. Ratcliffe?

1689 Mr. Ratcliffe. No.

1690 Ms. Adcock. Mr. Ratcliffe votes no.

1691 Mrs. Roby?

1692 [No response.]

1693 Mr. Gaetz?

1694 [No response.]

1695 Mr. Johnson of Louisiana?

1696 [No response.]

1697 Mr. Biggs?

1698 Mr. Biggs. No.

1699 Ms. Adcock. Mr. Biggs votes no.

1700 Mr. Rutherford?

1701 Mr. Rutherford. No.

1702 Ms. Adcock. Mr. Rutherford votes no.

1703 Mrs. Handel?

1704 Mrs. Handel. No.

1705 Ms. Adcock. Mrs. Handel votes no.

1706 Mr. Conyers?

1707 Mr. Conyers. Aye.

1708 Ms. Adcock. Mr. Conyers votes aye.

1709 Mr. Nadler?

1710 Mr. Nadler. Aye.

1711 Ms. Adcock. Mr. Nadler votes aye.

1712 Ms. Lofgren?

1713 Ms. Lofgren. Aye.

1714 Ms. Adcock. Ms. Lofgren votes aye.

1715 Ms. Jackson Lee?

1716 Ms. Jackson Lee. Aye.

1717 Ms. Adcock. Ms. Jackson Lee votes aye.

1718 Mr. Cohen?

1719 [No response.]

1720 Mr. Johnson of Georgia?

1721 Mr. Johnson of Georgia. Aye.

1722 Ms. Adcock. Mr. Johnson votes aye.

1723 Mr. Deutch?

1724 Mr. Deutch. Aye.

1725 Ms. Adcock. Mr. Deutch votes aye.

1726 Mr. Gutierrez?

1727 Mr. Gutierrez. Aye.

1728 Ms. Adcock. Mr. Gutierrez votes aye.

1729 Ms. Bass?

1730 [No response.]

1731 Mr. Richmond?

1732 [No response.]

1733 Mr. Jeffries?

1734 [No response.]

1735 Mr. Cicilline?
1736 [No response.]
1737 Mr. Swalwell?
1738 Mr. Swalwell. Aye.
1739 Ms. Adcock. Mr. Swalwell votes aye.
1740 Mr. Lieu?
1741 Mr. Lieu. Aye.
1742 Ms. Adcock. Mr. Lieu votes aye.
1743 Mr. Raskin?
1744 [No response.]
1745 Ms. Jayapal?
1746 Ms. Jayapal. Aye.
1747 Ms. Adcock. Ms. Jayapal votes aye.
1748 Mr. Schneider?
1749 Mr. Schneider. Aye.
1750 Ms. Adcock. Mr. Schneider votes aye.
1751 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?
1752 Mr. Poe. No.
1753 Ms. Adcock. Mr. Poe votes no.
1754 Chairman Goodlatte. The gentlewoman from Alabama?
1755 Mrs. Roby. No.
1756 Ms. Adcock. Mrs. Roby votes no.
1757 Chairman Goodlatte. The gentleman from Texas, Mr.
1758 Farenthold?
1759 Mr. Farenthold. No.

1760 Ms. Adcock. Mr. Farenthold votes no.

1761 Chairman Goodlatte. Has every member voted who wishes
1762 to vote? The gentleman from Illinois requests how he is
1763 recorded.

1764 Ms. Adcock. Aye.

1765 Chairman Goodlatte. The clerk will report.

1766 Ms. Adcock. Mr. Chairman, 11 voted members vote aye;
1767 17 members voted no

1768 Chairman Goodlatte. And the amendment is not agreed
1769 to. Are there further amendments to H.R. 2826?

1770 Mr. Deutch. Mr. Chairman?

1771 Chairman Goodlatte. For what purpose does the
1772 gentleman from Florida seek recognition?

1773 Mr. Deutch. I have an amendment at the desk.

1774 Chairman Goodlatte. The clerk will report the
1775 amendment.

1776 Ms. Adcock. Amendment to the amendment in the nature
1777 of a substitute to H.R. 2826, offered by Mr. Deutch. Page
1778 3, after line --

1779 Chairman Goodlatte. Without objection, the amendment
1780 is considered as read and the gentleman is recognized for 5
1781 minutes on his amendment.

1782 [The amendment of Mr. Deutch follows:]

1783 ***** COMMITTEE INSERT *****

1784

Mr. Deutch. Thank you, Mr. Chairman. This bill, H.R.

1785 2826, the Refugee Program Integrity Act or the refugee
1786 program destruction act, undermines America's moral
1787 leadership on the world stage. It would end America
1788 standing as the strongest and most principled Nation in the
1789 world by demonizing the most vulnerable people in the world.

1790 No one wants to be a refugee. No one wants to flee
1791 their homes and uproot their children after seeing their
1792 cities burned and their neighbors killed. No one wants to
1793 live in a refugee camp, dependent on the generosity of other
1794 nations or international aid organization for basic needs.
1795 Refugees only do so because of extreme desperation and fear
1796 for their lives. This committee is now considering
1797 legislation that will turn the most desperate people in our
1798 world away from our borders, those who are fleeing
1799 terrorism, war, genocide, and famine.

1800 This bill is loud and clear. It tells the world's most
1801 desperate people, people without a country or a home, that
1802 the U.S. is closed and "we do not want you here." The bill
1803 arbitrarily lowers the number of refugees admitted in the
1804 United States from 110,000 to 50,000. It undermines the
1805 President's authority as Commander in Chief to respond to
1806 the most devastating crises of humanity.

1807 The bill would require the President to inform Congress
1808 6 months in advance of the need to raise the refugee cap.
1809 This notification requirement would make it impossible for

1810 our country to respond to a crisis in the world. It would
1811 inject politics into responding to a humanitarian crisis.
1812 When a war, terrorism, or genocide strikes, 6 months is an
1813 eternity and the bill would permit Governors and local
1814 officials to close their borders of their States or cities
1815 to the most thoroughly vetted refugees in the world. State
1816 and local officials would be allowed to score political
1817 points by refusing humanitarian assistance to those in need.

1818 This bill dispels our Nation's moral leadership in the
1819 world. It plays politics with people's lives. Our
1820 committee should be ashamed to consider such hateful and
1821 harmful legislation. For if this bill were enacted into
1822 law, which I hope it never is, people will die, children
1823 will die, because we closed our Nation to the most
1824 vulnerable people in the world.

1825 My amendment addresses a specific provision of this
1826 bill, section three. Section three of the bill provides for
1827 the mandatory termination of a person's refugee status if
1828 the person returns to the country they were persecuted in
1829 absent a change of circumstances. My amendment would permit
1830 a refugee to seek a waiver from the mandatory termination of
1831 status. Under my amendment, a refugee could apply for a
1832 humanitarian waiver to return to their home country while
1833 retaining their refugee status. To obtain the humanitarian
1834 waiver, the refugee would be required to apply for a waiver

1835 of termination by demonstrating a compelling humanitarian
1836 need.

1837 Currently, some refugees in the United States undertake
1838 extreme personal risk and hardship to embark on brief trips
1839 back home for humanitarian reasons. Refugees in the U.S.
1840 have briefly returned to their home country to visit ill and
1841 dying relatives or to oversee or attend funerals. Some
1842 refugees have even made brief visits to speak out about the
1843 conditions they fled and advocate for change. Others have
1844 returned to assess if the conditions in their country have
1845 changed, and it is now safe enough for their return. Under
1846 section three of this bill, such visits would cause the
1847 person's refugee status to be terminated, putting their
1848 lives in potential jeopardy.

1849 Under current law, the travel patterns of refugees are
1850 analyzed on a case-by-case basis by the Department of
1851 Homeland Security. Such analysis determines if the refugee
1852 has returned to their home country and was not a refugee to
1853 begin with or may have briefly returned to their home
1854 country for humanitarian reasons.

1855 My amendment would preserve discretion in this process.
1856 Without this amendment, the bill would remove any discretion
1857 from DHS to make a case-by-case determination, any
1858 discretion to consider humanitarian factors, any discretion
1859 at all. I urge support for my amendment. I yield back the

1860 balance of my time.

1861 Chairman Goodlatte. For what purpose does the
1862 gentleman from Idaho seek recognition?

1863 Mr. Labrador. I oppose this amendment.

1864 Chairman Goodlatte. The gentleman is recognized for 5
1865 minutes.

1866 Mr. Labrador. Mr. Chairman, 8 U.S.C. 11-01-A42 defines
1867 a refugee as "any person who is outside any country of such
1868 person's nationality or, in the case of a person having no
1869 nationality, is outside any country in which such person
1870 last habitually resided and who is unable or unwilling to
1871 return to, and is unable or unwilling to avail himself or
1872 herself of the protection of that country because of
1873 persecution or a well-founded fear of persecution on account
1874 of race, religion, nationality, membership in a particular
1875 social group, or political opinion."

1876 Again, it is somebody who should avail himself because
1877 of persecution in those countries or a well-founded fear of
1878 persecution.

1879 We should be welcoming to all individuals fleeing
1880 persecution, but if someone granted refugee status feels
1881 safe enough to return to the country from which they sought
1882 refuge, absent changed country conditions and within a few
1883 years after they fled, they should no longer be allowed to
1884 avail themselves of the protections offered by refugee

1885 status in the United States. In fact, it is contrary to
1886 what the refugee status that was granted was intended to
1887 protect them from.

1888 If a refugee has a genuine fear of persecution, it is
1889 highly unlikely that he or she would voluntarily return to
1890 the country from which they sought refuge. Those who do so
1891 make a mockery of our refugee laws and for that purpose I
1892 oppose this amendment and I yield back.

1893 Chairman Goodlatte. The question occurs on the
1894 amendment -- for what purpose does the gentleman from
1895 Illinois seek recognition?

1896 Mr. Gutierrez. I move to strike the last word.

1897 Chairman Goodlatte. The gentleman is recognized for 5
1898 minutes.

1899 Mr. Gutierrez. I would like to give my colleague, Mr.
1900 Deutch, 3 minutes.

1901 Mr. Deutch. I appreciate it, my friend from Illinois.
1902 I wonder if the bill's sponsor would characterize a refugee
1903 who understands well the threat of persecution, who
1904 understands well the threat to his life, who is willing to
1905 put his life on the line to return to his country to see a
1906 relative before he dies, understanding that he may well be
1907 at risk himself, I wonder if that makes a mockery of the
1908 current law. I yield back.

1909 Mr. Gutierrez. Thank you. I just want to thank the

1910 gentleman from Florida for introducing the amendment and I
1911 just wanted to make sure that we understand, historically,
1912 what we are doing.

1913 So, I want to be clear that 32 million Americans trace
1914 their roots to Ireland. That is about 10 percent of the
1915 U.S. population. And let's be clear: the British rulers
1916 over Ireland were not sending what they considered their
1917 best. Most were poor; lots of them were uneducated. And
1918 U.S. politicians at the time said -- you know what they were
1919 sending from Ireland? Murderers, drunks. Even though we
1920 assume some of them were good people.

1921 And you know what? They were from a religion that
1922 threatened the United States of America. They were
1923 Catholics and Catholics were as foreign to American
1924 Protestants in some regards as Muslims are today. Americans
1925 said they would never be loyal to the U.S. -- the Irish --
1926 they would only be loyal to Rome and the Pope. They did not
1927 share our values of hard work, of family, of sobriety or
1928 abiding by laws.

1929 But who can imagine America without the Irish today?
1930 Just imagine. You look down the list of generals and
1931 presidents, members of Congress, Senators, entertainers,
1932 every aspect of America. You come to the Irish, to some
1933 degree. The Kennedy family can trace their Irish roots,
1934 according to article, to Wexford County.

1935 I want to correct the record: the great-grandfather of
1936 John, Bobby, and Teddy Kennedy left Ireland in 1848 in the
1937 midst of the crisis in Ireland. As each generations of
1938 Kennedys were born, the family moved up in the world.
1939 Patrick started a successful stationery store. Patrick's
1940 son, Patrick J. Kennedy, went on to become a successful
1941 Boston politician, winning five consecutive terms to the
1942 Massachusetts House of Representatives and then three terms
1943 to the state senate.

1944 Then his son, John B. Kennedy, became a leading member
1945 of the Democratic Party and the U.S. ambassador. The same
1946 man whose grandfather was told not to come to this country
1947 was the ambassador to the United Kingdom. And everyone
1948 knows the stories of Joseph's sons, John, Bobby, and Teddy,
1949 and his grandsons and daughters who serve with distinction,
1950 including Joseph P. Kennedy the third. He is my friend from
1951 Massachusetts and he is a current member of Congress today.

1952 Okay, I understand that those on the other side might
1953 not be fans of the Kennedys and what they have contributed
1954 to the country in terms of civil rights and as war heroes,
1955 but America would not be the country it is today without
1956 their contributions to our success.

1957 So, as we meet today to debate laws to keep out the
1958 wretched refuge of teeming shores, the homeless, the
1959 tempest-tossed, as we pass laws to pull back the drawbridge

1960 and put a black hood over the head of the Statue of Liberty,
1961 I hope those of us in this room who can trace their roots to
1962 someone who came across the water, risked everything, and
1963 bet their lives on a life in the United States -- I hope all
1964 of us reflect on those ancestors as we deliberate the laws
1965 that would have kept them, the 10 percent of us who can
1966 trace our roots back to Ireland, out of this country. I
1967 yield back the balance of my time.

1968 Chairman Goodlatte. The question occurs on the
1969 amendment offered by the gentleman from Florida.

1970 All those in favor, respond by saying aye.

1971 Those oppose, no.

1972 In the opinion of the chair, the noes have it. The
1973 amendment is not agreed to.

1974 Recorded vote is requested, and the clerk will call the
1975 role. I vote no.

1976 Ms. Adcock. Mr. Goodlatte votes no.

1977 Mr. Sensenbrenner?

1978 Mr. Sensenbrenner. No.

1979 Ms. Adcock. Mr. Sensenbrenner votes no.

1980 Mr. Smith?

1981 [No response.]

1982 Mr. Chabot?

1983 Mr. Chabot. No.

1984 Ms. Adcock. Mr. Chabot votes no.

1985 Mr. Issa?
1986 Mr. Issa. No.
1987 Ms. Adcock. Mr. Issa votes no.
1988 Mr. King?
1989 Mr. King. No.
1990 Ms. Adcock. Mr. King votes vote.
1991 Mr. Franks?
1992 [No response.]
1993 Mr. Gohmert?
1994 [No response.]
1995 Mr. Jordan?
1996 [No response.]
1997 Mr. Poe?
1998 [No response.]
1999 Mr. Marino?
2000 Mr. Marino. No.
2001 Ms. Adcock. Mr. Marino votes no.
2002 Mr. Gowdy?
2003 [No response.]
2004 Mr. Labrador?
2005 Mr. Labrador. No.
2006 Ms. Adcock. Mr. Labrador votes no.
2007 Mr. Farenthold?
2008 [No response.]
2009 Mr. Collins?

2010 [No response.]

2011 Mr. DeSantis?

2012 [No response.]

2013 Mr. Buck?

2014 [No response.]

2015 Mr. Ratcliffe?

2016 Mr. Ratcliffe. No.

2017 Ms. Adcock. Mr. Ratcliffe votes no.

2018 Mrs. Roby?

2019 [No response.]

2020 Mr. Gaetz?

2021 [No response.]

2022 Mr. Johnson of Louisiana?

2023 Mr. Johnson of Louisiana. No.

2024 Ms. Adcock. Mr. Johnson votes no.

2025 Mr. Biggs?

2026 Mr. Biggs. No.

2027 Ms. Adcock. Mr. Biggs votes no.

2028 Mr. Rutherford?

2029 Mr. Rutherford. No.

2030 Ms. Adcock. Mr. Rutherford votes no.

2031 Mrs. Handel?

2032 Mrs. Handel. No.

2033 Ms. Adcock. Mrs. Handel votes no.

2034 Mr. Conyers?

2035 Mr. Conyers. Aye.

2036 Ms. Adcock. Mr. Conyers votes aye.

2037 Mr. Nadler?

2038 Mr. Nadler. Aye.

2039 Ms. Adcock. Mr. Nadler votes aye.

2040 Ms. Lofgren?

2041 [No response.]

2042 Ms. Jackson Lee?

2043 [No response.]

2044 Mr. Cohen?

2045 [No response.]

2046 Mr. Johnson of Georgia?

2047 Mr. Johnson of Georgia. Aye.

2048 Ms. Adcock. Mr. Johnson votes aye.

2049 Mr. Deutch?

2050 Mr. Deutch. Aye.

2051 Ms. Adcock. Mr. Deutch votes aye.

2052 Mr. Gutierrez?

2053 Mr. Gutierrez. Aye.

2054 Ms. Adcock. Mr. Gutierrez votes aye.

2055 Ms. Bass?

2056 [No response.]

2057 Mr. Richmond?

2058 [No response.]

2059 Mr. Jeffries?

2060 [No response.]

2061 Mr. Cicilline?

2062 Mr. Cicilline. Aye.

2063 Ms. Adcock. Mr. Cicilline votes aye.

2064 Mr. Swalwell?

2065 [No response.]

2066 Mr. Lieu?

2067 Mr. Lieu. Aye.

2068 Ms. Adcock. Mr. Lieu votes aye.

2069 Mr. Raskin?

2070 [No response.]

2071 Ms. Jayapal?

2072 Ms. Jayapal. Aye.

2073 Ms. Adcock. Ms. Jayapal votes aye.

2074 Mr. Schneider?

2075 Mr. Schneider. Aye.

2076 Ms. Adcock. Mr. Schneider votes aye.

2077 Chairman Goodlatte. The gentlewoman from Alabama?

2078 Mrs. Roby. No.

2079 Ms. Adcock. Mrs. Roby votes no.

2080 Chairman Goodlatte. The gentleman from Georgia?

2081 Mr. Collins. No.

2082 Ms. Adcock. Mr. Collins votes no.

2083 Chairman Goodlatte. The gentleman from Texas?

2084 Mr. Poe. No.

2085 Ms. Adcock. Mr. Poe votes no.

2086 Chairman Goodlatte. The gentleman from Colorado:

2087 Mr. Buck. No.

2088 Ms. Adcock. Mr. Buck votes no.

2089 Chairman Goodlatte. The gentleman from Texas, Mr.

2090 Gohmert?

2091 Mr. Gohmert. No.

2092 Ms. Adcock. Mr. Gohmert votes no.

2093 Chairman Goodlatte. The gentleman from Texas, Mr.

2094 Farenthold?

2095 Mr. Farenthold. No.

2096 Ms. Adcock. Mr. Farenthold votes no.

2097 Chairman Goodlatte. Has every member voted who wishes

2098 to vote? The clerk will report.

2099 Ms. Adcock. Mr. Chairman, 9 members voted aye; 18

2100 members voted no.

2101 Chairman Goodlatte. And the amendment is not agreed

2102 to. Are there further amendments to H.R. 2826?

2103 Mr. Gutierrez. Mr. Chairman?

2104 Chairman Goodlatte. For what purpose does the

2105 gentleman --

2106 Mr. Gutierrez. I have an amendment at the desk.

2107 Chairman Goodlatte. The clerk will report the

2108 amendment of the gentleman from Illinois.

2109 Ms. Adcock. Amendment to the amendment in the nature

2110 of a substitute to HR2826, offered by Mr. Gutierrez. Page

2111 11, after line --

2112 [The amendment of Mr. Gutierrez follows:]

2113 ***** COMMITTEE INSERT *****

2114 Chairman Goodlatte. Without objection, the amendment

2115 is considered as read and the gentleman is recognized for 5
2116 minutes on his amendment.

2117 Mr. Gutierrez. Mr. Chairman, the amendment calls for a
2118 study by the General Accounting Office to issue a report
2119 investigating the number of refugees who are denied
2120 admission as refugees to the U.S. and are subsequently
2121 killed or harmed. We should all have learned about the St.
2122 Louis, the ocean liner that was turned away because of
2123 strict immigration quotas and anti-Semitism in the years
2124 before the United States entered World War II.

2125 In 1939, the United States refused to admit 900 Jewish
2126 refugees, 900 Jews who fled Nazi Germany in 1939 on the MS
2127 St. Louis, which planned to stop in Cuba and then continue
2128 on in an attempt to gain entry into the United States.
2129 Unable to enter, the passengers were forced to return to
2130 Europe, where a number of countries accepted some of them,
2131 but 254 of them were killed in death camps of the Holocaust.
2132 But today, when we turn away refugees and asylum seekers
2133 fleeing violence, there are also deadly consequences.

2134 Eighty-three deportees were murdered in the Northern
2135 Triangle, which is to say, Central American countries of El
2136 Salvador, Guatemala, and Honduras, during the period of 2014
2137 to 2015. Included among the 83 murders of deportees was
2138 Jose Marvin Martinez. He was 16 years old when he fled
2139 Honduras to the U.S. after his brother was shot and killed

2140 by gang members. In August 2014, he was tracked down,
2141 deported, and he was sent back to Honduras. In December,
2142 four months after he was deported, Martinez was sitting
2143 outside a corner shop in San Manuel when a gunman opened
2144 fire from a truck, killing him.

2145 Another murder victim, Angel Diaz, 26, was sent away to
2146 the U.S. by his father after his brother was kidnaped by a
2147 Honduran gang and beaten almost to death. 2015, Diaz was
2148 arrested by police and sent directly to a detention center
2149 for deportees, then deported in July. Days later, he was
2150 shot dead on a local bus, it is assumed by local gang
2151 members.

2152 Juan Francisco Diaz was deported back to his hometown
2153 in Honduras in 2015, having lived in the U.S. for 3 years.
2154 Four months after deportation, he was found dead, lying in
2155 an alleyway, by his parents in their neighborhood. These
2156 are anecdotal cases that we discovered through the news
2157 media, but to the people who were murdered and their
2158 families, they are clearly not anecdotes. They are real
2159 people who were killed.

2160 When I think of these young men not granted asylum and
2161 returned to the country they fled, I think about the people
2162 who almost turned away from the United States this year by
2163 President Trump, had the courts not intervened and blocked
2164 the President's ban, and those who might be in the next 90

2165 days. Had Americans not gone to airports to block the
2166 Republican policy and had Americans not gone to the courts
2167 to block the President's Muslim ban, how many more thousands
2168 of asylum seekers and refugees might have been sent back to
2169 Syria and elsewhere?

2170 Now, we will see what happens when the Supreme Court
2171 finally deals with this case, but I think that history is
2172 abundant. The St. Louis; the Nazis were -- put them on a
2173 boat and said, "We do not want them. We do not want these
2174 Jews." They put them on a boat. What did the United States
2175 of America do? We said, "We do not want them either," and
2176 hundreds of them died in Nazi concentration camps. Let's
2177 not repeat that history once again. We see what happens in
2178 Central America and Honduras and El Salvador, and in
2179 Guatemala. And they come, seeking refuge in this country,
2180 and we send them back and they are murdered. So, literally,
2181 life-and-death decisions.

2182 So, all I am asking for is a GAO report to see those
2183 who are not allowed to stay in the United States and see if
2184 they are harmed or they are murdered so that we can have a
2185 record of what it is we are doing with our immigration
2186 policies today. And I return the balance of my time.

2187 Chairman Goodlatte. For what purpose does the
2188 gentleman from Idaho seek recognition?

2189 Mr. Labrador. Mr. Chairman, I oppose the amendment.

2190 Chairman Goodlatte. The gentleman is recognized for 5
2191 minutes.

2192 Mr. Labrador. I think this amendment should be
2193 rejected because, first, the first part of it is not
2194 quantifiable. You are asking a country that the other side
2195 continues to say is mistreating their people to actually
2196 keep track of the people that go back to their country and
2197 it is also very difficult to quantify the numbers. It also
2198 suggests a conclusion.

2199 And then, the second part of it is asking for us to
2200 keep numbers, track of the people who are returned after
2201 receiving refugee status. We actually already keep track of
2202 people that are deported from the United States, so those
2203 numbers are available with a simple phone call to DHS. So,
2204 for that reason I reject this amendment. I think every
2205 member should reject it as well and I yield back.

2206 Chairman Goodlatte. The question occurs on the
2207 amendment offered by the gentleman from Illinois.

2208 All those in favor, respond by saying aye.

2209 Those oppose, no.

2210 In the opinion of the chair, the noes have it. The
2211 amendment is not agreed to.

2212 A recorded vote is requested and the clerk will call
2213 the roll.

2214 Ms. Adcock. Mr. Goodlatte?

2215 Chairman Goodlatte. No.

2216 Ms. Adcock. Mr. Goodlatte votes no.

2217 Mr. Sensenbrenner?

2218 Mr. Sensenbrenner. No.

2219 Ms. Adcock. Mr. Sensenbrenner votes no.

2220 Mr. Smith?

2221 [No response.]

2222 Mr. Chabot?

2223 Mr. Chabot. No.

2224 Ms. Adcock. Mr. Chabot votes no.

2225 Mr. Issa?

2226 Mr. Issa. No.

2227 Ms. Adcock. Mr. Issa votes no.

2228 Mr. King?

2229 Mr. King. No.

2230 Ms. Adcock. Mr. King votes no.

2231 Mr. Franks?

2232 [No response.]

2233 Mr. Gohmert?

2234 Mr. Gohmert. No.

2235 Ms. Adcock. Mr. Gohmert votes no.

2236 Mr. Jordan?

2237 [No response.]

2238 Mr. Poe?

2239 [No response.]

2240 Mr. Marino?
2241 Mr. Marino. No.
2242 Ms. Adcock. Mr. Marino votes no.
2243 Mr. Gowdy?
2244 [No response.]
2245 Mr. Labrador?
2246 Mr. Labrador. No.
2247 Ms. Adcock. Mr. Labrador votes no.
2248 Mr. Farenthold?
2249 Mr. Farenthold. No.
2250 Ms. Adcock. Mr. Farenthold votes no.
2251 Mr. Collins?
2252 [No response.]
2253 Mr. DeSantis?
2254 Mr. DeSantis. No.
2255 Ms. Adcock. Mr. DeSantis votes no.
2256 Mr. Buck?
2257 Mr. Buck. No.
2258 Ms. Adcock. Mr. Buck votes no.
2259 Mr. Ratcliffe?
2260 Mr. Ratcliffe. No.
2261 Ms. Adcock. Mr. Ratcliffe votes no.
2262 Mrs. Roby?
2263 [No response.]
2264 Mr. Gaetz?

2265 [No response.]

2266 Mr. Johnson of Louisiana?

2267 Mr. Johnson of Louisiana. No.

2268 Ms. Adcock. Mr. Johnson votes no.

2269 Mr. Biggs?

2270 Mr. Biggs. No.

2271 Ms. Adcock. Mr. Biggs votes no.

2272 Mr. Rutherford?

2273 Mr. Rutherford. No.

2274 Ms. Adcock. Mr. Rutherford votes no.

2275 Mrs. Handel?

2276 Mrs. Handel. No.

2277 Ms. Adcock. Mrs. Handel votes no.

2278 Mr. Conyers?

2279 Mr. Conyers. Aye.

2280 Ms. Adcock. Mr. Conyers votes aye.

2281 Mr. Nadler?

2282 Mr. Nadler. Aye.

2283 Ms. Adcock. Mr. Nadler votes aye.

2284 Ms. Lofgren?

2285 [No response.]

2286 Ms. Jackson Lee?

2287 [No response.]

2288 Mr. Cohen?

2289 [No response.]

2290 Mr. Johnson of Georgia?

2291 Mr. Johnson of Georgia. Aye.

2292 Ms. Adcock. Mr. Johnson votes aye.

2293 Mr. Deutch?

2294 [No response.]

2295 Mr. Gutierrez?

2296 Mr. Gutierrez. Yes.

2297 Ms. Adcock. Mr. Gutierrez votes yes.

2298 Ms. Bass?

2299 [No response.]

2300 Mr. Richmond?

2301 [No response.]

2302 Mr. Jeffries?

2303 [No response.]

2304 Mr. Cicilline?

2305 Mr. Cicilline. Aye.

2306 Ms. Adcock. Mr. Cicilline votes aye.

2307 Mr. Swalwell?

2308 [No response.]

2309 Mr. Lieu?

2310 [No response.]

2311 Mr. Raskin?

2312 [No response.]

2313 Ms. Jayapal?

2314 Ms. Jayapal. Aye.

2315 Ms. Adcock. Ms. Jayapal votes aye.

2316 Mr. Schneider?

2317 [No response.]

2318 Chairman Goodlatte. Mr. Schneider?

2319 Mr. Schneider. Aye.

2320 Ms. Adcock. Mr. Schneider votes aye.

2321 Chairman Goodlatte. The gentlewoman from Alabama?

2322 Mrs. Roby. No.

2323 Ms. Adcock. Mrs. Roby votes no.

2324 Chairman Goodlatte. The gentleman from California?

2325 Mr. Lieu. Yes.

2326 Ms. Adcock. Mr. Lieu votes yes.

2327 Chairman Goodlatte. Has every member voted who wishes

2328 to vote? The clerk will report.

2329 Ms. Adcock. Mr. Chairman, 8 members voted aye; 17

2330 members voted no.

2331 Chairman Goodlatte. And the amendment is not agreed

2332 to. Are there further amendments to H.R. 2826? For what

2333 purpose does the gentleman from Rhode Island seek

2334 recognition?

2335 Mr. Cicilline. Mr. Chairman, I have an amendment at

2336 the desk.

2337 Chairman Goodlatte. The clerk will report the

2338 amendment.

2339 Ms. Adcock. Amendment to the amendment in the nature

2340 of a substitute to H.R. 2826, offered by Mr. Cicilline.

2341 Strike section eight.

2342 [The amendment of Mr. Cicilline follows:]

2343 ***** COMMITTEE INSERT *****

2344 Chairman Goodlatte. Without objection, the amendment

2345 is considered as read and is read and the gentleman is
2346 recognized for 5 minutes.

2347 Mr. Cicilline. Thank you, Mr. Chairman. My amendment
2348 would eliminate section 8 of this legislation, which
2349 requires refugees who are applying for lawful permanent
2350 residency to demonstrate by clear and convincing evidence
2351 that they continue to face persecution in their home
2352 country. The refugee adjudication process already requires
2353 a rigorous interview during which applicants must reveal
2354 intensely traumatic experiences, such as sexual violence,
2355 physical abuse, torture, and other atrocities.

2356 As this bill currently stands, refugees would have to
2357 undergo this interviewing process not just once, but again
2358 years later when applying for LPR status. My amendment
2359 would strike this requirement requiring that refugees be
2360 asked to repeatedly relive the horrific experience which
2361 they escaped.

2362 As it stands, this bill also raises the burden of proof
2363 for showing fear of persecution to clear and convincing,
2364 which is significantly higher than the established standard
2365 of proving well-founded fear of persecution. In the
2366 landmark case of *INS v. Cardozo Fonseca*, the Supreme Court
2367 concluded that the standard for establishing the likelihood
2368 of future harm for asylum need not be exceedingly high.
2369 Indeed, the court found that, and I quote, "one can

2370 certainly have a well-founded fear of an event happening
2371 when there is less than a 50 percent chance of the
2372 occurrence taking place," end quote.

2373 The well-founded fear standard hinges on whether a
2374 reasonable person in similar circumstances as the applicant
2375 would fear persecution, not on the statistical probability
2376 of the harm occurring. In support, the Supreme Court gives
2377 an example of a country where every tenth adult male is put
2378 to death or sent to a labor camp. The Court concluded that,
2379 and I quote, "it would be only too apparent that anyone who
2380 has managed to escape from the country in question will have
2381 a well-founded fear of being persecuted upon his eventual
2382 return."

2383 In contrast, a clear and convincing standard as
2384 described in the BIA precedent Matter of Carrubba, would
2385 require a "degree of proof, though not necessarily
2386 conclusive, which will produce in the mind of the Court a
2387 firm belief or conviction as to that degree of proof, which
2388 is more than a preponderance but less than beyond a
2389 reasonable doubt," end quote.

2390 As the Supreme Court illustrated in Cardozo Fonseca,
2391 raising the standard of proof would be dangerous because
2392 even if there is less than a 50 percent chance of
2393 persecution, that probability is too high for us to take a
2394 chance and forcibly return an asylum seeker. A

2395 significantly higher burden would also mean that refugees
2396 would have to go through this second interview process with
2397 the fear that denial of adjustment of status could mean
2398 indefinite refugee status or being returned to the country
2399 they fled.

2400 Process for helping refugees should not exacerbate the
2401 traumatic experience they survived and escaped, and I urge
2402 my colleagues to support my amendment. I yield back the
2403 balance of my time.

2404 Chairman Goodlatte. For what purpose does the
2405 gentleman from Idaho seek recognition?

2406 Mr. Labrador. Mr. Chairman, I oppose the amendment.

2407 Chairman Goodlatte. The gentleman is recognized for 5
2408 minutes.

2409 Mr. Labrador. I was a little bit confused by the
2410 language used by the proponent of the amendment, so that was
2411 what I was just looking at, the regulation. Adjustment of
2412 status should always have the applicability of section 237.
2413 The blanket waivers currently available to refugees as they
2414 attempt to become permanent residents prevents serious
2415 public safety concerns. Under current statute, if a refugee
2416 commits a crime, the refugee is absolved when applying for
2417 permanent residence. The United States continuously allows
2418 very serious criminals to adjust their immigration status.
2419 Doing so makes little sense.

2420 Under current law, if a refugee commits an aggravated
2421 felony, they are still free to get a green card, and if a
2422 refugee is convicted of domestic violence offenses, they are
2423 still free to get a green card. I doubt that the American
2424 public supports criminals being able to get lawful permanent
2425 residence status simply because they initially came to the
2426 U.S. as refugees. There is no reason why the Department of
2427 Homeland Security should be forced to look the other way and
2428 ignore any of these acts. Refugees seeking adjustment of
2429 status should be subject to the same grounds of
2430 inadmissibility and deportability as any other alien seeking
2431 to become a permanent resident.

2432 In addition, there is nothing in this section that
2433 precludes a refugee from seeking waivers that are currently
2434 available under both sections 212 and 237 of the INA. This
2435 is not an attempt to be unduly harsh to refugees or create a
2436 higher burden; it just puts refugees on the same equal
2437 footing with other immigrants and ensures that criminals who
2438 do not deserve the privilege of permanent residence are not
2439 able to achieve it.

2440 The question has been asked, "What happens to a refugee
2441 who is placed in removal proceedings and is unable to adjust
2442 status?" I remind this committee that this scenario happens
2443 every day. For those who cannot be returned to their home
2444 countries, an alien remains eligible for withholding of

2445 removal or deferral of removal pursuant to the convention
2446 against torture. Aliens in these statuses can be regularly
2447 monitored to ensure compliance with the laws and are not
2448 given a green card. And for that reason, I oppose this
2449 amendment.

2450 Mr. Cicilline. Would the gentleman just yield just for
2451 --

2452 Mr. Labrador. Yes.

2453 Mr. Cicilline. Just to be clear, there is nothing in
2454 the amendment that changes any of the prevailing standards
2455 with respect to criminality. It does not disturb that at
2456 all. It simply prohibits the individual from having to
2457 subject themselves a second time to the question of their
2458 asylum status, and secondly, does not raise the burden of
2459 proof. But it would not change, in any way, the deportation
2460 or removal of criminals, period.

2461 Mr. Labrador. I reclaim my time. The current law
2462 waives all of the grounds of inadmissibility. Section 8
2463 actually includes the ground of inadmissibility that are
2464 available to every other alien, and for that reason, I
2465 oppose the amendment and I yield back.

2466 Chairman Goodlatte. The question occurs on the
2467 amendment offered by the gentleman from Rhode Island.

2468 All those in favor, respond by saying aye.

2469 Those oppose, no.

2470 In the opinion of the chair, the noes have it. The
2471 amendment is not agreed to.

2472 Mr. Cicilline. I ask for a recorded vote, Mr.
2473 Chairman.

2474 Chairman Goodlatte. A recorded vote is requested and
2475 the clerk will call the roll.

2476 Ms. Adcock. Mr. Goodlatte?
2477 Chairman Goodlatte. No.

2478 Ms. Adcock. Mr. Goodlatte votes no.
2479 Mr. Sensenbrenner?
2480 Mr. Sensenbrenner. No.

2481 Ms. Adcock. Mr. Sensenbrenner votes no.
2482 Mr. Smith?
2483 [No response.]

2484 Mr. Chabot?
2485 Mr. Chabot. No.

2486 Ms. Adcock. Mr. Chabot votes no.
2487 Mr. Issa?
2488 Mr. Issa. No.

2489 Ms. Adcock. Mr. Issa votes no.
2490 Mr. King?
2491 Mr. King. No.

2492 Ms. Adcock. Mr. King votes no.
2493 Mr. Franks?
2494 [No response.]

2495 Mr. Gohmert?
2496 [No response.]
2497 Mr. Jordan?
2498 [No response.]
2499 Mr. Poe?
2500 [No response.]
2501 Mr. Marino?
2502 [No response.]
2503 Mr. Gowdy?
2504 [No response.]
2505 Mr. Labrador?
2506 Mr. Labrador. No.
2507 Ms. Adcock. Mr. Labrador votes no.
2508 Mr. Farenthold?
2509 Mr. Farenthold. No.
2510 Ms. Adcock. Mr. Farenthold votes no.
2511 Mr. Collins?
2512 [No response.]
2513 Mr. DeSantis?
2514 Mr. DeSantis. No.
2515 Ms. Adcock. Mr. DeSantis votes no.
2516 Mr. Buck?
2517 Mr. Buck. No.
2518 Ms. Adcock. Mr. Buck votes no.
2519 Mr. Ratcliffe?

2520 Mr. Ratcliffe. No.

2521 Ms. Adcock. Mr. Ratcliffe votes no.

2522 Mrs. Roby?

2523 Mrs. Roby. No.

2524 Ms. Adcock. Mrs. Roby votes no.

2525 Mr. Gaetz?

2526 [No response.]

2527 Mr. Johnson of Louisiana?

2528 Mr. Johnson of Louisiana. No.

2529 Ms. Adcock. Mr. Johnson votes no.

2530 Mr. Biggs?

2531 Mr. Biggs. No.

2532 Ms. Adcock. Mr. Biggs votes no.

2533 Mr. Rutherford?

2534 Mr. Rutherford. No.

2535 Ms. Adcock. Mr. Rutherford votes no.

2536 Mrs. Handel?

2537 Mrs. Handel. No.

2538 Ms. Adcock. Mrs. Handel votes no.

2539 Mr. Conyers?

2540 Mr. Conyers. Aye.

2541 Ms. Adcock. Mr. Conyers votes aye.

2542 Mr. Nadler?

2543 Mr. Nadler. Aye.

2544 Ms. Adcock. Mr. Nadler votes aye.

2545 Ms. Lofgren?
2546 [No response.]
2547 Ms. Jackson Lee?
2548 [No response.]
2549 Mr. Cohen?
2550 [No response.]
2551 Mr. Johnson of Georgia?
2552 Mr. Johnson of Georgia. Aye.
2553 Ms. Adcock. Mr. Johnson votes aye.
2554 Mr. Deutch?
2555 [No response.]
2556 Mr. Gutierrez?
2557 [No response.]
2558 Ms. Bass?
2559 [No response.]
2560 Mr. Richmond?
2561 [No response.]
2562 Mr. Jeffries?
2563 Mr. Jeffries. Aye.
2564 Ms. Adcock. Mr. Jeffries votes aye.
2565 Mr. Cicilline?
2566 Mr. Cicilline. Aye.
2567 Ms. Adcock. Mr. Cicilline votes aye.
2568 Mr. Swalwell?
2569 [No response.]

2570 Mr. Lieu?

2571 Mr. Lieu. Aye.

2572 Ms. Adcock. Mr. Lieu votes aye.

2573 Mr. Raskin?

2574 [No response.]

2575 Ms. Jayapal?

2576 Ms. Jayapal. Aye.

2577 Ms. Adcock. Ms. Jayapal votes aye.

2578 Mr. Schneider?

2579 Mr. Schneider. Aye.

2580 Ms. Adcock. Mr. Schneider votes aye.

2581 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

2582 Mr. Poe. No.

2583 Ms. Adcock. Mr. Poe votes no.

2584 Chairman Goodlatte. The gentleman from Texas, Mr.

2585 Gohmert?

2586 Mr. Gohmert. No.

2587 Ms. Adcock. Mr. Gohmert votes no.

2588 Chairman Goodlatte. The gentleman from Pennsylvania,

2589 Mr. Marino?

2590 Mr. Marino. No.

2591 Ms. Adcock. Mr. Marino votes no.

2592 Chairman Goodlatte. Has every member voted who wishes

2593 to vote? The gentleman from Illinois?

2594 Mr. Gutierrez. Yes.

2595 Ms. Adcock. Mr. Gutierrez votes yes.

2596 Chairman Goodlatte. The clerk will report.

2597 Ms. Adcock. Mr. Chairman, 9 members voted aye; 18

2598 members voted no.

2599 Chairman Goodlatte. And the amendment is not agreed

2600 to. Are there further amendments to H.R. 2826?

2601 Mr. Cicilline. Mr. Chairman, I have a second amendment

2602 at the desk.

2603 Chairman Goodlatte. The clerk will report the second

2604 amendment of Mr. Cicilline.

2605 Ms. Adcock. Amendment to the amendment in the nature of

2606 a substitute to H.R. 2826, offered by Mr. Cicilline. Page

2607 4, line --

2608 [The amendment of Mr. Cicilline follows:]

2609 ***** COMMITTEE INSERT *****

2610 Chairman Goodlatte. Without objection, the amendment

2611 is considered as read and the gentleman is recognized for 5
2612 minutes.

2613 Mr. Cicilline. Thank you, Mr. Chairman. My amendment
2614 to H.R. 2826 would require that an asylum seeker who fears
2615 persecution on the basis of their sexual orientation or
2616 gender identity may not be found inadmissible or deportable
2617 on account of a criminal offense relating to sodomy or any
2618 other offense directly resulting for their LGBT status or
2619 advocacy for LGBT rights. LGBT people abroad face horrific
2620 persecution, threats, constant harassment, lack of access to
2621 health care, marginalization, violence, and death because of
2622 their status of being gay, lesbian, or transgender. Because
2623 of the particularly heinous nature of the violations
2624 routinely committed against LGBT communities around the
2625 world, many are forced to flee their homes and seek safe
2626 haven in the United States.

2627 More than a third of the countries in the United
2628 Nations, or 72 countries, criminalize same-sex relationships
2629 with penalties, threat of imprisonment, and fines. In 10 of
2630 those countries, same-sex relations are punishable by death.
2631 However, although they have faced harm or could be subjected
2632 to further persecution, some LGBT refugees may still be in
2633 danger of being denied entry into the United States or of
2634 being returned to their home country.

2635 That is because under the Immigration and Nationality

2636 Act, certain classes of refugees who have been convicted of
2637 a crime may be inadmissible or deportable. This could
2638 include LGBT refugees that have been criminalized in
2639 relation to their status as an LGBT person or advocacy for
2640 LGBT rights.

2641 Recently, foreign governments have taken disturbing
2642 actions to target LGBT individuals and their families.
2643 Police and lawmakers may criminally charge LGBT individuals
2644 in order to harass and intimidate them and prevent the
2645 formation of LGBT organizations. For example, LGBT
2646 individuals that are celebrating at a wedding or pride event
2647 or attending an LGBT rights rally may be charged with
2648 unlawful assembly or conspiracy as a tactic to intimidate
2649 them.

2650 Lawmakers and police in these cases use laws as a
2651 pretext to punish people not for committing a crime but due
2652 to their LGBT status or support to equal rights. Lawmakers
2653 may also apply criminal laws against people for their
2654 association with or participation in LGBT activism. My
2655 amendment would ensure that LGBT refugees and their
2656 supporters are not inadmissible or deportable because of a
2657 wrongful conviction based solely on who they are, who they
2658 love, or what cause they stand up for.

2659 The United States has led the world in the fight to
2660 advance LGBT equality with the hope we can ensure that all

2661 people live free from the fear of discrimination, bigotry,
2662 and violence, and I just want to ask unanimous consent that
2663 some news articles which really reflect what is happening to
2664 LGBT people around the world and why this amendment is so
2665 necessary.

2666 The first is an article entitled "53 Arrested in
2667 Nigeria for Celebrating Gay Wedding, Police Say." The
2668 second is a Washington Post article: "Police Just Arrested
2669 27 Men for Homosexuality in Bangladesh." The Washington
2670 Post: "This one graph shows the biggest threat to LGBT
2671 rights in Malawi." And "Russians Protesting Abuse of Gay
2672 Men in Chechnya Are Detained." These are just four of many,
2673 many examples in Indonesia, Iran, Nigeria, Bangladesh,
2674 Malawi, and Russia, where individuals are being criminalized
2675 because of their LGBT status and thereby making them
2676 individuals who are either deportable or inadmissible to the
2677 United States. So, I urge my colleagues to support my
2678 amendment.

2679 Chairman Goodlatte. Without objection, the documents
2680 referenced will be made a part of the record.

2681 [The information follows:]

2682 ***** COMMITTEE INSERT *****

2683 Chairman Goodlatte. For what purpose does the

2684 gentleman from Idaho seek recognition?

2685 Mr. Labrador. Mr. Chairman, I oppose the amendment.

2686 Chairman Goodlatte. The gentleman is recognized for 5
2687 minutes.

2688 Mr. Labrador. I think I understand the intent of the
2689 amendment, but the problem is with the language. It says
2690 that "an offense directly resulting from the status" and I
2691 do not know we can prove that and if that offense was
2692 directly resulting from the status. Also, the gentleman
2693 needs to remember that the crimes --

2694 Mr. Cicilline. Will the gentleman yield?

2695 Mr. Labrador. -- of inadmissibility -- they have to be
2696 crimes, for the most part, in the United States as well.
2697 So, I just do not see how this amendment applies in any way
2698 and I --

2699 Mr. Cicilline. If the gentleman would yield, I am
2700 happy to explain. So, for example, a person could be
2701 arrested for attending a rally, a disturbance of the peace,
2702 because they are at an LGBT rally. That is a crime under
2703 United States law, but a determination can be made by a
2704 fact-finder that it derives from their advocacy for LGBT
2705 rights or derives from their status. That is a factual
2706 determination which a fact-finder can make and we do it
2707 routinely in the law. So, if in fact we are committed to
2708 protecting people from being deported or denied admission

2709 because in their country they have been harassed and accused
2710 of a crime or arrested because of their status, that is an
2711 important value for us to protect.

2712 Mr. Labrador. Yeah, but --

2713 Mr. Cicilline. And what a terrible message --

2714 Mr. Labrador. Reclaiming my time, that fact pattern is
2715 true of any rally that anybody attends in one of those
2716 countries.

2717 Mr. Cicilline. Well, that is actually not true. If
2718 the gentleman would yield --

2719 Mr. Labrador. It is my time and I will not yield
2720 again. I think it is pretty clear that this not something
2721 we need to include in the law and I yield back the balance
2722 of my time.

2723 Chairman Goodlatte. The question occurs on the
2724 amendment offered by the gentleman from Rhode Island.

2725 All those in favor, respond by saying aye.

2726 Those opposed, no.

2727 In the opinion of the chair, the noes have it and the
2728 amendment is not --

2729 Mr. Cicilline. I request a recorded vote, Mr.
2730 Chairman.

2731 Chairman Goodlatte. A recorded vote is requested and
2732 the clerk will call the role.

2733 Ms. Adcock. Mr. Goodlatte?

2734 Chairman Goodlatte. No.

2735 Ms. Adcock. Mr. Goodlatte votes no.

2736 Mr. Sensenbrenner?

2737 Mr. Sensenbrenner. No.

2738 Ms. Adcock. Mr. Sensenbrenner votes no.

2739 Mr. Smith?

2740 [No response.]

2741 Mr. Chabot?

2742 Mr. Chabot. No.

2743 Ms. Adcock. Mr. Chabot votes no.

2744 Mr. Issa?

2745 Mr. Issa. No.

2746 Ms. Adcock. Mr. Issa votes no.

2747 Mr. King?

2748 Mr. King. No.

2749 Ms. Adcock. Mr. King votes no.

2750 Mr. Franks?

2751 [No response.]

2752 Mr. Gohmert?

2753 [No response.]

2754 Mr. Jordan?

2755 [No response.]

2756 Mr. Poe?

2757 [No response.]

2758 Mr. Marino?

2759 [No response.]
2760 Mr. Gowdy?
2761 [No response.]
2762 Mr. Labrador?
2763 Mr. Labrador. No.
2764 Ms. Adcock. Mr. Labrador votes no.
2765 Mr. Farenthold?
2766 Mr. Farenthold. No.
2767 Ms. Adcock. Mr. Farenthold votes no.
2768 Mr. Collins?
2769 [No response.]
2770 Mr. DeSantis?
2771 [No response.]
2772 Mr. Buck?
2773 Mr. Buck. No.
2774 Ms. Adcock. Mr. Buck votes no.
2775 Mr. Ratcliffe?
2776 Mr. Ratcliffe. No.
2777 Ms. Adcock. Mr. Ratcliffe votes no.
2778 Mrs. Roby?
2779 Mrs. Roby. No.
2780 Ms. Adcock. Mrs. Roby votes no.
2781 Mr. Gaetz?
2782 [No response.]
2783 Mr. Johnson of Louisiana?

2784 Mr. Johnson of Louisiana. No.

2785 Ms. Adcock. Mr. Johnson votes no.

2786 Mr. Biggs?

2787 Mr. Biggs. No.

2788 Ms. Adcock. Mr. Biggs votes no.

2789 Mr. Rutherford?

2790 Mr. Rutherford. No.

2791 Ms. Adcock. Mr. Rutherford votes no.

2792 Mrs. Handel?

2793 Mrs. Handel. No.

2794 Ms. Adcock. Mrs. Handel votes no.

2795 Mr. Conyers?

2796 Mr. Conyers. Aye.

2797 Ms. Adcock. Mr. Conyers votes aye.

2798 Mr. Nadler?

2799 Mr. Nadler. Aye.

2800 Ms. Adcock. Mr. Nadler votes aye.

2801 Ms. Lofgren?

2802 [No response.]

2803 Ms. Jackson Lee?

2804 [No response.]

2805 Mr. Cohen?

2806 [No response.]

2807 Mr. Johnson of Georgia?

2808 Mr. Johnson of Georgia. Aye.

2809 Ms. Adcock. Mr. Johnson votes aye.
2810 Mr. Deutch?
2811 [No response.]
2812 Mr. Gutierrez?
2813 [No response.]
2814 Ms. Bass?
2815 [No response.]
2816 Mr. Richmond?
2817 [No response.]
2818 Mr. Jeffries?
2819 Mr. Jeffries. Aye.
2820 Ms. Adcock. Mr. Jeffries votes aye.
2821 Mr. Cicilline?
2822 Mr. Cicilline. Aye.
2823 Ms. Adcock. Mr. Cicilline votes aye.
2824 Mr. Swalwell?
2825 [No response.]
2826 Mr. Lieu?
2827 Mr. Lieu. Aye.
2828 Ms. Adcock. Mr. Lieu votes aye.
2829 Mr. Raskin?
2830 Mr. Raskin. Aye.
2831 Ms. Adcock. Mr. Raskin votes aye.
2832 Ms. Jayapal?
2833 Ms. Jayapal. Aye.

2834 Ms. Adcock. Ms. Jayapal votes aye.

2835 Mr. Schneider?

2836 Mr. Schneider. Aye.

2837 Ms. Adcock. Mr. Schneider votes aye.

2838 Chairman Goodlatte. The gentleman from Texas, Mr.

2839 Gohmert?

2840 Mr. Gohmert. No.

2841 Ms. Adcock. Mr. Gohmert votes no.

2842 Chairman Goodlatte. The gentleman from Pennsylvania,

2843 Mr. Marino?

2844 Mr. Marino. No.

2845 Ms. Adcock. Mr. Marino votes no.

2846 Chairman Goodlatte. The gentleman from Ohio, Mr.

2847 Jordan?

2848 Mr. Jordan. No.

2849 Ms. Adcock. Mr. Jordan votes no.

2850 Chairman Goodlatte. The gentleman from California, Mr.

2851 Issa?

2852 Mr. Issa. I already voted no.

2853 Chairman Goodlatte. Has every member voted who wishes

2854 to vote? Oh, the gentleman from Texas, Mr. Poe?

2855 Mr. Poe. No.

2856 Ms. Adcock. Mr. Poe votes no.

2857 Chairman Goodlatte. The clerk will report.

2858 Ms. Adcock. Mr. Chairman, 9 members voted aye, 18

2859 members voted no.

2860 Chairman Goodlatte. And the amendment is not agreed
2861 to. For what purpose does the gentleman from New York seek
2862 recognition?

2863 Mr. Jeffries. I have an amendment at the desk.

2864 Chairman Goodlatte. The clerk will report the
2865 amendment.

2866 Ms. Adcock. Amendment to the amendment in the nature of
2867 a substitute to HR2826, offered by Mr. Jeffries. Page 6,
2868 line 20 --

2869 [The amendment of Mr. Jeffries follows:]

2870 ***** COMMITTEE INSERT *****

2871 Chairman Goodlatte. Without objection, the amendment

2872 is considered as read and the gentleman is recognized for 5
2873 minutes on his amendment.

2874 Mr. Jeffries. Thank you, Mr. Chairman. This amendment
2875 would ensure that counsel is appointed for refugees subject
2876 to in-person interviews or reexamination for admission
2877 pursuant to section 8 of this bill. Section 8 would bar
2878 refugees from obtaining lawful permanent residence unless
2879 they reprove their refugee status using an overly burdensome
2880 clear and convincing standard during an in-person interview
2881 with a government official. Section 8 then forces those
2882 individuals who do not meet this new requirement to be
2883 returned to the custody of DHS every 5 years for inspection
2884 and reexamination. These are onerous provisions that
2885 justify at minimum the appointment of counsel and support of
2886 these highly vulnerable individuals, some of whom are
2887 children, who have been persecuted and abused.

2888 Our Nation, of course, was founded by immigrants that
2889 came to America in search of freedom, prosperity, education,
2890 and a better life for their families while contributing to
2891 the economic and cultural fabric of this great country. The
2892 words on the Statue of Liberty that sits in New York Harbor
2893 in the city that I am proud to represent read, "Give me your
2894 tired, your poor, your huddled masses yearning to breathe
2895 free, the wretched refuse of your teeming shore. Send
2896 these, the homeless, tempest-tossed to me. I lift my lamp

2897 beside the golden door." This poetic invitation for
2898 refugees and immigrants represents a foundational principle
2899 in our national character and has always helped define how
2900 we treat the most vulnerable amongst us.

2901 Section 8's requirement of mandatory reexamination of
2902 refugee status will endanger the ability of qualified
2903 individuals to remain in the United States and will likely
2904 prevent deserving refugees from obtaining at some point in
2905 the future lawful permanent residence. It could even force
2906 some to be sent back home to their death.

2907 Forcing refugees to return to a country of persecution
2908 would impose an onerous requirement for these individuals
2909 that no other applicant for lawful permanent residence in
2910 America is required to undertake. Moreover, requiring
2911 refugees, often extremely vulnerable individuals, to meet
2912 the onerous clear and convincing standard in this bill
2913 without counsel is wrong.

2914 We have an adversarial system of justice in America
2915 which requires both sides to have a meaningful opportunity
2916 to be heard. Absent legal representation, it will be
2917 difficult, if not impossible, for many refugees to vindicate
2918 their rights under law. Appointment of counsel will ensure
2919 that the substantive and procedural due process rights that
2920 we should hold dear on behalf of refugees are upheld and
2921 that no individual is sent back to their possible doom when

2922 there is a bona fide fear of prosecution in their country of
2923 origin.

2924 The horrors witnessed by refugees and the years of
2925 trauma they endure would detrimentally impact their
2926 recollection and capacity to comprehensively advocate on
2927 their behalf in an adversarial proceeding. Failure to
2928 provide counsel makes a perilous situation worse. For these
2929 reasons, I respectfully urge my colleagues to support this
2930 amendment, and Mr. Chairman, I yield back the balance of my
2931 time.

2932 Chairman Goodlatte. The chair thanks the gentleman.
2933 For what purpose does the gentleman from Idaho seek
2934 recognition?

2935 Mr. Labrador. Mr. Chairman, I oppose this amendment.

2936 Chairman Goodlatte. The gentleman is recognized for 5
2937 minutes.

2938 Mr. Labrador. We have already litigated this issue a
2939 million times in this committee. I oppose it for the same
2940 reasons that I have opposed it every single time: There is
2941 no right to counsel in immigration. And I yield back.

2942 Chairman Goodlatte. The question occurs on the
2943 amendment offered by the gentleman from New York.

2944 All those in favor respond by saying aye.

2945 Those opposed, no.

2946 In the opinion of the chair, the noes have it. The

2947 amendment is not agreed to.

2948 A recorded vote is requested and the clerk will call

2949 the roll.

2950 Ms. Adcock. Mr. Goodlatte?

2951 Chairman Goodlatte. No.

2952 Ms. Adcock. Mr. Goodlatte votes no.

2953 Mr. Sensenbrenner?

2954 Mr. Sensenbrenner. No.

2955 Ms. Adcock. Mr. Sensenbrenner votes no.

2956 Mr. Smith?

2957 [No response.]

2958 Mr. Chabot?

2959 Mr. Chabot. No.

2960 Ms. Adcock. Mr. Chabot votes no.

2961 Mr. Issa?

2962 Mr. Issa. No.

2963 Ms. Adcock. Mr. Issa votes no.

2964 Mr. King?

2965 Mr. King. No.

2966 Ms. Adcock. Mr. King votes no.

2967 Mr. Franks?

2968 [No response.]

2969 Mr. Gohmert?

2970 [No response.]

2971 Mr. Jordan?

2972 Mr. Jordan. No.

2973 Ms. Adcock. Mr. Jordan votes no.

2974 Mr. Poe?

2975 [No response.]

2976 Mr. Marino?

2977 Mr. Marino. No.

2978 Ms. Adcock. Mr. Marino votes no.

2979 Mr. Gowdy?

2980 [No response.]

2981 Mr. Labrador?

2982 Mr. Labrador. No.

2983 Ms. Adcock. Mr. Labrador votes no.

2984 Mr. Farenthold?

2985 Mr. Farenthold. No.

2986 Ms. Adcock. Mr. Farenthold votes no.

2987 Mr. Collins?

2988 [No response.]

2989 Mr. DeSantis?

2990 [No response.]

2991 Mr. Buck?

2992 [No response.]

2993 Mr. Ratcliffe?

2994 Mr. Ratcliffe. No.

2995 Ms. Adcock. Mr. Ratcliffe votes no.

2996 Mrs. Roby?

2997 Mrs. Roby. No.

2998 Ms. Adcock. Mrs. Roby votes no.

2999 Mr. Gaetz?

3000 [No response.]

3001 Mr. Johnson of Louisiana?

3002 Mr. Johnson of Louisiana. No.

3003 Ms. Adcock. Mr. Johnson votes no.

3004 Mr. Biggs?

3005 Mr. Biggs. No.

3006 Ms. Adcock. Mr. Biggs votes no.

3007 Mr. Rutherford?

3008 Mr. Rutherford. No.

3009 Ms. Adcock. Mr. Rutherford votes no.

3010 Mrs. Handel?

3011 Mrs. Handel. No.

3012 Ms. Adcock. Mrs. Handel votes no.

3013 Mr. Conyers?

3014 Mr. Conyers. Aye.

3015 Ms. Adcock. Mr. Conyers votes aye.

3016 Mr. Nadler?

3017 Mr. Nadler. Aye.

3018 Ms. Adcock. Mr. Nadler votes aye.

3019 Ms. Lofgren?

3020 [No response.]

3021 Ms. Jackson Lee?

3022 [No response.]

3023 Mr. Cohen?

3024 [No response.]

3025 Mr. Johnson of Georgia?

3026 [No response.]

3027 Mr. Deutch?

3028 [No response.]

3029 Mr. Gutierrez?

3030 [No response.]

3031 Ms. Bass?

3032 [No response.]

3033 Mr. Richmond?

3034 [No response.]

3035 Mr. Jeffries?

3036 Mr. Jeffries. Aye.

3037 Ms. Adcock. Mr. Jeffries votes aye.

3038 Mr. Cicilline?

3039 Mr. Cicilline. Aye.

3040 Ms. Adcock. Mr. Cicilline votes aye.

3041 Mr. Swalwell?

3042 Mr. Swalwell. Aye.

3043 Ms. Adcock. Mr. Swalwell votes aye.

3044 Mr. Lieu?

3045 Mr. Lieu. Aye.

3046 Ms. Adcock. Mr. Lieu votes aye.

3047 Mr. Raskin?

3048 Mr. Raskin. Aye.

3049 Ms. Adcock. Mr. Raskin votes aye.

3050 Ms. Jayapal?

3051 Ms. Jayapal. Aye.

3052 Ms. Adcock. Ms. Jayapal votes aye.

3053 Mr. Schneider?

3054 Mr. Schneider. Aye.

3055 Ms. Adcock. Mr. Schneider votes aye.

3056 Chairman Goodlatte. Has every member voted who wishes
3057 to vote? The clerk will report.

3058 Ms. Adcock. Mr. Chairman, 9 members voted aye, 15
3059 members voted no.

3060 Chairman Goodlatte. And the amendment is not agreed
3061 to. Are there further amendments to H.R. 2826? A reporting
3062 quorum being present, the question is on the motion --

3063 Mr. Lieu. I --

3064 Chairman Goodlatte. For what purpose does the
3065 gentleman from California seek recognition?

3066 Mr. Lieu. I have an amendment at the desk.

3067 Chairman Goodlatte. The clerk will report the
3068 amendment.

3069 Ms. Adcock. Amendment to the amendment in the nature of
3070 a substitute to H.R. 2826, offered by Mr. Lieu of
3071 California. At the end of section 2 --

3072 [The amendment of Mr. Lieu follows:]

3073 ***** COMMITTEE INSERT *****

3074 Chairman Goodlatte. Without objection, the amendment

3075 is considered as read and the gentleman is recognized for 5
3076 minutes on his amendment.

3077 Mr. Lieu. Thank you, Mr. Chair. Having served on
3078 active duty in the U.S. military, it is clear to me that our
3079 deployed forces often rely on the local population and their
3080 good deeds to assist our military personnel, particularly in
3081 Iraq. We have had a lot of Iraqis risk their lives to be
3082 translators and to do other things for our U.S. military
3083 forces. In recognition of the risk that these local folks
3084 took, our government created the special immigrant visa
3085 program to allow them to come over to the United States.

3086 Unfortunately, because we have been in Iraq for so long
3087 and done so many operations, this visa program is about gone
3088 and so a lot of these Iraqis are trying to go through the
3089 regular refugee resettlement program. There is about 50,000
3090 of these Iraqis, many of whom serve as translators and help
3091 U.S. forces. The underlying bill has now the unintended
3092 consequence of limiting these Iraqi translators who can come
3093 in.

3094 So, I wrote a very simple, commonsense amendment that
3095 says, "Look, let's just let these Iraqi translators come
3096 in." It creates 25,000 slots, which is less than we
3097 believe the number of Iraqi translators there actually are.
3098 If the author does not like that number, we are happy to
3099 work on a number, but we do not want to have this unintended

3100 consequence of this bill affect the very people that have
3101 helped U.S. forces and are still helping U.S. forces. So,
3102 with that, I yield back.

3103 Chairman Goodlatte. For what purpose does the
3104 gentleman from Idaho seek recognition?

3105 Mr. Labrador. To oppose the amendment.

3106 Chairman Goodlatte. The gentleman is recognized for 5
3107 minutes.

3108 Mr. Labrador. I appreciate the gentleman's service to
3109 our Nation and I appreciate all those who have served. I am
3110 a little bit confused by this amendment, though, because I
3111 just spent some time arguing with the other side about
3112 special preferences, but apparently there are special
3113 preferences that the other side agrees to. And we have
3114 given special preferences to Iraqi interpreters; in fact,
3115 not only did we include them in the refugee program, but we
3116 have a special immigrant visa that allows them to come, and
3117 those numbers are increased almost every year in the NDAA
3118 and in other vehicles, so I do not think this is necessary.
3119 And for that reason, I oppose the amendment and I yield
3120 back.

3121 Chairman Goodlatte. The question occurs on the
3122 amendment offered by the gentleman from California.

3123 All those in favor, respond by saying aye.

3124 Those opposed, no.

3125 In the opinion of the chair, the noes have it. The
3126 amendment is not agreed to.

3127 A recorded vote is requested and the clerk will call
3128 the roll.

3129 Ms. Adcock. Mr. Goodlatte?

3130 Chairman Goodlatte. No.

3131 Ms. Adcock. Mr. Goodlatte votes no.

3132 Mr. Sensenbrenner?

3133 [No response.]

3134 Mr. Smith?

3135 [No response.]

3136 Mr. Chabot?

3137 Mr. Chabot. No.

3138 Ms. Adcock. Mr. Chabot votes no.

3139 Mr. Issa?

3140 [No response.]

3141 Mr. King?

3142 Mr. King. No.

3143 Ms. Adcock. Mr. King votes no.

3144 Mr. Franks?

3145 [No response.]

3146 Mr. Gohmert?

3147 [No response.]

3148 Mr. Jordan?

3149 Mr. Jordan. No.

3150 Ms. Adcock. Mr. Jordan votes no.
3151 Mr. Poe?
3152 [No response.]
3153 Mr. Marino?
3154 Mr. Marino. No.
3155 Ms. Adcock. Mr. Marino votes no.
3156 Mr. Gowdy?
3157 [No response.]
3158 Mr. Labrador?
3159 Mr. Labrador. No.
3160 Ms. Adcock. Mr. Labrador votes no.
3161 Mr. Farenthold?
3162 Mr. Farenthold. No.
3163 Ms. Adcock. Mr. Farenthold votes no.
3164 Mr. Collins?
3165 [No response.]
3166 Mr. DeSantis?
3167 [No response.]
3168 Mr. Buck?
3169 [No response.]
3170 Mr. Ratcliffe?
3171 Mr. Ratcliffe. No.
3172 Ms. Adcock. Mr. Ratcliffe votes no.
3173 Mrs. Roby?
3174 Mrs. Roby. No.

3175 Ms. Adcock. Mrs. Roby votes no.
3176 Mr. Gaetz?
3177 [No response.]
3178 Mr. Johnson of Louisiana?
3179 Mr. Johnson of Louisiana. No.
3180 Ms. Adcock. Mr. Johnson votes no.
3181 Mr. Biggs?
3182 Mr. Biggs. No.
3183 Ms. Adcock. Mr. Biggs votes no.
3184 Mr. Rutherford?
3185 Mr. Rutherford. No.
3186 Ms. Adcock. Mr. Rutherford votes no.
3187 Mrs. Handel?
3188 Mrs. Handel. No.
3189 Ms. Adcock. Mrs. Handel votes no.
3190 Mr. Conyers?
3191 Mr. Conyers. Aye.
3192 Ms. Adcock. Mr. Conyers votes aye.
3193 Mr. Nadler?
3194 Mr. Nadler. Aye.
3195 Ms. Adcock. Mr. Nadler votes aye.
3196 Ms. Lofgren?
3197 [No response.]
3198 Ms. Jackson Lee?
3199 [No response.]

3200 Mr. Cohen?
3201 [No response.]
3202 Mr. Johnson of Georgia?
3203 [No response.]
3204 Mr. Deutch?
3205 [No response.]
3206 Mr. Gutierrez?
3207 [No response.]
3208 Ms. Bass?
3209 [No response.]
3210 Mr. Richmond?
3211 [No response.]
3212 Mr. Jeffries?
3213 [No response.]
3214 Mr. Cicilline?
3215 Mr. Cicilline. Aye.
3216 Ms. Adcock. Mr. Cicilline votes aye.
3217 Mr. Swalwell?
3218 Mr. Swalwell. Aye.
3219 Ms. Adcock. Mr. Swalwell votes aye.
3220 Mr. Lieu?
3221 Mr. Lieu. Aye.
3222 Ms. Adcock. Mr. Lieu votes aye.
3223 Mr. Raskin?
3224 Mr. Raskin. Aye.

3225 Ms. Adcock. Mr. Raskin votes aye.

3226 Ms. Jayapal?

3227 Ms. Jayapal. Aye.

3228 Ms. Adcock. Ms. Jayapal votes aye.

3229 Mr. Schneider?

3230 Mr. Schneider. Aye.

3231 Ms. Adcock. Mr. Schneider votes aye.

3232 Chairman Goodlatte. The gentleman from Wisconsin?

3233 Mr. Sensenbrenner. No.

3234 Ms. Adcock. Mr. Sensenbrenner votes no.

3235 Chairman Goodlatte. The gentleman from California?

3236 Mr. Issa. No.

3237 Ms. Adcock. Mr. Issa votes no.

3238 Chairman Goodlatte. Has every member voted who wishes

3239 to vote? The clerk will report.

3240 Ms. Adcock. Mr. Chairman, 8 members voted aye, 15

3241 members voted no.

3242 Chairman Goodlatte. And the amendment is not agreed

3243 to. Are there further amendments?

3244 Ms. Jayapal. Mr. Chairman, I have an amendment at the

3245 desk.

3246 Chairman Goodlatte. The clerk will report the

3247 amendment.

3248 Ms. Adcock. Amendment to the amendment in the nature

3249 of a substitute to H.R. 2826, offered by Ms. Jayapal. Page

3250 4 --

3251 [The amendment of Ms. Jayapal follows:]

3252 ***** COMMITTEE INSERT *****

3253 Chairman Goodlatte. Without objection, the amendment

3254 is considered as read and the gentlewoman is recognized for
3255 5 minutes on her amendment.

3256 Ms. Jayapal. Thank you, Mr. Chairman. From time to
3257 time, I know you have accepted an amendment or two in this
3258 committee and I hope this might be one of those time, that
3259 this amendment would be accepted. This is an issue for
3260 victims of trafficking that both sides of the aisle have
3261 agreed are important. My amendment simply continues current
3262 law around some of the most vulnerable people that are
3263 fleeing violence, and specifically, refugees forced into sex
3264 trafficking.

3265 Under current law, the Secretary has broad discretion
3266 to waive grounds of inadmissibility, including grounds
3267 triggered by a refugee applicant's status as a trafficking
3268 victim. However, this bill removes the broad discretion and
3269 limits waivers to only health-related grounds of
3270 inadmissibility. As currently written, refugee applicants
3271 who are forced into sex slavery and other persecution-
3272 related grounds of inadmissibility would be ineligible for
3273 refugee protection.

3274 My amendment would help people like the Syrian women in
3275 Lebanon who have been trafficked and forced to prostitute
3276 themselves night and day to earn meager funds to send to
3277 their families. Their traffickers often hold their
3278 passports and house them so that these women are entirely

3279 reliant and essentially held captive by the individuals
3280 exploiting them. Women in forced sexual slavery are in
3281 danger of being prosecuted if they escape or displease their
3282 captors.

3283 In Lebanon, in the first half of 2014 alone, 255
3284 people, mostly Syrian women, were arrested on prostitution
3285 charges, more than the 205 arrested during all of 2013.
3286 Gender disparities are severe in many areas and they are
3287 only intensified in times of emergency and minimal
3288 resources. Women who are desperate to support themselves
3289 and their families and have limited options in refugee camps
3290 may feel forced to turn to the sex trade or are tricked into
3291 it by human traffickers.

3292 Another group that this amendment would help are the
3293 Yazidi women. The Yazidi people fled from their ancestral
3294 home when ISIL captured it, displacing a sect of Islam that
3295 has historically suffered from persecution at the hands of
3296 majority sects. On March 12, 2016, the New York Times
3297 reported on the inhumane measures that ISIL pushes on its
3298 sex slaves in order to maintain their supply of available
3299 sex workers. This sex trade has become a lucrative
3300 underground economy for ISIL as it simultaneously terrorizes
3301 minority communities.

3302 Under this bill, a former ISIL sex slave who managed to
3303 escape this unimaginable brutality would be denied refugee

3304 admission to the United States. This is a callous and cruel
3305 approach to refugee determination and one that has no place
3306 in international or U.S. refugee law or policy. In short,
3307 Mr. Chairman, my amendment simply restores some small form
3308 of humanity to a deeply flawed bill and brings us a little
3309 bit closer to fulfilling our moral duty to protect those
3310 fleeing violence.

3311 Currently, the bulk of the refugee crisis is falling on
3312 low- and middle-income countries. Turkey hosts the largest
3313 number of refugees, totaling 3 million, and Pakistan is
3314 second. Among the top 10 refugee host nations, Germany is
3315 the only high-income country hosting 669,500 refugees and
3316 asylum seekers. Ultimately, what we really need to do is to
3317 reject this act and the anti-immigrant and anti-refugee
3318 rhetoric that has led this committee to consider several
3319 abhorrent bills in recent weeks, but I hope that at least we
3320 can agree on a bipartisan solution and make sure that we
3321 protect those who are victims of trafficking.

3322 And I urge my colleagues on both sides of the aisle to
3323 accept this amendment and to make sure that we continue to
3324 just keep in place what we have now. And with that, I yield
3325 back.

3326 Chairman Goodlatte. For what purpose does the
3327 gentleman from Idaho seek recognition?

3328 Mr. Labrador. Mr. Chairman, at this time, I oppose the

3329 amendment, but I would invite the gentlelady to maybe work
3330 with us to see if there is some language that we can -- I do
3331 not think that we can do that right now, but I am willing to
3332 work with the gentlelady to see if there is some language
3333 that we can do what you said in your words, which is not
3334 what the amendment does. What you said in your words is
3335 that you are trying to protect victims of forced
3336 prostitution, and I think we can agree that maybe that is
3337 something that we can do, but if you read the language of
3338 your amendment, it is much broader than that. It protects
3339 people from any crime that they have committed, not just
3340 forced prostitution. So, I will oppose this amendment at
3341 this time, but I am willing to make a commitment to the
3342 gentlelady that I will work with her to maybe narrow down
3343 the language.

3344 And the second thing that you need to look at is you
3345 said a couple times in your statement that you wanted
3346 discretion. This amendment does not provide discretion. It
3347 is just that it may not -- they may not be found
3348 inadmissible, so there is no discretion in there. So, for
3349 those reasons I will oppose the amendment, but I am willing
3350 to work with the gentlelady to make sure that we include
3351 some language in the bill that protects the people that she
3352 is trying to protect.

3353 Chairman Goodlatte. Would the gentleman yield?

3354 Mr. Labrador. Yes.

3355 Chairman Goodlatte. I thank the gentleman for
3356 yielding. I share his interest in working something out
3357 here and share his concern about the language as it is
3358 written. If the gentlewoman would withdraw her amendment,
3359 we will be happy to work with her to see if we can do
3360 something that is tightly drawn. And other than that, I
3361 would have to join the gentleman from Idaho in opposing the
3362 amendment.

3363 Ms. Jayapal. Mr. Chairman, I thank the sponsor of the
3364 legislation, the gentleman from Idaho, for your willingness
3365 to work on this. I am wondering if we can go ahead and take
3366 a vote on the amendment, but still work with you to resolve
3367 and come up with language. Would that be acceptable?

3368 Mr. Labrador. I do not have a problem with that. I am
3369 just trying to expedite. We are about to be called for
3370 votes. Maybe if you are willing to not have a roll call
3371 vote -- I mean, we want to work with you on this amendment
3372 and if you want to take a vote -- but it is up to you.

3373 Chairman Goodlatte. If the gentleman --

3374 Mr. Labrador. I am willing to work with you
3375 regardless.

3376 Chairman Goodlatte. If the gentlewoman would yield?

3377 Ms. Jayapal. I will yield, Mr. Chair.

3378 Chairman Goodlatte. I would suggest to the gentlewoman

3379 that our willingness to work is to not put ourselves at odds
3380 over the language that you have before us and that finding
3381 common ground would also find common votes, so I think it
3382 would be better if you withdrew the amendment.

3383 Ms. Jayapal. Mr. Chairman, I will accept the offer to
3384 work on this amendment with you and I hope that we can
3385 incorporate it into the bill.

3386 Chairman Goodlatte. With that, if the gentlewoman
3387 withdraws the amendment, it has the commitment of myself and
3388 the subcommittee chairman to work with you.

3389 Ms. Jayapal. I will withdraw the amendment.

3390 Chairman Goodlatte. Are there further amendments to
3391 HR2826?

3392 Mr. Raskin. Mr. Chairman?

3393 Chairman Goodlatte. For what purpose does the
3394 gentleman from Maryland seek recognition?

3395 Mr. Raskin. I have an amendment in the nature of a
3396 substitute, an amendment to the amendment in the nature of a
3397 substitute.

3398 Chairman Goodlatte. Okay, that is an order -- an
3399 amendment in the nature of a substitute is not an order, but
3400 the clerk will report the amendment to the amendment in the
3401 nature of a substitute.

3402 Ms. Adcock. Amendment to the amendment in the nature of
3403 a substitute to H.R. 2826 --

3404 [The amendment of Mr. Raskin follows:]

3405 ***** COMMITTEE INSERT *****

3406 Chairman Goodlatte. Without objection, the amendment

3407 is considered as read and the gentleman is recognized for 5
3408 minutes on his amendment.

3409 Mr. Raskin. Mr. Chairman, thank you very much. And in
3410 the spirit of Ms. Jayapal's amendment, I think this is one
3411 that I would hope the offeror of the amendment would see as
3412 a friendly amendment. It goes back to the religious
3413 question we were discussing before. I think there were two
3414 major issues raised.

3415 One was lifting religious persecution above other forms
3416 of persecution, which would be unprecedented within the
3417 statute, but this does not deal with that problem. This
3418 instead deals with the other problem raised, which is that
3419 it privileges practitioners of a minority religion over
3420 everyone else, including the other major target group for
3421 religious persecution, which is secularists, atheists,
3422 agnostics, people who have been persecuted in many of the 44
3423 countries where blasphemy, apostasy, heresy, sorcery, and
3424 witchcraft laws are still in existence.

3425 So, the language of minority religion would capture
3426 someone like the Christian governor of Jakarta, who recently
3427 was sentenced to prison at hard labor for 2 years because he
3428 defended himself in a debate with an Islamist opponent by
3429 saying there was nothing in the Koran that prevented a
3430 faithful Muslim from voting for a Christian. So, it would
3431 take care of that, but what about all of the secularists and

3432 people who are big fans of the American system of government
3433 and separation of church and state and Thomas Jefferson and
3434 James Madison who are in prison in countries like Saudi
3435 Arabia and Indonesia and Bangladesh and Pakistan for
3436 blasphemy offenses?

3437 So, this amendment adds five words, simply to say,
3438 "Practitioners of a minority religion or practitioners of no
3439 religion." And it lifts the secularists up to the same
3440 level of people who are being prosecuted for blasphemy
3441 because their religion is different from the orthodox
3442 religion.

3443 And I hope this is something that the offeror would see
3444 fit to accept and I think, you know, even if he has got no
3445 sympathy for the secularists who are rotting in prison in
3446 some of those countries, it makes this legislation a far
3447 more seaworthy vehicle constitutionally because the Supreme
3448 Court has repeatedly said that government cannot prefer
3449 either one religious sect to all the other religious sects,
3450 nor can it prefer religion as against irreligion. So, with
3451 that, I hope to offer this as a friendly amendment to the
3452 amendment in the nature of a substitute.

3453 Chairman Goodlatte. For what purpose does the
3454 gentleman from Idaho seek recognition?

3455 Mr. Labrador. Mr. Chairman, I oppose the amendment.

3456 Chairman Goodlatte. The gentleman is recognized.

3457 Mr. Labrador. First, it is not unprecedented in
3458 refugee law to have religious preferences. We have had them
3459 for over 25 years and even before that, so every time I hear
3460 that, I have to remind the people on the other side that we
3461 have had preferences in refugee law and they have not been
3462 found to be unconstitutional or to be in violation of our
3463 First Amendment rights.

3464 Second of all, we are trying to protect people for
3465 their religious beliefs in this legislation. I do not think
3466 that this additional language is necessary and I yield back.

3467 Chairman Goodlatte. The question occurs on the
3468 amendment offered by the gentleman from Maryland.

3469 All those in favor, respond by saying aye.

3470 Those opposed, no.

3471 In the opinion of the chair, the noes have it. The
3472 amendment is not agreed to.

3473 Are there further amendments to H.R. 2826?

3474 The question occurs on the amendment in the nature of a
3475 substitute.

3476 All those in favor, respond by saying aye.

3477 Those opposed, no.

3478 In the opinion of the chair, the ayes have it and the
3479 amendment in the nature of a substitute is adopted. A
3480 reporting quorum being present, the question is on the
3481 motion to report the bill H.R. 2826 as amended favorably to

3482 the House.

3483 Those in favor will respond by saying aye.

3484 Those opposed, no.

3485 The ayes have it and the bill is ordered reported
3486 favorably.

3487 Mr. Nadler. Recorded vote, please.

3488 Chairman Goodlatte. A recorded vote has been requested
3489 and the clerk will call the roll.

3490 Ms. Adcock. Mr. Goodlatte?

3491 Chairman Goodlatte. Aye.

3492 Ms. Adcock. Mr. Goodlatte votes aye.

3493 Mr. Sensenbrenner?

3494 Mr. Sensenbrenner. Aye.

3495 Ms. Adcock. Mr. Sensenbrenner votes aye.

3496 Mr. Smith?

3497 [No response.]

3498 Ms. Adcock. Mr. Chabot?

3499 Mr. Chabot. Aye.

3500 Ms. Adcock. Mr. Chabot votes aye.

3501 Mr. Issa?

3502 [No response.]

3503 Mr. King?

3504 Mr. King. Aye.

3505 Ms. Adcock. Mr. King votes aye.

3506 Mr. Franks?

3507 [No response.]

3508 Mr. Gohmert?

3509 [No response.]

3510 Mr. Jordan?

3511 Mr. Jordan. Yes.

3512 Ms. Adcock. Mr. Jordan votes yes.

3513 Mr. Poe?

3514 [No response.]

3515 Mr. Marino?

3516 Mr. Marino. Yes.

3517 Ms. Adcock. Mr. Marino votes yes.

3518 Mr. Gowdy?

3519 [No response.]

3520 Mr. Labrador?

3521 Mr. Labrador. Yes.

3522 Ms. Adcock. Mr. Labrador votes yes.

3523 Mr. Farenthold?

3524 Mr. Farenthold. Yes.

3525 Ms. Adcock. Mr. Farenthold votes yes.

3526 Mr. Collins?

3527 [No response.]

3528 Mr. DeSantis?

3529 [No response.]

3530 Mr. Buck?

3531 Mr. Buck. Yes.

3532 Ms. Adcock. Mr. Buck votes yes.

3533 Mr. Ratcliffe?

3534 Mr. Ratcliffe. Yes.

3535 Ms. Adcock. Mr. Ratcliffe votes yes.

3536 Mrs. Roby?

3537 Mrs. Roby. Aye.

3538 Ms. Adcock. Mrs. Roby votes aye.

3539 Mr. Gaetz?

3540 [No response.]

3541 Mr. Johnson of Louisiana?

3542 Mr. Johnson of Louisiana. Aye.

3543 Ms. Adcock. Mr. Johnson votes aye.

3544 Mr. Biggs?

3545 Mr. Biggs. Aye.

3546 Ms. Adcock. Mr. Biggs votes aye.

3547 Mr. Rutherford?

3548 Mr. Rutherford. Aye.

3549 Ms. Adcock. Mr. Rutherford votes aye.

3550 Mrs. Handel?

3551 Mrs. Handel. Yes.

3552 Ms. Adcock. Mrs. Handel votes yes.

3553 Mr. Conyers?

3554 [No response.]

3555 Mr. Nadler?

3556 Mr. Nadler. No.

3557 Ms. Adcock. Mr. Nadler votes no.
3558 Ms. Lofgren?
3559 Ms. Lofgren. No.
3560 Ms. Adcock. Ms. Lofgren votes no.
3561 Ms. Jackson Lee?
3562 [No response.]
3563 Mr. Cohen?
3564 Mr. Cohen. No.
3565 Ms. Adcock. Mr. Cohen votes no.
3566 Mr. Johnson of Georgia?
3567 [No response.]
3568 Mr. Deutch?
3569 [No response.]
3570 Mr. Gutierrez?
3571 Mr. Gutierrez. No.
3572 Ms. Adcock. Mr. Gutierrez votes no.
3573 Ms. Bass?
3574 [No response.]
3575 Mr. Richmond?
3576 [No response.]
3577 Mr. Jeffries?
3578 [No response.]
3579 Mr. Cicilline?
3580 Mr. Cicilline. No.
3581 Ms. Adcock. Mr. Cicilline votes no.

3582 Mr. Swalwell?

3583 Mr. Swalwell. No.

3584 Ms. Adcock. Mr. Swalwell votes no.

3585 Mr. Lieu?

3586 Mr. Lieu. No.

3587 Ms. Adcock. Mr. Lieu votes no.

3588 Mr. Raskin?

3589 Mr. Raskin. No.

3590 Ms. Adcock. Mr. Raskin votes no.

3591 Ms. Jayapal?

3592 Ms. Jayapal. No.

3593 Ms. Adcock. Ms. Jayapal votes no.

3594 Mr. Schneider?

3595 Mr. Schneider. No.

3596 Ms. Adcock. Mr. Schneider votes no.

3597 Chairman Goodlatte. Has every member voted -- oh, the

3598 gentleman from Michigan?

3599 Mr. Conyers. No.

3600 Ms. Adcock. Mr. Conyers votes no.

3601 Chairman Goodlatte. Has every member voted who wishes

3602 to vote? The clerk will report.

3603 Ms. Adcock. Mr. Chairman, 15 members voted aye, 11

3604 members voted no.

3605 Chairman Goodlatte. The ayes have it and the bill as

3606 amended is ordered reported favorably to the House. Members

3607 will have 2 days to submit and without objection, the bill
3608 will be reported as a single amendment in the nature of a
3609 substitute incorporating all adopted amendments and staff is
3610 authorized to make technical and conforming changes.

3611 Pursuant to notice, I now call up H.R. 1096 for
3612 purposes of markup and move that the committee report the
3613 bill favorably to the House. The clerk will report the
3614 bill.

3615 Ms. Adcock. H.R. 1096, to amend Title 31, United
3616 States Code, to provide for transparency of payments made
3617 from the Judgment Fund.

3618 [The bill follows:]

3619 ***** INSERT 2 *****

3620 Chairman Goodlatte. Without objection, the bill is

3621 considered as read and open for amendment at any time. I
3622 will begin by recognizing myself for an opening statement.

3623 In an effort to ensure prompt and equitable payment of
3624 court judgments against the United States, Congress created
3625 the Judgment Fund in 1956, which over time has become a
3626 permanent, indefinite appropriation for the payment of both
3627 court judgments and settlements. While the Judgment Fund
3628 improves efficiency by authorizing agencies to request
3629 payments directly from the Treasury Department, Congress and
3630 the public consequently have very little access to details
3631 about them.

3632 While the Treasury Department's website maintains a
3633 publicly available database of approved payments, important
3634 details such as the claimant's name and the claimant's
3635 counsel are not listed. Without this kind of critical
3636 information, it is difficult to locate specific payments.
3637 H.R. 1096, the Judgment Fund Transparency Act, seeks to fix
3638 this problem.

3639 Introduced by Congressman Chris Stewart of Utah earlier
3640 this year, this bill would require the Treasury Department
3641 to list on its website certain details about claims paid
3642 through the Judgment Fund unless the disclosure is
3643 prohibited by law or a court order. If the payment is made
3644 to a foreign state, the Treasury Department must also
3645 disclose the method of payment, the currency denomination

3646 used for the payment, and the name and location of each
3647 financial institution owned or controlled by a foreign state
3648 or an agent of a foreign state through which the payment
3649 passed and from which payment was withdrawn or that is
3650 holding the payment.

3651 In addition to these transparency provisions, H.R. 1096
3652 prohibits use of the Judgment Fund for payments to state
3653 sponsors of terrorism. Under the current Judgment Fund
3654 statute, a final judgment or settlement against the U.S.
3655 government will be paid out of the Judgment Fund as long as
3656 three conditions are met.

3657 First, payment must not be otherwise provided for;
3658 second, the Secretary of the Treasury must certify payment;
3659 and third, the judgment must be payable according to one of
3660 several specified statutory provisions. These provisions
3661 provide a finite set of circumstances in which the Judgment
3662 Fund may be used. The prohibition on payments to state
3663 sponsors of terrorism provided under this bill would narrow
3664 these circumstances. In order for Congress to properly do
3665 its job of exercising oversight over the Judgment Fund, we
3666 need to have more information about the payments.

3667 This bill responds to the increased need for Congress
3668 to retain its power over the purse and for the American
3669 people to know how their hard-earned dollars are being
3670 spent. For these reasons, I support this bill and I

3671 encourage others to do so as well, and I now recognize the
3672 ranking member of the committee for his opening statement.

3673 [The prepared statement of Mr. Goodlatte follows:]

3674 ***** COMMITTEE INSERT *****

3675 Mr. Conyers. Thank you, Mr. Chairman. My colleagues,

3676 H.R. 1096, the Judgment Fund Transparency Act, would require
3677 the Treasury Department to publicly disclose via the
3678 internet various details about payments it makes on claims
3679 paid out of the Judgment Fund. The Treasury Department is
3680 already required to publish much of this information, but
3681 personal details about the individuals are currently
3682 protected by the Privacy Act.

3683 The purpose of the bill is ostensibly to promote
3684 greater transparency in government, which we all agree is a
3685 worthy goal. But the bill would in fact require the
3686 government to reveal private information about individuals
3687 simply because he or she had a legal claim against the
3688 government that happened to fall under the purview of the
3689 Fund. It is for this principal reason that I must oppose
3690 the bill.

3691 H.R. 1096 contains a broad override of title 5, which
3692 includes the Privacy Act and the Freedom of Information Act
3693 and would effectively undermine the personal, private
3694 protections under these acts. Admittedly, a person's name
3695 or the facts of his or her lawsuit, which may contain
3696 personally identifying information, is in many instances a
3697 matter of public record. Nevertheless, there is a strong
3698 public interest in maintaining private protections.

3699 The disclosure of some of this information could expose
3700 details of a person's medical history or that they were the

3701 victim of racial or gender discrimination or harassment; and
3702 publishing this personal, identifying information on the web
3703 in an easily searchable format could also make individuals
3704 more vulnerable to fraudsters, data brokers, identity
3705 thieves, and other predators.

3706 Notwithstanding the bill's broad override of existing
3707 privacy protections, our committee has not held a single
3708 legislative hearing on this measure to consider any of its
3709 private ramifications. Promoting transparency in government
3710 should not come at the expense of Americans' privacy.
3711 Unfortunately, H.R. 1096 achieves this very result by
3712 eroding privacy protections.

3713 And finally, some of the reasons offered in support of
3714 this bill appear to be completely unjustified. For example,
3715 supporters of this legislation have claimed that the Obama
3716 administration's January 2016 settlement of a longstanding
3717 Iranian legal claim was ransom money for the release of four
3718 American prisoners in an illegitimate effort to avoid
3719 Congress's appropriations process. These payments were
3720 clearly legal under 28 U.S.C. section 24(14), justified by
3721 precedent and disclosed to the public at the time they were
3722 made in January 2016. The negotiations pertaining to the
3723 settlement and for the prisoner release were conducted by
3724 separate teams and were unrelated.

3725 As the Obama administration explained, the payments

3726 were withheld to ensure the Iranians followed through on the
3727 release of American prisoners. The Obama administration's
3728 actions regarding the Iran payments simply do not justify
3729 reducing individual privacy protections for the Judgment
3730 Fund.

3731 In short, I am concerned that this bill will provide
3732 little additional transparency while unnecessarily eroding
3733 individual privacy. And so, accordingly, I urge my
3734 colleagues to join me in opposing H.R. 1096, and I yield
3735 back the balance of my time, Mr. Chairman.

3736 [The prepared statement of Mr. Conyers follows:]

3737 ***** COMMITTEE INSERT *****

3738 Chairman Goodlatte. The chair thanks the gentleman.

3739 Are there any amendments to H.R. 1096?

3740 For what purpose does the gentleman from Louisiana seek
3741 recognition?

3742 Mr. Johnson of Louisiana. Mr. Chairman, I have an
3743 amendment at the desk.

3744 Chairman Goodlatte. The clerk will report the
3745 amendment.

3746 Ms. Adcock. Amendment to H.R. 1096, offered by Mr.
3747 Johnson of Louisiana. Page 3, insert after --

3748 [The amendment of Mr. Johnson of Louisiana follows:]

3749 ***** COMMITTEE INSERT *****

3750 Chairman Goodlatte. Without objection, the amendment

3751 is considered as read and the gentleman is recognized for 5
3752 minutes on his amendment.

3753 Mr. Johnson of Louisiana. Thank you, Mr. Chairman. My
3754 amendment today seeks to further increase transparency in
3755 the underlying legislation, H.R. 1096, the Judgment Fund
3756 Transparency Act, which I am proud to support as a
3757 cosponsor.

3758 Simply put, this amendment would require the Secretary
3759 of the Treasury to clearly display the total expenditures,
3760 including the attorneys fees, interest, and all other
3761 payments made from the judgement fund in an annual basis.
3762 Hardworking taxpayers deserve to know where their taxpayer
3763 dollars are being spent and Congress must ensure programs
3764 like the Judgment Fund are following the law. The American
3765 people must be allowed to keep the actions of their
3766 government accountable.

3767 My amendment would also further ensure a terrorist
3768 organization is prohibited from receiving any taxpayer funds
3769 from the Judgment Fund by also prohibiting any foreign
3770 terrorist organization as that is defined in section 219 of
3771 the Immigration and Nationality Act. This statute, which
3772 clearly classifies a terrorist organization as those who
3773 "engage in terrorist activity or terrorism and the
3774 organization threatens the security of the United States
3775 nationals or the national security of the United States."

3776 These terrorist organizations only seek to commit serious
3777 harm on potential targets, including Americans, and I
3778 believe this prohibition is warranted to be included in this
3779 legislation.

3780 Let me be clear. I am sure all of us agree that no
3781 taxpayer dollars should ever go to a state sponsor of
3782 terrorism or foreign terrorist organizations. The Iran
3783 payments referenced by Mr. Conyers a moment ago further
3784 illustrate the need for this ban on state sponsors of
3785 terrorism, as we saw from the previous administration, the
3786 payment of \$1.3 billion from the Judgment Fund to Iran in a
3787 settlement that dates back over 30 years. All the
3788 information surrounding this payment has never been made
3789 clear to the public, even to this day, and Iran still
3790 remains a state sponsor of terrorism.

3791 Again, I am happy to introduce this amendment to
3792 further reduce government waste and increase transparency.
3793 We must never allow taxpayer dollars to be given to violent
3794 rogue nations that support terrorists or terrorist
3795 organizations and this is a commonsense amendment that will
3796 ensure a constitutional check on the Judgment Fund. With
3797 that, Mr. Chairman, I yield back.

3798 Chairman Goodlatte. For what purpose does the
3799 gentleman from Tennessee seek recognition?

3800 Mr. Cohen. Thank you. I would like to, for 5 minutes,

3801 strike the last word.

3802 Chairman Goodlatte. The gentleman is recognized for 5
3803 minutes.

3804 Mr. Cohen. Would the gentleman who offered the
3805 amendment yield?

3806 Mr. Johnson of Louisiana. Sure.

3807 Mr. Cohen. Would you accept a friendly amendment to
3808 also require the disclosure of any payments made to any
3809 organization that has a financial interest owned by the
3810 President or a member of his family?

3811 Mr. Johnson of Louisiana. I would not accept that
3812 friendly amendment to this because it is a separate measure
3813 unrelated to what I am trying to accomplish with this one.

3814 Mr. Cohen. But you are trying to get transparency. Do
3815 not you think that any payments made to the Trump
3816 organization or anybody in his family by the United States
3817 government or any funds expended by the United States
3818 government to organizations that are owned by the Trump
3819 family --

3820 Chairman Goodlatte. Will the gentleman yield?

3821 Mr. Cohen. Yes.

3822 Chairman Goodlatte. That is exactly what this law
3823 does. If there is any funds paid out of the Judgment Fund,
3824 there will be greater disclosure as a result of this bill,
3825 and the gentleman's amendment simply tightens up that

3826 language and also deals with the issue of not transferring
3827 funds to terrorist organizations. So, I think the gentleman
3828 --

3829 Mr. Cohen. But what I am saying is that he --
3830 Chairman Goodlatte. -- suggestion is completely out of
3831 order.

3832 Mr. Cohen. No, well, it is not out of order if it is
3833 to not allow payments to be made to those groups, because
3834 that is not part of the law and he is trying to add this
3835 title 28 to say you cannot pay to a terrorist organization.
3836 And what I want to know --

3837 Chairman Goodlatte. The base bill provides for -- if
3838 there is a payment made out of the Judgment Fund to anybody,
3839 including the President of the United States --

3840 Mr. Cohen. It says "notice," it does not say a
3841 prohibition, and what he is doing on page 4, line 3, is a
3842 prohibition, I believe.

3843 Chairman Goodlatte. To terrorist organizations.

3844 Mr. Johnson of Louisiana. Yes.

3845 Mr. Cohen. Right --

3846 Mr. Johnson of Louisiana. Reclaiming my time --

3847 Mr. Cohen. It is not your time, it is my time. And I
3848 am not on the cover of Time Magazine. Let's not get that
3849 confused. Yeah, I think Connelly is too now.

3850 What I am saying is we should not make payments to

3851 terrorist organizations nor should we be making payments to
3852 organizations that the Trump folks have investments in
3853 and/or own; like we should not be paying for events at the
3854 Trump Hotel or rental space at the Trump Tower for the FBI
3855 or whoever is there. Would you accept that as an amendment?

3856 Mr. Johnson of Louisiana. I would not accept that
3857 amendment because, with due respect, the gentleman is trying
3858 to equate the President of the United States, a duly elected
3859 President of the United States, with a terrorist
3860 organization, so it is a completely --

3861 Mr. Cohen. No, you may be doing that.

3862 Mr. Johnson of Louisiana. Well, no --

3863 Mr. Cohen. I reclaim my time. I reclaim my time. I
3864 am not doing that and I am not going to have you say that.
3865 I am putting that in terms of transparency and prohibition.
3866 And I think both are bad, but that is not to make them
3867 equivalent.

3868 Mr. Johnson of Louisiana. Well, I would not accept it
3869 as a friendly amendment to this, but the gentleman is
3870 obviously welcome to bring his own amendment.

3871 Mr. Cohen. And I am sorry the Gators won.

3872 Mr. Johnson of Louisiana. So am I.

3873 Mr. Cohen. And I yield back the balance of my time.

3874 Mr. Conyers. Mr. Chairman?

3875 Chairman Goodlatte. For what purpose does the

3876 gentleman from Michigan seek recognition?

3877 Mr. Conyers. To strike the requisite number of words.

3878 Chairman Goodlatte. The gentleman is recognized for 5
3879 minutes.

3880 Mr. Conyers. Members of the committee, this amendment,
3881 in my mind, does not address any of the concerns I raised in
3882 my opening statement. However, I also do not find anything
3883 objectionable about the amendment and I yield back the
3884 balance of my time.

3885 Chairman Goodlatte. The question occurs on the
3886 amendment offered by the gentleman from Louisiana.

3887 All those in favor, respond by saying aye.

3888 Those opposed, no.

3889 The ayes have it and the amendment is agreed to.

3890 Are there any further amendments to H.R. 1096?

3891 Mr. King. Mr. Chairman?

3892 Chairman Goodlatte. For what purpose does the
3893 gentleman from Iowa seek recognition?

3894 Mr. King. I move to strike the last word.

3895 Chairman Goodlatte. The gentleman is recognized for 5
3896 minutes.

3897 Mr. King. Thank you, Mr. Chairman. I intend to ask a
3898 question. I ask the chairman if he will yield. I just want
3899 to make some clarifications here on the Judgment Fund and
3900 things that I am interested in that we have discussed over

3901 the time and the years, and that is, this bill becomes law;
3902 will we then learn the balance in the Judgment Funds; will
3903 we learn the receipts in the Judgment Funds; will we learn
3904 the distributions of the Judgment Funds; and will we learn
3905 about the transfer of funds that are directed by perhaps the
3906 Justice Department to be paid to their directed recipients
3907 that do not necessarily go through the Judgment Funds?

3908 And I raise these questions because I want to make sure
3909 we have a complete approach to this and if we are a little
3910 short I would like to be able to pick up those pieces and do
3911 some work after committee.

3912 Chairman Goodlatte. Well, first of all, this
3913 legislation is clearly designed to create more transparency
3914 with regard to payments made from the Judgment Fund and if
3915 the gentleman has refinements that he is not ready to offer
3916 today, we would certainly be willing to work with him as we
3917 move the legislation to the floor.

3918 Mr. King. That satisfies me very well, Mr. Chairman.
3919 And you are aware that we have a request for a GAO report
3920 that is on the books, too, that is kind of slow getting it
3921 done, so I intend to work with it in that direction. I
3922 appreciate your response and I will be supporting the bill
3923 and yield back the balance of my time.

3924 Chairman Goodlatte. The chair thanks the gentleman.
3925 For what purpose does the gentleman from California seek

3926 recognition?

3927 Mr. Lieu. I move to strike the last word.

3928 Chairman Goodlatte. The gentleman is recognized for 5
3929 minutes.

3930 Mr. Lieu. I would like to vote for this bill. I think
3931 it is important that we support transparency. I do have a
3932 question because I am trying to understand if the bill
3933 overrides the Privacy Act. Because if you read the first
3934 line of page 2, it says, "Unless the disclosure of such
3935 information as otherwise prohibited by law or court order,"
3936 that would suggest to me that this bill does not in fact
3937 override the Privacy Act or FOIA or other statutes that we
3938 all like.

3939 But then, on page 3, section E, it says essentially
3940 that, "except with regard to children under 18, the
3941 disclosure information required in this section shall not be
3942 considered a clearly unwarranted invasion of personal
3943 privacy for purpose of title 5, United States Code." I am
3944 trying to understand what that means, because if this bill
3945 does not override the Privacy Act, then I am going to vote
3946 for it; but if it does, then I am not, and I am just trying
3947 to understand how that provision works with the first line
3948 of the bill.

3949 Chairman Goodlatte. I think the gentleman's concern is
3950 addressed by the provision, because there are certain

3951 circumstances where a court would seal a judgment. But
3952 ordinarily, judgments are a public matter and so the
3953 disclosure of information paid by the United States
3954 government to an individual who has a judgment or a
3955 settlement with the government is not ordinarily something
3956 that would be covered by the Privacy Act.

3957 But there could be circumstances where, for example, a
3958 judge says that this is going to be not disclosed; for some
3959 reason, that would be within the purview of the court and
3960 therefore it would not be disclosed as per that provision
3961 that you just read. So, in my opinion, you are protected,
3962 but that is subject to each member's interpretation.

3963 Mr. Lieu. So, thank you, Mr. Chair, for that. So, I
3964 guess I am just asking my question again and maybe I can get
3965 a clear answer. Does this bill override the Privacy Act
3966 with that section E provision or is it not meant to do that?
3967 And if it needs further clarification, that would be great,
3968 and perhaps you would want to clarify that. I am just
3969 trying to understand what section E does. Because it looks
3970 like, in the first sentence of the bill, it is not trying to
3971 override other privacy laws.

3972 Chairman Goodlatte. Right. So, the language you refer
3973 to was offered by a professor who testified before the
3974 committee and according to the Department of Justice's guide
3975 to the Freedom of Information Act, under the FOIA privacy

3976 encompasses the individual's control of information
3977 concerning his or her person. Exemption 6 protects
3978 information about individuals in personnel and medical files
3979 and similar files when the disclosure of such information
3980 would constitute a clearly unwarranted invasion of personal
3981 privacy.

3982 In his written testimony, Professor Figley stated that
3983 "Treasury refuses to release the names of claimants or
3984 individual attorneys under the Freedom of Information Act on
3985 grounds that those names fall within FOIA's exemption for
3986 personnel and medical files and similar files, the
3987 disclosure of which would constitute a clearly unwarranted
3988 invasion of personal privacy." This language was added to
3989 the amendment to prevent a similar refusal to release the
3990 names of claimants or individual attorneys under the
3991 requirements of the bill.

3992 But I would again argue that that position taken by the
3993 Treasury is not covered by the Privacy Act because that
3994 information is not protected by the Privacy Act; and in the
3995 interest of transparency, we need to clarify that so that
3996 this information, moving forward, is made public.

3997 Mr. Lieu. Thank you and I will yield my time to Mr.
3998 Cicilline.

3999 Mr. Cicilline. I thank the gentleman for yielding. I
4000 guess I am struggling with the very same concern that the

4001 gentleman from California has. It seems as if the plain
4002 language on page 3, section E, is actually a complete
4003 exemption. "Except with regard to children under 18, the
4004 disclosure of information required in this section shall not
4005 be considered a clearly unwarranted invasion of personal
4006 privacy for purposes of title 5, United States Code." So,
4007 it does seem as if this bill adds a new section that clearly
4008 overrides the privacy protections in the Privacy Act and
4009 FOIA by its plain language.

4010 Chairman Goodlatte. No, I think that -- if the
4011 gentleman --

4012 Mr. Cicilline. Yeah, of course.

4013 Chairman Goodlatte. -- would yield -- it is the
4014 gentleman from California's time, but assuming he is
4015 yielding --

4016 Mr. Cicilline. Yes.

4017 Chairman Goodlatte. -- even though he is not listening
4018 to me right now, the problem arises from, what I believe and
4019 many others who support this legislation believe, was a
4020 mistaken decision on the part of the Treasury to not
4021 disclose information that is not protected by the Privacy
4022 Act and therefore that language in the bill is necessary to
4023 make it clear that the Treasury Department cannot use that
4024 as a reason to not disclose information being paid out of a
4025 Judgment Fund that the taxpayers of the United States should

4026 be entitled to have access to and be able to examine.

4027 And while this obviously relates to a dispute that
4028 arose in the previous administration, I would think the
4029 gentleman would be interested in seeing how judgments are
4030 paid out in the current administration. So, that is why
4031 that portion of the bill is written the way it is and why I
4032 think the bill is an important addition to transparency.

4033 Mr. Cicilline. I guess, Mr. Lieu, I yield back to you.

4034 Mr. Lieu. I yield back.

4035 Chairman Goodlatte. Well, there are no further
4036 amendments, so, a reporting quorum being present, the
4037 question is on the motion to report the bill, H.R. 1096, as
4038 amended favorably to the House.

4039 Those in favor, respond by saying aye.

4040 Those opposed, no.

4041 The ayes have it and the bill is ordered reported
4042 favorably. Members will have 2 days to submit views.
4043 Without objection, the bill will be reported as a single
4044 amendment in the nature of a substitute incorporating all
4045 adopted amendments and the staff is authorized to make
4046 technical and conforming changes.

4047 This concludes our business today. I want to thank all
4048 the members for attending and the markup is adjourned.

4049 [Whereupon, at 1:24 p.m., the committee was adjourned.]