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4 MARKUP OF H.R. 1428, THE JUDICIAL REDRESS ACT OF 2015;

5 H.R. 1755, TO AMEND TITLE 36, UNITED STATES CODE; AND

6 H.R. 3449, TO AMEND THE IMMIGRATION AND NATIONALITY ACT.

7 Thursday, September 17, 2015

8 House of Representatives

9 Committee on the Judiciary

10 Washington, D.C.

11 The committee met, pursuant to call, at 10:51 a.m., in
12 Room 2141, Rayburn Office Building, Hon. Bob Goodlatte
13 [chairman of the committee] presiding.

14 Present: Representatives Goodlatte, Sensenbrenner,
15 Smith, Chabot, Issa, Forbes, King, Gohmert, Poe, Marino,
16 Gowdy, Farenthold, Collins, DeSantis, Walters, Buck, Trott,
17 Bishop, Conyers, Lofgren, Chu, DelBene, and Peters.

18 Staff present: Shelley Husband, Majority Staff
19 Director; Branden Ritchie, Deputy Majority Staff Director and
20 Chief Counsel; Allison Halataei, Majority Parliamentarian and
21 General Counsel; Zachary Somers, Majority Counsel,
22 Subcommittee on the Constitution and Civil Justice; George
23 Fishman, Majority Chief Counsel, Subcommittee on Immigration
24 and Border Security; Kelsey Williams, Majority Clerk; Perry
25 Apelbaum, Minority Staff Director and Chief Counsel; Aaron
26 Hiller, Minority Chief Oversight Counsel; Danielle Brown,
27 Minority Chief Legislative Counsel; Gary Merson, Minority
28 Chief Immigration Counsel; James Park, Minority Counsel; and
29 Rosalind Jackson, Professional Staff Member.
30

31 Chairman Goodlatte. Good morning. The Judiciary
32 Committee will come to order. Without objection, the chair
33 is authorized to declare a recess of the committee at any
34 time.

35 Pursuant to notice, I now call up H.R. 1428 for purposes
36 of markup and move that the committee report the bill
37 favorably to the House.

38 The clerk will report the bill.

39 Ms. Williams. H.R. 1428, to extend Privacy Act remedies
40 to citizens of certified States and for other purposes.

41 Chairman Goodlatte. Without objection, the bill is
42 considered as read and open for amendment at any point.

43 [The bill follows:]

44

45 Chairman Goodlatte. And I will begin by recognizing
46 myself for an opening statement.

47 I would like to begin by thanking Mr. Sensenbrenner and
48 Ranking Member Conyers for introducing this important
49 bipartisan legislation to help ensure that the flow of law
50 enforcement information between the European Union and the
51 United States continues unimpeded.

52 In recent years, several broad and highly-publicized
53 leaks of classified U.S. intelligence information have eroded
54 the global public's trust in the United States government and
55 our technology sector. As a result, both the Federal
56 government and U.S. businesses that operate overseas are
57 facing growing challenges from proposals to limit the
58 international flow of data.

59 Our allies in Europe in particular are concerned the
60 European public will no longer support law enforcement
61 cooperation with U.S. authorities if we do not enact
62 legislation to restore their public's trust in U.S. privacy
63 protections. Moreover, American businesses across all
64 sectors face negative commercial consequences abroad as a
65 result of the climate that has been created by the
66 unauthorized disclosure of classified data. H.R. 1428, the

67 Judicial Redress Act, can go a long way toward restoring our
68 allies' faith in U.S. data privacy protections and helping
69 facilitate agreements, such as the Data Protection and
70 Privacy Agreement, that strengthened private interests.

71 According to the U.S. Department of Justice, the
72 Judicial Redress Act is critical to reestablishing a trusting
73 relationship between Europe and the United States and
74 ensuring continued strong law enforcement cooperation between
75 the United States and Europe, and to preserving the ability
76 of American companies to do business internationally.

77 The Judicial Redress Act accomplishes this by granting
78 citizens of designated foreign companies a limited number of
79 civil remedies against the Federal government, similar to
80 those already provided to U.S. citizens and lawful permanent
81 residents under the Privacy Act. This legislation is
82 narrowly tailored in that it only applies with respect to
83 information obtained through international law enforcement
84 channels, and that any lawsuit brought pursuant to this bill
85 is subject to the same terms and restrictions that apply to
86 U.S. citizens and lawful permanent residents under the
87 Privacy Act.

88 If this legislation is enacted, citizens of designated

89 foreign governments will be able to sue the United States in
90 Federal District Court with respect to intentional and
91 willful public disclosures of law enforcement information by
92 the Federal government that injure those citizens.

93 Additionally, for information that is not subject to an
94 exemption under the Privacy Act, covered foreign citizens
95 will be able to seek redress for failures by the Federal
96 government to grant access to records or to amend incorrect
97 records. American citizens are already afforded these types
98 of judicial redress rights in many foreign countries.

99 Although these may be limited to civil remedies against
100 the United States government, they will provide European
101 citizens with the core benefits of the Privacy Act, and in
102 doing so will greatly help to restore public trust necessary
103 for the continued success of our law enforcement cooperation
104 with Europe. The bill will also facilitate adoption of the
105 Data Protection and Privacy Agreement, and promote a healthy
106 environment for U.S. companies that do business overseas. I
107 urge my colleagues to support this legislation.

108 And now, it is my pleasure to recognize the ranking
109 member of the committee, the gentleman from Michigan, Mr.
110 Conyers, for his opening statement.

111 Mr. Conyers. Thank you, Chairman Goodlatte. My
112 colleagues, I am happy to join the chairman and I think most
113 of you in support of this measure, H.R. 1428, the Judicial
114 Redress Act. It is good for national security, good for
115 privacy, good for business, and it is unquestionably the
116 right thing to do for our Nation's closest allies.

117 Under current law, an American citizen is entitled to
118 access and request a correction to personal records held by a
119 Federal agency. If the agency denies access or fails to make
120 a requested change or otherwise violates privacy rights, then
121 the citizen may seek redress in Federal court. But under
122 current law, these rights are conveyed only to American
123 citizens, not to citizens of our closest allies, even though
124 many European countries offer citizens similar rights
125 overseas.

126 H.R. 1428 will extend these core privacy protections to
127 the citizens of certain foreign countries, those designated
128 by the Attorney General as trusted allies. This is a matter
129 of basic fairness. Our friends abroad should have some
130 course of redress with respect to information that they
131 provided to the United States government in the first place.

132 In addition, this legislation will facilitate

133 information sharing partnerships with law enforcement
134 agencies across the globe. We know from experience that open
135 lines of communication with our allies yield vital
136 intelligence and saves lives. 1428 will enable the United
137 States and the European Union to complete an umbrella
138 agreement to govern information sharing across the Atlantic
139 for law enforcement and counterterrorism forces.

140 This agreement, which includes significant protections
141 for individual privacy, will not go into effect until we have
142 made these changes, and so H.R. 1428 will also benefit
143 American businesses. Earlier this year, a coalition of trade
144 associations and other organizations wrote to the House
145 leadership of both parties to outline the economic cost of "a
146 significant erosion of global public trust in both the United
147 States government and the United States technology sector."
148 They conclude that this bill, the Judicial Redress Act, will
149 help restore the public trust necessary for the continued
150 success of United States industry overseas.

151 H.R. 1428 is supported by the White House, the
152 Department of Justice, and several other Federal law
153 enforcement agencies. It has been endorsed by organizations
154 like the United States Chamber of Commerce and the

155 Information Technology Industrial Council, as well as
156 businesses like Facebook, Google, Microsoft, and IBM.

157 I thank the gentleman from Wisconsin, Mr. Sensenbrenner,
158 for his leadership on this issue. I am proud to have joined
159 him as a co-sponsor and urge the support of this bill. And I
160 yield back the balance of my time.

161 Chairman Goodlatte. The chair thanks the gentleman, and
162 now is pleased to recognize the sponsor of the bill, the
163 gentleman from Wisconsin, Mr. Sensenbrenner, for his opening
164 statement.

165 Mr. Sensenbrenner. Thank you very much. Good morning.
166 I would like to thank Chairman Goodlatte for holding this
167 morning's markup of the Judicial Redress Act of 2015.

168 I was pleased to introduce this legislation with Ranking
169 Member Conyers in March, and to see the United States and the
170 European Union recently reach an umbrella agreement for the
171 protection of personal data and the sharing of law
172 enforcement information. I am optimistic that we can pass
173 this meaningful legislation that will improve our
174 international relationships, strengthen information sharing
175 between international law enforcement entities, and produce a
176 better environment for U.S. businesses operating abroad.

177 In many ways, the Judicial Redress Act is a privacy bill
178 backed and supported by many of our country's top Privacy Act
179 advocates. But make no mistake, this bill is also critical
180 to U.S. law enforcement. At the heart of the Judicial
181 Redress Act is the pressing need for continued sharing of law
182 enforcement data.

183 Trust is easily lost and hard to rebuild. As the
184 original author of the USA Freedom Act, I saw firsthand the
185 damage the Snowden leaks did to our international reputation.
186 It is my hope that passage of the USA Freedom Act and the
187 unequivocal end to mass suspicion list surveillance in the
188 United States is a first step toward normalizing
189 relationships with our allies.

190 But the Judicial Redress Act is an important second
191 step. The bill is essential to the implementation of the
192 recently signed umbrella agreement between the United States
193 and the European Union. In the words of the agreement, "The
194 purpose is to ensure a high level of protection of personal
195 information, and to enhance cooperation between the United
196 States and the European Union and its member states in
197 relation to the prevention, investigation, detection, or
198 prosecution of criminal offenses, including terrorism."

199 In our complex digital world, privacy and security are
200 not competing values. They are weaved together inseparably,
201 and today's policymakers must craft legal frameworks that
202 support both. It is a critical issue in today's digital
203 world.

204 The bill provides our allies with limited remedies
205 relative to data they share with the United States, similar
206 to those American citizens enjoy under the Privacy Act. It
207 is a way to support our foreign allies and to ensure the
208 continued sharing of law enforcement data.

209 Specifically, the bill would give citizens of covered
210 countries the ability to correct flawed information in their
211 records and access to U.S. courts if the United States
212 government unlawfully discloses their personal information.
213 As American citizens, we already enjoy similar protections in
214 Europe. Granting these rights to our closest allies will be
215 a positive step in restoring our international reputation and
216 rebuilding trust.

217 Our colleagues in Europe have noted that such
218 protections are central to their willingness to continue
219 sharing law enforcement data with the United States. If we
220 fail to pass the Judicial Redress Act, we will undermine

221 several important international agreements, harm our
222 businesses operating in Europe, and severely limit the
223 sharing of law enforcement information.

224 This bill currently enjoys broad support, and has been
225 endorsed by the Department of Justice as well as the U.S.
226 Chamber of Commerce and numerous U.S. businesses. I urge my
227 colleagues to support this important legislation, and yield
228 back the balance of my time.

229 Chairman Goodlatte. The chair thanks the gentleman.
230 For what purpose does the gentleman from Texas seek
231 recognition?

232 Mr. Poe. I move to strike the last word, Mr. Chairman.

233 Chairman Goodlatte. The gentleman is recognized for 5
234 minutes.

235 Mr. Poe. Thank you, Mr. Chairman, and I certainly
236 support this legislation, H.R. 1428, the Judicial Redress Act
237 of 2015, and I appreciate the chair bringing this bill
238 forward. This bill would expand would expand privacy
239 protections to certain specified foreign nationals under
240 American law.

241 I support this expansion of privacy for non-citizens,
242 but I do remain concerned that the committee has not brought

243 up a number of other important bills that aim to protect the
244 privacy rights of American citizens. I respectfully urge the
245 committee to take action on these bills as soon as possible.

246 The first is ECPA reform. ECPA reform legislation has
247 been pending for 3 years. The Senate has charged ahead on
248 this reform, and I fear we are lagging behind in the House.
249 A number of ECPA reform bills have been referred to this
250 committee, one being sponsored by my friend, Ms. Lofgren and
251 myself. There is another one, H.R. 699, that has 229 co-
252 sponsors, the most of any bill in the United States House of
253 Representatives.

254 I continue to hear from constituents that are asking
255 Congress to move to fix this outdated ECPA law that permits
256 the government to search Americans' data stored on the cloud
257 without a warrant and the context is over 6 months old. The
258 law needs to be changed immediately. The longer we delay,
259 the longer the 4th Amendment rights of Americans are not
260 protected.

261 Even government bureaucrats do not want the law to be
262 fixed. The SEC recently said they should have the right to
263 search emails of Americans without warrants. We have to deal
264 with this matter as well as others.

265 Additionally, I believe it is time the committee
266 consider looking at warrantless reverse targeting of American
267 citizens under Section 702 of the FISA Amendment Act. In the
268 past few years, it has come to light that our intelligence
269 agencies have been abusing this section to search for data on
270 American citizens without a warrant. I believe this is a
271 grave abuse of the 4th Amendment and needs to be done.

272 A number of pieces of legislation have been introduced,
273 one along with, once again, my friend, Representative
274 Lofgren, to prevent the reverse targeting. H.R. 2233, the
275 End Warrantless Surveillance Act, has 42 sponsors, including
276 12 members of this committee. It has passed the House twice
277 as an amendment on appropriation bills, yet we have not seen
278 action on a standalone bill, and I would ask the committee to
279 consider this legislation. And also lastly, I believe we
280 need to address aerial surveillance with drones and fixed-
281 wing aircraft.

282 I understand that all these issues are difficult and
283 complex, but we are dealing with constitutional issues, and
284 it should be a greater concern, in my opinion, that we move
285 forward on 4th Amendment protections to apply new technology.
286 And it is one of the greatest accomplishments this committee

287 can do in this Congress. And I urge the committee to
288 consider these issues, and I yield back, and I thank the
289 chairman.

290 Chairman Goodlatte. The chair thanks the gentleman. If
291 the gentleman would yield, the chair would express his --

292 Mr. Poe. Certainly I yield.

293 Chairman Goodlatte. -- keen interest in all of the
294 bills you just described. The first one, ECPA, is a bill
295 that I know a majority of the members of this committee would
296 like to move forward on, and we are actively working on that
297 and looking at the various alternatives, including the two
298 that you described, to find a way forward to move that
299 legislation. And we appreciate the gentleman's interest and
300 his urging.

301 Mr. Poe. I thank the chairman, and I yield back.

302 Chairman Goodlatte. I thank the gentleman. Are there
303 any amendments to H.R. 1428?

304 [No response.]

305 Chairman Goodlatte. A reporting quorum being present,
306 the question is on the motion to report the bill, H.R. 1428,
307 favorably to the House.

308 Those in favor will say aye.

309 Those opposed, no.

310 The ayes have it, and the bill, as amended, is ordered
311 reported favorably. Right, it is not amended. The bill is
312 ordered reported favorably, and members will have 2 days to
313 submit views.

314 [The information follows:]

315

316 Chairman Goodlatte. Pursuant to notice, I now call up
317 H.R. 1755 for purposes of markup, and move that the committee
318 report the bill favorably to the House.

319 The clerk will report the bill.

320 Ms. Williams. H.R. 1755, to amend Title 36, United
321 States Code, to make certain improvements in the
322 congressional charter of the Disabled American Veterans.

323 Chairman Goodlatte. Without objection, the bill is
324 considered as read and open for amendments at any point.

325 [The bill follows:]

326

327 Chairman Goodlatte. And I will begin by recognizing
328 myself for an opening statement.

329 Since 1920, Disabled American Veterans has been serving
330 American veterans who are wounded in the line of duty. It
331 provides free assistance to veterans and their families in
332 obtaining Federal benefits and services earned through
333 military service. It represents the interests of disabled
334 veterans, their families, their widowed spouses, and their
335 orphans before the Federal, State, and local government. And
336 it provides a structure through which disabled veterans can
337 express their compassion for their fellow veterans through a
338 variety of volunteer programs.

339 The organization received a Federal charter in 1932.
340 DAV is seeking enactment of H.R. 1755, which will facilitate
341 DAV in its fundraising efforts as the organization explains:
342 "For decades, DAV has been exempt from Federal taxation under
343 501(c)(4) of the Internal Revenue Code. Donations to most
344 501(c)(4) organizations are not deductible for income or
345 estate tax purposes. DAV is a rare exception as it qualifies
346 to receive deductible contributions as a war veterans
347 organization.

348 Many donors, even sophisticated donors, believe

349 incorrectly that charitable deductions are available only for
350 gifts made to a 501(c)(3) organization, more commonly known
351 as a public charity. We believe that this misconception has
352 been limiting DAV's opportunities to gain corporate support
353 and major gifts, including bequests.

354 There is no doubt that DAV's activities of service to
355 wounded and disabled veterans would enable it to qualify as a
356 public charity exempt from taxation under Section 501(c)(3)
357 of the Internal Revenue Code. To achieve that designation,
358 the organization needs to make application to the Internal
359 Revenue Service. The application requires that certain
360 language be included in the organization document, which, in
361 our case, is the Federal charter.

362 H.R. 1755 makes explicit DAV's exclusively charitable
363 purpose, explains the educational component of its mission,
364 and mandates the assignment of its assets to the Department
365 of Veterans Affairs in the event of dissolution. Inclusion
366 of these provisions in the charter will simplify greatly our
367 conversion to (c)(3) status." We can help the DAV carry out
368 its vital mission through this legislation. I commend
369 Representative Miller for introducing the bill, and urge my
370 colleagues to support it.

371 And now, I am pleased to recognize our ranking member,
372 Mr. Conyers, for his opening statement.

373 Mr. Conyers. Thank you, Chairman Goodlatte. Members of
374 the committee, H.R. 1755 is a simple bill that makes
375 important improvements to the Federal charter of the Disabled
376 American Veterans. The Disabled American Veterans have been
377 serving disabled veterans since 1920. In fact, the
378 organization's first national convention was held in Detroit,
379 Michigan in 1921.

380 Currently, the organization serves our disabled veterans
381 by helping them access all the benefits available to them,
382 fighting for their interests in Washington, D.C., and
383 educating the public about the sacrifices they make. The
384 changes that H.R. 1755 makes are important because they
385 specifically recognize two of the organization's more
386 important missions: educating the public and educating
387 disabled veterans.

388 This bill also specifies that on dissolution or final
389 liquidation of the organization, any assets remaining must be
390 transferred to the Secretary of Veterans Affairs for the care
391 of disabled veterans. As a result of these revisions, the
392 organization's charitable status will be clarified, and

393 accordingly, I urge support of the measure, and yield back
394 the balance of my time. Thank you.

395 Chairman Goodlatte. The chair thanks the gentleman.
396 Are there any amendments to H.R. 1755? For what purpose does
397 the gentleman from Georgia seek recognition?

398 Mr. Collins. Mr. Chairman, I move to strike the last
399 word.

400 Chairman Goodlatte. The gentleman is recognized for 5
401 minutes.

402 Mr. Collins. Thank you, Mr. Chairman. Mr. Chairman, I
403 am glad to have this opportunity today to consider
404 legislation that will make improvements to the congressional
405 charter of the Disabled American Veterans. This markup is an
406 opportunity to recognize the sacrifices of our men and women
407 in uniform and thank them for their service to our country.

408 The Disabled American Veterans received its first
409 congressional charter in 1932, and today's markup of H.R.
410 1755 to update and improve the charter is a sign of the
411 continued strength and commitment to the DAV. The DAV has
412 more than 1.2 million members today, indicating the
413 organization is still an important resource and advocate for
414 our returning service members.

415 I have served alongside men and women in uniform as a
416 chaplain in the U.S. Air Force Reserve, and I have seen
417 firsthand the struggles they endure both on the battlefield
418 and when they return home. It is critical that we work
419 together as a Nation to recognize those who fight in defense
420 of our freedoms and to show them our gratitude for their
421 courage. We can and should do better by those who have
422 served and sacrificed for our Nation.

423 Although the problems facing the veterans are
424 significant, our resolve to support the veterans is greater
425 still; thus, the dedication of the organization, the Disabled
426 American Veterans. When we do this, when we look at what
427 they do and how they support us, and how they support the
428 veterans and their needs, and they work alongside my office,
429 such as my district office and others, to make sure that
430 veterans have the care that they need and also the access
431 that they deserve.

432 When we look at this bill today, I am glad to see us
433 looking at this, making sure that we take steps forward to
434 ensure their charter is up to date, and also the commitment
435 of this committee and also this Congress to making sure that
436 we do everything to support those not only in our system, but

437 those who support those who are in need of the system being
438 more suited to them. And for that, I appreciate the chairman
439 and the markup today for the Disabled American Veterans.

440 And with that, I yield back.

441 Chairman Goodlatte. The chair thanks the gentleman.
442 For what purpose does the gentlewoman from California seek
443 recognition?

444 Ms. Lofgren. Thank you, Mr. Chairman. To strike the
445 last word. I would just like to note that I --

446 Chairman Goodlatte. The gentlewoman is recognized.

447 Ms. Lofgren. -- think this is an important measure, I
448 agree, and would ask unanimous consent to put my written
449 statement in the record.

450 Chairman Goodlatte. Without objection, it will be made
451 a part of the record.

452 [The information follows:]

453

454 Chairman Goodlatte. And are there amendments to H.R.
455 1755?

456 [No response.]

457 Chairman Goodlatte. Being none, a reporting quorum
458 being present, the question is on the motion to report the
459 bill, H.R. 1755, favorably to the House.

460 Those in favor will respond by saying aye.

461 Those opposed, no.

462 The ayes have it, and the bill is ordered reported
463 favorably.

464 The members will have 2 days to submit views.

465 [The information follows:]

466

467 Chairman Goodlatte. Pursuant to notice, I now call up
468 H.R. 3449 for purposes of markup, and move that the committee
469 report the bill favorably to the House.

470 The clerk will report the bill.

471 Ms. Williams. H.R. 3449, to amend the Immigration and
472 Nationality Act to extend honorary citizenship to otherwise
473 qualified non-citizens who enlisted in the Philippines and
474 died while serving on active duty with the United States
475 Armed Forces during certain periods of hostilities, and for
476 other purposes.

477 Chairman Goodlatte. Without objection, the bill is
478 considered as read and open for amendment at any point.

479 [The bill follows:]

480

481 Chairman Goodlatte. And I will begin by recognizing
482 myself for an opening statement.

483 Many Filipinos served bravely with the United States
484 Armed Forces during World War II in the Philippine Scouts.
485 The U.S. Army writes that early in World War II, General
486 MacArthur had his entire army withdraw to the Bataan
487 Peninsula and to Corregidor Island to hold off the Japanese
488 army until the U.S. Navy could bring reinforcements and
489 supplies.

490 The Philippine Scouts, side by side with the United
491 States National Guard and Philippine army infantry units,
492 defeated the Japanese army in numerous actions in the
493 interior and on the coastlines of Bataan. Survivors of the
494 Battle of Bataan to a man describe the Philippine Scouts as
495 the backbone of the American defense there. President
496 Franklin Roosevelt awarded the U.S. Army's first three
497 Congressional Medals of Honor of World War II to Philippine
498 Scouts.

499 By March 1942, the Japanese army had marched through
500 Southeast Asia and completely overrun every country and
501 island in the Western Pacific, with the exception of the
502 Philippines. The Philippine's and MacArthur's army were

503 alone on the Bataan Peninsula of Luzon Island. The
504 Philippine Scouts, a few U.S. Army National Guard units, and
505 10 divisions of poorly-equipped, almost untrained Philippine
506 army soldiers held out for 4 months against the Japanese.

507 With the U.S. Navy at Pearl Harbor in shambles and the
508 Japanese navy blockading the Philippines, there was no way
509 for America to get reinforcements, food, or medicine to the
510 troops on Bataan. Nonetheless, they held out while malaria,
511 dysentery, and malnutrition ravaged their ranks, and Japanese
512 attacks drove them further down the Bataan Peninsula.

513 Fresh Japanese troops began a crushing attack on the
514 U.S. forces on Bataan April 3, 1942. Although the men fought
515 bravely, the Battle of Bataan ended April 9, 1942 when
516 General Edward King surrendered rather than see anymore of
517 his starving, diseased men slaughtered by the advancing
518 Japanese army. At that point, 75,000 men became prisoners of
519 war, about 12,000 Americans and 63,000 Filipinos. What
520 followed was one of the worst atrocities in modern wartime
521 history, the Bataan Death March.

522 America owes a debt of gratitude to those Philippine
523 Scouts who gave their lives fighting with the U.S. in World
524 War II. Posthumous citizenship would be a fitting tribute to

525 their sacrifice. Concurrently, the Posthumous Citizenship
526 for Active Duty Service Act does provide a procedure for an
527 alien who is killed while serving on active duty status with
528 the U.S. Armed Forces during periods of hostility to be
529 granted posthumous citizenship.

530 The House report indicated that posthumous citizenship
531 is a symbolic measure to express that the United States
532 honors the memory of the individual who gave their life for
533 our country. That statute provides that an alien is eligible
534 for posthumous citizenship if they, one, served honorably in
535 an active duty status in the military, air, or naval forces
536 of the United States during any period of hostilities,
537 including World War I, World War II, the Korean War, the
538 Vietnam War, or other period of hostilities designated by the
539 President by executive order, including the current War on
540 Terror; two, died as a result of injury or disease incurred
541 or aggravated by that service; and three, at the time of
542 enlistment, re-enlistment, extension of enlistment, or
543 induction were, one, in the United States, the Canal Zone,
544 American Samoa or Swains Islands, or on board a public vessel
545 owned or operated by the United States for non-commercial
546 service, whether or not he was a lawful permanent resident,

547 or, two, at any time subsequent to enlistment or induction
548 had become a lawful permanent resident.

549 The Philippine Scouts who lost their lives in World War
550 II do not qualify for posthumous citizenship because they
551 cannot meet this third requirement. Essentially, they did
552 not enlist in the United States and were never permanent
553 residents. Representative Walter Jones has introduced H.R.
554 3449, which would waive this impediment and finally allow
555 America to honor these men.

556 I commend Mr. Jones for introducing this bill, and I
557 urge my colleagues to support it. And at this time, I am
558 pleased to recognize the ranking member, Mr. Conyers, for his
559 opening statement.

560 Mr. Conyers. Thank you, Chairman Goodlatte. Members of
561 the committee, 70 years ago we led the world, in effect, to
562 defeat the fascist Axis powers of Germany and Japan. During
563 World War II, over 250,000 Filipinos fought alongside
564 American forces, and many of them paid the ultimate sacrifice
565 to take back their country during the Japanese occupation.

566 Today, we are marking up a bill that recognizes these
567 brave Filipino soldiers. As one of the three remaining
568 Korean War veterans in Congress, I am pleased to commemorate

569 their service by extending honorary citizenship to these
570 brothers in arms who died while serving on active duty with
571 American armed forces during World War II.

572 We should also consider the Filipino Veterans Family
573 Reunification Act, introduced by our colleague from Hawaii,
574 Mr. Mark Takai. There are approximately 6,000 Filipino
575 American World War II veterans still alive in the United
576 States today, and many of them require the care and
577 assistance of their families as they age. Many greatly
578 desire to have their family members in the United States with
579 them during their final days.

580 But even for United States citizens from the
581 Philippines, the waits for family members can be 10 or 20
582 years due to annual visa quotas. Representative Takai's
583 proposal would exempt children of Filipino World War II
584 veterans from annual visa caps. It is a narrow, sensible,
585 and humane proposal that is consistent with the spirit of the
586 bill we are marking today. And I am glad we are coming
587 together to honor Filipinos who served our country in World
588 War II.

589 I urge us to do a bit more on behalf of these Filipino
590 veterans who are part of the Greatest Generation, and I

591 support the measure. And I yield back the balance of my
592 time. Thank you.

593 Chairman Goodlatte. Are there any amendments? For what
594 purpose does the gentlewoman from California seek
595 recognition?

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

597 Chairman Goodlatte. The clerk will report --

598 Mr. Sensenbrenner. Mr. Chairman, I reserve a point of
599 order.

600 Chairman Goodlatte. A point of order is reserved, and
601 the clerk will report the amendment.

602 Ms. Williams. Amendment to H.R. 3449 offered by Ms.
603 Lofgren of California, add at the end of the bill the
604 following: Section 2, exempt --

605 Chairman Goodlatte. Without objection, the amendment is
606 considered as read.

607 [The amendment of Ms. Lofgren follows:]

608

609 Chairman Goodlatte. And the gentlewoman is recognized
610 for 5 minutes on her amendment.

611 Ms. Lofgren. Thank you, Mr. Chairman. As Mr. Conyers
612 said in his opening statement, there are approximately 6,000
613 Filipino-American World War II veterans still alive in the
614 United States today. And they are very anxious to have
615 family members with them in the United States during their
616 final days. They may need the care and assistance of their
617 families as they age.

618 But even for U.S. citizens from the Philippines, the
619 waits for family members under our current visa system can be
620 10 or 20 years. So this amendment would address these visa
621 backlogs by exempting children of certain Filipino World War
622 II veterans from the annual visa caps. It actually tracks
623 the bill introduced by our colleague, Congressman Takai from
624 Hawaii.

625 It is a narrow measure that recognizes the sacrifice of
626 Filipino veterans, and will ensure that they are reunified
627 with their families. And I think it is important that we
628 join together and focus on the families of these World War II
629 veterans from the Philippines, who served our country and the
630 world so well.

631 And at this point, I would yield to my colleague from
632 California, Ms. Chu, for a few words.

633 Ms. Chu. Thank you, Congress Member Lofgren, for
634 introducing this amendment. Over half a century ago,
635 Filipino soldiers answered the call to arms of President
636 Franklin D. Roosevelt, and later fought on behalf of American
637 forces in the Philippines during World War II.

638 Giving posthumous citizenship to those who sacrificed
639 their lives for the U.S. and our values is the right thing to
640 do by these families. However, I do not believe that it is
641 enough. Today there are as many as 26,000 of these brave
642 soldiers who are living in the U.S., but who cannot reunite
643 with their family. These veterans are U.S. citizens, but
644 because of our extremely backlogged family visa system, many
645 Filipino families are forced to wait over 20 years to
646 reunite.

647 Take the case of Mr. Art Kaleda. Over 70 years ago, he
648 helped our military as a guerilla intelligence officer during
649 World War II. In 1996, Mr. Kaleda, a U.S. citizen,
650 petitioned for his three sons who live in Manila. Currently
651 the Department of State is processing applications for 1993.
652 That means that Mr. Kaleda, now 90 years old, has waited over

653 22 years for his sons' visas, and still has to wait several
654 more years until the visas become available. Meanwhile, last
655 year Mr. Kaleda's wife passed away, unable to spend the last
656 years of her life with her children. This is unacceptable.
657 Only comprehensive immigration reform will get to the root of
658 the problem, but Congress should at a minimum ensure Filipino
659 veterans who put their lives on the line for our country are
660 able to reunite with their loved ones.

661 It is our duty to take care of those who fought for this
662 country. This means fully compensating these families that
663 have suffered such long separations from their loved ones.
664 To not do so would be a monumental omission, an injustice to
665 the memory of those service members who made the ultimate
666 sacrifice for the freedoms we enjoy today. And that is why I
667 am a proud co-sponsor of Congress Member Takai's Filipino
668 Veterans Family Reunification Act, H.R. 483, which would
669 exempt the children of Filipino World War II veterans from
670 the visa caps and expedite their path towards citizenship.

671 The bill before us today is the right thing to do, but
672 we must do much more to ensure that veterans like Mr. Kaleda
673 are properly honored and are able to have the most important
674 thing for them: the ability to live out their last years

675 with their children. Thank you, and I yield back.

676 Ms. Lofgren. I thank the gentlelady for yielding back.

677 I would just note that this amendment is important because
678 these World War II vets, who, given their advanced age, do
679 not have a lot of time left with us, will probably not
680 survive long enough for their children to actually come under
681 the visa system. And because they do need the help of their
682 children because of their advanced age, it is urgent that
683 this measure be adopted. And I hope that we might be able to
684 either adopt this amendment or, since it is possible it may
685 not be germane to the underlying bill, that we might be able
686 to take this measure up separately because of the urgency for
687 these heroic individuals.

688 With that, Mr. Chairman, I yield back.

689 Chairman Goodlatte. Does the gentleman from Wisconsin
690 insist on his point of order?

691 Mr. Sensenbrenner. Yes, I insist on the point of order.
692 The bill is limited in subject matter to the granting of
693 posthumous or honorary citizenship to certain Filipinos who
694 served us in World War II. There are no actual benefits
695 being conferred in this bill since the recipients are
696 deceased. Thus, amendments to confer benefits would be

697 outside the scope and subject matter of the bill, and I would
698 ask the chair to sustain the point of order, and yield back.

699 Ms. Lofgren. Mr. Chairman, I would unanimous consent to
700 withdraw the amendment given the germaneness issue.

701 Chairman Goodlatte. Well, the chair thanks the
702 gentlewoman. Without objection, the amendment is withdrawn.
703 And the chair would say to the gentlewoman there are other
704 bills pending before the committee that we would like to act
705 upon that would help with the situation that you described.
706 So we will work toward that goal.

707 Are there other amendments to H.R. 3449?

708 [No response.]

709 Chairman Goodlatte. Being none and a quorum being
710 present, a reporting quorum being present, the question is on
711 the motion to report the bill, H.R. 3449, favorably to the
712 House.

713 All those in favor, respond by saying aye.

714 Those opposed, no.

715 The ayes have it, and the bill, as amended, is ordered
716 reported. The bill is ordered reported favorably, and
717 members will have 2 days to submit views.

718 [The information follows:]

719

720 Chairman Goodlatte. That completes the business before
721 the committee today, and the chair thanks all the members for
722 attending. And the markup is adjourned.
723 [Whereupon, at 11:29 a.m., the committee was adjourned.]