

1 ALDERSON COURT REPORTING
2 CHRISTINE ALLEN
3 HJU192000

4 MARKUP OF:
5 RESOLUTION AUTHORIZING ISSUANCE OF SUBPOENAS;
6 H.R. 3311, THE "SMALL BUSINESS REORGANIZATION ACTION OF
7 2019;"
8 H.R. 3304, THE "NATIONAL GUARD AND RESERVISTS DEBT RELIEF
9 EXTENSION ACT OF 2019;"
10 H.R. 2938, THE "HONORING AMERICAN VETERANS IN EXTREME NEED
11 ACTION OF 2019" OR THE "HAVEN ACT;" AND
12 H.R. 2336, THE "FAMILY FARMER RELIEF ACT OF 2019."
13 Thursday, July 11, 2019
14 House of Representatives
15 Committee on the Judiciary
16 Washington, D.C.

17 The committee met, pursuant to call, at 10:15 a.m., in
18 Room 2141, Rayburn Office Building, Hon. Jerrold Nadler
19 [chairman of the committee] presiding.

20 Present: Representatives Nadler, Lofgren, Jackson Lee,

21 Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Jeffries,
22 Cicilline, Swalwell, Lieu, Raskin, Jayapal, Demings, Correa,
23 Scanlon, Garcia, Neguse, McBath, Stanton, Dean, Murcarsel-
24 Powell, Escobar, Collins, Chabot, Gohmert, Jordan, Buck,
25 Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs,
26 McClintock, Lesko, Reschenthaler, Cline, Armstrong, and
27 Steube.

28 Staff present: Aaron Hiller, Deputy Chief Counsel; Arya
29 Hariharan, Oversight Counsel; David Greengrass, Senior
30 Counsel; John Doty, Senior Advisor; Lisette Morton, Director
31 of Policy, Planning, and Member Services; Madeline Strasser,
32 Chief Clerk; Moh Sharma, Member Services and Outreach
33 Advisor; Susan Jensen, Parliamentarian/Senior Counsel; Sarah
34 Istel, Oversight Counsel; Julian Gerson, Staff Assistant;
35 Charlie Gayle, Oversight Counsel; Joseph Van Wye,
36 Professional Staff Member, ACAL Subcommittee; Slade Bond,
37 Chief Counsel, ACAL Subcommittee; Joshua Breisblatt, Counsel,
38 Immigration Subcommittee; Brendan Blair, Minority Staff
39 Director; Bobby Parmiter, Minority Deputy Staff
40 Director/Chief Counsel; Jon Ferro, Minority
41 Parliamentarian/General Counsel; Andrea Loving, Minority
42 Chief Counsel, Immigration Subcommittee; Carlton Davis,
43 Minority Chief Oversight Counsel; Ashley Callen, Minority
44 Oversight Counsel; Daniel Flores, Minority Chief Counsel,
45 Antitrust Subcommittee; Erica Barker, Minority Chief

46 Legislative Clerk; and Andrea Woodard, Minority Professional

47 Staff Member.

48

49 Chairman Nadler. The Judiciary Committee will please
50 come to order, a quorum being present.

51 Without objection, the chair is authorized to declare a
52 recess at any time.

53 Pursuant to Committee Rule II and House Rule XI, Clause
54 2, the chair may postpone further proceedings today on the
55 question of approving any measure or matter or adopting an
56 amendment for which a recorded vote for the yeas and nays are
57 ordered.

58 Pursuant to notice, I now call up the chair's resolution
59 authorizing the issuance of certain subpoenas for documents
60 and testimony for purposes for markup, and move that the
61 committee agree to the resolution.

62 The clerk will report the resolution.

63 Ms. Strasser. Resolution offered by Chairman Jerrold
64 Nadler. Resolved, that upon the adoption of this resolution,
65 the chairman of the Committee on the Judiciary is authorized
66 to issue subpoenas with documents and testimony from current
67 and former Administration officials relating to the
68 following: one, the zero tolerance policy and other family
69 separation policies and practices; two, detention or short-
70 term custody of children and/or families; and three,
71 discussions about or offers of presidential pardons to
72 Department of Homeland Security officials or employees. In
73 addition, the chairman, at his discretion and --

74 Chairman Nadler. Without objection, the resolution is
75 considered as read and open for amendment at any point.

76 [The resolution follows:]

77

78 Chairman Nadler. I will begin by recognizing myself for
79 an opening statement. Today the Judiciary Committee will
80 take additional important step toward greater oversight of
81 the Trump Administration in two areas, immigration and
82 alleged obstruction of justice.

83 First immigration. Over the past several months we have
84 held hearings and sent letters to the agencies of
85 jurisdiction regarding a series of catastrophic and inhumane
86 immigration policies. Many questions remain, and it is past
87 time that we hold this Administration accountable. In
88 January, as one of my first acts of chairman, I sent letters
89 to then Department of Homeland Security DHS Secretary
90 Nielsen, then Acting Attorney General Whitaker, and current
91 Health and Human Services Secretary Azar asking that they
92 preserve and turn over any information and records pertaining
93 to the development and execution of the Administration's so-
94 called zero tolerance -- which really meant family separation
95 -- immigration enforcement policy and the detention of
96 migrants.

97 I am pleased to say that DHS and HHS have for the most
98 part complied with this request. However, in a span of 6
99 months, the Department of Justice has produced only a
100 smattering of heavily-redacted emails, and yet together,
101 these documents represents the Administration's most
102 substantive response to the various immigration-related

103 inquiries we have made in this Congress.

104 In April, we requested documents and information
105 regarding troubling reports that the Administration was
106 considering retaliatory actions against certain members of
107 Congress who the President deemed to be in opposition to his
108 funding and policy priorities. That the President openly
109 discussed his tactic on social media shocks the conscience.
110 After sending a follow-up letter, we were told by Agency
111 officials that because these actions were never executed,
112 there was no need for the disclosure of related documents or
113 information. That, however, is for Congress to decide, not
114 the Administration, whether we need that information and
115 those documents.

116 In May 2019, along with several of my Judiciary
117 Committee colleagues, I wrote to DHS demanding an immediate
118 investigation into the deaths of five migrant children at the
119 southern border over the last 6 months, as well as a
120 committee member briefing on conditions in short-term holding
121 facilities. Having been to El Paso twice this year, I was
122 already aware that conditions were deplorable and
123 unacceptable, and with the release of two DHS Office of
124 Inspector General reports, my concerns have grown
125 exponentially. To date, DHS has not provided a single
126 briefing or any response to the letter.

127 I use these examples to highlight the scope of serious

128 concerns we have raised with the Administration about the
129 systematic withholding of information from the Congress,
130 despite our oversight responsibility on behalf of the
131 American people. We have given the Administration ample time
132 to respond to these serious reports of egregious conduct.
133 This committee cannot sit idly by. There must be oversight
134 and accountability.

135 On that subject, in April 2019, along with Zoe Lofgren,
136 chair of the Immigration and Citizenship Subcommittee, and
137 Steve Cohen, chair of the Constitution, Civil Rights, and
138 Civil Liberties Subcommittee, I sent a letter to Acting DHS
139 Secretary Kevin McAleenan requesting information and
140 documents related to President Trump's reported offer to
141 pardon him if he were to illegally close the southern border
142 as the President has reportedly suggested he should do. A
143 follow-up letter was sent on May 29th, but we have yet to
144 receive any response to these inquiries.

145 That matters because it represents a very serious threat
146 to our rule of law system, and it brings me to the other
147 group of subpoenas we are authorizing today. Let me just
148 elaborate. These are allegations and news reports which we
149 want to check out. For a President to order an
150 Administration official to violate the law and to say don't
151 worry, if you violate the law, I will pardon you, would be a
152 terrible dereliction of duty and a terrible violation of the

153 President's duty to see that the laws are faithfully
154 executed. It would be an open invitation to violate the
155 laws.

156 And this brings me to the other group of subpoenas we
157 are authorizing today. These 12 subpoenas relate to the
158 committee's ongoing investigation into allegations of
159 obstruction of justice, public corruption, and abuses of
160 power, including such conduct described within the scope of
161 the Mueller report. The special counsel, who will be
162 appearing before this committee next week, found in his
163 report that the Russian government attacked the 2016 U.S.
164 presidential election in "sweeping and systematic fashion."
165 The report also detailed 10 instances of possible obstruction
166 of the investigation of that most serious matter, as well as
167 other possible misconduct.

168 The Committee on the Judiciary has a constitutional
169 obligation to investigate credible allegations of misconduct.
170 We have been doing that through pursuing the unredacted
171 Mueller report and key related witnesses and documents.
172 There is no substitute, however, for primary evidence as the
173 committee makes its decisions, which is why we have sought
174 documents and testimony from former White House counsel,
175 Donald McGahn, former White House communications director,
176 Hope Hicks, and former deputy White House counsel, Annie
177 Donelson.

178 Today we focus on 12 additional witnesses. These
179 include government officials who worked or continue to work
180 in close proximity to the President. These witnesses also
181 include those outside of government who have critical
182 information in connection with our investigation. We will
183 not rest until we obtain their testimony and documents so
184 that this committee and Congress can do the work that the
185 Constitution and the American people expect of us.

186 I now recognize the ranking member of the Judiciary
187 Committee, the gentleman from Georgia, Mr. Collins, for his
188 opening statement.

189 Mr. Collins. Thank you, Mr. Chairman, and here we go
190 again on another episode of premature subpoena authorizations
191 brought to you by the Democrats on the House Judiciary
192 Committee. Aside from the lack of specificity, and the lack
193 of a lot of things, and the lack of maybe a law school
194 understanding of a subpoena, this is, again, another trip
195 down an empty world.

196 In the world of congressional oversight, today's markup
197 makes absolutely no sense. First, we have the zero tolerance
198 policy. This is an area where the chairman has sent one
199 single request of the Administration way back on January
200 11th, 6 months ago, and not a single follow-up request since.
201 Nevertheless, since then the Administration has produced a
202 steady stream of documents, the Department of Health and

203 Human Services made a total of 20 productions, nearly one per
204 week for over 7,500 pages, the Department of Homeland
205 Security has made over four productions, including one
206 earlier this week amounting to over 3,300 pages as you can
207 see in the boxes beside me. The Department of Justice has
208 provided six productions totaling over 1,200 pages. In sum,
209 the Administration has voluntarily made 20 productions
210 totaling over 12,000 pages, yet the chairman out of the blue
211 and without a single formal follow up wants to issue
212 subpoenas for more documents.

213 Second, the chairman wants to issue a subpoena for
214 information regarding the detention of children and families
215 and a subpoena for information about the discussions or
216 offers of presidential pardons to DHS officials and
217 employees. The chairman has only tangentially issued a
218 document request regarding detention way back in January. A
219 subpoena here is not only premature, but unjustified. The
220 chairman has zero predicate for this markup today. Given
221 this fact, I guess the chairman was telling the truth when he
222 said during an earlier subpoena authorization he views the
223 subpoena as the beginning of a dialogue process.

224 Third, the chairman wants to continue a subpoena binge
225 and issue an additional 12 subpoenas to individuals related
226 to the Mueller investigation. The chairman has made no
227 formal contacts with the three individuals during his

228 chairmanship, and the subpoena will, in fact, be, I guess as
229 we have heard, the beginning of a dialogue process. Once
230 again, I want to emphasize the chairman has not sent even one
231 written request to three of the individuals on this list we
232 are authorizing. Four of the individuals were part of the
233 chairman's short-lived and now debunked investigation into
234 the 81 Trump associates. Each of these individuals responded
235 to the chairman and cooperated with the inquiry before that
236 investigation seemingly has died on the vine. Incredibly,
237 another one of these individuals has already received a
238 subpoena from the chairman. He produced documents as well,
239 but I guess the chairman is going to reward him with yet
240 another subpoena because apparently the first one wasn't good
241 enough. I guess there wasn't enough dialogue.

242 Again, the record is devoid of any basis for subpoena
243 authorizations. At least the chairman is consistent. This
244 is a pattern we have seen several times before. If you
245 cooperate with him, you get a subpoena. If you ignore him,
246 he will leave you alone. In the world of congressional
247 oversight, these subpoenas make no sense at all, but in the
248 world of politics, today's markup makes perfect sense.

249 When we left for the July 4th recess, my friends on the
250 other side were reeling. They were having a very large and
251 very public inter-Party squabble over funding for the
252 humanitarian crisis at the border, a crisis this committee

253 has repeatedly failed to address. Before we ever get back to
254 town, however, we were greeted by the chairman's intention to
255 go on a subpoena binge, attempting to change the narrative to
256 focus on issues he hasn't touched for months, if at all.
257 This is a very haphazard way of conducting congressional
258 oversight.

259 It is no wonder other committees have taken the lead on
260 investigating the issues the chairman wants to focus on
261 today. The Judiciary Committee, as it has been for months,
262 is trying to play catch up. For example, Chairman Cummings
263 issued subpoenas to DHS, HHS, and DOJ regarding the zero
264 tolerance policy back in February, 5 months ago. HPCC has
265 been consistently leading the way in regard to the Mueller
266 investigation. One of today's subpoenas is for Michael
267 Flynn, a person HPCC is close to bringing in after issuing
268 him a subpoena last month. In addition, the chairman refused
269 for months to review the lesser-redacted Mueller report, and
270 held the Attorney General in contempt. Meanwhile, Adam
271 Schiff cut a deal with the Department and got access to the
272 underlying documents. If the goal is truly to get
273 information or testimony, our chair is failing. But as has
274 been repeatedly said, if the goal is for political theater,
275 we are winning.

276 Chairman Schiff also threatened to subpoena the special
277 counsel before the July break. He fulfilled his promise,

278 and, in doing so, forced the chairman's hand. Now, instead
279 of having a hearing where all of our members get to ask
280 Robert Mueller questions, we are having our legs cut out from
281 under us by limiting the questions. Not all Republicans
282 members will be able to ask questions, and not all Democrat
283 members will be able to ask questions. This odd format is a
284 result of the chairman not taking seriously this information
285 and moving forward, and we are all here to suffer. In fact,
286 let me just bring up it is against House Rules, but that is
287 another problem. We have never had a problem with here, it
288 seems like, in the last 6-and-a-half months, and the Democrat
289 members of this committee are not happy about it.

290 Today's subpoena binge is an effort to change the
291 narrative. It is a show of force. It is a chance for the
292 chairman to prove to his rank and file and the rest of the
293 Democratic caucus that we can be tough on the Trump
294 Administration after being pushed around for 6 months. Today
295 is a chance to show that we have what it takes, and we will
296 not bow in the spotlight. However, the truth is at this
297 point next week, a hearing on one of the largest, most-
298 talked-about investigations in 2 years, and this committee
299 got rolled. The Intel Committee gets to ask all their
300 questions. This committee does not. This committee gets to
301 divide into haves and the have nots. We are all elected,
302 both sides. This is a farce, especially when it flies in the

303 face of a 5-minute rule that is conveniently being ignored.

304 Here we go again, and, as I have had to say for the past

305 6-and-a-half months, let the show begin.

306 Chairman Nadler. Thank you, Mr. Collins. Without

307 objection, all other opening statements will be included in

308 the record.

309 [The information follows:]

310

311 Chairman Nadler. I now recognize myself for purposes of
312 offering an amendment in the nature of a substitute. The
313 clerk will report the amendment.

314 Ms. Strasser. Amendment in the nature of a substitute
315 to a resolution offered by Mr. Nadler. Strike all after the
316 resolving clause and insert the following: "that upon the
317 adoption of this resolution, the chairman of the
318 committee" --

319 Chairman Nadler. Without objection, the amendment in
320 the nature of a substitute will be considered as read and
321 shall be considered as base text for purpose of amendment.

322 [The amendment in the nature of a substitute of Chairman
323 Nadler follows:]

324

325 Chairman Nadler. I will recognize myself to explain the
326 amendment.

327 My amendment in the nature of a substitute makes no
328 substantive changes to the resolution. It simply makes a
329 technical revision to former Attorney General Sessions' name
330 as stated in the resolution. Therefore, I urge adoption of
331 the amendment, and I yield back the balance of my time.

332 I now recognize the ranking member of the Judiciary
333 Committee, the gentleman from Georgia, Mr. Collins, for any
334 comments he may have on the amendment in the nature of a
335 substitute.

336 Mr. Collins. Thank you, Mr. Chair. I have no real
337 comments about the amendment in the nature of a substitute
338 except, I mean, the broadness of this, the lack of
339 specificity of this, the understanding of looking at it and
340 saying what do we want. And also, as I stated in my opening
341 statement, we are here again for show. This committee is
342 being run by press release when we can't do substantive work.
343 This is not the way are subpoenas are supposed to work. This
344 is not the way congressional oversight is supposed to work.

345 And for those of us who hope to be in the majority again
346 one day, quit ruining it for the rest of us because this is
347 not the way subpoenas are supposed to work and oversight is
348 supposed to happen. There has been no follow up on many of
349 these. Some of these have never even gotten the first

350 request, and the ones who have responded are now getting
351 served with another subpoena. Wow, let's keep going. I
352 yield back.

353 Chairman Nadler. Are there any amendments to the
354 amendment in the nature of a substitute?

355 [No response.]

356 Chairman Nadler. In that case --

357 Mr. Chabot. Mr. Chairman? Mr. Chairman, move to
358 strike the last word.

359 Chairman Nadler. Mr. Chabot. The gentleman from Ohio.

360 Mr. Chabot. Thank you, Mr. Chairman.

361 Chairman Nadler. For what purpose does the gentleman
362 from Ohio seek recognition?

363 Mr. Chabot. Move to strike the last word.

364 Chairman Nadler. The gentleman is recognized.

365 Mr. Chabot. Mr. Chairman, despite the fact that
366 millions and millions of taxpayer dollars and 22 months were
367 spent on an investigation and a report that determined that
368 there was no collusion by the Trump Campaign with Russia, and
369 the Attorney General concluded that there was no obstruction
370 of justice, the majority continues on what clearly is a
371 fishing expedition, yet more subpoenas here today. I agree
372 completely with the ranking member. This is much ado about
373 wasting this committee's time and avoiding other issues which
374 are within our jurisdiction, which we continue to avoid. It

375 is really a faux impeachment, a fake impeachment to satisfy
376 the hardcore Democrat base who hate this President, who
377 despise the fact that he is still in White House, and, in
378 fact, despise the fact that he was ever there.

379 Now this committee has allowed itself, as the ranking
380 member said, to be rolled, run over roughshod by the
381 Intelligence Committee. It is really embarrassing for a
382 committee that really has had significant stature in this
383 House for so many years. Rather than wasting more time on
384 this fishing expedition, we could be spending our time on
385 things that really matter, on that things that would actually
386 benefit the American people.

387 For example, we had nearly a quarter of a million people
388 enter our country, flow into this country at our southern
389 border over the last 2 months alone. Think of that: a
390 quarter of a million people in 2 months. And most of those
391 came in through our flawed asylum process, which we ought to
392 be able to come to some bipartisan agreement if we would
393 actually talk about it, discuss it, have hearing on that
394 issue. It is so flawed, we have people that are paying drug
395 cartels to come here. The money is flowing back there. When
396 these people are coming in at one point, people are literally
397 coming down. You can watch TV. They are coming down, loaded
398 with drugs in boxes right down the way from that because our
399 border is too unprotected at this point and putting the

400 American people at risk.

401 Immigration, asylum, et cetera, is within the
402 jurisdiction of this committee, but we essentially ignore
403 that over and over again, and, as I said, the cartels are
404 making huge amounts of money at this. This is putting the
405 American people at risk. We had 70,000 people who died of
406 drug overdoses last year. Seventy thousand people, drug
407 overdoses, most of it opioids, much of it fentanyl, for
408 example. And that issue is essentially ignored by this
409 committee.

410 Those people, by the way, when they come here, they are
411 told the so-called magic words by the cartels, again, who are
412 making the money. They come into the country. They are
413 given a court date 2 to 5 years down the road. About 10
414 percent actually show up for the court date. The other 90
415 percent or so completely ignore it. They are put on a bus or
416 a plane, shipped off to someplace in the country, our
417 congressional districts here, and they essentially disappear
418 into the population.

419 And that photo, which I think it hit us, that father and
420 that young child that died, that drowned coming into our
421 country, horrible incident, never should have happened. But
422 we should not forget that our policy is they remain, or our
423 lack of policy, lures these people to our country. The young
424 women, the mothers and fathers who literally give birth

425 control knowing that their daughters, there is a reasonably
426 good chance that they are going to be raped by the coyotes or
427 the other people that are bringing them up here. So it is
428 just horrific.

429 That is the kind of stuff that we ought to be dealing
430 with, but instead, more subpoenas, more wasting this
431 committee's time. It is really a shame. This committee
432 ought to be better than this. It has been in the past.
433 Hopefully it will be in the future. And I yield back.

434 Chairman Nadler. For what purpose does the gentlelady
435 from Texas seek recognition?

436 Ms. Jackson Lee. Mr. Chairman, to strike the last word.

437 Chairman Nadler. The gentlelady is recognized.

438 Ms. Jackson Lee. Thank you. Mr. Chairman, just a
439 little chronological history. Let me acknowledge the
440 importance of this subpoena on a number of bases, but my
441 friends on the other side of the aisle, and certainly those
442 who were here in 2013, remember that the brunt of what we are
443 facing today falls at the very feet of this House and the
444 Republicans, because in 2013, there was a bipartisan bill
445 that came to the House from the Senate, 68 to 32, led by John
446 McCain. I think even Chairman Graham was on the bill, now
447 chairman of the Senate Judiciary Committee, and that was to
448 address the problems of the American people as it relates to
449 immigration.

450 It was a pathway to citizenship, and the members of this
451 House, Democrats, were prepared to work with the bill. We
452 had a bill, and we were prepared to work with the bill and
453 then go to conference. But the Republicans didn't want to
454 answer the call of the American people to fix the broken
455 immigration system.

456 Now, I have just come back from the border, and I can
457 assure you that children are still being separated from their
458 families. Children are still being housed, and the reason
459 why they are housed as children labeled "unaccompanied,"
460 because I asked the question did they become unaccompanied
461 because you separated them from their families. Yes, that is
462 how they became unaccompanied. And so it is important to
463 note the zero policy us still effectively undermining. What
464 I think the American people are most outraged about is that
465 is the care and responsibility for these children.

466 Now, if you go and talk to migrants one-on-one, they
467 will tell you that, as they told me, their son was murdered.
468 They went to the grocery store and came back, and saw their
469 nieces and nephews drugged by someone who had broken into
470 their house, and they had to escape with their lives. These
471 are migrants who are on the other side of the border in
472 Juarez. The policy that the President says that is working,
473 I have no quarrel with the Mexican government. They did
474 whatever they had to do diplomatically, but there are no work

475 permits. There are no facilities that these migrants are
476 supposed to stay in. They have no guarantee that they won't
477 be thrown out into the street because there are no places for
478 them to stay. There is no healthcare. And, yes, they are
479 human beings.

480 So it is important for us to be able to utilize our
481 authority, our oversight responsibility, to ensure that the
482 *Flores* case is adhered to, that there is a short-term
483 custody. Now we understand that there is a massive \$700-per-
484 child day private prison being built somewhere with no
485 authority from the United States Congress, wasting money,
486 reprogramming, taking money. But yet they couldn't take
487 money, Mr. Chairman and Ranking Member, they couldn't take
488 money to answer the call for toothpaste and toothbrushes
489 They couldn't reprogram the money in the DHS. They continue
490 to whine about the Congress was not responding. That is not
491 accurate. Our hearts were torn. The American people are
492 torn. They are concerned about these children. It is
493 crucial for us to respond to them.

494 And then to deal with the litany of individuals from Mr.
495 Dearborn, Flynn, to Jody Hunt, Mr. Kushner, Kelly,
496 Lewandowski, Porter, Rosenstein, Mr. Sessions, Mr. Davidson,
497 and Mr. Howard, Dylan Howard, and Pecker, to be able to
498 continue the oversight that is the responsibility of this
499 committee because the American people are asking to be

500 informed in a way that they can understand the enormity of
501 what has occurred in this Administration. We may soon hear
502 an announcement about the Census in complete contrary to the
503 Supreme Court decision. This Administration will stand up to
504 the Supreme Court and tell them that they are not worthy of
505 their name and begin to issue executive issues on the
506 question of citizenship on the Census.

507 So I don't have any doubt that this subpoena is for non-
508 political purposes. It is for purposes of information, and
509 it certainly is for purposes of dealing with the important
510 question of the responsibility of this Judiciary Committee.
511 And finally, I would argue the point that offers of pardons
512 and questions regarding Homeland Security officials are
513 important inasmuch as, Mr. Chairman, they are announcing
514 raids that are going to frighten everybody and maybe put
515 everyone in danger and separate more children from families
516 again. I think that it is important that we move forward
517 with this resolution for a subpoena. With that, I yield
518 back.

519 Chairman Nadler. For what purpose does the gentleman
520 from Texas seek recognition?

521 Mr. Gohmert. Move to strike the last word.

522 Chairman Nadler. The gentleman is recognized.

523 Mr. Gohmert. Thank you, Mr. Chairman. Very quickly,
524 since this is about the subpoenas, let me just first respond.

525 There is, and I am glad to see my friends on both sides of
526 the aisle or other side of the aisle join us on this side of
527 the aisle in acknowledging there is a crisis on our border.
528 We have been battling. While in the majority we had a few
529 join the Democrats that didn't want to secure the border.
530 But the failure to secure the border is what has caused this
531 crisis. The promises of legalization, amnesty, better living
532 conditions, all these kind of things have continued to lure
533 more and more people here.

534 Now, if we didn't have immunity in Congress, then you
535 could have the survivors of those who have died trying to get
536 here or the hundreds of thousands potentially that have been
537 personally harmed, raped on the way here, maybe millions,
538 they would have lawsuits against members, but we have
539 immunity. But we know in our evolved system of justice that
540 if you have, for example, a swimming pool in your yard and
541 you fail to put a fence around it or a wall, and somebody
542 comes in and is harmed, drowned, they have a potentially
543 major verdict they are going to get against the individuals
544 who refused to put a wall or a fence around an attractive
545 nuisance. That is the legal term, not mine.

546 That is what has been created by our friends across the
547 aisle, an attractive nuisance that has lured people to their
548 deaths, to horrible living conditions. And then when this
549 Administration is begging for beds to take care of these

550 people, we were told that the crisis created by the refusal
551 to secure our border didn't exist. Oh, it is a manufactured
552 crisis. It doesn't exist. And so I am glad at least we now
553 have those people that stuck their head in the sand and said
554 there was no crisis now acknowledging that there is a crisis.
555 But let's be real about what created it and what will solve
556 it, and continuing to encourage people to come from around
557 the world in greater numbers than ever is not the fix.

558 Now, with regard to these subpoenas, if I put my role
559 and robe back on as a judge or chief justice and think about
560 it, because that is the way you have to look at these things,
561 will a Federal court enforce the subpoenas? You would want
562 to see what was the process. What is this about? Well, it
563 is about the Mueller report. Well, what did you do? Well,
564 we first subpoenaed Barr because he said it was a summary.
565 He said it was just to get out the conclusions because he
566 knew the report was coming. But we subpoenaed him even
567 though that is totally irrelevant if you want to know what
568 the report said.

569 And then we finally got around to having an agreement
570 for Mueller to come testify. But I am telling you, if you
571 had told me 6 months ago that Chairman Schiff would be able
572 to marginalize the Judiciary Committee and Chairman Nadler, I
573 would say that will never happen. I found out otherwise.
574 Our committee has been rolled on our jurisdiction over

575 special counsel. That is our jurisdiction. The members on
576 both sides of the aisle ought to all be able to ask questions
577 and not be marginalized by the chairman of the Intelligence
578 Committee, but we got rolled.

579 And so if you are the court looking to see, because
580 about the only other way to enforce a subpoena and a contempt
581 would be if you arrest them and put them in our little cell
582 up here. But otherwise, you got to get a Federal court on
583 board here with you, and when they see the process that has
584 been followed here, it doesn't make sense. It makes it clear
585 maybe the subpoena is an effort to make it look like we are
586 trying to get back our jurisdiction from the Intelligence
587 Committee. But whatever the case, this is going to damage
588 future majorities regardless of which side of the aisle. It
589 is a terrible precedent, and that is why these subpoenas
590 should not be coming now. Instead we ought to be demanding
591 full time to question Mueller about the report, then issue
592 subpoenas if necessary for the witnesses that make up that
593 report if we are not satisfied with Mueller.

594 That would impress a judge, and short of that, these
595 subpoenas will be meaningless. I yield back.

596 Chairman Nadler. For what purpose does the gentleman
597 from Florida seek recognition?

598 Mr. Deutch. I move to strike the last word.

599 Chairman Nadler. The gentleman is recognized.

600 Mr. Deutch. Thank you, Mr. Chairman. Mr. Chairman, I
601 can't start without just making clear what everyone on this
602 committee knows, what everyone in America knows. The United
603 States of America is not attractive nuisance. The United
604 States of America is a beacon of hope and opportunity to
605 people around the world as it has been since our founding.

606 Now, I strike the last word to speak out strongly in
607 support of the subpoena authorization. I would expect
608 bipartisan support for these authorizations, first, for the
609 list of individuals related to the committee's investigation
610 into obstruction of justice, public corruption, and other
611 abuses. I have heard many times from my Republican
612 colleagues on the other side of this dais that they don't
613 want expert witnesses. They want the people who were there.
614 Well, this list should satisfy them. These are the key
615 players both in our ongoing investigation and in the Mueller
616 report. That is exactly, exactly what my Republican friends
617 have been asking for.

618 Up to this point, unprecedented obstruction by the White
619 House has blocked testimony and appearances by the people who
620 were there. But we will not stop in the face of baseless
621 claims of immunity or privilege. I thank the chairman for
622 his continued work in pressing this committee's work forward,
623 and I hope that the minority will join us as we continue this
624 important investigation.

625 Secondly, this authorization also authorizes subpoenas
626 for information related to the detention or short-term
627 custody of children and/or families by the Trump
628 Administration. That is the Administration whose policy
629 dictated tearing kids from their parents. It is the same
630 Administration that has put kids in cages. Mr. Chairman, in
631 the days before the committee's February 26th hearing on
632 immigrant detention, the Administration dumped thousands of
633 pages of documents on the committee. Within those pages, we
634 found reports of incidents of sexual assault and misconduct
635 involving unaccompanied children in the care of the Office of
636 Refugee Resettlement. Those incidents included 154 staff on
637 unaccompanied minor allegations of sexual assault. And now
638 this week, NBC News reported new allegations against Customs
639 and Border Patrol agents. A 16-year-old boy alleged that the
640 sleeping mats were removed from his cell after he complained
641 about the drinking water. A 15-year-old alleged that she was
642 sexually assaulted by a CBP officer when he groped her in
643 what was meant to be a routine pat down.

644 While some of these incidents are reportedly under
645 investigation by DHS' Office of Inspector General, they
646 demand full congressional oversight and swift accountability.
647 We cannot, we cannot stand by and hope that the Trump
648 Administration does the right thing because time and time and
649 time and time again they do not, and it is children who are

650 paying the price. Kids. Innocent kids. We have seen it
651 with our own eyes. Many of us have seen the conditions these
652 children are kept in from Texas to my own State of Florida.

653 We cannot stand by and think that the inspector general
654 will just simply handle it. We can't stand by and wait for a
655 response to our multiple letters. This is urgent. We cannot
656 stand by and ignore our duties as an independent branch of
657 government. And, Mr. Chairman, we absolutely cannot stand by
658 and allow human rights to be violated beneath the American
659 flag. If the Administration is going to continue its
660 unprecedented obstruction, we will continue to respond.

661 Today we authorize an important step forward in providing
662 oversight of an Administration that simply must be reined in.
663 I thank the chairman for his leadership, and I yield back the
664 balance of my time.

665 Mrs. Lesko. Mr. Chairman?

666 Chairman Nadler. The gentleman yields back. For what
667 purpose does the gentlelady from Arizona seek recognition?

668 Mrs. Lesko. Thank you. Mr. Chairman, I move to strike
669 the last word.

670 Chairman Nadler. The gentlelady is recognized.

671 Mrs. Lesko. You know, Mr. Chairman and members, I am
672 absolutely disgusted by the obsession that is going on here
673 of trying to undermine the President of the United States.
674 You know, and then to hear that, you know, the Republicans

675 aren't doing anything about immigration. Are you freaking
676 kidding me? I mean, we have immigration bill after
677 immigration bill that members have submitted are in front of
678 this committee that have not even been heard that could help
679 solve this problem.

680 And then I am really irritated that next we are going to
681 be questioning Robert Mueller and I don't even get a chance
682 to question him? This is just plain wrong. I have been
683 elected just like anybody here, and for the leadership on
684 this committee to decide that only certain members and there
685 is only time for certain members to be questioned even on
686 your side of the aisle is just plain wrong. And I yield back
687 my time.

688 Chairman Nadler. The gentlelady yields back. The
689 gentlelady from California. For what purpose does the
690 gentlelady from California seek recognition?

691 Ms. Bass. Mr. Chair, I move to strike the last word.

692 Chairman Nadler. The gentlelady is recognized.

693 Ms. Bass. Let me just begin by saying that I think for
694 the last several years until January of this year,
695 Republicans controlled the presidency, the Senate, the House,
696 and comprehensive immigration reform was not passed.

697 Earlier this year, there was a child welfare case in
698 California involving the abuse and captivity of 13 children.
699 The parents were charged with abusing and imprisoning the

700 children, only allowing them to eat once a day and to shower
701 infrequently. These parents are serving life in prison for
702 their crimes against their children.

703 Today the Department of Homeland Security is imprisoning
704 children in crowded cells for extended periods of time
705 without adequate food, supervision, medical attention, or
706 access to basic hygiene needs, like soap, toothpaste, and
707 toothbrushes. Children are suffering in detention from the
708 flu, chickenpox, and measles. In every State in this
709 country, this is child abuse, child neglect, medical neglect.
710 A State child welfare agency would remove the children from
711 these conditions and arrest the parents. By the way, it is
712 never routine for an adult male to pat down a female child.
713 That is never routine. We cannot tolerate State-sponsored
714 child abuse.

715 The Department of Homeland Security says they don't have
716 the money to treat the children better? We provided \$4.6
717 billion to address the humanitarian crisis at the border and
718 specifically said that the money could not be spent to build
719 additional detention centers. Yet DHS is expanding for-
720 profit -- for-profit -- immigration detention centers in
721 States far from our southern border. They found money to
722 expand for-profit detention centers, but somehow they don't
723 have the money to provide soap, toothbrushes, and medical
724 attention for children?

725 John Kelly, President Trump's former chief of staff and
726 Secretary of Homeland Security during the Family Separation
727 Pilot Program, now serves on the board of the company that
728 was handed a \$341 million no-bid contract to run the
729 Homestead Center, an influx detention center for children.
730 The company that runs the center charges \$775 per day per
731 child, yet children in detention have access to only the most
732 basic services and then oftentimes not. There are foster
733 parents in this country who don't get \$775 a month to care
734 for a child.

735 The untold story of this debacle is the corrupt windfall
736 of dollars that businesses are making. In February of 2018,
737 I received a report in my office that a large number of
738 infants and toddlers were sent to the Office of Refugee
739 Resettlement Services. These are services designed for older
740 children who typically arrive at the United States border
741 alone. We couldn't understand how infants and toddlers were
742 crossing the border alone. They weren't coming alone. They
743 were stripped from the protective arms of their family when
744 they crossed the border together.

745 More than 2,500 children were separated from their
746 families under the Administration's zero tolerance policy.
747 The Administration said that this policy was ended, but it
748 was not ended. Children are still being separated from
749 grandparents, from aunts, uncles, siblings, and in whose

750 world are these not families? It is a lie that the
751 Administration ended this policy of breaking up families.
752 This is about punishing children and families so they can
753 send a message back to their Central American countries to
754 not come to the United States.

755 CBP agents don't have adequate training to determine
756 whether a child is abused, and there are no clear standards
757 for what criminal convictions constitute a danger to a child.
758 There is no due process and no judge to determine the beset
759 interest of children at the border. We are using law
760 enforcement to address a humanitarian crisis. I have been to
761 refugee camps in South Sudan and Uganda. Children are never
762 separated from their parents. What is going on at the border
763 is an embarrassment to our Nation. There is a crisis at the
764 border, a crisis that has been fueled by an Administration
765 that refuses to address the root causes. Why do people leave
766 their countries? Dollars should go to help the Central
767 American countries, not cut aid.

768 We need these subpoenas to get all the facts about the
769 family separation policy and to get the facts about how
770 agencies are awarding contracts. The Administration hasn't
771 responded to our letters, and we now need subpoena authority
772 to end the unconscionable treatment of children, immigrants,
773 and asylum seekers. Thank you. I yield back my time, which
774 has expired.

775 Chairman Nadler. I thank the gentlelady. For what
776 purpose does the gentleman from California seek recognition?

777 Mr. McClintock. I move to strike the last word.

778 Chairman Nadler. The gentleman is recognized.

779 Mr. McClintock. Thank you, Mr. Chairman. The hypocrisy
780 in this room is staggering. To accuse the dedicated men and
781 women who serve our Nation in the Border Patrol as child
782 abusers is simply despicable. They are doing everything they
783 can under the most difficult of circumstances to provide for
784 the needs of these children who have been brought here
785 illegally, in large part in response to the promises of free
786 healthcare, free legal representation, even being shielded
787 from deportation after committing crimes in this country. To
788 equate our Border Patrol to child abusers, I think just goes
789 beyond the pall.

790 And to hear claims of kids in cages under Trump. I
791 would bring to the majority's attention the report yesterday
792 in the *New York Post*, which pointed out the Democrats on the
793 House Oversight Committee sent out a pair of tweets Wednesday
794 and earlier this month with photos of migrants sleeping at a
795 detention to publicize in an immigration hearing in Capitol
796 Hill. Just one problem. The pics were snapped in 2014
797 during the Obama Administration. The Dems deleted the two
798 messages and claimed it was an error. I think a lie would be
799 more appropriate.

800 Mr. Chairman, this is a committee that has been chaired
801 in the past by giants of our history, men like James
802 Buchanan, Daniel Webster. When we speak of an abuse of
803 power, I think the real abuse of power is right before us
804 today. Twelve thousand pages of material have already been
805 produced for this committee. I wonder if we have even read
806 them. Three of the 12 subpoenas are of people for whom we
807 have not requested any information yet whatsoever.

808 When the subpoena process is abused to this extent, it
809 cheapens the moral and legal authority of all subpoenas of
810 the House and the moral standing and authority of the
811 Judiciary Committee that it may very well need to summon in
812 the future. In fact, I think our stature has already been
813 diminished and compromised. We have seen that already, the
814 dramatic truncating of our legitimate authority to question
815 the special counsel. This committee has already been
816 eclipsed, I think, precisely because of the way it has
817 comported itself, and that is obviously a decision that has
818 been made by the Democratic leadership.

819 The executive and legislative are separate and co-equal
820 branches. They cannot interfere with the internal functions
821 of the other. And the frivolous and indiscriminate abuse of
822 the House's subpoena power can only be interpreted as an
823 attempt to interfere with the executive's function by tying
824 down key officers with unlimited demands to produce

825 paperwork. And this is not a new issue. Congress has tried
826 to do the same thing to Truman, Eisenhower, Johnson, Carter,
827 both Bushes, and Obama with the same results, and the courts
828 consistently backed the presidency. The Congress even tried
829 to subpoena Truman and his subordinates after they left the
830 White House, and the courts said the same immunity applies.
831 If this is an impeachable offense, then I think every
832 President since I was born would have been impeached.

833 I think the Democrats on this committee are suffering
834 from what the Air Force calls target fixation. That is the
835 phenomenon when pilots focus so much on the target that they
836 fly their plane into a mountain. Many of their candidates in
837 Trump districts ran as self-described problems solvers.
838 Instead, I think people are seeing they are not problem
839 solvers, but troublemakers, and they are the ones who are
840 going to be most likely held to account. The first calls for
841 Trump's impeachment came 1 week after the 2016 election. Our
842 chairman was caught openly plotting impeachment just days
843 after the 2018 election put him in charge of the Judiciary
844 Committee.

845 Mr. Chairman, democracy depends on the willingness of
846 all sides to accept the result of an election, and that
847 didn't happen this time, and that is a very dangerous
848 phenomenon in a Nation like ours. And meanwhile, the violent
849 crime rate is rising, we have a crisis on the border, all

850 matters that are under the jurisdiction of the Judiciary
851 Committee, and all matters that have been unaddressed by the
852 Judiciary Committee. In fact, to make matters worse, we just
853 passed three bills out of committee last month to grant
854 amnesty for millions of illegal aliens already in our
855 country, which is sure only to attract more to attempt the
856 dangerous and illegal crossing into our southern border.

857 Chairman Nadler. Would the gentleman yield for a
858 moment? Would the gentleman for a moment?

859 Mr. McClintock. I am happy to yield all of the time
860 that I have left.

861 Chairman Nadler. Would the gentleman yield for a
862 moment? Thank you. I just want to agree with the gentleman
863 that this committee has in the past been chaired by giants,
864 but I would hardly consider James Buchanan among the giants.

865 [Laughter.]

866 Chairman Nadler. I thank the gentleman for yielding.
867 The gentleman's time has expired. For what purpose does the
868 gentlelady from Washington seek recognition?

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

870 Chairman Nadler. The gentlelady is recognized.

871 Ms. Jayapal. Thank you, Mr. Chairman. June 10th, 2018.
872 That is almost 13 months ago, and that was the day that I
873 became the first member of Congress to talk to family members
874 who had been separated from their children. I went into a

875 Federal prison where they were being held just south of my
876 district. And I will tell you, I wouldn't have gotten access
877 to that place had it been a for-profit detention center, but
878 it happened to be a government Federal prison. And they
879 actually believe in being accountable to the people that give
880 them money.

881 So I was able to get in and talk to over 226 mothers and
882 fathers who had been separated from their children, separated
883 at the border, at that point sometimes for 3 weeks, 4 weeks.
884 They did not know where their children were. Mothers who
885 told me that they could hear their children crying for them,
886 and they could not go to them. Mothers who told me they were
887 given slips by the immigration enforcement agents with the
888 names of their children on those slips, except guess what?
889 Those weren't their children. Do you know why? Because the
890 immigration system, because the entire Health and Human
891 Services system, nobody knew whose children belonged to who.
892 Nobody had kept track of them. Nobody had planned for this.
893 Nobody knew what was going on. And, in fact, if they did,
894 they had actually told the higher ups not to do this because
895 it would cause lifelong damage to those children.

896 And, Mr. Chairman, we had Commander White here who
897 testified to that with Scott Lloyd sitting right here next to
898 him, that he told Scott Lloyd that this would cause
899 irreparable long-term damage to these children to be

900 separated, in some cases for 7 and 8 months now. And you
901 know what Scott Lloyd did? Nothing. Nothing. And on June
902 13th, 2018, 2 days later, I was in this committee, this
903 committee, sitting right there controlled by Republicans when
904 this Republican majority refused to do a darn thing about
905 these family separations. Not a single hearing. Not a
906 single hearing.

907 And you know what? The country was outraged. It wasn't
908 just Democrats. Two weeks after I went to see those
909 children, working with organizations on the outside, working
910 with people who were outraged by what was happening because
911 this is not any kind of America, not a Republican America,
912 not a Democratic America. Half a million people turned out
913 into the streets to protest the family separation policy, the
914 zero humanity policy. Laura Bush wrote a compelling op-ed.
915 Franklin Graham, the evangelical, spoke out. The churches
916 spoke out. But you know who didn't? Do you know where there
917 was complete silence on the issue of family separation?
918 Right here in this committee from the Republican majority.
919 Right here in this committee.

920 So, Mr. Chairman, these subpoenas are not just
921 appropriate. They are absolutely essential. Essential. We
922 have had no accountability around this Trump Administration's
923 zero humanity policies, and we now know that the youngest
924 child who was separated from his parents was only 4 months

925 old. Four months. We don't know this because the government
926 disclosed this information. We know it because of a *New York*
927 *Times* investigation. And according to the *New York Times*,
928 immigration officials took 4-month-old Constantine away from
929 his family when he requested asylum to an immigration officer
930 stationed outside the American border. He followed the
931 directions set out by then Secretary Nielsen, but immigration
932 agents still took his son away. Constantine's dad finally
933 agreed to be deported on the condition that he be reunited
934 with his son. Immigration officials told him that
935 Constantine would be returned to him once he was on the
936 plane, but Constantine never came.

937 So despite the claims from the Administration that
938 nearly 500 parents chose to leave without their children, we
939 have a clear example of coercion, of parents doing everything
940 they could to regain custody of their children only for our
941 United States government to deny family unity. But we never
942 had a hearing on family separations in this committee under
943 the Republican majority. We have sent letter after letter
944 after letter. Thank you, Mr. Chairman. Thank you to the
945 Immigration Subcommittee chair, Zoe Lofgren. Thank you to
946 members of this committee, including Ms. Bass, Ms. Jackson
947 Lee, who were with us on a trip to the border last summer.
948 But nothing under the Republican majority.

949 So don't tell me that we have done what we can. We have

950 not done what we need to do, and that is why we need these
951 subpoenas because this Administration is lawless and it
952 trades in cruelty and in money. Let's be very clear that the
953 for-profit detention facility that John Kelly is now on the
954 board of, board of after overseeing the implementation of
955 family separation, is the company that is profiting off of
956 the cruelty to children.

957 So, Mr. Chairman, thank you for doing these subpoenas.
958 I am in full support, and I yield back.

959 Ms. Jackson Lee. Will the gentlelady yield? Would the
960 gentlelady yield?

961 Chairman Nadler. The gentlelady's time has expired. For
962 what purpose does the gentleman from Arizona seek
963 recognition?

964 Mr. Biggs. I move to strike the last word.

965 Chairman Nadler. The gentleman is recognized.

966 Mr. Biggs. Thank you. Thank you, Mr. Chairman. I
967 appreciate it. I do appreciate the passion in this committee
968 This is a committee full of passionate people who think about
969 issues deeply and care deeply. I also had an opportunity to
970 visit multiple detention facilities and holding facilities,
971 and I will tell you, one of the ones I happened to be able to
972 visit was a for-profit private ICE detention facility. And I
973 didn't have the same experience as my colleague, but that is
974 probably unique to me. I get that.

975 These subpoenas seem to be overkill in my mind. It is
976 probably too early. I think that we can get these folks to
977 come in. I think that we can negotiate this. But leaving
978 that aside, I am especially troubled by the format that has
979 been reported to me will be for this upcoming Mueller
980 hearing. So if we start 8 to 10 minutes late for that
981 hearing, if we only have 2 hours, and then we are going to
982 cede it over to the Intel Committee, Chairman Schiff, who is
983 apparently running this in some respects, if we start 8 to 10
984 minutes late as we did this morning, that will lop two people
985 off who won't be able to ask questions if we adhere to the 5-
986 minute rule.

987 But we likely won't because it is not unusual for
988 individuals on the other side to be allowed to go over a
989 minute or two in their questioning, not in the response
990 necessarily of the witness, but in their actual questioning.
991 And if there is some post-testimony commentary, which is
992 sometimes the case as we see, and we have even seen here
993 today, that will further erode the time.

994 So if you happen to be sitting on the bottom row here
995 and you have 1 hour and you have 1 hour, that is the 2-hour
996 limit, that means at 5 minutes you get about 11 people in.
997 But when you start moving to these other things, you start
998 lopping off members of that 11. And if you are not part of
999 the 11, what are you? Well, you are being treated unfairly

1000 and disproportionately.

1001 We have taken the forceful step as a committee, whether
1002 you agree or disagree, to subpoena Robert Mueller, the
1003 special counsel. It is our committee's jurisdiction. It is
1004 not the Intel Committee's jurisdiction. But we have done
1005 this ostensibly because we find his testimony to be valuable,
1006 so valuable that we are going to subpoena him in. But we are
1007 going to constrain the opportunities for members of this
1008 committee to ask questions. That is neither appropriate, it
1009 is neither fair, and, quite frankly, it probably doesn't
1010 comport with the rules of this committee or the House.

1011 The chairman of our committee has said that witnesses
1012 shall not dictate the terms or conditions of their testimony.
1013 But that seems to be what is going on here today. Either
1014 that or Chairman Schiff is dictating, because we are getting
1015 only 2 hours, and then it is going to go to the Intel
1016 Committee. Well, that means not everybody on this committee
1017 is going to get the opportunity, and that means that we have
1018 a hierarchical system, a system that is based on preferential
1019 treatment, quite frankly, by where you sit on the committee,
1020 because if you are in the front row, I happen to be on the
1021 front row. I was just inches from the back row. But it
1022 means that membership of this committee is not democratic,
1023 and we are not going to all be treated equally.

1024 But I know everybody here has questions. The *Washington*

1025 *Times* reported on a couple of my friends who sit on the front
1026 row, asking them, what do you want to ask questions of Mr.
1027 Mueller for, and they stated what they wanted to ask their
1028 questions. Bad news for you because if you sit on the front
1029 row, you are not in that 11 most likely, and that means that
1030 you are probably not going to get to ask questions, the
1031 questions that you told the *Washington Times* that you wanted
1032 to ask, including me. I told them what I wanted to ask.

1033 So the way I view this is if we are really going to go
1034 by the plan that we have heard that has been related to us is
1035 that we are going to get an hour a piece with the 5-minute
1036 rule, that means that my time to ask questions has been ceded
1037 over to the Intelligence Committee instead of this committee
1038 where we have jurisdiction. And that is really, really
1039 wrong.

1040 This is a committee that has a long and storied history,
1041 and we are undermining it by that type of secession to the
1042 other committee and by not allowing us to adhere to the
1043 rules, the 5-minute rule, so everyone gets to ask questions.
1044 With that, I yield back.

1045 Chairman Nadler. The gentleman yields back. For what
1046 purpose does the gentleman from Colorado seek recognition?

1047 Mr. Neguse. I move to strike the last word.

1048 Chairman Nadler. The gentleman is recognized.

1049 Mr. Neguse. Thank you, Mr. Chairman. And with great

1050 respect to my colleague on the other side of the aisle, I
1051 will say I would like to bring this markup back to the
1052 fundamental issue before the committee, which is these
1053 critical subpoenas that we are poised to authorize on the
1054 Administration's dangerous and disastrous zero tolerance and
1055 family separation policies. That is why we are gathered here
1056 in this committee room today. And I share the concerns and
1057 empathize with the frustrations of my colleague,
1058 Representative Jayapal, who I thought articulated the
1059 sentiments of people in my district and in my State very
1060 effectively.

1061 I think many of my colleagues here on the committee know
1062 that I, like many others, am the son of immigrants, that my
1063 parents were refugees from East Africa. And so I understand
1064 the importance of immigrants to our communities and of the
1065 often difficult circumstances that have led many to seek
1066 shelter, refuge, and a home in the United States. And for
1067 some coming to the U.S., it is a desire, and for some it is a
1068 need. Regardless, immigration has certainly made our Nation
1069 stronger in countless ways.

1070 And so I share the outrage by the continuing stories and
1071 the horrific images of the inhumane conditions immigrants at
1072 our border and at detention facilities across the country
1073 have been subjected to. We have heard deeply concerning
1074 reports over the last several weeks being housed in

1075 unsanitary facilities, sleeping on cold concrete floors
1076 without proper medical care, toothbrushes, soap, windows, or
1077 proper nourishment. We cannot allow this treatment to
1078 continue under our watch.

1079 And I will say that these inhumane conditions are not
1080 just occurring on our southern border. They are happening in
1081 facilities across the country, including in my home State of
1082 Colorado. I continue to be alarmed, like many of my
1083 constituents, by basic human rights violations happening
1084 within a private detention facility run in Colorado. GEO
1085 Group is the largest private prison company in the United
1086 States and holds Immigration and Customs Enforcement
1087 contracts to operate immigration detention facilities across
1088 the country.

1089 And as we have heard from my distinguished colleague,
1090 Representative Bass, and many others on the committee today,
1091 these private facilities benefit from limited oversight, and
1092 they operate under a financial interest in which they receive
1093 fixed payments from the Federal government per individual.
1094 So the incentive is monetary, not the health and dignity of
1095 individuals. And so we see the result of that broken and
1096 absurd system when you have at the facility that I mentioned
1097 in Colorado subpar medical care and use of restraints on
1098 folks in solitary confinement, and even the Department of
1099 Homeland Security's own investigators raising various issues

1100 about the facility itself.

1101 And by the way, that is why I also believe this
1102 committee should hold a hearing on detention facilities,
1103 including GEO Group in particular, and why I support
1104 Representative Jayapal's Dignity for Detained Immigrants Act,
1105 which would end these for-profit facilities once and for all.
1106 Ultimately, for all these reasons and more, I think it is
1107 critical that Congress provide critical oversight of the
1108 continuing conditions at our border and of immigration
1109 detention facilities, especially in light of this
1110 Administration's dramatic expansion of enforcement efforts at
1111 the border and numerous reports of detention facilities
1112 providing woefully inadequate medical care.

1113 The subpoena before us today will allow this committee
1114 to ask Administration officials important questions about
1115 these policies and hold them accountable, which it is long
1116 past time for us to do. And so I appreciate the chairman's
1117 leadership on this front as well as representative for the
1118 subcommittee, Chairman Lofgren's leadership. And with that,
1119 I would yield back the balance of my time.

1120 Chairman Nadler. The gentleman yields back.

1121 For what purpose does the gentleman from North Dakota
1122 seek recognition?

1123 Mr. Armstrong. I move to strike the last word.

1124 Chairman Nadler. The gentleman is recognized.

1125 Mr. Armstrong. And with all due respect to my friends
1126 on the other side of the aisle, not all these subpoenas are
1127 for zero tolerance policy, so we are talking about that, and
1128 we are talking about Jared Kushner, David Pecker, Rod
1129 Rosenstein, and we know full well those aren't for those.

1130 So we have spent over two hours in hearings arguing
1131 about whether the attorney general can be held in contempt
1132 for not violating the law. We spent over two hours in these
1133 hearings talking to John Dean and three cable news pundits
1134 about whether there is obstruction of justice. We have spent
1135 over two hours in this committee talking about bipartisan
1136 solutions to the Mueller Report, which -- the nature and the
1137 testimony brought to the hearing changed the day before. But
1138 we are going to spend two hours, and nothing longer, talking
1139 to the guy who wrote the report.

1140 I joined Ranking Member Collins very early on saying,
1141 "Let's bring in Bob Mueller. He is the one who wrote it.
1142 Let's deal with it. Let's go through that. Let's have all
1143 of that." And now we have been dealing with these circus
1144 side-show hearings for months, and we have been doing it
1145 constantly, and it is not because any witness that has been
1146 in front of those tables has had anything substantive to add
1147 to what has gone on in this report. It is a narrative. It
1148 is a messaging hearing. We have done them over and over
1149 again, and I have sat through every one. I try to be in my

1150 chair as much as possible. I try to contribute to the
1151 committee as much as possible.

1152 I find out this morning that next week I have -- my
1153 constituency has no voice in this hearing. None. Not a
1154 single voice. I am not going to be able to participate. And
1155 I am not here to whine and kick dirt. Quite frankly, I don't
1156 think people sent me to Congress to whine and kick dirt. But
1157 I think it is unbelievably disrespectful to every member of
1158 this committee, and I think it is unbelievably disrespectful
1159 to my constituents to put those kind of parameters in place.

1160 So with that I would kind of end on a question, and if
1161 we are going to limit the guy who wrote the report to two
1162 hours of committee time, I am hopeful that we are considering
1163 limiting all of these hearings we have, with these subpoenaed
1164 witnesses, to two hours of time, because if we are not going
1165 to spend more than two hours dealing with Bob Mueller while
1166 he is here, in our committee, then I don't think we should be
1167 spending more than two hours dealing with any of his
1168 underlings that we are trying to pull in front of the
1169 committee for another side show.

1170 So with that I yield back --

1171 Chairman Nadler. Will the gentleman --

1172 Mr. Armstrong. I yield to the ranking member.

1173 Mr. Collins. I thank the gentleman for yielding. You
1174 know, you make a great point. I mean, we had Hope Hicks for

1175 eight hours -- Hope Hicks for eight hours in a transcribed
1176 interview. I am still waiting to hear from the chairman how
1177 he had plans to get around the fact that we are breaking and
1178 violating the rules, the five-minute rule, and only limit it
1179 to 11 people. I guess they are going to pull that magic, oh,
1180 we are going to adjourn. That is not right. It is not right
1181 your members. It is not right to these members.

1182 This committee got rolled -- let's admit it -- and we
1183 are in a position now to where you have got members on our
1184 dais, you have got a lot of members on your dais that I can
1185 see they are excellent attorneys. They would ask great
1186 questions. But this is where we are at, and these subpoenas
1187 -- and I would understand. Look, we have never objected to
1188 having oversight hearings on the border or any part of it.
1189 This prerogative, Mr. Chairman, you can have these, and you
1190 are having some more next week, and there was no need for
1191 subpoenas there.

1192 Again, I think when you just look at it from a legal
1193 perspective and an oversight perspective, the questions
1194 becomes these are so broad in asking what we are looking for,
1195 I mean, come on. This is where we are having a problem. We
1196 needed to change the narrative today, this is what this is
1197 about. This is for that table out over there and for those
1198 on the camera. This is what this is about. We need to have
1199 oversight hearings. We need to do an investigation of the

1200 border. We need to do these things. But also our members
1201 need to be able to talk to Robert Mueller. If he is actually
1202 going to come, then have that conversation. But when the
1203 Intel gets to ask all of their questions, every member will
1204 get to ask questions, we don't. When we have jurisdiction
1205 primary of this, that is a problem. And you can argue that
1206 we need these subpoenas, and I appreciate my colleagues
1207 saying, yes, we need subpoenas. Fine. You are going to have
1208 votes here in a minute to authorize these subpoenas.

1209 But again, let me just go back for just a second. Some
1210 of these have never had contact before, never been contacted
1211 by this committee, and we are leading with a subpoena. Okay,
1212 if that is what we want to do. But at a certain point in
1213 time I think it is a deeper, deeper issue that is very
1214 concerning, is that when over the last number of days we have
1215 been given mixed reports every time we have almost asked on
1216 what this hearing is going to look like next week. Mixed
1217 opinions. First it started off with three different
1218 hearings. First it started off -- and this is straight from
1219 the chairman's mouth to me. But now we are finding out 11.

1220 So, I mean, I guess we just decided that the State of
1221 North Dakota shouldn't have a voice in this. I guess that is
1222 what we are doing. And Florida and others and California
1223 just don't have a voice in this. Don't tell me this is the
1224 best we can get. And also, as I was reminded earlier, and as

1225 the chairman reminded me on several occasions earlier, when
1226 we had these kind of hearings, he leaned over to me and said,
1227 "Witnesses don't get to dictate terms." I guess Chairman
1228 Schiff gets to dictate terms and the witness gets to dictate
1229 terms.

1230 With that I yield back.

1231 Chairman Nadler. The gentleman yields back.

1232 For what purpose does the gentlelady from Florida seek
1233 recognition?

1234 Ms. Muscarsel-Powell. Thank you, Mr. Chairman. I move
1235 to strike the last word.

1236 Chairman Nadler. The gentlelady is recognized.

1237 Ms. Muscarsel-Powell. Thank you, Mr. Chairman. Before
1238 I make my remarks I just want to respond to some of my
1239 colleagues across the aisle. What you hear is not
1240 necessarily passion. When you hear us voicing our concern
1241 for children being detained it is outrage, outrage that so
1242 many of our colleagues refuse to stand up for what is right,
1243 and instead, try to use the criminalization of immigrants to
1244 score political points with your base, and that is something
1245 that is just a very low point in our government.

1246 So I just want to stand here before you to support the
1247 authorization of subpoenas, because it is vital to extracting
1248 basic information from this Administration. What we know
1249 right now is that this Administration has instituted cruel,

1250 inhuman policies against migrants, children, and families.
1251 Thousands of people are being held in overcrowded facilities
1252 at the border. We have seen the horrific images of children
1253 being held in cages, sleeping on concrete floors. Families
1254 continue, until this day, to be separated.

1255 What we do not know is how these detention facilities
1256 are being run, what is actually going on at these camps, and
1257 what the Administration plans on doing to make sure that
1258 migrants and their children are safe, or when they are going
1259 to stop detaining kids in cages.

1260 Homestead, the Homestead detention facility is in my
1261 district, and I have visited that detention facility now
1262 several times. I have made multiple requests for information
1263 about what is happening inside the detention facility. I
1264 have asked about the camp's hurricane plan. Last week I sent
1265 a letter for information on 51 different points about the
1266 conditions at Homestead. Have I received any answers? No.
1267 What I have received is conflicting messages from different
1268 agencies.

1269 On June 26, there was a press release where HHS said
1270 that at the end of May there were 2,200 kids being held at
1271 Homestead, in a prison-like facility. Most of these kids,
1272 about 80 percent of these kids have family members right here
1273 in the United States. However, they are being detained by a
1274 for-profit company because it is to their incentive to keep

1275 these kids locked up. They are making close to \$2 million a
1276 day by keeping these kids locked up in a for-profit detention
1277 facility. So I don't want to hear that the Administration is
1278 running out of funding to deal with the crisis on the border
1279 when they are paying \$775 per kid at the Homestead detention
1280 facility. And then we see kids that have no toothbrushes, no
1281 blankets. It is ridiculous.

1282 Now, what these kids are going through is so shocking
1283 that the Center for Human Rights and Constitutional Law filed
1284 a motion at the end of May in support to enforce the Flores
1285 Settlement Agreement, because they are in violation of the
1286 Flores Settlement Agreement. Some of what we read in the
1287 motion is very disturbing. The Homestead detention facility
1288 has a no-touching policy, and here is a statement from a
1289 child who was held at Homestead:

1290 "The rules here is that you can't touch anyone.
1291 Sometimes when your friend is crying because they can't stand
1292 being here any longer you want to be able to give them a hug,
1293 but you can't because it's against the rules."

1294 Another child described her constant sadness at the
1295 camp:

1296 "I often feel sad and depressed here. I am accustomed
1297 to getting hugs from my family and to having my family say
1298 goodnight to me. I don't have anyone to do that for me here.
1299 I cry in my room some nights. I try to distract myself by

1300 reading the Bible, listening to music, or talking with other
1301 kids. But it is most hard and sad to think about my family
1302 because I miss them a lot."

1303 We have to take into account what harm we are causing
1304 thousands of kids by this Administration, and we have to
1305 remember that these are children that are being held, while
1306 their families are in other places in the country, waiting
1307 for them.

1308 So I would like to ask for unanimous consent to enter
1309 into the record three declarations of children being held at
1310 the Homestead detention facility, that were filed as exhibits
1311 in the *Flores v. Barr* case in the U.S. District Court for the
1312 Central District of California.

1313 Chairman Nadler. Without objection.

1314 [The information follows:]

1315

1316 Ms. Muscarsel-Powell. I yield back.

1317 Chairman Nadler. The gentlelady yields back.

1318 For what purpose does the gentleman from Pennsylvania
1319 seek recognition?

1320 Mr. Reschenthaler. Mr. Chairman, to strike the last
1321 word.

1322 Chairman Nadler. The gentleman is recognized.

1323 Mr. Reschenthaler. Thanks, Mr. Chairman. I just wanted
1324 to say I am really disappointed that when Mueller comes in I
1325 am not going to get to question him. I was looking forward
1326 to it. I read the report. I read the unredacted report.
1327 You know, I think I am qualified to ask questions. I was a
1328 prosecutor in the Navy, defense attorney in the Navy,
1329 practiced law in the civilian world, was a district judge, I
1330 was elected to Congress, and I just thought I would get a
1331 chance to ask Mueller questions.

1332 I also think it is completely hypocritical that we are
1333 letting a witness dictate terms to us. It is a double
1334 standard. When the attorney general wouldn't submit himself
1335 to questioning for staff we held strong and said he had to,
1336 and he chose not to attend. And now Mueller can come in here
1337 and just dictate terms to the committee. I think it makes us
1338 look weak, and again, I think it is inherently unfair that I
1339 don't get to ask Mueller questions.

1340 So with that I would like to turn it over to the ranking

1341 member, Doug Collins.

1342 Mr. Collins. Thank you. Again, the District in
1343 Pennsylvania is absent from the table next week, because of
1344 the agreement made by the majority, again, as we continue
1345 this down this road.

1346 It has been interesting, though, and, look, I agree with
1347 a lot of the discussion. I have said this before and nobody
1348 on our side would disagree about having an oversight hearing.
1349 We are having them again next week. We are having one at
1350 5:30 Monday, and everything that I have seen we didn't have
1351 to subpoena him. The inspector general is showing up. You
1352 know, it is called asking. From an attorney perspective, it
1353 is called asking, and trying to work with it. That is the
1354 way oversight works.

1355 I mean, we have been given some letters that supposedly
1356 were cc'd. We don't remember the letters. So, I mean, we
1357 are just continuing to find out that there has been not a lot
1358 of contact, and especially there can be no doubt that some of
1359 these on the list, especially the names, have never been
1360 contacted for the first time, but we are going to lead with
1361 subpoena.

1362 Again, let me just reiterate, this is about the table to
1363 my right, and the press, because they have to change the
1364 narrative. The narrative was awful going out, and now we are
1365 trying to change the narrative to reclaim what should be our

1366 complete jurisdiction, and we have just let it go, because
1367 now Intel gets to do what they want to do, Chairman Schiff
1368 gets to tell us what we want to do, and that is just a
1369 problem, and there has been no discussion about that.

1370 But also it has been interesting, you know, as we go
1371 forward, again, on immigration, and discussing this, there
1372 are things that we can do. There are things that we can work
1373 on. It would have been nice yesterday to actually have had a
1374 bill that many of us agree on, and I had to -- I reluctantly
1375 voted no on it because I wanted this to actually happen. But
1376 if we had had a mark-up on it, it would have happened. And
1377 even if it had 300-and-something co-sponsors on a caps bill,
1378 to remove those caps, I am all in favor of it.

1379 When you go to the actual agency that is going to put
1380 this out they say it is not workable. It was pointed out to
1381 the majority that this was an unworkable bill, in many cases,
1382 and actually they knew this. They chose to ignore it because
1383 they had to get the bill out. A simple discussion could have
1384 happened, a mark-up, we could have had 400 votes. Instead,
1385 we choose to put out something intel, and basically be
1386 dishonest with the tech community and some of the other
1387 country communities that we actually passed a bill yesterday
1388 that would actually help them. It won't help you because you
1389 it will not work. We want to put a bill that actually will
1390 work.

1391 But anyway, that was the bill yesterday on the floor
1392 that we worked on. I wish we could work on it again.
1393 Hopefully the Senate will see the error in some of this and
1394 we can work on it again, and hopefully we can come back and
1395 we can all vote for it.

1396 But again, the problem we have here -- and I want to
1397 yield back to the gentleman from Pennsylvania. I appreciate
1398 his time -- but again, I am sorry that you are not going to
1399 get to ask questions next week as we go.

1400 Mr. Reschenthaler. Will the gentleman yield?

1401 Mr. Collins. I yield back.

1402 Mr. Reschenthaler. Thank you. I yield to my colleague,
1403 Mr. Gaetz from Florida.

1404 Mr. Gaetz. I thank the gentleman for yielding, and just
1405 to go over what is happening here with my colleagues in the
1406 majority, many of you House Judiciary Democrats have spoken
1407 up in favor of impeachment, and your speaker doesn't support
1408 impeachment. And so what she has done is she has turned
1409 other committees on you. You know, there was the reporting
1410 that came out of your conference where she was saying, "Well,
1411 what are you going to do, send Elijah Cummings home? What
1412 are you going to do, send Adam Schiff home?"

1413 And so what she has done to try to block your access, to
1414 try to go about your impeachment endeavor, is she is taking
1415 the time away from the bottom row of the Judiciary Committee

1416 and giving it to the Intelligence Committee, because if you
1417 centralize the activity in the Judiciary Committee it
1418 accelerates the argument that Chairman Nadler and many of you
1419 have made to the speaker, in your various conference
1420 meetings, about how you have to do this.

1421 So I just want you all to know what she is doing to you.
1422 She is dividing the committee. She is giving your time to
1423 Intel. And, you know, we just think that that is a bad
1424 precedent. We disagree with impeachment, but it is bad for
1425 the committee, whether you are in the majority or we are in
1426 the majority, for the committee to be functionally defrocked
1427 by Intel and then doing so in a way for the speaker to kind
1428 of maintain some tension among your caucus.

1429 So I hope you guys get it sorted out. I yield back to
1430 the gentleman.

1431 Mr. Collins. Will the gentleman yield to me one last
1432 time?

1433 Mr. Reschenthaler. Yes, I yield.

1434 Mr. Collins. And just finishing up here, it is really
1435 interesting. Now they are really excited about this because
1436 we are upset about it as well, and now maybe they can go use
1437 this leverage to try and get something else. Again, it is
1438 not the way you do business. You have already noticed the
1439 hearing, by the way.

1440 I yield.

1441 Chairman Nadler. The gentleman yields back.

1442 For what purpose does the gentlelady from Texas seek
1443 recognition?

1444 Ms. Escobar. Thank you, Mr. Chairman, for holding this
1445 important mark-up.

1446 Chairman Nadler. Does the gentlelady seek to strike the
1447 last word?

1448 Ms. Escobar. Oh, I am sorry. Seek to strike the last
1449 word.

1450 Chairman Nadler. The last word is duly struck. The
1451 gentlelady is recognized.

1452 Ms. Escobar. Thank you, Mr. Chairman. This is a very
1453 important hearing and these subpoenas are critical to our
1454 ability to perform our oversight function. And for me, in
1455 particular, these subpoenas relating to the zero tolerance
1456 policy and what is happening on the U.S.-Mexico border are
1457 especially important.

1458 As you all know, I represent El Paso, Texas, which has
1459 been ground zero for many of the Trump administration's
1460 policies of cruelty, and those policies include child
1461 separation, child detention, and they have resulted in child
1462 deaths. We have had children dying in American custody for
1463 months now.

1464 One of my colleagues, just a little while ago, was
1465 complaining that she perceived us as trying to undermine the

1466 President. Absolutely. Absolutely. Child detention, child
1467 separation, child deaths -- we are absolutely trying to
1468 undermine that. And the only way to get to the bottom of
1469 this abhorrent behavior, of these hateful policies, is by
1470 shining a light on them.

1471 I want to thank so many of my colleagues who have been
1472 to El Paso on congressional delegation visits, colleagues who
1473 have been to Homestead on congressional delegation visits.
1474 We have an obligation to get to the truth. We have an
1475 obligation to expose what is happening in the name of the
1476 U.S. Government.

1477 And with regard to these subpoenas that will help us get
1478 to the bottom of Russian attacks on our democracy, Russian
1479 attacks on our country, foreign meddling in our elections,
1480 and the coverup intended to make sure that that meddling and
1481 that those attacks don't get exposed, it is about time that
1482 we get these subpoenas. It is about time that we get this
1483 information, so that we can protect our elections, so that we
1484 can protect our country and the American people against all
1485 enemies, foreign and domestic.

1486 Mr. Chairman, thank you. I yield back the remainder of
1487 my time.

1488 Chairman Nadler. The gentlelady yields back.

1489 For what purpose does the gentleman from Virginia seek
1490 recognition?

1491 Mr. Cline. I move to strike the last word.

1492 Chairman Nadler. The gentleman is recognized.

1493 Mr. Cline. Thank you, Mr. Chairman. I figured that I
1494 better speak now because I am not going to get to speak next
1495 Wednesday, and it is unfortunate. I am going to speak on
1496 behalf of the whole front row here. I do think it is very
1497 disappointing that our time is being given to the
1498 Intelligence Committee. There is only one of us who is on
1499 both. I commend the gentlelady for being on both. She is
1500 going to get to ask questions. But I hope that she is going
1501 to get to ask her questions, because I am not going to get to
1502 ask mine, and I would like to be able to ask mine because I
1503 have quite a few.

1504 I was in my district over the weekend, town hall
1505 meetings, and those questions were asked by my constituents,
1506 "What questions are you going to ask Robert Mueller?" And I
1507 have several that I would like to ask, and they are not funny
1508 questions. They are very serious questions. But because of
1509 the decisions of this Administration I am not going to get to
1510 ask my questions.

1511 And you know what? My constituents deserve to be
1512 represented at this hearing, because the questions -- the
1513 issues that are being discussed affect my constituents. The
1514 waste of their tax dollars on the investigations continuing
1515 to focus and try and pursue impeachment under the guise of

1516 oversight is ridiculous, in the view of many of them. And
1517 after the Special Counsel found that there was no conspiracy
1518 between the Trump campaign and Russia, this committee
1519 continues to make its -- try and make that case.

1520 So I have a lot of questions for Mr. Mueller about when
1521 he determined that there was no conspiracy between the Trump
1522 campaign and Russia. There is a lot that is not in the
1523 report that we know about. I want to find out the answers to
1524 those questions.

1525 And, yes, I want to also, under the issue of
1526 immigration, try and fix the problems that are at the border.
1527 I am very glad that finally this House took action and passed
1528 aid for the humanitarian crisis at the border, because this
1529 President was calling for an aid package back in May, and
1530 this House did nothing, nothing, to pass legislation until
1531 just a few weeks ago, when after there was a bipartisan bill
1532 that came over from the Senate, this House determined that
1533 they were going to pass a partisan bill out of the House and
1534 delay that aid for that humanitarian crisis.

1535 And it was only after this majority and this speaker
1536 realized that that was going to further delay into the July
1537 Fourth recess, into July, possibly into August and after
1538 August, before any kind of conference could be convened and
1539 worked out with the Senate-passed bill, did the speaker yield
1540 and pass the Senate-passed version.

1541 I am glad that they did. I was proud to vote for it,
1542 because aid is now being delivered to the border to assist in
1543 that humanitarian crisis. I have been saying, since day one,
1544 that there is a humanitarian crisis on the border. Many of
1545 us on this side have been pleading with the speaker to take
1546 action, in a comprehensive way, to address not just the
1547 humanitarian crisis but the enforcement of our borders, which
1548 is an emergency. Thankfully, the President declared an
1549 emergency at the border, long before anybody on the other
1550 side acknowledged that there was an emergency. We have
1551 testimony from folks on the other side ridiculing members of
1552 this side of the aisle for declaring an emergency at the
1553 border, mocking. And to set the record straight is important
1554 on who was calling it an emergency, who was calling for
1555 action to address this crisis, and who, only reluctantly, has
1556 come to the table and said, "Okay, now we are going to vote
1557 to provide aid to address this crisis at the border." So we
1558 need to set the record straight.

1559 With that, Mr. Chairman, I want to yield to Mr. Gohmert.
1560 Mr. Gohmert. Thank you, and in that same vein of
1561 setting the record straight we heard earlier that only 13
1562 months ago, for the first time, ever, did any member of
1563 Congress go talk to people that were being detained. And I
1564 did that numerous times during the Obama administration, in
1565 the same facilities that were built back then. They were not

1566 adequate then and they are not adequate now. But that has
1567 been going on for years, apparently, so my friends across the
1568 aisle just didn't know it.

1569 Chairman Nadler. The time of the gentleman has expired.

1570 For what purpose does the gentleman from Tennessee seek
1571 recognition?

1572 Mr. Cohen. To strike the last word.

1573 Chairman Nadler. The gentleman is recognized.

1574 Mr. Cohen. I think about everything that can be said
1575 has been said, except for the fact that the ranking member
1576 referred to the possible witnesses, Mr. Lewandowski and Mr.
1577 Kelly and Mr. Kushner, et cetera, as being underlings of Mr.
1578 Mueller. They are not underlings of Mr. Muller.

1579 Mr. Collins. Would the chairman -- would the gentleman
1580 yield?

1581 Mr. Cohen. They are not underlings.

1582 Mr. Collins. I did not say that. That is not true. I
1583 never --

1584 Mr. Cohen. I have the floor.

1585 Chairman Nadler. The gentleman -- the gentleman from
1586 Tennessee controls the time.

1587 Mr. Cohen. They are not underlings of Mr. Mueller.
1588 They are direct witnesses of possibly obstruction of justice,
1589 and, therefore, they need to be subpoenaed, they need to be
1590 here, and they need to have as much time as possible. It is

1591 so important that we get the direct witnesses, the best
1592 evidence, to obstruction of justice. Obstruction of justice,
1593 should Mr. McGahn go and tell Mr. Mueller that he is fired;
1594 direct witnesses of people who might have gone to Mr.
1595 Sessions and said "unrecuse yourself"; direct witnesses of
1596 people who might have had knowledge of Mr. Trump dictating a
1597 note to say "I am the greatest ever, and Mr. Sessions should
1598 limit this work to simply what happened in the next election
1599 and not my election"; direct evidence of Mr. Pecker and
1600 buying the silence of Ms. Stormy Daniels; direct evidence of
1601 obstruction of justice with Mr. Pecker being able to tell us
1602 about possibly Miss August and what happened with her, and
1603 why they paid her off after the President said, "I know
1604 nothing about this. I have never heard of this. I never
1605 paid any money. I have never heard of these people," et
1606 cetera, et cetera, et cetera.

1607 So they are not underlings. They are direct witnesses
1608 to crimes, that this committee has a responsibility to
1609 oversee and bring forth if they do exist, to the American
1610 people. And Mr. Mueller will do that too, because he had
1611 four or five instances of obstruction of justice, minimum,
1612 where all three elements were met, and but for the opinion of
1613 the legal office and the Justice Department that the sitting
1614 President of the United States cannot be indicted for crime,
1615 he would have been indicted for crime. He would have been

1616 just as he is in New York State, number one, and he would be
1617 with Michael Cohen. He was an unindicted co-conspirator.
1618 And we have got that situation.

1619 And as far as the border, there are issues. We should
1620 not have to learn about the border from Facebook posts of
1621 agents, that talk about members of Congress in sexually
1622 suggestive terms. That is not where we should be getting our
1623 information. We should be getting it directly from people,
1624 and if the folks from ICE and the folks from our Border
1625 Patrol -- and there are a lot of great folks working there --
1626 can come and give us good information to clear that up, that
1627 is great. And if they can't, that is fine too.

1628 Mr. McClintock is right. There are good people working
1629 there, but it is not going to hurt to have them testify,
1630 because there has been a lot of information that says
1631 otherwise, and there is a lot of information about inhumane
1632 conditions at the border.

1633 So these subpoenas should be issued. We should do our
1634 job, which we did not do. When the Republicans were in
1635 charge we did no oversight. The only oversight they really
1636 did was Benghazi, Benghazi, Benghazi, Benghazi, Benghazi,
1637 Benghazi, Benghazi.

1638 So I appreciate that and I yield --

1639 Ms. Escobar. Would the gentleman yield?

1640 Mr. Cohen. -- my time to the chairman -- I yield to Ms.

1641 Escobar, and I am going to go to the border with her on
1642 August 1st, and I think it is great what you are doing and we
1643 need to go see it for ourselves, and I yield --

1644 Chairman Nadler. The gentlelady from Texas.

1645 Ms. Escobar. Thank you so much. Thank you, Mr.
1646 Chairman. Thank you, Mr. Cohen. And I would invite any of
1647 my colleagues to join me on any of the congressional
1648 delegation visits, please.

1649 I want to clarify something, a myth that is being
1650 perpetrated over and over and over again, that needs to stop.
1651 This idea that the Democratic Party somehow was in denial
1652 about what was happening on the U.S.-Mexico border is really
1653 offensive.

1654 Here is what we were saying. We were saying that we saw
1655 the challenge facing us. I saw the challenge facing us. I
1656 saw it up close, at my front door, my community. When it
1657 became a crisis is when this Administration chose to
1658 implement policies that were cruel. That is why it is a
1659 humanitarian crisis. This country has incredible resources.
1660 DHS has incredible resources. It is not a question of
1661 resources. It is a question of will.

1662 Thank you. I yield back.

1663 Mr. Cohen. And I yield back.

1664 Chairman Nadler. The gentleman yields back.

1665 For what purpose does the gentlelady from Alabama seek

1666 recognition?

1667 Mrs. Roby. I move to strike the last word.

1668 Chairman Nadler. The gentlelady is recognized.

1669 Mrs. Roby. Mr. Chairman, if you will indulge me I would
1670 like to ask you a question.

1671 Chairman Nadler. Yes.

1672 Mrs. Roby. For the benefit of your members and ours, on
1673 both sides of the aisle, I would like for you to lay out for
1674 us what exactly, with respect to the Mueller hearing next
1675 week, what exactly you agreed to, and most importantly, why
1676 you agreed to it.

1677 Chairman Nadler. I am not going to comment on that at
1678 this hearing. It is beyond the scope of this hearing.

1679 Mr. Collins. Call for the question.

1680 Mrs. Roby. All right. I would like to yield the
1681 remainder of my time to the ranking member.

1682 Mr. Collins. Thank you. I appreciate the gentlelady
1683 yielding.

1684 Chairman Nadler. Let me just correct. It is not a
1685 hearing. It is a mark-up. It is beyond the scope of this
1686 mark-up.

1687 Mr. Collins. I am wondering why half of the committee
1688 can't ask questions next week is beyond the scope of a mark-
1689 up, but that is fine.

1690 But, Mr. Cohen -- and I appreciate Mr. Cohen. We have

1691 done a lot of things together but he is entitled to his own
1692 opinion but on his own facts. I have never said "underling"
1693 today. That is not something that I typically use, I have
1694 not said that, so he can find it from someone else who may
1695 have said it but you do not attribute that to the ranking
1696 member, and that didn't happen. This is a whole different
1697 issue we are dealing with.

1698 But also this goes back to something that was said
1699 earlier, because we were actually sent letters saying -- we
1700 have actually outreached, because I made it, in my opening
1701 statement, that a lot of this has never been outreached.
1702 Let's show you how important immigration was to this
1703 majority, that in January they reached out. The next reach-
1704 out was May. The next formal reach-out was May, 20th or
1705 29th, around that time. That is how long it took to reach
1706 back out on an issue that is of very much importance, and we
1707 agree that it is important, but let's don't become, all of a
1708 sudden, saying it is just, you know, something that we need
1709 to do subpoenas on that we have not follow up, and you have
1710 not followed up on it, you have not said that. From January
1711 to May tells me that there were other things on your mind.

1712 When we understand this, the interesting thing, also, is
1713 the fact that, again, with facts being facts, Mr. Cohen will
1714 get to ask questions next week. I don't think you are going
1715 to get to, Mr. Raskin. And you are good. It is strange you

1716 got left out. And also we can't get a reason why either.

1717 I think the interesting thing today is this is just a
1718 continuing freefall of process in this committee, and that is
1719 the sad part that we have today.

1720 With that I yield to the gentleman from Florida.

1721 Mr. Gaetz. The gentlelady from Texas, in her prior
1722 claim of time, said it was offensive to assert that Democrats
1723 were in denial about the crisis on the border. I would
1724 invite my Democratic colleagues to go to my official Twitter
1725 account where I have posed an interview from January 9, 2019
1726 -- it was on CNN, not exactly a hostile network, for you
1727 folks -- and it is -- well, let me just play what the
1728 question was. It is Jim Clyburn, the Democratic Whip,
1729 answering the question.

1730 [Audio played.]

1731 Ms. Dean. Point of order.

1732 Chairman Nadler. The gentleman will suspend for a point
1733 of order.

1734 Ms. Dean. Just -- I guess it is a parliamentary
1735 inquiry. Is it appropriate for a member to just put on a
1736 loop a teeny sound bite out of context? Is that allowed?

1737 Chairman Nadler. The gentleman controls the time. I am
1738 not aware of any rule that would preclude him from doing so.

1739 Ms. Dean. Thank you.

1740 Chairman Nadler. The gentleman is --

1741 Mr. Gaetz. Thank you. I think I still control the
1742 time, and I just think that is quite something, that when you
1743 are fed back your own words, from your own leadership, from
1744 earlier this year, you think that is out of context and
1745 inappropriate and not allowed. Again, we didn't raise the
1746 issue. It was the gentlelady from Texas that said, "These
1747 allegations from Republications that we were in denial, they
1748 are offensive. We have always known of the crisis." And the
1749 Democratic Whip laughed, "Absolutely not." Laughed. Thought
1750 it was laughable. Thought it was funny.

1751 You know who doesn't think it is funny? The Trump
1752 administration, because Secretary McAleenan has been ringing
1753 the warning bell for months about the crisis. He begged you
1754 all to take action more quickly. One of the reasons why so
1755 many young people, so many vulnerable people are in tragic
1756 conditions is because we didn't act when the Administration
1757 wanted us to provide funding that was absolutely necessary to
1758 care for people. And so it is appropriate to question why we
1759 are in these conditions, but it wasn't the Republicans that
1760 were in denial. It was all of you, and it was in your own
1761 words, from your own leadership. Be offended with the
1762 Democratic Whip, not House Republicans.

1763 I yield back.

1764 Chairman Nadler. The gentleman yields back.

1765 Mrs. Roby. It is actually my time. He is yielding back

1766 to me.

1767 Chairman Nadler. The gentlelady from Alabama.

1768 Mrs. Roby. I yield the last 12 seconds to Mr.

1769 McClintock.

1770 Mr. McClintock. Well, just to fill in a few gaps,

1771 Speaker Pelosi called the situation a fake crisis at the

1772 border. Chuck Schumer called it a crisis that does not

1773 exist. Steny Hoyer said there is no crisis at the border.

1774 Hakeem Jeffries said there is no crisis at the border. Our

1775 chairman said there is no crisis at the border. I could go

1776 on but I see the time has expired.

1777 Mrs. Roby. Mr. Chairman, I yield back.

1778 Chairman Nadler. The gentlelady yields back.

1779 For what purpose does the gentleman from Georgia seek

1780 recognition?

1781 Mr. Johnson of Georgia. I move to strike the last word.

1782 Chairman Nadler. The gentleman is recognized.

1783 Mr. Johnson of Georgia. Thank you. I rise in support

1784 of the amendment in the nature of a substitute so that we can

1785 issue subpoenas and get at this zero tolerance policy and

1786 other family separation policies of this Administration. And

1787 I have been listening to all of the crocodile tears being

1788 shed about the inability to question Mueller. I have sat

1789 through the reverse psychology and the psychological

1790 operations that some folks are trying to play, but it does

1791 not detract the American people away from this
1792 Administration's shamed action in implementing inhumane
1793 practices at our border.

1794 President Trump publicly announced, this time last year,
1795 that the family separation policy was over, and that was
1796 after his Administration had stated repeatedly that there was
1797 no family separation policy. And since that time, we have
1798 seen the effects of the child separation policy with
1799 children, hundreds of children, if not thousands, being lost
1800 to their parents. We don't know how many children there are
1801 that remain in the \$775-a-night facilities being inadequately
1802 housed, being inadequately fed, being inadequately clothed,
1803 being inadequately cared for, in terms of toothpaste,
1804 toothbrushes, hand towels, the basic stuff that you give to
1805 even prisoners of war, these child detainees are being
1806 deprived of, and it is all part of the -- you know, we talk
1807 about the military industrial complex. Well, we have a
1808 prison industrial complex in this country. It consists of
1809 the private for-profit prison industry and the Department of
1810 Homeland Security, which is its government supplier of goods.
1811 Who are the goods? It is the children of the immigrants, and
1812 they are being treated worse than POWs. This Administration
1813 has shamed America in the eyes of the rest of the world.

1814 We have heard stories about children dying in the care
1815 of Border Patrol. Men, women, and children arriving at our

1816 borders seeking asylum from places like Honduras, where we
1817 support their military, where their military is engaged in
1818 drug smuggling, where the military is engaged in gang
1819 killings, rapes, terrorism, driving those folks from their
1820 own countries and forcing them to come to our borders. We
1821 are supporting that. And then when they get here and claim
1822 asylum, we are stopping them from claiming asylum. We turn
1823 our backs on them. And those who we can lock up, we fill up
1824 our private for-profit detention facilities with them, and
1825 then we ask the taxpayers for more money, claiming that there
1826 is a crisis at the border.

1827 Well, there is a crisis at the border. It of the Trump
1828 administration's own making, and it has been aided and
1829 abetted by people here, in Congress, who sit here as if they
1830 were hand puppets, and saying what the Administration wants
1831 them to say. And then we get here today, when we are talking
1832 about bringing some of these Administration officials here,
1833 and we get claims -- we get righteously indignant claims
1834 about "I am not going to be able to question Mueller." Not
1835 one person on the other side of the aisle has voiced any
1836 displeasure with the way that the children are being treated
1837 at our border. It is really stunning where we are on this
1838 committee.

1839 I think Congress needs to act swiftly to stymie this
1840 ongoing crisis. Members of Congress who want to visit

1841 migrants in detention facilities are being turned away from
1842 these detention facilities that we are paying hundreds of
1843 millions of dollars to fund. It is not fair. It is not
1844 right. It is not just. We need to bring it to an end.

1845 That is why I support this amendment, and with that I
1846 yield back the remaining one second of my time.

1847 Chairman Nadler. The gentleman yields back. The
1848 gentlelady from Texas is recognized for a unanimous consent
1849 statement.

1850 Ms. Garcia. Thank you, Mr. Chairman. Oh, I am sorry.

1851 Chairman Nadler. I said the gentlelady from Texas.

1852 Ms. Jackson Lee. There are two. I ask unanimous
1853 consent to submit into the record an article in *The New York*
1854 *Times*, "Trump Urged Homeland Security Official to Close
1855 Border Despite An Earlier Promise of Delay," April 12, 2019,
1856 and an article dated June 21, 2019, "There is a stench of
1857 soiled clothes and no bath for migrant children at a Texas
1858 center," *The New York Times*. I ask unanimous consent to
1859 submit that into the record.

1860 Chairman Nadler. Without objection, those articles will
1861 be entered into the record.

1862 [The information follows:]

1863

1864 Chairman Nadler. I now recognize the gentlelady from
1865 California for a unanimous consent statement.

1866 Ms. Lofgren. I just would ask unanimous consent that my
1867 statement indicating that I was in the Science Committee this
1868 morning on a very important hearing on climate change was the
1869 only reason why I was not able to be here this morning, and I
1870 counted on my colleagues to articulate the reason why we need
1871 this information from the department and these witnesses.

1872 Chairman Nadler. Without objection, the statement will
1873 be entered into the record.

1874 [The information follows:]

1875

1876 Chairman Nadler. For what purpose does the gentleman
1877 from Florida seek recognition?

1878 Mr. Steube. I move to strike the last word.

1879 Chairman Nadler. Without objection -- the gentleman is
1880 recognized.

1881 Mr. Steube. Thank you, Mr. Chairman. I honestly don't
1882 know where to start so I will start in responding to the
1883 gentleman from the other side of the aisle on basically
1884 insinuating that Republicans don't care about the
1885 humanitarian crisis at the border, when 176 Republicans voted
1886 for the border humanitarian supplemental and 129 Democrats
1887 voted against it -- or voted for it. So there are more
1888 Republicans that voted for the border humanitarian funding
1889 than Democrats were. So I don't understand this auspice that
1890 we, as Republicans, don't care about the humanitarian crisis
1891 on the border.

1892 I think it is absolutely -- you know, I have only been
1893 in Congress six months. I came from a state legislature,
1894 served eight years in the state legislature in Florida, and I
1895 chaired the Florida Senate Judiciary Committee in a state
1896 where there are 22 million people, and never, as the chairman
1897 of the Florida Senate Judiciary Committee, would I have ever
1898 disallowed members of my committee, the minority or in the
1899 majority, to not have the opportunity to question a witness
1900 of such import as Bob Mueller.

1901 So it is my understanding, as of yesterday I was told
1902 that we would have a closed-door session after the open-door
1903 session, where members who are not in the famous 11 to be
1904 able to question would have the opportunity to question him
1905 in a closed-door setting, so at least we would have an
1906 opportunity, as members of this committee, to ask him the
1907 important questions that I think every member of this
1908 committee should have the opportunity to ask him.

1909 I would think even my colleagues who came in, in my
1910 class, in the Democrats, are a little upset by the fact that
1911 they are not going to have the opportunity to ask one of the
1912 biggest witnesses that has been brought to this committee,
1913 that everybody has been talking about, on both sides of the
1914 aisle, for the last six months, and ask them what questions
1915 they feel is important.

1916 Just like I have a background that lends itself to
1917 asking tough, challenging questions, Mr. Armstrong, Mr. Klein
1918 both good litigation attorneys, Mr. Reschenthaler, who was
1919 also a JAG with me and served around the same time frame,
1920 those people have the opportunity, and should have the
1921 opportunity to properly question a witness before this
1922 committee, and I am very, very troubled by the fact that the
1923 United States House of Representatives Judiciary Committee,
1924 where this chairman has spoken, on several different news
1925 syndicates, about impeachment, and the impeachment

1926 proceedings start from this very committee, every committee
1927 member on this committee is not going to have the opportunity
1928 to question one of the biggest witnesses who opined on the
1929 Mueller Report, and I think that is very, very distasteful
1930 and flies in the face of the five-minute rules and the rules
1931 of this House, the rules of this committee, and the five-
1932 minute rule that allows members of this committee to ask
1933 important questions to important witnesses here.

1934 I just think it is a travesty, and I look forward to
1935 supporting those 11 that get the opportunity to speak, and I
1936 would yield my time to any Republican member. I will yield
1937 my time to Mr. Gaetz of Florida.

1938 Mr. Gaetz. I thank the gentleman for yielding, and
1939 having heard the concern of my colleagues will not have the
1940 opportunity to ask questions, I wonder if there is a way for
1941 us to work together to maybe solve that.

1942 Mr. Chairman, would the chairman entertain a request --
1943 or would the Chairman be likely to entertain a request to
1944 perhaps go from a five-minute rule to a three-minute rule so
1945 that we could get more members involved in the questioning?

1946 Chairman Nadler. The rules of the House and the rules
1947 of the committee provide for a five-minute rule. Nothing
1948 prevents members, on a voluntary basis, from yielding time.

1949 Mr. Gaetz. Yeah. I don't expect us to sort this out
1950 here, on this mark-up.

1951 Chairman Nadler. That is my observation.

1952 Mr. Gaetz. Yeah. But would the chairman be willing to
1953 enter into negotiations with the minority about perhaps a
1954 unanimous consent rule package, before the Mueller hearing,
1955 to maybe reduce the amount of time and increase the member
1956 participation? I am not asking the chairman to commit to it,
1957 but will the chairman entertain those negotiations with the
1958 minority?

1959 Chairman Nadler. The chairman will entertain any
1960 reasonable discussion.

1961 Mr. Gaetz. Well, I would encourage my colleagues then,
1962 on the Democratic side, who might want to ask questions, you
1963 know, to work with us and see if there is a way to create
1964 more member participation, even if that means shortening the
1965 question time. So I look forward to working with you on it
1966 and I yield back to my colleague from Florida.

1967 Mr. Steube. I yield back to the ranking member.

1968 Mr. Collins. I think the issue thing here is it is
1969 really sad that we are having to sit here and even discuss
1970 this. Ignoring time is not -- let's go back to the actual
1971 rules of the House, which I will pose the question and ask
1972 the chairman again if he would like to explain. How do you
1973 actually expect to stop the hearing next week?

1974 Chairman Nadler. I am going to repeat what I said a few
1975 minutes ago. This line of discussion, frankly, is beyond the

1976 scope of this mark-up and I am not going to comment further.

1977 Mr. Collins. That is pretty interesting, because --

1978 Mr. Steube. I am taking my time back.

1979 Chairman Nadler. Excuse me. Let me continue. I have

1980 been very --

1981 Mr. Steube. It is my time. I reclaim my time. This is

1982 my time.

1983 Chairman Nadler. The gentleman asked me a question. I

1984 have been very lenient in permitting people to discuss the

1985 procedures at the Mueller hearing at length, which is beyond

1986 the scope of this mark-up, but I am not going to comment on

1987 it further.

1988 Mr. Steube. This is my last opportunity at reclaiming

1989 my time again, and I lost 30 seconds of it.

1990 Chairman Nadler. The gentleman will be granted his 30

1991 seconds.

1992 Mr. Steube. It is my understanding, because this is the

1993 only mark-up that we are going to have before Mueller, that

1994 us here, on the bottom row, are going to have the opportunity

1995 to bring this issue up in a public setting and talk about it.

1996 So I absolutely have the right to bring it up right now, in

1997 this mark-up, to talk about the fact that myself, and my

1998 colleagues on the other side of the aisle, who are not in the

1999 famous 11 that are going to get the opportunity to talk,

2000 don't have the opportunity to ask questions to Bob Mueller,

2001 one of the biggest witnesses coming to this committee, and we
2002 absolutely have the right to discuss this today, because this
2003 is the last opportunity that we have to discuss it before he
2004 is coming in before our hearing.

2005 Chairman Nadler. Does the gentleman yield back?

2006 Mr. Steube. I yield back to the ranking member.

2007 Chairman Nadler. The gentleman yields back. Now, the
2008 gentlelady from Texas is recognized.

2009 For what purpose does the gentlelady -- all right. For
2010 what purpose does the gentlelady from Texas seek recognition?

2011 Ms. Garcia. Mr. Chairman, to strike the last word.

2012 Chairman Nadler. The gentlelady is recognized.

2013 Ms. Garcia. Thank you, Mr. Chairman, and I do want to
2014 thank you for your leadership on this issue. I think it is
2015 very important that we move forward. I know there has been a
2016 lot of discussion about a lot of different things, and like
2017 my neighbor next door here, Mr. Neguise, you see, I just want
2018 to get us back in focus, if this is really about the
2019 subpoenas it means that, to me, I have heard the word
2020 "subpoena binge," it is not a subpoena binge. It is about
2021 taking action for accountability for the American people. It
2022 is about action; it is not about a binge. It is about
2023 accountability. It is about the rule of law. It is about
2024 the Constitution and those of us here at the table, as a
2025 voice for the American people that elected us to be here.

2026 I find it disheartening to hear some of the discussion
2027 that has been going on, because we are losing focus. We are
2028 not keeping our eye on the ball, and that is to make sure
2029 that we know what happened, why it happened, and we do
2030 everything we can to protect the American people, the
2031 Constitution, and to ensure that it never ever happens again.

2032 As to this issue about the border, you know, I have been
2033 working with my colleague from Texas, Representative Escobar,
2034 on these issues, for many, many years. She is a county
2035 judge, of El Paso County, and I, as a State senator. So for
2036 anyone to suggest that we are not doing our part as Democrats
2037 to recognize the situation is just flagrantly not true.

2038 I think, for us, the loss of life at the southern border
2039 should be reason enough for us to do something. Congress has
2040 no choice but to subpoena the necessary documents and
2041 testimony to fulfill our oversight duties. Furthermore, the
2042 growing number of deaths, as she has outlined, in custody of
2043 our young children, underscores the need for oversight of the
2044 Administration's cruel and inhumane immigration policies.

2045 The committee has a responsibility to investigate the
2046 Administration's family separation policy, its detention
2047 policies, and any other policy that undermines the acts of
2048 humanity. These are acts against humanity. They are acts
2049 against human rights standards. They are acts that really
2050 just shock the conscience.

2051 We should, frankly, Mr. Chairman, have acted the first
2052 time that there was a death in custody. Now there has been a
2053 second and a third and a fourth -- I forget the count now; I
2054 think it is eight. We need to look at it, and look at it
2055 from top to bottom, and do whatever we can to make sure that
2056 we protect these children. Children belong in cradles. They
2057 do not belong in cages. My constituents elected me to be
2058 here as a voice for them, and my constituents want action,
2059 they want responsibility, and that is what we are here to do,
2060 and that is what this committee is charged to do.

2061 Thank you, Mr. Chairman.

2062 Chairman Nadler. Would the gentlelady yield to me.

2063 Ms. Garcia. Certainly.

2064 Chairman Nadler. I thank the gentlelady.

2065 I want to comment on some of the discussion we have had
2066 in the last few minutes. The purpose of this mark-up, the
2067 subject matter of this mark-up, are subpoenas to deal with
2068 two very, very serious subjects. One is the child abuse,
2069 and, frankly, negligent homicide going on at the border, by
2070 this Administration, and we have to get to the bottom of it,
2071 and that is why we want these subpoenas. And the other is
2072 the flagrant abuses of power, obstruction of justices, also
2073 by this President, and we have to get to the bottom of that,
2074 and that is the subject of the subpoenas before us.

2075 The question of the procedure at a hearing that we are

2076 going to hold is an important question, but it is not the
2077 subject of this mark-up, and although I have permitted people
2078 to talk about it, and they can continue, I am not going to
2079 add to the diversion of attention from the two crucial
2080 subjects that we have here, which is the child abuse and, as
2081 I said, negligent homicide and systematic torture of children
2082 --

2083 Mr. Collins. Now we are stopping.

2084 Chairman Nadler. No, we are not stopping. Let me
2085 finish my statement.

2086 Mr. Collins. No. That is absolutely out of order.
2087 Bang it all you want. It is completely out of order.

2088 Chairman Nadler. You are out of order. If you have an
2089 objection you will state it in a moment.

2090 Mr. Collins. Well, I have.

2091 Chairman Nadler. Then I will recognize you in a moment.

2092 But the subject of this hearing is the child abuse and
2093 abuse going on at the border and the abuses of power by the
2094 President -- excuse me, the subject is the --

2095 Mr. Collins. Point of order.

2096 Chairman Nadler. -- by the administration.

2097 Mr. Collins. Point of order.

2098 Chairman Nadler. The gentleman will state a point of
2099 order.

2100 Mr. Collins. I move to take the gentleman's words down.

2101 Chairman Nadler. Which words?

2102 Mr. Collins. We will take a time-out while we discuss
2103 it.

2104 [Pause.]

2105 Mr. Collins. Mr. Chairman? Mr. Chairman? The words
2106 that I am objecting to are "the systematic use by the
2107 President to obstruct justice." You cannot use those words.

2108 Chairman Nadler. I will withdraw those words and I will
2109 say the systematic use of power by the President -- by the
2110 Administration, to defy the subpoenas of this committee and
2111 other committees. And I will ask unanimous consent to
2112 withdraw the previous words.

2113 Without objection, they are withdrawn.

2114 To summarize, the purpose of this mark-up is to consider
2115 the child abuse and other terrible things happening at the
2116 border, and the subjects that we discussed a moment ago by
2117 the Administration, and to issue subpoenas to get to the
2118 bottom of both of them. And I am not going to comment on
2119 anything that is beyond the scope of this mark-up.

2120 I yield back to the gentlelady.

2121 Ms. Garcia. Mr. Chairman, I totally agree with you and
2122 I yield back my time.

2123 Chairman Nadler. The gentlelady yields back.

2124 For what purpose does the gentleman from Florida seek
2125 recognition?

2126 Mr. Gaetz. To strike the last word.

2127 Chairman Nadler. The gentleman is recognized.

2128 Mr. Gaetz. Thank you, Mr. Chairman.

2129 I believe House Democrats need to take a hint from the
2130 American people. The vast majority of the American people do
2131 not support this impeachment and drag that continues to
2132 fester up in the House Judiciary Committee. I would suggest
2133 that you need to move on issues that impact the lives of the
2134 American people, not your own politics and the affliction of
2135 your own Trump derangement syndrome.

2136 During the last Congress it was all about the Mueller
2137 Report. It didn't matter that committees in the House and
2138 Senate had found that there was no criminal conspiracy with
2139 Russia. We just had to keep calling the President and agent
2140 of a hostile foreign power while we waited for the Mueller
2141 Report.

2142 Well, then we get the Mueller Report. The Mueller
2143 Report concludes that there is no criminal conspiracy between
2144 the Trump campaign and Russia. Well, then it can't be about
2145 the written word of the Mueller Report. Then we have got to
2146 get Mr. Mueller here. He has got to be here. He has got to
2147 bring it to life with his words. So, very well, we prepare -
2148 - no Republicans objected to Mr. Mueller coming. He is on
2149 his way next week.

2150 But now we are here voting on these subpoenas because it

2151 still won't end with Mueller's testimony. Even if Mueller
2152 comes and answers your questions, you already know that you
2153 want to bring in these 12 additional witnesses, regardless of
2154 what Mr. Mueller says. So it sort of begs the question, why
2155 are you bringing Mueller in the first place? This is never
2156 going to be over, and that is really the message to the
2157 American people. They are never going to get over this.

2158 Okay, they couldn't deal with the fact that Donald Trump
2159 won the election, when all the media pundits and all the
2160 Democrat talking heads said he had zero chance to win.
2161 Remember, he was supposed to lose 100 million to zero,
2162 according to the FBI lovebirds, but he wins. They can't deal
2163 with it, and so then they have to go delegitimize the
2164 presidency, through all of these endeavors, and now we have
2165 got the dispositive proof. I don't think there are any
2166 Americans who truly believe there was a criminal conspiracy
2167 between the Trump campaign and Russia, who are not Democrat
2168 members of Congress.

2169 And so now we are in a circumstance where the only way
2170 to get them to not focus on this Trump Russia stuff is to
2171 take them out of power, because as long as they have the
2172 committee gavels, this is the deal. This is the show. You
2173 know, there could be endless hearings, endless reports, that
2174 the President wasn't engaged in a criminal conspiracy.

2175 I tend to think that the more productive endeavor is to

2176 figure out why in the heck the President was falsely accused
2177 for two years. How did we get to a point where political
2178 opposition research, dirt that was paid for my Democrats,
2179 polluted by Russians, shuttled into the senior levels of our
2180 government by deep-state actors like Bruce Ohr, how did all
2181 of that function as a basis to divide us and distract us?

2182 The gentlelady who spoke earlier said we are losing
2183 focus. Yeah. Yeah, we are definitely losing focus. We
2184 should be focused on reducing prescription drug prices. We
2185 should be focused on the nearly 5,000 people who show up
2186 every day at the southern border that the Trump
2187 administration has been talking about. We should be focused
2188 on ways to limit burdens on Americans so that they can live
2189 the full potential of their lives. But they will never get
2190 over it. There will never be an end for them, and that is
2191 what is truly sad, because we have got 300-million-plus
2192 Americans who are counting on us to be the people's house, to
2193 do the work that rises to the great virtue of the greatest
2194 country that has ever lived.

2195 And, you know, when I hear my colleagues talk about
2196 humanity, and being humane, just think about the fact that it
2197 was your own whip, Mr. Clyburn, who laughed -- laughed --
2198 chuckled -- laughed when asked about the humanitarian crisis
2199 that was building on the border. It is like you guys didn't
2200 even hear that. You just launched off into your talking

2201 points.

2202 I think I heard the distinguished gentleman from
2203 Georgia, Mr. Johnson, say that Republicans were using
2204 psychological operations on the Democrats in the committee.
2205 I guess he was referring to me. When we feed you your own
2206 words back from your own leadership, if you consider that a
2207 psychological operation I deeply apologize. We are merely
2208 trying to point out the inconsistency of the positions you
2209 have held in an effort to try to get you to work with us and
2210 to try to reform our asylum laws.

2211 And, by the way, we will do it with you in a bipartisan
2212 way. Your own colleague, Mr. Gonzalez, from Texas, he has
2213 introduced a great bill to force people to seek asylum in
2214 their home countries. Instead of just sitting here and
2215 talking about the border, and you guys cry harder, or we cry
2216 harder, or you laugh harder, or whatever, you know, that is
2217 not productive for anyone. But your own members have bills
2218 that would help us solve these problems and you won't bring
2219 them up for a vote, and they are bills that have bipartisan
2220 co-sponsorship.

2221 So save us the lectures on humanity, because there is
2222 nothing humane about the fact that children in Central
2223 America are being stolen, rented, trafficked, and then sent
2224 right back across the border to do it all over again. That
2225 is what is inhumane, and that is what these asylum laws allow

2226 for, children being used like a Fast Pass into this country.
2227 It is despicable, and you have the ability to bring bills
2228 forward to fix it, and you should do it.

2229 I yield back.

2230 Chairman Nadler. The gentleman yields back.

2231 For what purpose does the gentleman from Louisiana seek
2232 recognition?

2233 Mr. Richmond. Strike the last word.

2234 Chairman Nadler. The gentleman is recognized.

2235 Mr. Richmond. Mr. Chairman, the truth is I don't know
2236 where to start, responding to inaccurate rhetoric, or to just
2237 talk about how sad and embarrassing today is. And we are
2238 arguing about a humanitarian crisis that is created by Donald
2239 Trump.

2240 Families have a lawful right to seek asylum. They are
2241 presenting themselves. And the question is why? It is
2242 because they are fleeing some very harsh circumstances. And
2243 what we, as Americans, have yet to do is to acknowledge and
2244 accept our role in the circumstances that they face -- the
2245 cartels, the fact that we buy the majority of the drugs that
2246 are made over there, we contribute to the despicable
2247 conditions that they are trying to flee from.

2248 It was also mentioned here that there were giants that
2249 chaired this committee. The truth is there were giants that
2250 were on this committee. But what them giants was the fact

2251 that they stood up for justice, no matter which team was
2252 doing the injustice, that they never deferred their moral
2253 compass to a person without one, to a person who, from day
2254 one, when he announced his candidacy, smeared immigrants as
2255 rapists and gang members. And if you don't have the courage
2256 to stand up to prejudice, bigotry, and bullying, you can't
2257 seek to claim to be a giant. That is the courage -- in my
2258 neighborhood we would say the backbone of a wet noodle.

2259 But I want to do this. My favorite movie -- and for the
2260 lawyers in the room they probably know it -- the movie "A
2261 Time To Kill," with Samuel Jackson. And in the closing
2262 argument Matthew McConaughey asked the jury -- and I am going
2263 to ask the members of this committee, do the same thing -- he
2264 asked them to close their eyes, and when you close your eyes
2265 I want you to think about children that are held without
2266 enough food. I want you think about children who don't have
2267 toothbrushes. Close your eyes and think about children who
2268 go days without showers, in overcrowded conditions, wearing
2269 soiled clothes, no diapers, lack of medicine, sleep deprived.
2270 And I want you to envision those children.

2271 Now I want you to envision those children if they were
2272 white. What would we be doing, in effect? The answer in
2273 your mind is the exact same thing, and bless your heart.

2274 With that, I yield back the balance of my time.

2275 Chairman Nadler. The gentleman yields back.

2276 The gentle lady from Pennsylvania. For what purpose
2277 does she seek recognition?

2278 Ms. Dean. Move to strike the last word.

2279 Chairman Nadler. The gentle lady is recognized.

2280 Ms. Dean. Thank you, Mr. Chairman.

2281 I speak in support, strong support, of your amendment,
2282 Mr. Chairman. It is very important that we zero in on the
2283 zero-tolerance policy and the family separation policies and
2284 practices. It is very important that we take a look at and
2285 expose the conditions of the detention of children, families,
2286 adults, women.

2287 I had the sad privilege on July the 1st and July the 2nd
2288 to travel to the border. On July the 1st, thanks to Veronica
2289 Escobar, who put together a codel of congressional people, we
2290 visited El Paso. We visited adult women in El Paso Border
2291 Station 1. I am going to quote John Lewis, because he
2292 visited Homestead with us also. He said, "We have come to
2293 learn and to bear witness." What we saw there, what we were
2294 able to bear witness to is inhumanity and incompetence by
2295 this Administration over the separation of children and the
2296 detention of immigrants.

2297 In one small, cold cell that we got access to, there
2298 were 15 women from Cuba. They had been held for 56 days.
2299 When we said when did you come into this cell, they said only
2300 today. They had been in tents or other outside temporary

2301 conditions for 56 days. Their lips were cracked with
2302 exposure, with lack of water. It was a cell, a prison cell.
2303 I counted the cinderblocks, 10x13, concrete floor. They were
2304 lying in blue sleeping bags. We asked when did they get the
2305 sleeping bags. They said only recently, a donation from the
2306 Forestry Service. Prior to that, they had been using those
2307 Jiffy Pop blankets out in the elements, out in the exposure.

2308 When we took a look at the stainless steel toilet for 15
2309 women with no lid on the toilet, we flushed it and it worked,
2310 but the sink above it did not work. And when we asked about
2311 that they said, oh yeah, we put in a slip for that. And the
2312 women told us they were instructed to drink out of the toilet
2313 because that was clean enough water.

2314 We came to bear witness.

2315 Three of the women were sick, two with epilepsy, one
2316 with a brain aneurysm. A fourth woman asked me to touch her
2317 back because she had a profound lump on her back, but there
2318 was no time to help her get the biopsy or treatment or
2319 diagnosis she might need.

2320 One woman, 58 -- they all cried, by the way, a hopeless
2321 kind of a cry, a scared, 56-day-long kind of a cry.

2322 I will move on to when we went to Clint, where we saw 25
2323 children in a facility that two-and-a-half weeks ago had 250
2324 children, and two-and-a-half months ago had 700 children, a
2325 facility that was meant for 106 male adults. Picture what

2326 that must have looked like before they moved out all those
2327 children because Congress was coming to see them.

2328 Mr. Johnson of Georgia. Mr. Chairman, the committee is
2329 not in order.

2330 Chairman Nadler. The gentleman is correct. The
2331 committee will come back to order.

2332 Ms. Dean. In Clint, we were not allowed to talk to the
2333 children, so we went to the prison door where they were being
2334 held, six children in one cell, for example. We tried to say
2335 who we were: "We are Congress, we are here to help you."

2336 I held up a simple note. I said, "We love you. We
2337 heart you." The guard yelled at me, chided me: "Don't
2338 communicate. You have no business communicating." And then
2339 the children slipped a note out to us. Again the guard was
2340 annoyed, thinking we were slipping something in to the
2341 children. And the children said to us, when it was
2342 translated, "How can we help you?"

2343 How can they help us? They retain their humanity, as
2344 the guards' humanity was ebbing away.

2345 And then we went to Homestead, where 2,296 children, at
2346 the time we visited on July the 2nd, are being held for
2347 profit. And it was a beautiful facility. They wanted us to
2348 see a massive auditorium, twice the size of this, empty; a
2349 massive cafeteria, three times the size of this, empty, and
2350 not a smell of food, just a chef in a chef's coat, telling us

2351 of the great food they prepare.

2352 Of the 2,300 kids that were there, we got to see about
2353 30 of them. John Lewis movingly spoke to them and talked
2354 about this country in a better place, in a better way, and
2355 how they were welcome.

2356 I say this to say if you cannot get the inhumanity of
2357 it, get the incompetence of it. This Administration has been
2358 utterly incompetent in the detention of immigrants, of
2359 children, and we will be judged by it. We must do our
2360 oversight.

2361 Thank you, Mr. Chairman.

2362 Chairman Nadler. The gentle lady yields back.

2363 For what purpose does the gentleman from Maryland seek
2364 recognition?

2365 Mr. Raskin. Move to strike the last word, Mr. Chairman.

2366 Chairman Nadler. The gentleman is recognized.

2367 Mr. Raskin. Mr. Chairman, I want to rise in favor of
2368 the amendment in the nature of a substitute. I want to
2369 express my strong support for the subpoenas, both in relation
2370 to the zero-tolerance policy, the separation of children at
2371 the border, and the miserable conditions of confinement that
2372 exist in many of the border detention facilities.

2373 I also want to express my support for the subpoenas
2374 related to potential presidential abuse of the pardon
2375 process, and I want to express my strong support for the

2376 subpoenas related to obstruction of justice and other
2377 potential crimes committed during the 2016 presidential
2378 election and detailed in Special Counsel Mueller's report.

2379 I wanted to first start by saying that there is a very
2380 important principle here that I would have thought unified
2381 the Judiciary Committee, which is that the House of
2382 Representatives has a fact-finding function which is adjacent
2383 to and auxiliary to and implied by our law-making function,
2384 and the Supreme Court has said it repeatedly, other courts
2385 have endorsed the idea repeatedly: we cannot pass the laws
2386 we need relating to immigration, or obstruction of justice,
2387 or anything, unless we can obtain the information that we
2388 want, the information that we need in order to legislate.

2389 James Madison said that those who mean to be their own
2390 governors must arm themselves with the power that knowledge
2391 gives; and the people, through Article 1 of the Constitution,
2392 gave us the power to obtain information.

2393 Our colleagues across the aisle know it. They used that
2394 power expansively, proudly, some would say promiscuously with
2395 their repeated expenditure of tens of millions of dollars
2396 related to the Benghazi investigation, or Fast and Furious,
2397 or Hillary Clinton's emails, whatever.

2398 You know what? That was their constitutional power. It
2399 was our constitutional power to do it. And this is our
2400 constitutional power to obtain all of the information that we

2401 are seeking from this Administration. And yet, the President
2402 of the United States has pulled a curtain down over the
2403 executive branch of government, ordering his subordinates to
2404 defy the lawful orders of the Congress of the United States.

2405 I would hope that every member of this committee would
2406 stand up for our powers, our prerogatives, and our rights
2407 under Article 1 as the people's representatives in the law-
2408 making branch of government.

2409 Now, let me talk specifically about what is happening at
2410 the border, because yesterday, Mr. Chairman, the Oversight
2411 Subcommittee on Civil Rights and Civil Liberties, we had a
2412 hearing, and I took some notes, so I am just going to read
2413 some of the words I wrote down from the eyewitnesses who are
2414 working day in and day out on it.

2415 Widespread flu, chickenpox, scabies, lice, inconsolably
2416 crying sick children, sexual harassment, sexual assault, huge
2417 lines at the infirmary where children with serious medical
2418 complications and conditions are turned away. And then we
2419 heard about the horrible, inexorable, inevitable, dreadful,
2420 and irreversible outcome of these terrible conditions: six
2421 children dying under the care and the custody of the United
2422 States Government.

2423 Yesterday we heard from Jasmine Juarez, a lovely young
2424 woman whose 3-year-old daughter, Mariee, died after
2425 contracting a respiratory infection that remained untreated

2426 for a very long time, as she begged for medical assistance
2427 and attention, and by the time she got out and went to the
2428 emergency room, to the hospital, it was too late for poor
2429 Mariee.

2430 And her mother said she was coming forward because she
2431 does not want to see any other mother or father or family go
2432 through this nightmare.

2433 But I am also standing up strong for the subpoenas
2434 related to the Mueller report and all of these witnesses,
2435 John Kelly and Lewandowski and Rod Rosenstein and Jeff
2436 Sessions, Mr. Chairman.

2437 You know, we heard when we started from one of our
2438 colleagues. I think it was Mr. Chabot. I could not see who
2439 was behind me. But I think he began with the now appalling
2440 mantra which the Attorney General and the President have
2441 spread across the country of no obstruction found by the
2442 Attorney General, no collusion found by the Special Counsel.
2443 Well, we know both of those things are not true. If you read
2444 pages 1 and 2 of the report, Special Counsel Mueller says we
2445 do not deal with the question of collusion, which is not a
2446 criminal-law concept. It is an antitrust law concept. And
2447 they record more than 150 different encounters between the
2448 Trump campaign and emissaries of the Russian government and
2449 Russian nationals.

2450 And so there is lots of evidence of collusion. The

2451 Special Counsel said there was not sufficient evidence to
2452 charge criminal conspiracy, which I never thought there was
2453 because Vladimir Putin did not need Eric Trump and Donald
2454 Trump, Jr. to execute his plot against the American elections
2455 in 2016. All the Trumps could do was mess it up, which they
2456 did because they blew the cover on the whole operation. That
2457 is the reality of the situation.

2458 But did the Trumps call the FBI? Did they call the
2459 Federal Election Commission? No. They said come on in,
2460 let's see what we can do, I love it. I think we heard from
2461 the President's son, "I love it, let's meet, let's see what
2462 you can give us about Hillary Clinton."

2463 Well, I was just getting started. I needed to respond
2464 to my friend from Florida, but I am happy to take some other
2465 time, if anybody wants to yield.

2466 I yield back, Mr. Chairman.

2467 Chairman Nadler. The gentleman yields back.

2468 For what purpose does the gentle lady from Georgia seek
2469 recognition?

2470 Mrs. McBath. Thank you, Mr. Chairman. I move to strike
2471 the last word.

2472 Chairman Nadler. The gentle lady is recognized.

2473 Mrs. McBath. I would like to yield my time to my
2474 colleague, Ms. Sheila Jackson Lee from Texas, please.

2475 Chairman Nadler. The gentle lady is recognized.

2476 Ms. Jackson Lee. I thank you so very much.

2477 I, first of all, thank the gentle lady from Georgia for
2478 her leadership, and all of my colleagues, who have been
2479 superb on this issue.

2480 Let me, first of all, because there has been a tone of
2481 my friends on the other side of the aisle, make it very clear
2482 that Democrats do not support open borders. That is the call
2483 for 2020, that Democrats support open borders.

2484 As I sit next to my friend, Chairwoman Lofgren, we are
2485 reminded of our visits to the border in 2014 and President
2486 Obama. Both of us were standing at night as children came
2487 off of a bus, and the Administration handled it completely
2488 differently. It was not perfect, but they understood that
2489 they would not get the reputation that the United Nations has
2490 declared abominable. In the eyes of the world the actions of
2491 this Administration, the Trump Administration, are
2492 abominable, without mercy, without care, and it is imperative
2493 that this committee that holds the highest ideals of
2494 investigation of this Congress, the Judiciary Committee, over
2495 the decades of its incorporation -- 1789, as I recall -- that
2496 this committee has set to do justice.

2497 And I believe it is curious, if I might say so, that,
2498 first of all, the President of the United States is pushing
2499 law enforcement to do raids, to conspicuously announce
2500 national raids to create a massive hysteria and danger for

2501 officers, and to create more unaccompanied children, because
2502 the creation of unaccompanied children and not just those who
2503 come across but, as I was told at the border, oh yes, they
2504 are unaccompanied because we have taken their family away.
2505 So you take their family away from Houston and San Francisco,
2506 Chicago and New York and elsewhere, and you create
2507 unaccompanied children.

2508 And then I think it is particularly curious, and I want
2509 to thank the Chairman for -- the Business Insider said John
2510 Kelly's new role on a detention center board set off ethics
2511 concerns that he may be profiting from the children that he
2512 proposed and supported in a zero-tolerance separation policy.
2513 Amazing, absolutely amazing that you leave from being the
2514 Secretary of Homeland Security, the Chief of Staff of the
2515 President of the United States, promoting child separation,
2516 taking families away from their children, not being able to
2517 unite every single child with their parent who did not speak
2518 the language and knew they were going to see their child
2519 again, and if anyone has joined me, along with other members,
2520 who saw the attempt to reunite and to see these mothers
2521 coming in with a pillowcase of clothing to get children who
2522 had been separated for months, and to see the distance and
2523 the shock and the trauma of that child, not even responding
2524 to that mother who was coming, longing to be reunited, the
2525 few that were lucky enough to be reunited, and the child not

2526 responding because they had been traumatized.

2527 Secretary Kelly, you leave from this administration and
2528 go right to the actors who are in the midst of devastation
2529 and separating our children. My colleague from Texas knows
2530 that we have something called Emancipation Center in our
2531 collective areas that we have been fighting against, that the
2532 doors are closed shut, that you can barely get up to the
2533 front yard when they are trying to remove you.

2534 We are doing the right thing, and we will not be
2535 characterized as those who promote open borders. We will be
2536 characterized as those who are begging for comprehensive
2537 immigration reform or the right kind of response to those who
2538 want to come into this country the legal way and those who
2539 are here undocumented who want to seek the opportunity to be
2540 status and citizens, the very ones who put on the uniform
2541 that I know that have gone to fight or to serve this nation.

2542 So I hope that we can get a vote on this and that we
2543 will be able to move forward on these subpoenas so that we
2544 can do our oversight. I do not know if 11 sections is good.
2545 The gentle lady from Georgia is not here, and I do not know
2546 if I can give them to you.

2547 You have them. Thank you.

2548 I yield back.

2549 Chairman Nadler. The gentle lady yields back.

2550 A roll call is requested.

2551 In the opinion of the Chair, the roll call is withdrawn.

2552 The amendment in the nature of a substitute is adopted.

2553 A reporting quorum being present, the question is on the
2554 motion to agree to the resolution as amended.

2555 Those in favor, respond by saying aye?

2556 Opposed, no?

2557 The ayes have it. The resolution as amended is agreed
2558 to.

2559 A recorded vote has been requested. The Clerk will call
2560 the roll.

2561 Ms. Strasser. Mr. Nadler?

2562 Chairman Nadler. Aye.

2563 Ms. Strasser. Mr. Nadler votes aye.

2564 Ms. Lofgren?

2565 Ms. Lofgren. Aye.

2566 Ms. Strasser. Ms. Lofgren votes aye.

2567 Ms. Jackson Lee?

2568 Ms. Jackson Lee. Aye.

2569 Ms. Strasser. Ms. Jackson Lee votes aye.

2570 Mr. Cohen?

2571 Mr. Cohen. Aye.

2572 Ms. Strasser. Mr. Cohen votes aye.

2573 Mr. Johnson of Georgia?

2574 Mr. Johnson of Georgia. Aye.

2575 Ms. Strasser. Mr. Johnson of Georgia votes aye.

2576 Mr. Deutch?

2577 Mr. Deutch. Aye.

2578 Ms. Strasser. Mr. Deutch votes aye.

2579 Ms. Bass?

2580 Ms. Bass. Aye.

2581 Ms. Strasser. Ms. Bass votes aye.

2582 Mr. Richmond?

2583 Mr. Richmond. Aye.

2584 Ms. Strasser. Mr. Richmond votes aye.

2585 Mr. Jeffries?

2586 Mr. Cicilline?

2587 Mr. Swalwell?

2588 Mr. Swalwell. Aye.

2589 Ms. Strasser. Mr. Swalwell votes aye.

2590 Mr. Lieu?

2591 Mr. Raskin?

2592 Mr. Raskin. Aye.

2593 Ms. Strasser. Mr. Raskin votes aye.

2594 Ms. Jayapal?

2595 Mrs. Demings?

2596 Mr. Correa?

2597 Mr. Correa. Aye.

2598 Ms. Strasser. Mr. Correa votes aye.

2599 Ms. Scanlon?

2600 Ms. Scanlon. Aye.

2601 Ms. Strasser. Ms. Scanlon votes aye.
2602 Ms. Garcia?
2603 Ms. Garcia. Aye.
2604 Ms. Strasser. Ms. Garcia votes aye.
2605 Mr. Neguse?
2606 Mr. Neguse. Aye.
2607 Ms. Strasser. Mr. Neguse votes aye.
2608 Mrs. McBath?
2609 Mrs. McBath. Aye.
2610 Ms. Strasser. Mrs. McBath votes aye.
2611 Mr. Stanton?
2612 Mr. Stanton. Aye.
2613 Ms. Strasser. Mr. Stanton votes aye.
2614 Ms. Dean?
2615 Ms. Dean. Aye.
2616 Ms. Strasser. Ms. Dean votes aye.
2617 Ms. Mucarsel-Powell?
2618 Ms. Mucarsel-Powell. Aye.
2619 Ms. Strasser. Ms. Mucarsel-Powell votes aye.
2620 Ms. Escobar?
2621 Ms. Escobar. Aye.
2622 Ms. Strasser. Ms. Escobar votes aye.
2623 Mr. Collins?
2624 Mr. Collins. No.
2625 Ms. Strasser. Mr. Collins votes no.

2626 Mr. Sensenbrenner?
2627 Mr. Chabot?
2628 Mr. Gohmert?
2629 Mr. Gohmert. No.
2630 Ms. Strasser. Mr. Gohmert votes no.
2631 Mr. Jordan?
2632 Mr. Jordan. No.
2633 Ms. Strasser. Mr. Jordan votes no.
2634 Mr. Buck?
2635 Mr. Buck. No.
2636 Ms. Strasser. Mr. Buck votes no.
2637 Mr. Ratcliffe?
2638 Mrs. Roby?
2639 Mrs. Roby. No.
2640 Ms. Strasser. Mrs. Roby votes no.
2641 Mr. Gaetz?
2642 Mr. Johnson of Louisiana?
2643 Mr. Biggs?
2644 Mr. Biggs. No.
2645 Ms. Strasser. Mr. Biggs votes no.
2646 Mr. McClintock?
2647 Mr. McClintock. No.
2648 Ms. Strasser. Mr. McClintock votes no.
2649 Mrs. Lesko?
2650 Mrs. Lesko. No.

2651 Ms. Strasser. Mrs. Lesko votes no.

2652 Mr. Reschenthaler?

2653 Mr. Reschenthaler. No.

2654 Ms. Strasser. Mr. Reschenthaler votes no.

2655 Mr. Cline?

2656 Mr. Cline. No.

2657 Ms. Strasser. Mr. Cline votes no.

2658 Mr. Armstrong?

2659 Mr. Armstrong. No.

2660 Ms. Strasser. Mr. Armstrong votes no.

2661 Mr. Steube?

2662 Mr. Steube. No.

2663 Ms. Strasser. Mr. Steube votes no.

2664 Chairman Nadler. The gentleman from New York?

2665 Mr. Jeffries. Aye.

2666 Ms. Strasser. Mr. Jeffries votes aye.

2667 Chairman Nadler. The gentle lady from Washington?

2668 Ms. Strasser. Ms. Jayapal votes aye.

2669 Chairman Nadler. Has every member voted who wishes to

2670 vote?

2671 The Clerk will report.

2672 Ms. Strasser. Mr. Chairman, there are 21 ayes and 12

2673 noes.

2674 Chairman Nadler. The ayes have it. The resolution as

2675 amended is agreed to.

2676 We now have four bankruptcy bills which are
2677 uncontroversial, and pursuant to agreement with the Ranking
2678 Member, I ask unanimous consent that we bring up the four
2679 bills *en bloc*, which means we will take one vote and we will
2680 save some time.

2681 Are there any objections?

2682 Hearing none, we will take up the four bills *en bloc*.

2683 Pursuant to notice, I now call up H.R. 3311, the Small
2684 Business Reorganization Act of 2019; H.R. 3304, the National
2685 Guard and Reservist Debt Relief Extension Act of 2019; H.R.
2686 2938, the Honoring American Veterans in Extreme Need Act of
2687 2019, or the HAVEN Act; and H.R. 2336, the Family Farmer
2688 Relief Act of 2019.

2689 I am going to read one statement about all four bills
2690 that we are about to consider. I will ask unanimous consent
2691 to put my full statement on each bill in the record, without
2692 objection.

2693 [The information follows:]

2694

2695 Chairman Nadler. The bankruptcy code either directly or
2696 indirectly affects millions of Americans in all types of
2697 businesses, from the largest to the smallest. When the law
2698 works properly, it offers a critical economic second chance
2699 to individuals and businesses in financial distress. But
2700 various reforms are necessary to ensure that this critical
2701 goal of financial rehabilitation is effectively met. The
2702 four bipartisan bills scheduled for consideration at today's
2703 markup address certain deficiencies and areas of unfairness
2704 in the code.

2705 But before I turn to the first bill listed for markup, I
2706 want to briefly discuss a bill that is not part of today's
2707 proceedings but which we will be considering in the near
2708 future, H.R. 2648, the Student Borrower Bankruptcy Relief
2709 Act, which I introduced along with Senator Dick Durbin. Our
2710 legislation would address head-on the manifest unfairness
2711 that student loans, unlike every other unsecured debt such as
2712 credit cards or auto loans, are effectively non-dischargeable
2713 in bankruptcy. These measures would make student loan debt
2714 completely dischargeable.

2715 There is no reason that this one category of debt should
2716 be singled out for special treatment. It severely undermines
2717 the bankruptcy code's vital goal of providing a financial
2718 fresh start to honest but unfortunate debtors. The problem
2719 of student loan debt, however, is multifaceted.

2720 In light of substantial interest from various
2721 stakeholders in continuing to refine the bill, and in
2722 response to the request by our colleagues on the other side
2723 of the aisle, we are holding off taking up H.R. 2648, at
2724 least for now. But make no mistake, we will address the
2725 student loan problem in the context of bankruptcy reform at
2726 the very next opportunity.

2727 We also plan to consider the need to promote greater
2728 transparency and integrity with respect to the ongoing
2729 financial reorganization of Puerto Rico under the guidance of
2730 the congressionally authorized Financial Oversight Management
2731 Board, particularly with regard to actual potential conflicts
2732 of interest of professional persons retained by the board in
2733 connection with the reorganization effort.

2734 Now, turning to the first bill listed for markup, H.R.
2735 3311, the Small Business Reorganization Act of 2019, it makes
2736 a series of reforms to current bankruptcy law needed to
2737 better facilitate the financial reorganization of small
2738 business debtors. These reforms are endorsed by the
2739 nonpartisan National Bankruptcy Conference, as well as the
2740 American Bankruptcy Institute.

2741 H.R. 3311 strikes an important balance between
2742 heightened administrative oversight of these types of cases
2743 and provisions intended to streamline the bankruptcy
2744 reorganization process for small business debtors. Among its

2745 principal features, H.R. 3311 would require the appointment
2746 of an individual to serve as a trustee in a small business
2747 Chapter 11 case to monitor the debtor's reorganization
2748 progress toward confirmation of reorganization plans. In
2749 addition, it would authorize the court to confirm a plan over
2750 the objection of the debtor's creditors under certain
2751 specified circumstances.

2752 The bill also includes supervision not limited to small
2753 business Chapter 11 cases pertaining to the treatment of a
2754 transfer of property by the debtor made before the filing of
2755 the bankruptcy case that is preferential to a creditor and
2756 the detriment of similarly situated creditors.

2757 I thank the sponsors of this legislation, the gentleman
2758 from Virginia, Mr. Cline, and the Chair of the Antitrust
2759 Commercial Administrative Law Subcommittee, the gentleman
2760 from Rhode Island, Mr. Cicilline, for their leadership on
2761 this measure.

2762 The second bill is H.R. 3304, the National Guard and
2763 Reservist Debt Relief Extension Act of 2019. According to a
2764 2018 financial lifestyle survey of service members and
2765 veterans, financial issues are the top lifestyle stressor,
2766 and unfortunately bankruptcy is sometimes the best answer for
2767 those in financial distress.

2768 Under current law, National Guard members and Reservists
2769 who serve on active duty are, like other active service

2770 members, exempt from the bankruptcy code means test, which
2771 determines whether a debtor's income is too high to have all
2772 of his or her debts erased in bankruptcy. But this critical
2773 protection for National Guard members and Reservists must be
2774 extended before it expires at the end of the year. Unless
2775 otherwise exempted, service members and veterans must
2776 complete the required forms and submit the specified
2777 paperwork to satisfy the bankruptcy code's means test. This
2778 requirement applies even with respect to service members who
2779 have returned to the United States from active duty and thus
2780 no longer receive combat pay.

2781 Under the means test such service members must calculate
2782 his or her income based on the average monthly income that he
2783 or she received during the six-month period preceding the
2784 filing date of the bankruptcy case rather than the debtor's
2785 actual income, which may be much less because of the debtor's
2786 noncombat status. H.R. 3304 responds to this immediate
2787 concern. The bill would extend for four years the temporary
2788 authorization exempting certain qualifying Reserve component
2789 members of the Armed Services and National Guard members from
2790 the bankruptcy code's means test.

2791 Without question, this measure warrants our support and
2792 its prompt consideration by the full House given the
2793 impending December 19, 2019 expiration date of the means test
2794 exemption for service members and veterans.

2795 I commend the bill's sponsor, the Constitution, Civil
2796 Rights and Civil Liberties Subcommittee Chair, the gentleman
2797 from Tennessee, Mr. Cohen, as well as his cosponsors, the
2798 gentlewoman from Pennsylvania, Ms. Dean, and the gentleman
2799 from Virginia, Mr. Cline, for their deep commitment to
2800 supporting our nation's heroes. Accordingly, I encourage my
2801 colleagues on both sides of the aisle to pass H.R. 3304.

2802 The third bill is H.R. 2938, the Honoring American
2803 Veterans in Extreme Need Act of 2019, or the HAVEN Act. This
2804 bill addresses a fundamental unfairness in current bankruptcy
2805 law that affects veterans receiving disability benefits.
2806 Although Social Security benefits are not treated as income
2807 for purposes of the bankruptcy code's means test, veterans'
2808 disability benefits do constitute income under this test even
2809 though, much like Social Security, these benefits are a
2810 lifeline to many of its recipients who are otherwise
2811 protected from seizure by creditors. By counting such
2812 benefits as income, many veterans become ineligible for the
2813 more immediate discharge available under Chapter 7, and
2814 instead they are steered into Chapter 13, which requires a
2815 debtor to make payments to creditors pursuant to a three- or
2816 five-year plan before he or she can receive a discharge.
2817 H.R. 2938 corrects this obvious inequity and would treat
2818 certain veterans' disability benefits the same as Social
2819 Security payments under the bankruptcy code's means test.

2820 I commend the bill's sponsor, the gentle lady from
2821 Georgia, Mrs. McBath, and her cosponsor, the gentleman from
2822 Florida, Mr. Steube, for their leadership on this important
2823 legislation.

2824 The final bill is H.R. 2336, the Family Farmer Relief
2825 Act of 2019. This bill would increase the current debt limit
2826 used to determine whether a family farmer is eligible for
2827 relief under Chapter 12 of the bankruptcy code, a specialized
2828 form of bankruptcy relief specifically intended for family
2829 farmers, from approximately \$4.4 million, the current debt
2830 limit, to \$10 million. Chapter 12 permits a family farmer
2831 who satisfies certain eligibility criteria to reorganize his
2832 or her debts pursuant to a repayment plan under the
2833 supervision of the bankruptcy trustee.

2834 The special attributes of Chapter 12 make it better
2835 suited to meet the particularized needs of family farmers in
2836 financial distress and other forms of bankruptcy relief.
2837 Under Chapter 7, for example, the family farmer's assets
2838 would have to be liquidated to pay the claims of creditors,
2839 thus depriving a family farmer of his or her livelihood.
2840 Chapter 11, typically used by large corporations to
2841 reorganize complex financial transactions, can be a costly
2842 and time-consuming process ill-suited to a small farming
2843 operation.

2844 During the farm crisis in the mid-1980s, thousands of

2845 family farmers faced the perfect storm of grain embargoes,
2846 high interest rates, competition from large corporate farming
2847 operations, and competition from overseas. In response to
2848 that crisis, Congress passed legislation creating Chapter 12
2849 initially on a temporary basis and in 2005 on a permanent
2850 basis. Unfortunately, many similar economic pressures are
2851 currently impacting family farmers, who are also facing the
2852 damaging effects of virtually unprecedented weather events,
2853 including devastating episodes of flooding, as well as
2854 stagnant or falling returns on investment. H.R. 2336 takes
2855 into consideration the fact that modern farming operations
2856 entail greater costs and resulting debt than when Chapter 12
2857 was first enacted by raising the debt threshold to qualify
2858 for this type of bankruptcy relief to a level more consistent
2859 with today's operations.

2860 This legislation is supported by the nonpartisan
2861 American Bankruptcy Institute, as well as by the American
2862 College of Bankruptcy. It currently has more than 20
2863 bipartisan cosponsors, including our colleague, the gentleman
2864 from Wisconsin, Mr. Sensenbrenner. Accordingly, I support
2865 H.R. 2336.

2866 I yield back the balance of my time.

2867 I now call on the Ranking Member, the gentleman from
2868 Georgia, Mr. Collins.

2869 Mr. Collins. Thank you, Mr. Chairman.

2870 Chairman Nadler. Before I do that, without objection,
2871 these bills are considered as read and open for amendments at
2872 any point.

2873 I already recognized myself for an opening statement. I
2874 now recognize the gentleman from Georgia for his statement.

2875 Mr. Collins. And we are back. There we go. And again,
2876 I appreciate the gentleman, and also the unanimous consent
2877 request that all my statements for these bills be entered
2878 into the record.

2879 Chairman Nadler. Without objection.

2880 [The information follows:]

2881

2882 Mr. Collins. Also, and again, I want to thank you. You
2883 did a good job outlining these bills.

2884 I think it is good work on our side, Mr. Cline, Mr.
2885 Steube, and Mr. Sensenbrenner, and also on the other side as
2886 well, Mr. Cohen and others who have worked on these bills,
2887 and I am glad to say that because the passage of these four
2888 bills will testify that this committee can achieve for the
2889 American people on a bipartisan basis in the important areas
2890 of law within our jurisdiction when we devote our time and
2891 effort and energy to doing what we can do in his committee,
2892 and that showed up in the last few minutes instead of the
2893 previous two-and-a-half hours, which we agreed on.

2894 And also Mr. Armstrong, who has worked very hard on some
2895 of these bills as well. So we appreciate that.

2896 And with that, I am going to yield back since we are
2897 moving forward.

2898 Chairman Nadler. The gentleman yields back.

2899 For what purpose does the gentleman from Tennessee, Mr.
2900 Cohen, seek recognition?

2901 Mr. Cohen. Thank you. I just want to thank Mr. Cline
2902 and Mr. Buck, who were cosponsors on our bill for the
2903 Reservists and the National Guard folks to get the bankruptcy
2904 relief they have been getting for a decade, which needs to be
2905 renewed. That is H.R. 3304. These people sacrifice their
2906 jobs, oftentimes their businesses, to go to protect us in

2907 overseas fights, and they sometimes get into financial
2908 difficulty and should not have to have a means test. So I
2909 appreciate the bipartisan support.

2910 I yield back.

2911 Chairman Nadler. I thank the gentleman.

2912 I now ask unanimous consent to place a statement by Mr.
2913 Cicilline into the record. Without objection.

2914 [The information follows:]

2915

2916 Chairman Nadler. Does anyone else seek recognition?

2917 A reporting quorum being present, the question is on the
2918 motion to report the bills H.R. 3311, H.R. 3304, H.R. 2938,
2919 and H.R. 2336, en bloc, favorably to the House.

2920 Those in favor, say aye?

2921 Opposed, no?

2922 The ayes have it and the bills are ordered reported
2923 favorably to the House.

2924 Members will have two days to submit views on each bill.

2925 This concludes our business for today. Thanks to all
2926 our members for attending.

2927 Without objection, the markup is adjourned.

2928 [Whereupon, at 12:51 p.m., the hearing was adjourned.]