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4 MEETING TO ADOPT RULES OF PROCEDURE AND STATEMENT OF POLICY

5 FOR PRIVATE IMMIGRATION BILLS, RULES OF PROCEDURE FOR PRIVATE

6 CLAIMS BILLS, AND STATEMENT OF POLICY ON FEDERAL CHARTERS

7 Thursday, March 14, 2013

8 House of Representatives

9 Subcommittee on Immigration and Border Security

10 Committee on the Judiciary

11 Washington, D.C.

12 The subcommittee met, pursuant to call, 1:45 p.m., in
13 Room 2237, Rayburn Office Building, Hon. Trey Gowdy [chairman
14 of the subcommittee] presiding.

15 Present: Representatives Gowdy, King, Labrador,
16 Holding, Lofgren, Gutierrez, and Garcia.

17 Staff present: Shelley Husband, Staff Director/General

18 Counsel; Branden Ritchie, Deputy Chief of Staff/Chief
19 Counsel; Allison Halataei, Parliamentarian/General Counsel;
20 Kelsey Deterding, Clerk; Perry Apelbaum, Minority Staff
21 Director; and Danielle Brown, Minority Parliamentarian.
22

23 Mr. Gowdy. Good afternoon. Pursuant to notice, I will
24 now call up for consideration the Subcommittee on Immigration
25 and Border Security's rules and procedure and statement of
26 policy for private immigration bills, the rules of procedures
27 for private claims bills, and the policy on granting Federal
28 charters.

29 The clerk will report.

30 Ms. Deterding. Subcommittee on Immigration and Border
31 Security, 100 --

32 Mr. Gowdy. Without objection, all items will be
33 considered as read.

34 [The information follows:]

35

36 Mr. Gowdy. And I recognize myself for an opening
37 statement.

38 The primary focus of these rules is to establish the
39 standards and requirements for the consideration of private
40 immigration bills and private claims bills, which are
41 essentially requests to circumvent current law. Without
42 these standards, the Congress could potentially be inundated
43 with requests for private bills.

44 The subcommittee will also consider adoption of the
45 policy of not granting new Federal charters to private, not-
46 for-profit organization. This policy has been adopted by the
47 subcommittee of jurisdiction since the 101st Congress, and it
48 reflects the subcommittee's belief that charters are
49 unnecessary for the operations of any charitable organization
50 and falsely imply to the public that an organization and its
51 activities carry a congressional seal of approval.

52 This policy also reflects the subcommittee's belief that
53 the significant resources required to properly investigate
54 prospective chartered organizations and monitor them could
55 and should be spent instead of the subcommittee's large range
56 of policy matters.

57 These are essentially the same rules and statement of

58 policy that have been adopted in many past Congresses.
59 Technical changes have been made to ensure that they are all
60 up to date.

61 The rules of procedure for private claims bills included
62 one new rule relating to congressional reference cases. The
63 congressional reference statute allows one house of Congress
64 to refer a bill to the chief judge of the Federal claims
65 Court for a report. The court must then appoint a judge as a
66 hearing officer, as well as a panel of 3 judges to serve as a
67 reviewing body. The court then prepares a report which is
68 sent back to Congress.

69 It is my view Congress should not refer bills to the
70 court of Federal claims for this costly review process if the
71 underlying bill would not be allowed under our private claims
72 bill rules. Thus, the new rule states that all private
73 claims bills also apply to congressional references
74 resolutions. This would prevent a situation where someone
75 attempted to circumvent the private claim bill rules through
76 a congressional reference resolution.

77 These rules have served us well in past Congresses, and
78 I recommend that we adopt them again in the 113th Congress.

79 And I will now recognize the gentlelady from California,

80 Ms. Lofgren, for any opening statement she may have.

81 Ms. Lofgren. Thank you, Mr. Chairman, and, first, let
82 me apologize for my tardiness. I was detained in another
83 meeting. As you know, the IP Subcommittee is meeting at the
84 same time.

85 I concur that these rules are sound ones. They have
86 served the committee well in the past. And certainly the
87 referral bill is the useful addition. As you know, we have
88 for the first time in many, many years such a referral in the
89 last Congress. And clearly we have met the requirements that
90 you have outlined, and I think it is good moving forward to
91 specify that.

92 At this point, I would like to yield to the gentleman
93 from Illinois, who did have a comment he wanted to make on
94 the rules.

95 Mr. Gutierrez. Thank you so much. I have to say that I
96 object to this set of rules. I have been here for 20 years.
97 I have traveled wide and far throughout this country and have
98 heard many, many a compelling case for action on the part of
99 this committee and on the part of the Congress to take
100 exception. And just so that we understand, I hold Zoe
101 Lofgren in nothing but the highest esteem and admiration for

102 the work that she has done even when she handled the gavel
103 that you today have, Chairman Gowdy.

104 And I did not think the rules were good then, and I do
105 not think the rules are good today. Having said that, I know
106 we are going to adopt these rules, but I think they are so
107 limited. I have not one case of all the ones that we have
108 brought forward. I have soldier that are serving in armed
109 forces of the United States that I have had to go to. I
110 mean, I have to go to other jurisdictions and other places to
111 get them relief, but never here given these guidelines and
112 rules.

113 So moreover, I would just like to say that I thank
114 Chairman Gowdy and I thank Ranking Member Zoe Lofgren. As we
115 adopt these rules, which I know we are going to adopt today
116 -- I am not going to stand in the way of that, that we
117 understand how vitally important we get back to the business
118 of fixing our broken immigration system because these rules,
119 while they are nice to have, really are so limited, that give
120 us only a glimpse every now and then at a little justice and
121 fairness.

122 Thank you so much for allowing me to speak.

123 Ms. Lofgren. Thank you, and I yield back, Mr. Chairman.

124 Ms. Gowdy. The gentlelady yields back. And I thank the
125 gentleman from Illinois for his perspective, and I thank the
126 gentlelady from California.

127 Copies of the proposed rules and policy are before each
128 member. Are there any amendments?

129 If there are no amendments, the question is on adopting
130 the rules, procedures, and statement of policy for private
131 immigration bills, rules and procedure for private claims
132 bills, and the policy on the granting of Federal charters.

133 All those in favor will signify by saying aye.

134 Those opposed will say no.

135 The ayes have it, and the Subcommittee on Immigration
136 and Border Security's rules of procedure and statement of
137 policy for private immigration bills, rules of procedure of
138 private claims bills, and the policy on the granting of
139 Federal charters are all adopted.

140 All right. That may conclude our -- all right. We will
141 give our witnesses a chance to come forward and give others a
142 chance.

143 [Whereupon, at 1:50 p.m., the subcommittee was
144 adjourned.]