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Testimony of Representative Andrew S. Clyde
House Committee on the Judiciary
Member Day Hearing
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Chairman Jerrold Nadler and Ranking Member Jim Jordan:

Thank you for allowing me this opportunity to share with you my policy priorities for the Judiciary Committee in the 117th Congress, which includes three bills I have introduced and that have been referred to your committee for consideration – H.R. 1787, H.R. 2076, and H.R. 3965.

Let me begin by saying that I represent a predominately rural district in Northeast Georgia that is comprised of residents who are fervent believers in the rule of law, federalism, and the limited powers vested in the Federal government via the U.S. Constitution. As a retired U.S. Navy Officer and having served law enforcement agencies for almost 30 years, I share my constituents' belief that a limited Federal government works for the people. Checks and balances are required to ensure that neither the Federal government's footprint nor scope exceed the bounds of the Constitution. We, as lawmakers, swore an oath to do just that, more specifically, we made a promise to the American people that we will "support and defend the Constitution of the United States against all enemies, foreign and domestic" and that we will "bear true faith and allegiance to do the same."

Unfortunately, my constituents have witnessed the 117th Congress and the Biden Administration violate multiple promises made to uphold the Constitution. Between the current Administration's willful and flagrant ignorance of our nation's immigration laws that has resulted in more than 1.2 million illegal migrants apprehended at the southern border since February 1, 2021, the White House's decision to knowingly disregard the Supreme Court's determination regarding the unconstitutionality of the Centers for Disease and Control's Eviction Moratorium, and the White House's clear intent to weaponize the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) against law-abiding gun owners who have a right to keep and bear arms as enshrined by the Second Amendment, I'm constantly hearing from constituents that they feel as if the very people entrusted to protect the Constitution are more keen on tearing it down than they are in upholding it. And it is truly telling that this view is held by not just my constituents, but also by so many Americans across the country.

I believe the Judiciary Committee has a unique role to play in restoring Americans' faith in our Federal government, and it is that faith in the Committee's unique role that compelled me to participate in the Committee's Member Day Hearing and to bring to your attention bills I have introduced that would make our government work in the best interest of the people, not against them. Those bills are as follows:

1. H.R. 1787, the Ensuring Second Amendment Freedoms are Executed Timely Act, also known as the ‘Ensuring SAFE-T Act,’ was introduced on March 11, 2021, and has been solely referred to the Judiciary Committee for consideration.

In short, H.R. 1787 would move the needle towards fully restoring Second Amendment rights to all Americans as it seeks to prevent the government from delaying law-abiding gun owners from purchasing a firearm. As it stands, current law requires a licensed federal firearm dealer to wait three *state government business* days after contacting the National Instant Criminal Background Check System before they can transfer a legally purchased firearm to a buyer. My legislation would change the requirement from three *state government business* days to three *calendar* days by adjusting language in Section 922(t)(1)(B) of Title 18 of the United States Code.

By changing the requirement to three calendar days, the ‘Ensuring SAFE-T Act’ makes sure the government cannot drag its heels in processing NICS checks. During the pandemic, I saw first-hand how the closure of state government offices across the country easily infringed upon our right to keep and bear arms. With these offices closed, or purported closed, three business days can turn into weeks or even months before a firearm transfer is completed.

No matter the circumstances, Second Amendment rights do not pause for the whims of bureaucrats. The ‘Ensuring SAFE-T Act’ will make sure no law-abiding U.S. citizen will be denied their right to keep and bear arms just because a government office isn’t open.

2. H.R. 2076, the COVID-19 Border Protection Act, commonly referred to as the ‘CBP Act,’ was introduced on March 19, 2021, and has been referred to Judiciary, Homeland Security, and Foreign Affairs for consideration. H.R. 2076 is a bipartisan piece of legislation that has the support of Ranking Members Jordan, Katko, and McCaul.

As previously noted, the Administration refuses to adhere to our immigration laws, and as a result, our nation has watched a humanitarian crisis unfold along our southwest border that has undoubtedly been exacerbated by the COVID-19 pandemic. Reports have stated that thousands of migrants released by CBP have tested positive for COVID-19. In August, the city of McAllen, Texas stated that more than 7,000 COVID-positive migrants have been released into their town since February.¹ The city of Laredo, Texas recently said that 40% of migrants who have bussed in have tested positive for COVID-19.² These cities have stated that they lack the authority to force these migrants who plan to travel throughout the country to quarantine, only the Federal government can. The inability to identify migrants who have tested positive, and quarantine them, presents additional challenges to the migrant crisis.

¹Melugin, Bill, Shaw, Adam, “Texas border city says more than 7,000 COVID-positive migrants released since February, 1,500 in last week,” 2021 August 04, Fox News, <https://www.foxnews.com/politics/texas-border-city-covid-positive-migrants-released-february-last-week>.

² Giaritelli, Anna, “Forty percent of migrants released in Texas border city test positive for COVID-19, officials say,” 2021 August 11, Washington Examiner, <https://www.washingtonexaminer.com/news/texas-city-officials-40-of-migrants-test-positive-for-covid-19>.

For these reasons, I introduced the bipartisan H.R. 2076, the COVID-19 Border Protection (CBP) Act. This legislation requires the Department of Homeland Security, in consultation with Health and Human Services, to develop a comprehensive strategy to test migrants that are encountered by DHS and HHS officials at the border and quarantine those who test positive. The bill also repurposes \$100,000,000 from the American Rescue Plan Act to ensure that DHS can effectively implement this strategy. These funds were originally designated for multilateral international assistance programs, including the United Nations' Global Humanitarian Response Plan for COVID-19.

I wholeheartedly believe we must do everything in our power to protect our constituents from unnecessary exposure. This legislation is a critical first step in ensuring that these migrants are not infecting more Americans with this deadly disease.

3. H.R. 3965, the Standing Against Houthi Aggression Act, was introduced on June 17, 2021, and has been referred to the Judiciary and Foreign Affairs Committees for consideration.

As you know, Yemen has been engaged in a civil war since 2014. After a failed nationwide attempt to reconcile political differences, the Houthis launched a bloody campaign against the government and seized large swaths of Yemen. To date, over 200,000 people have been killed in Yemen's civil war and 80% of Yemen's population need humanitarian assistance, but only a fraction of them will receive aid.³ Further exacerbating the crisis is the Iran-backed support of the Houthis, which has allowed Iran to expand its influence by proxy throughout the region.

In January 2021, the Trump Administration formally designated the Houthis as a foreign terrorist organization, and in doing so, then-Secretary of State Mike Pompeo cited attacks targeting civilians as the rationale for the designation. President Biden's Secretary of State, Antony Blinken, rescinded this designation in February 2021 to allow peace negotiations to take place. Sadly, those negotiations have only led to more violence. On June 4th, the Special Envoy for Yemen at the State Department admitted the failures of these negotiations when they stated:

"While there are numerous problematic actors inside of Yemen, the Houthis bear major responsibility for refusing to engage meaningfully on a ceasefire and to take steps to resolve a nearly seven-year conflict that has brought unimaginable suffering to the Yemeni people. Instead, the Houthis continue a devastating offensive on Marib that is condemned by the international community and leaves the Houthis increasingly isolated."⁴

For these reasons, I introduced H.R. 3965, a bill to reinstate the sanctions that the Trump Administration placed on the Houthis and to redesignate the group as a foreign terrorist

³ Sharp, Jeremy M., Rennack, Diane E., Margesson, Rhoda, Rollins John W.; Yemen: Recent Terrorism Designations, 29 January 2021; CRS;

<https://www.crs.gov/Reports/IN11585?source=search&guid=0e9585349a5946e98e4145ec1329fb2b&index=0>.

⁴ State Department; U.S. Special Envoy for Yemen Lenderking Returns from Travel to Saudi Arabia, Oman, the UAE, and Jordan; 4 June 2021; <https://www.state.gov/u-s-special-envoy-for-yemen-lenderking-returns-from-travel-to-saudi-arabia-oman-the-uae-and-jordan/>.

organization. To achieve lasting peace in Yemen and promote regional stability, we must act against the Houthis.

While I encourage the Judiciary Committee to take up and consider all three of my bills that have been referred to the Committee, I kindly ask the Committee to give prompt consideration to H.R. 2076. That's because Judiciary is the primary Committee of referral, and we must act in a timely manner to identify and quarantine COVID-19 positive illegal migrants who are being transported into the interior of our great nation and are jeopardizing the hard work and investments made by local communities to slow the spread of the virus so they can return to pre-pandemic operations.

Urgent attention to this matter is in order as the Homeland Inspector General recently detailed in a report that the Department's failure to mitigate the spread of COVID-19 poses a threat to our nation's security.⁵ This report comes after Secretary Mayorkas admitted to me earlier this year in a hearing held by the Homeland Security Committee that untested migrants were being released into the country.⁶

What's more, we currently impose greater requirements on American citizens and foreign nationals who are legally entering at points of entry to prove that they are not carriers of the virus than we do those who are entering our country illegally at the southern border. Illegal migrants should not be held to a different standard than American citizens, visa holders, and foreign nationals. This is not a partisan issue, but rather an issue that Republicans and Democrats should be able to work together on to solve this problem that poses an immediate threat to communities across the country and that undermines our border enforcement operations.

Again, I urge the Judiciary Committee to take up and consider H.R. 2076 so that we may work to move the bill through the legislative process promptly and to the floor for a vote in a timely manner to address the ongoing crisis at the southern border and put an end to the disparity in COVID-19 testing requirements to enter the country.

To that end, I thank the Committee for allowing me this opportunity to testify and I look forward to seeing the solutions members of the Judiciary Committee put forward to address the myriad challenges that face our great nation.

Thank you.

Andrew S. Clyde

⁵ Office of the Inspector General of the Department of Homeland Security, "DHS Needs to Enhance Its COVID-19 Response at the Southwest Border," 10 September 2021, <https://www.oig.dhs.gov/sites/default/files/assets/2021-09/OIG-21-60-Sep21.pdf>.

⁶ Rep. Clyde questions DHS Secretary Mayorkas about testing migrants caught at the border for COVID-19. YouTube; Posted March 17, 2021. <https://youtu.be/rfL-xATHXbQ>.