MARKUP OF:
H.R. 391, THE “ASYLUM REFORM AND BORDER PROTECTION ACT”; AND
H. RES. 446, THE “RESOLUTION OF INQUIRY”

Wednesday, July 26, 2017
House of Representatives,
Committee on the Judiciary,
Washington, D.C.

The committee met, pursuant to call, at 10:00 a.m., in
Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
[chairman of the committee] presiding.

Present: Goodlatte, Smith, Chabot, Issa, King, Franks,
Gohmert, Jordan, Poe, Marino, Gowdy, Labrador, Farenthold,
Collins, DeSantis, Buck, Ratcliffe, Roby, Gaetz, Johnson,
Biggs, Rutherford, Handel, Conyers, Nadler, Lofgren, Jackson
Lee, Cohen, Johnson, Deutch, Gutierrez, Bass, Cicilline,
Swalwell, Lieu, Raskin, Jayapal, and Schneider.

Staff Present: Shelley Husband, Staff Director; Branden
Ritchie, Deputy Staff Director; Tach Somers, Parliamentarian and General Counsel; Ryan Breitenbach, Counsel, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Andrea Loving, Counsel, Subcommittee on Immigration and Border, Security; Joe Edlow, Counsel, Subcommittee on Immigration and Border Security; Alley Adcock, Clerk; Aaron Hiller, Minority Chief Oversight Counsel; Danielle Brown, Minority Chief Legislative Counsel & Parliamentarian; Chloe Pan, Minority Intern; Olivia Foster, Minority Intern; Sandy Alkoutami, Minority Intern, Judiciary Committee; Perry Apelbaum, Minority Chief Counsel and Staff Director; Arya Hariharan, Minority Counsel; and David Greengrass, Minority Counsel.
Chairman Goodlatte. Good morning. The Judiciary Committee will come to order and, without objection, the chair is authorized to declare a recess at any time.

Pursuant to notice, I now call up H.R. 391 for purposes of mark up and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Adcock. H.R. 391: to modify the treatment of unaccompanied alien children who are in Federal custody by reason of their immigration status and for other purposes.

[The bill follows:]

********** INSERT 1 **********
Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any time.

And I will begin by recognizing myself for an opening statement. Many of the actions the Obama administration took regarding immigration policy were based on a lack of respect for our Nation's immigration laws themselves and represented abuses of the discretion provided to the executive by the constitution and Congress.

One of the immigration programs the last administration most abused was the U.S. asylum process. Word was out, "Simply get to the border, track down a border patrol agent, claim a fear of persecution if sent home, and you could enjoy years of freedom in the U.S. to legally work until you saw an immigration judge."

Such an incentive resulted in a massive increase in foreign nationals seeking asylum in the United States. The United States does and should have asylum laws to grant relief to individuals who are truly persecuted. However, just as with any U.S. immigration program, fraud in the asylum process is pervasive. And since asylum fraud can be relatively easy to perpetrate, the asylum's system is highly susceptible to it.

A claim for asylum is often based simply on the asylum seeker's testimony. You can imagine how difficult it is for an asylum officer or an immigration judge to corroborate the
testimony of an individual who claims fear of persecution on account of membership in a particular social group. The U.S. Government simply does not have the resources or the ability to truly validate the actual veracity of each asylum seeker's claim.

Worse yet, in most cases, we actually forbid the Department of Homeland Security from seeking evidence from the home country about the veracity of an applicant's claims. Since receipt of asylum status in the United States leads directly to U.S. citizenship, it is especially important that steps be taken to prevent fraud in and abuse of the system.

In December 2015, the Government Accountability Office found that granting asylum to an individual with a fraudulent claim jeopardizes the integrity of the asylum system by enabling the individual to remain in the United States, apply for certain Federal benefits, and pursue a path to citizenship. The GAO went on to rightly note that, "Given the potential consequences of asylum decisions, it is important that the asylum system is not misused."

Admittedly, fraud in the asylum process is nothing new. As a former U.S. CIS official testified before this committee in 2014, a partially completed fraud assessment by the U.S. CIS Fraud Detection and National Security Directorate found that, in a random sampling of asylum cases
pending before U.S. CIS, 12 percent were determined to be fraudulent and 58 percent exhibited possible indications of fraud.

The former immigration judge, Andrew Arthur, noted in his testimony before the committee earlier this year that, in recent years, a number of immigration practitioners have been charged in high-profile asylum fraud cases.

For instance, in May 2016, a Chicago immigration attorney was convicted by a Federal jury of falsifying paperwork in a bid to help clients within asylum in the U.S. Did DHS go back and review the prior asylum grants to the clients of such lawyers? Of course not.

Criminals and terrorists have abused the U.S. asylum system to both gain entry to the United States, as well as to prevent their removal. Perhaps one of the most well-known cases is that of Ramsey Usaf who, after entering the U.S. with a fake Iraqi passport, claimed asylum. While his case was pending, he helped plan and carry out the 1993 World Trade Center bombing.

Over the years, Congress has recognized the need to strengthen asylum laws in order to prevent and deter fraud. The REAL ID Act of 2005 made several changes to the asylum process in an attempt to reduce fraud while ensuring that the system was fair to those truly in need. Twelve years later, the time has come for additional antifraud measure.
H.R. 391, the Asylum Reform and Border Protection Act of 2017, provides several important such measures. I would like to thank our former colleague, Jason Chaffetz, for introducing this bill last Congress, as well as again during this Congress and for his leadership on the issue.

I thank our colleague, Mike Johnson, for taking this important immigration enforcement bill over as the chief sponsor. The Asylum Reform and Border Protection Act is a much-needed piece of legislation. I urge my colleagues to support it.

[The prepared statement of Chairman Goodlatte follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. It is now my pleasure to recognize a ranking member of the committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. Conyers. I thank you. Members of the committee, H.R. 391, The Asylum Reform and Border Protection Act, is unfortunately yet another anti-immigrant measure premised on rhetoric and misinformation.

Notwithstanding the bill's short title, H.R. 391 does nothing to reform our Nation's asylum system. In fact, it dismantles it. This is solved on our asylum system, is predicated on the unsubstantiated belief that it is rife with fraud and abuse.

I say, "unsubstantiated," because there is absolutely no reliable evidence to support this legislation. In fact, nearly every organization that works with asylees offers compelling evidence of legitimate claims and rampant human rights abuses in sending countries that drive many of these individuals to seek sanctuary.

Worse than the fact that there is no need for H.R. 391, the bill fundamentally undermines the Nation's asylum system. To begin with, it slashes protections for asylum seekers and other vulnerable populations, thereby effectively forcing them to return to the persecution they have fled.

To take just one example, the bill would erect a
credible fear screening standard so stringent that it would virtually guarantee the deportation and, in some cases, the death of legitimate asylum seekers.

Secondly, H.R. 391 unreasonably holds young children seeking protection to the same standard as adults. For instance, this bill would, for the first time, subject unaccompanied minors to the same third-country bar to asylum. It also authorizes the Department of Homeland Security to unilaterally label a foreign nation a "safe third country," even over that nation's objections and even if the nation fails to truly provide adequate humanitarian protections.

Taken together, these provisions mean that the Trump administration could prohibit every single child, no matter how fragile and traumatized, who passes through another country such as Mexico, from even applying for asylum in the United States.

Finally, this bill betrays our troops. It would end what is known as the Military Parole in Place Program through which thousands of United States military family members reside without fear in the United States. It would likewise terminate the Filipino World War II Veterans Parole Program which allows the loved ones of these veterans, many of whom were now United States citizens, to join and care for them in the United States.
My fellow members of this committee were better than this. America is better than this. So, accordingly, I urge you to join with me in opposing this flawed legislation and I yield back, Mr. Chairman, the balance of my time.

[The prepared statement of Mr. Conyers follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Thank you, Mr. Conyers. I would now like to recognize the chairman of the Subcommittee on Immigration and Border Security, the gentleman from Idaho, Mr. Labrador, for his opening statement.

Mr. Labrador. Thank you, Mr. Chairman. Asylum law is a cornerstone of United States immigration policy. It represents our values as Americans as we welcome and protect those who have faced persecution in their homeland. As an immigration attorney, I was fortunate to represent asylum seekers, and I have seen the system work in real time. But when the system can no longer function because of rampant fraud, activist court, and uncontrollable executive overreach, we are left with a patchwork of flaws that weaken asylum policy and serve no public interest.

The erosion of the rule of law signals a clear danger to the survival of our system of government. And, more specifically, the immigration and asylum laws that we are charged with defending and reforming in this committee. H.R. 391 is a strong enforcement bill that improves our asylum process and takes very necessary steps to ensure its continued viability.

Our laws provide that an alien may seek asylum based on past persecution or well-founded fear of future persecution on account of five protected grounds. While four of those grounds are well defining case law; race, religion,
nationality, and political opinion; one has always been more ambiguous: membership in a particular social group. This has now been definitely defined by the Board of Immigration Appeals, but it is still the subject of a split among several Federal courts.

Without clarification, there exists the possibility that this protected ground will be expanded to act as a catchall category which would be disastrous for U.S. asylum policy and open the floodgates. Such ambiguity could ultimately provide eligibility for asylum well beyond congressional intent.

We must remember that asylum does not protect everyone who is fearful of returning to their home countries. Victims of crime, for example, are not eligible for asylum on that fact alone. But, as some Federal circuits whittle away at this category, we see their true intent of impermissibly expanding the reach of asylum law. H.R. 391 halts this march toward backdoor amnesty by finally providing a codified definition of this contested, protected ground.

H.R. 391 also addresses much-needed parole reforms. The Obama administration in another example of executive overreach abused its authority to bring aliens into the United States without visas. Utilizing several creative programs to serve the interests of an administration, bent
on undermining the congressional intent of parole, and advancing amnesty-based immigration policy, the Obama administration paroled in thousands of aliens.

Parole was originally designed to help those in need of urgent humanitarian needs or whose parole would provide a significant benefit to the United States. I am still unclear how the Central American Minor Parole Program and other family reunification parole programs fit into either one of those categories.

H.R. 391 makes very clear the intent of parole and limits the categories appropriately. It is simple: those who are not eligible for parole must get a Visa to enter the United States. If the alien is denied the Visa, we must remember that there is a reason for the denial. I know that the antifraud mechanisms of H.R. 391, combined with the clarifications to asylum law, will aid both U.S. citizenship and immigration services as well as immigration judges in returning integrity to the system.

H.R. 391, along with this committee’s other enforcement bills strike a fair balance to get our immigration system back on the right track. There will be much more work to be done as we begin to tackle legal immigration reform, but that is not possible without taking these significant first steps.

I look forward to voting in favor of H.R. 391 today and
debating it, as well as our other enforcement bills in the full House in the near future. I yield back the balance of my time.

[The prepared statement of Mr. Labrador follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Thank you, Mr. Labrador. I would now like to recognize the ranking member of the Subcommittee on Immigration and Border Security, the gentlewoman from California, Ms. Lofgren, for her opening statement.

Ms. Lofgren. This bill is the latest step in the President Trump-led effort to systematically dismantle the Nation's humanitarian protection laws. Ban by ban, bill by bill, the President and his allies would close America to the world's most persecuted and vulnerable.

It began with the series of executive orders. Most dramatically, Mr. Trump issued two travel bans designed to shut down the longstanding U.S. refugee program. Another executive order narrowed access to asylum in humanitarian parole.

Regrettably, the majority quickly committed to aiding this deconstruction. Just last month, for example, the majority advanced legislation that would cut screening protections for Central American Children, forcing them into the hands of traffickers. Shortly after, in line with Mr. Trump's refugee ban, they voted for a measure slashing refugee admissions, now a bill that would all but destroy the U.S. asylum system.

To begin with, the bill authorizes DHS to categorically deny protection to asylum seekers who pass through another country on their way to the U.S. Under current law, DHS may
prevent individuals from even applying for asylum if they transited through a so-called safe third country. But that safe third-country designation must be negotiated through a bilateral or multilateral agreement that enshrines the opportunity for protection in that third country.

This bill eliminates the requirement for such an agreement. This would empower DHS to unilaterally deem any nation a safe third country, even if the country fails to provide any meaningful opportunity for protection.

This provision appears to target persons arriving in the U.S. from Mexico.

By declaring Mexico safe despite its limited protection capacity, the Trump administration could preemptively send every asylum seeker who transited through our southern neighbor back across the border. Not only would this wall off America from those in need of life-saving relief, it would expose returned families and children to severe danger of further persecution.

The bill also imposes a provision denying protection to virtually all victims of gang violence no matter how egregious. That includes parents who report gang crimes to local authorities, only for gangs to target them and their children in retaliation. It even includes young girls forced into sexual slavery by MS-13 on pain of death.

But this provision does not stop there. It would
overturn existing law by barring asylum to any LGBTI person assaulted, raped, or tortured whether by gang members or others due to their sexual orientation or gender identity as well as to any victim of domestic abuse, no matter the perpetrator. This, in a word, is inhumane.

In all it seems that the bill aims to preclude relief, with the substantial majority of persons escaping from El Salvador, Honduras, and Guatemala for factors including pandemic gang violence and domestic abuse prompted the UNHCR Declaration of a, "protection crisis." These are bonafide asylum applicants fleeing real persecution, yet the bill would deport them to the very environments they fled, returning victims to the worst kind of harm to endure more of the same.

Taken together, these and other measures in the bill do not just chip away at our Nation's asylum program, they decimate it. Inspired by President Trump's anti-immigrant executive actions, the bill would free him to further turn his back on the persecuted. Yet again, he would undermine America's moral leadership in the world.

Perhaps most shocking, this legislation levels an attack on U.S. military families. Over 4,400 loved ones of active and former members of the Armed Forces maintain lawful presence in the United States through a special parole program designed to honor our troops. By severely
constraining the government's parole authority in echo of President Trump's executive actions toward the same end, the bill would eliminate this program altogether. This sets the stage for mass separation and deportation of military family members, an outcome that should disturb the conscience of every American.

I would note that, in the chairman's opening statement, he mentioned the possibly that terrorists could gain entry to the U.S. through the asylum provision, but he had to cite a case that was a quarter of a century old because, in fact, there had been reforms to prevent such abuse since that quarter of a century ago.

Now, what began in January with President Trump's executive orders continues today with this bill's proposed destruction of our asylum system and parole programs that protect military families and other deserving individuals. If left unchecked, President Trump and his allies would comprehensively unravel U.S. humanitarian principles. Our opposition should be as strong as Mr. Trump's agenda is sweeping. We must ensure, despite the President's vision to the contrary, that America remains the world's beacon of refuge and hope. Let's preserve our shining city by voting against this bill. And I yield back, Mr. Chairman.

[The prepared statement of Ms. Lofgren follows:]
368  ********** COMMITTEE INSERT **********
Chairman Goodlatte. Thank you, Ms. Lofgren. I now recognize the gentleman from Louisiana, Mr. Johnson, for purposes of offering an amendment in the nature of a substitute.

Ms. Jackson Lee. Mr. Chairman? May I strike the last word?

Chairman Goodlatte. We are going to go ahead. You can strike the last word on the amendment in the nature of a substitute.

Ms. Jackson Lee. Okay, thank you.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment in the nature of a substitute to H.R. 391, offered by Mr. Johnson of Louisiana. Strike all –

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

********** INSERT 2 **********
Chairman Goodlatte. Without objection, the amendment will be considered as read. And I now recognize Mr. Johnson for the purpose of explaining the substitute amendment.

Mr. Johnson of Louisiana. Thank you, Mr. Chairman.

The United States has always been a welcoming Nation for immigrants and those who legitimately seek to avail themselves with the protections offered through our asylum law. This country's humanitarian mission ensures that those who are persecuted on account of their race, religion, nationality, political opinion, or membership in a particular social group are protected.

Unfortunately, this generous humanitarian program has long been exploited for personal gain. Aliens with no other lawful means to live in the United States present exaggerated and outright false claims of persecution they have supposedly suffered in the past. While gaming the system, often successfully, these individuals are simultaneously damaging the program's integrity and making it more difficult for those who are truly in need of protection.

Lack of efforts to curb this growing program along with the knowledge of lawbreakers that, if they get to the U.S., they would likely get to stay, led to the border surge of a few years ago where thousands of people annually presented themselves at ports of entry nationwide and claimed fear of
returning to their countries. Our laws provide for a credible fear interview in these situations.

As more aliens claimed fear at the border, their percentages for findings of credible fear hovered at approximately 85 percent. While this grant rate was acceptable when asylum officers were interviewing 5,000 applicants annually, this number is truly outrageous when the annual number of applicants approached 95,000. This rate was largely the result of unspoken guidance through the previous administration when this committee was informed that asylum officers were instructed to find credible fear any way possible. As news of this low standard and high grant rate spread, the U.S. was inundated with requests for credible fear interviews.

For perspective, during fiscal year 2009, there were 5,369 credible fear referrals. Just 5 years later, in fiscal year 2014, there were 51,001 such referrals. And during fiscal year 2016, there were an incredible 94,048 credible fear referrals. The reality is that many of these aliens are simply not eligible for asylum and cannot make a prima facie case under current law. Yet most are allowed to present their claims, receive work authorization, and clog the asylum offices and immigration courts, thereby diverting precious resources away from those truly in need of protection.
A recent Government Accountability Office report studying asylum fraud noted that, while there are many genuine cases for asylum, obviously, these legitimate cases must contend with the setbacks and other negative impacts when fraudulent claims for asylum are granted. When this flagrant disregard for our laws and our governance occurs, the integrity of our entire asylum system is jeopardized.

I am pleased to introduce this substitute amendment to H.R. 391, the Asylum Reform and Border Protection Act. The amendment and the underlying bill address the most immediate areas of concern now threatening our important asylum law. This bill clarifies the congressional intent that taxpayer-funded counsel will not be provided for aliens in any immigration related proceedings. It also takes great steps towards increasing the standard to find credible fear in order to claim asylum.

Under this provision, in order to establish a credible fear of persecution, the asylum officer must find credible fear using a "more probable than not" standard. This is a great improvement over the current standard based on the significant possibility that the alien is eligible for asylum. Requiring the recording of those interviews will provide a true fraud detection measure and will also ensure that the aliens are afforded fairness in the process.

H.R. 391 brings the standard for withholding a removal
in line with that of asylum. This will provide immigration judges with the guidance to ensure uniform adjudications. The bill also provides immigration judges explicit authorization to consider the results of overseas investigations in assessing credibility. This is another important weapon in the anti-fraud arsenal that has been sidelined in recent years.

I am also pleased that this substitute amendment codifies the Board of Immigration Appeals definition of particular social group and ensures that those coming to the U.S. only because of a stated fear of gangs cannot receive asylum benefits based on that claim alone. This bill is explicitly clear that those affiliated with gangs will not be able to receive asylum.

I want to thank Mr. Chaffetz for introducing a bill that is vital in repairing our immigration system. Through this bill, not only will our asylum laws be improved, but so will our Nation's safety and economic wellbeing. We must stand together and enforce all the laws of this Nation, prevent future leaders from bending our laws, and stop the abuse of our laws at the expense of American citizens and their hard-earned tax dollars. Part of our moral leadership in the world is our respect for and our particular adherence to the rule of law. This bill helps restore that ideal. I yield back the balance of my time, Mr. Chairman.
Chairman Goodlatte. The chair thanks the gentleman.

Are there amendments to the amendment in the nature of a substitute? For what purpose does the gentlewoman from Texas seek recognition?

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

Chairman Goodlatte. The clerk will report the amendment. We are looking for the amendment.

Mr. Cicilline. Mr. Chairman? I ask unanimous consent to do an introduction while we are looking for it.

Chairman Goodlatte. Yes, that would be a great thing to do right now.

Mr. Cicilline. Thank you, Mr. Chairman. I would like to welcome to our committee a British member of parliament, Michelle Donelan, who is here in the room today who is spending the day on the Hill and shadowing to see how Congress works. We would like to say, "welcome," and we are honored to have you with us today.

Ms. Lofgren. Mr. Chairman, while we are waiting for the amendment, may I ask unanimous consent?

Chairman Goodlatte. Yes.

Ms. Lofgren. To put into the record letters in opposition to this bill from Church World Services, the Franciscan Action Network, Tahirih Justice Center, American Immigration Lawyers, Amnesty International, Human Rights First, the United States Conference of Catholic Bishops,
AFSCME, the Cato Institute, the Immigration Center for Global Liberty and Prosperity, and the Hebrew International Counsel of Migration Services.

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

[The information follows:]
Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391 offered by Ms. Jackson Lee.

Strike section 5 --

[The amendment of Ms. Jackson Lee follows:]

*********** COMMITTEE INSERT ***********
Chairman Goodlatte. Without objection, the amendment is considered as read and the gentlewoman is recognized for 5 minutes on her amendment.

Ms. Jackson Lee. Thank you very much. The interests of my colleagues should not be judged in terms of their intent or their beliefs. But I vigorously disagree with both the intent and the beliefs.

I want to cite a sentence that is reflected in our memorandum, "Indeed, this bill does not reform," that is H.R. 391, "does not reform our asylum system as much as dismantle it." Doubling down on Donald Trump's anti-humanitarian policies, H.R. 391 will return individuals to further persecution and, too often, death.

And the very individuals might be minors, many of whom I have seen at the border who innocently want to come because they are fleeing conspicuous and defined violence right in front of their very eyes. And as their parents seek to save them from beheading because they refuse to join one of the vicious gangs, they are now being judged as a criminal or attempting to perpetrate fraud.

The idea that every person coming through Mexico does not deserve asylum is a bad philosophy and practically impractical. The impractical elevating of the evidentiary standard in credible fear is dangerous. It precludes the grants of asylum from victims of gang violence and
reinforces fundamental changes already being introduced again by this anti-humanitarian administration.

I do not believe this bill answers any question of fraud. It is a bill that is seeking with a solution where there is no problem. This destruction of value to American asylum is a harsh, mean-spirited bill that targets the most vulnerable population the world and the asylum seekers who are fleeing persecution.

So my amendment would keep the current parole authority system in place. Parole authority applies on a case-by-case basis, for urgent humanitarian reasons, or significant public benefit. The parole system has historically served as a tool, a useful tool, to implement presidential objectives in this realm of immigration but also the humanitarian stance that America has taken. The Jackson Lee Amendment strikes section 5 of the amendment in the nature of a substitute to H.R. 391, thus removing the severe restrictions on parole authority and keeping the current parole system in place.

Again, my good friends have not documented in any way that this is a problem existing, but rather a solution seeking the problem. H.R. 391 tragically forces those who seek asylum in our American humanitarian program to return where they came from: places of danger, fear, and all too often death. Section 3 of the bill will destroy the
American asylum program by raising credible fear threshold, section 7; and that would include children, women who have been violated, those who have seen their family members killed. Section 7 would diminish the legitimacy of our current safe third country program, giving officials the ability to name any country as a safe third country.

This section 14 would all but preclude asylum based on gang-related persecution. This section illogically denies refuge even to victims of gang-based violence, including sexual slavery. The senior member of the Homeland Security Committee: "I know that H.R. 391 is unnecessary because our Nation already employs the world's more rigorous and selective screening process for refugees seeking asylum and pales in comparison to many of the other nations who are taking refugees." The President's stance, as he entered into the presidency, about not taking Syrian refugees is well heard around the world, by others as well.

I know it well because I have come back from an international meeting on democracy and it was well known about our country's pale taking of refugees in comparison to other nations who believe that humanitarian posture is important. Our asylum policies strike the right balance to keep our Nation safe and remain the most welcoming Nation in the world.

I believe that America can be safe, and my opposition
to this legislation does not in any way diminish my commitment to protecting the homeland, and I take no backseat to any member in terms of raising issues, putting forward legislation, passing legislation, to secure the homeland. For example, the most recent one, my no-fly for foreign terrorists, which I hope we will bring back again to pass the House of Representatives in the last session.

So I ask my colleagues to support the Jackson Lee amendment because it restores this Nation to the concept of the title of this bill. Asylum reform is reforming the asylum posture in order to reflect the humanitarian leadership of this Nation and that we have the ability and the intelligence to be able to protect the border without denying life to those who are fleeing for their very lives. I ask my colleagues to support the Jackson Lee amendment.

With that, I yield.

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

Mr. Johnson of Louisiana. Mr. Chairman, I oppose this amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson of Louisiana. According to the U.S. Citizenship and Immigration Services, humanitarian parole is used sparingly to bring someone who is otherwise
inadmissible into the U.S. for a temporary period of time due to a compelling emergency. Parole may be granted based on urgent humanitarian reasons or if there is a significant public benefit. The Immigration and Nationality Act requires that parole be granted on a case-by-case basis.

Unfortunately, the previous administration decided that parole should be used and exploited to allow entire classes of people who would not otherwise be eligible for admission into the United States to come here.

For instance, the Obama administration created the Essential American Minors Refugee Parole Program in response to the surge of minors being smuggled across the southwest U.S. border. Under the CAM program, an alien legally present in the United States, including ones who had received DACA can apply for their children, the parent of their child or children, and the caregiver of their child or children who reside in Honduras, Guatemala, or El Salvador to receive refugee status.

If the child, parent, or caregiver is denied refugee status because he or she cannot show, as is required by law, that they were persecuted or have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group, a parent or caregiver can apply for the child to be paroled in the United States. Again, the child cannot show
persecution or well-founded fear of such, so the administration determined that parole could be used to reunite families.

That is just simply not what the parole statute was designed or intended to do. It was meant to be used because of a compelling emergency and it was meant to be temporary. The State Department admitted to this committee that they were creating the parole program because they knew that very few of the children whose parents could apply for the CAM program would be able to meet the refugee requirements.

Abuses such as this were par for the course with the previous administration. And while the current administration has expressed its intent to tighten the use of parole, in accordance with the statutes, such abuses necessitate congressional action to prevent future abuse by future administrations.

H.R. 391 clarifies the circumstances in which parole can be granted. For instance, it can be granted in the case of a life-threatening medical emergency for which the alien cannot obtain treatment in the country in which they reside. And parole can be granted in the case of an alien who is assisting the government in a criminal investigation. These are the right reasons for parole. It should not be abused to ensure that an administration has a way to admit anyone and everyone that it wants who would otherwise not be
admissible into the U.S. because that defies the intent of our laws as designed by Congress. As this committee stated in 1996, parole should not be used to create an ad hoc immigration policy or to supplement current immigration categories without specific congressional approval. Therefore, I urge my colleagues to oppose this amendment and I yield back.

Ms. Lofgren. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. To strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Lofgren. This is a very important amendment. And it is interesting to listen to my colleagues on the other side of the aisle talk about the Obama administration. In fact, parole authority has been used for quite a long time by Presidents of both parties. For example, President George W. Bush, in 2007, established the Cuban Family Reunification Parole Program to expedite the reunification of Cuban families by paroling into the U.S. certain relatives, so they could wait for their number to come up in the U.S. instead of in Cuba.

George H.W. Bush exercised the parole authority to allow certain vulnerable individuals in Vietnam, people who
were likely to be harmed by the Communist government there, to escape into the U.S. on the parole authority. In 1956, President Dwight D. Eisenhower -- not exactly President Obama -- used parole authority to allow 900 World War II orphans into the United States. This bill would prohibit an action like that.

Just a few weeks ago, President Trump used his parole authority to allow a group of Afghani girls who were going to participate in the international robotics competition to come in and compete, something that is important to the United States to show that we are in fact in favor of the education of girls in Afghanistan.

I would note that the parole rule has been used, indeed, not only by Eisenhower and President H.W. Bush and President George Bush, but also by Obama. And some of those reasons are extremely important. I remember coming across individual cases -- I will tell you just one without using the name -- American citizen, who was in active duty, deployed in Iraq, his wife was undocumented, living in California. She was going to be deported while her husband was fighting in Iraq. That was not something that America thought was a very good idea.

Although he was a U.S. citizen, he could not legalize her status because of the 3- and 10-year bar provision we put into the act in 1996. And so what President Obama did,
and I celebrated it, was to allow the spouses of our military men and women to not be deported. How could we be for deporting those spouses who, if you eliminate parole authority, you have eliminated the tool for doing that?

I would note also I was so disappointed when President Trump indicated his intention to eliminate the International entrepreneur rule. Now, this was the promise, to use a limited parole authority for startups, people who want to start a company in America that is going to create jobs. I think that should be something we should celebrate. And to eliminate that tool is really, I think, very misguided.

And I want to say one final thing, and that is about something that is near and dear to my heart, which is the Filipino war veterans. In World War II, Filipino citizens stepped forward and they fought side-by-side with American soldiers, including my father-in-law, who fought in the south pacific. Many of those Philippine war vets are now in the United States. They are U.S. citizens, but because of the backlog and because of the delay that they faced in gaining their citizenship, they are separated from their sons and daughters, and now they are very old. Many of them are very frail.

And what we have done as a country is to parole in on a case by case basis some of the sons and daughters of these very frail World War II vets so that they can look after
them. To eliminate the parole authority and return the sons and daughters of these vets I just think is not the right thing to do, and that would be the impact of this bill unless Ms. Jackson Lee's provision is adopted.

And I would say one final thing on the standard. To establish a category, for example, spouses of U.S. soldiers, is not in contradiction with a case-by-case analysis because we are saying we are not going to deport the spouses of American soldiers, but then you are doing a case-by-case analysis of whether that spouse actually is eligible for parole in place. That is the way it has worked. It is a public benefit to the United States not to be deporting the spouses of American soldiers. And with that, I would urge adoption of this amendment and yield back.

Chairman Goodlatte. The time of the gentlewoman has expired. The question occurs on the amendment --

Mr. Conyers. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. I want to support the Jackson Lee amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Conyers. I think it is a very important one. And this amendment strikes section 6 from the Asylum Reform and
Border Protection Act. Section 6 would severely restrict the circumstances in which the Department of Homeland Security can grant parole under section 212 of the Immigration and Nationality Act.

Section 6, another reason for it being struck, is that the bill drastically limits the use of parole power to narrow and restrictive circumstances. The use of parole power for humanitarian and public interest purposes above and beyond the narrow circumstances contemplated under this bill is a long and bipartisan tradition.

Another reason that I support the Jackson Lee amendment is that it strikes the section which would reinforce inhumane Trump administration practices by outright prohibiting the parole of detained asylum seekers. In addition, this section would terminate the Filipino World War II Veterans Program which allows the loved ones of these veterans to join and care for them in the United States.

This section prohibits the International entrepreneur rule, a program that would have created thousands of American jobs. This bill doubles down on the Trump administration's move to outright prohibiting such a rule are comparable parole programs. And, in so doing, H.R. 391 closes off helpful mechanisms for improving the national economy and generating jobs.

And so I am very supportive of this amendment because
the striking of section 6 is of critical importance. And I urge support of the Jackson Lee amendment.

Mr. Johnson of Louisiana. Would the gentleman yield?

Mr. Conyers. Of course.

Mr. Johnson of Louisiana. Thank you for that. Just a couple of points very quickly. The Jackson Lee amendment would strike section 5. And the purpose here is just to reform and clarify the standards for parole. It does not eliminate it as may have been suggested.

And in the previous administrations cited -- was the Bush administration, the Eisenhower administration, and others -- I think in all or most of the cases cited, those were either compelling emergencies or temporary situations or both. I would suggest that the solution to these concerns is to create a new visa category or try to fit some of these persons into an existing category as opposed to allowing for the abuse and exploitation of the parole standard. So, for that reason, I just urge again, my colleagues, to oppose this amendment.

Ms. Lofgren. Would the gentleman yield?

Mr. Johnson of Louisiana. I yield back.

Mr. Conyers. I would yield to Ms. Lofgren.

Ms. Lofgren. I appreciate the gentleman from Louisiana's comments. However, the definition is so limited that, for example, the situation where I mentioned spouses
of active duty, American soldiers, they are not in a serious medical emergency, they are not in an organ donation to a family member situation. Hopefully the family member's death is not imminent; they will survive their deployment to Afghanistan. So they would not be eligible, and I do not think that is a result that we should celebrate.

I do not know whether the gentleman was aware of the implications of this, but I think this is a huge mistake and the definition would essentially prevent some things that we as a country would want to have happen. I thank the gentleman for yielding.

Mr. Nadler. Would the gentleman yield?

Mr. Conyers. I will yield to the gentleman from New York, Mr. Nadler.

Mr. Nadler. Thank you. I am glad to hear that the gentleman from Louisiana appreciates some of the problems here, but it would be extremely reckless to pass the bill as is on this point, without Ms. Jackson Lee's amendment, hoping we can change some of it later because that would be ensuring that the kinds of problems that Ms. Lofgren spoke about a moment ago, that spouses of active military serving in Iraq or Afghanistan would now have to be deported. So I would hope we would accept the amendment.

And if you wanted to change what you want to change without doing this damage, come up with a different
amendment. But we cannot simply recklessly say, "Well, maybe we will change it later," but meanwhile we are going to tell our military that we are going to deport their spouses, and these other problems that were mentioned? So I would hope that this would be rethought, that Ms. Jackson Lee's amendment would be accepted. And if you think there are still some problems that you want to address, bring in a different amendment. But to just blindly go ahead when you admit that this would do terrible damage would be irresponsible. I yield back.

Mr. Conyers. I think the gentleman's correct. I had been talking about section 6. It is really section 5, because this would restrict DHS parole authority. And the reasons are numerous as you can already see. So please join with me in striking this section, restricting Department of Homeland Security parole authority. I yield back the balance of my time.

Mr. Cicilline. Mr. Chairman?

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

Mr. Cicilline. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Cicilline. Thank you, Mr. Chairman. I rise in strong support of the Jackson Lee amendment and thank the
gentlelady for introducing this.

The gentleman from Louisiana began his comments by saying that the parole authority is sparingly used. I think an admission that this is an infrequent invocation, and the circumstances that were outlined by the gentlelady from California, I think every one of them would be ineligible if the section were rewritten in the way that the bill proposes because, under this bill, humanitarian parole is limited to cases involving serious medical emergencies or organ donation to a family member, where an alien is a lawful applicant for adjustment of status, and involving an alien who has lawfully granted asylum or refugee status. Public interest parole is limited as well to instances in which an individual assisted the U.S. Government in a manner as such as a criminal investigation, and either the person's presence in the United States is required where the person's life would be threatened if that person were not permitted entrance.

Those would be the only cases where this parole authority would exist. And while those are worthwhile cases, they are not the only cases that make sense. And, in fact, this does not clarify, as the gentleman suggested in his comments; this substantially changes and severely restricts DHS's parole authority. And the notion that the injustices and the horrible situations which might occur
that we cannot respond to could somehow be remedied by the
creation of a new visa category is an interesting approach,
but that is not anywhere in this bill.

And so I urge my colleagues on both sides of the aisle
who recognize that humanitarian parole is appropriate in
limited circumstances under standards that work -- there are
examples that has been invoked in a bipartisan way by
Presidents of both parties in a way that should make us
proud as Americans paroling vulnerable individuals in from
Vietnam, war orphans from the II World War. President
Trump, in fact, used this authority just to allow the
Afghani girls to enter the United States to participate in
an international competition.

So this is a statute and a provision that works.
There is no evidence of abuse. I urge my colleagues to
adopt the Jackson Lee amendment so that we can avoid some of
the most serious and inhumane consequences of this proposed
change. And with that --

Mr. Johnson of Louisiana. Would the gentleman yield
just for a moment?

Mr. Cicilline. Yes, happy to yield.

Mr. Johnson of Louisiana. I will concede happily to my
friends on the other side about this concern regarding alien
spouses, children, parents of active duty and former armed
services and Ready Reserve servicemembers.
I do continue on my belief that the Jackson Lee amendment should be opposed because I think it goes too far. But if we want to create an amendment that is bipartisan, that specifically allows for that category of persons to be included in parole — although it is not what the original intent of the statute was in 1996 — I would not oppose that and, in fact, would help its passage. So I will toss that to the other side so we can take that issue off the table. I yield back.

Mr. Cicilline. I reclaim my time. I thank the gentleman and I think that is something we can certainly work on, but I think as a first step, passage of the Jackson Lee amendment will obviate the need for doing that. And I think we raise that one example, I think, given a few more minutes, there will be other examples that would not fit, and I think we want to be in a position that we can continue to be to the world a country that has demonstrated great humanitarian responses to urgent crises and to make available a humanitarian role for that purpose. So I thank the gentleman and I yield back, Mr. Chairman.

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

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

Chairman Goodlatte. The gentleman is recognized for 5 minutes.
Mr. Lieu. Let me first say I appreciate the comments from the gentleman from Louisiana. I have an amendment that addresses the very concern you just raised. We are going to share it with you and would love to have you take a look at it.

Let me tell you why I also do support the Jackson Lee amendment, and I am going to talk to you about a story of how parole helped U.S. national security. I served in active duty on the U.S. Air Force in the 1990s. I participated in Operation Pacific Haven. It was one of the largest and most successful humanitarian operations the Department of Defense had ever engaged in at that time. Basically, the military went into northern Iraq, extracted thousands of Kurds, brought them to Guam. And then I was the chief operations law in Guam and we vetted them. And after about a year to a year and a half, most of them went to the United States under the parole authority. To this day, the Kurds are one of our strongest allies because of what we did.

I had this amazing opportunity to visit Iraqi Kurdistan several years ago. We met with President Barzani and he realized I had worked on Operation Pacific Haven. And after about a 45-minute meeting, I walked out of the office and this young staffer followed me. And he said, "I was a child leaving one of those planes from Iraq, arriving in Guam."
You saved my life and that of my family." He eventually went to America to get educated. He went back to Iraqi Kurdistan to help the government. And everything we have done with the Kurds is paying dividends now back to the U.S. because they continue to support U.S. foreign policy.

The parole authority gives the executive branch a tool to use. Limiting it in this way, to me, is unnecessary. We should allow our administration to have the flexibility to use the parole authority to help U.S. foreign policy. For that reason, I support the Jackson Lee amendment.

Chairman Goodlatte. The question occurs on the amendment offered by the gentlewoman from --

Mr. Raskin. Mr. Chairman?

Chairman Goodlatte. Who seeks recognition? The gentleman from Maryland is recognized for 5 minutes.

Mr. Raskin. Mr. Chairman, thank you very much. I rise in very strong support of the Jackson Lee amendment. I was delighted to hear my friend from Louisiana suggest that he would be open to understanding the draconian implications of the bill as currently written, at least with respect to one category of problems. But there are multiple categories of problems.

And I think had we had a hearing on the bill, we would have really been able to get into this more deeply. I know that Mr. Chaffetz, who was the original sponsor of the bill,
I think had a hearing in the last Congress, or perhaps it was the one before that. But we have not had a hearing. But here are some of the things we might have found if we did have a hearing.

President Eisenhower, in 1956, used precisely this parole authority to allow 900 World War II orphans into the United States of America after World War II. If we adopted this legislation even with the concession that Mr. Johnson just suggested, that would have prevented America from bringing these war orphans to safety and security in our Nation. That is a pretty fundamental problem if we are going to strip the President of the power as exercised by President Eisenhower to allow orphans into our country on a humanitarian basis.

Just a few weeks ago, as was mentioned, President Trump used this parole authority to allow a group of Afghani girls to come to the United States to participate in a robotics competition after their visas had been denied by the State Department. Why would we want to have prevented President Trump from using his parole authority to accomplish that result which I think was a widely popular one?

So it seems to me that we are rushing in here with kind of a sledgehammer to do away with an historic power that has been exercised on a bipartisan basis to vindicate the basic values of the country. America was founded, as Tom Paine
said, as a haven of refuge for people fleeing persecution.

And we want to give the executive branch this flexible humanitarian power, so --

Ms. Lofgren. Would the gentleman yield?

Mr. Raskin. Yes, by all means. I yield to the good lady from California.

Ms. Lofgren. I agree that we should make exceptions.

I have talked about it already, the spouses of American soldiers, but it is not just that. And I am thinking about the case of Major An, who was the beneficiary of a private bill that I offered and that became law. He was a Vietnamese pilot and he was a helicopter pilot. And he went in and saved an entire group of soldiers in Vietnam. He lost both of his arms when he rescued the American soldiers. And then he was left in Vietnam.

The soldiers who he rescued because his advocates here in the United States. They felt terrible that he had saved their lives, and he was left behind. And he was paroled into the United States and then I introduced a private bill that granted him legal permanent residence which was passed unanimously by the United States Congress and signed into law. He would not, however, had absent parole authority, even been able to be here. And so to think that we should do something for the spouses and there is also the children, I might add, and in some cases, parents, but that is not
going to solve all of the problems that the bill creates.
So I thank the gentleman for yielding.

Mr. Raskin. Well, thank you very much for that excellent point. The power that is going to be largely dismantled under the legislation, unless we adopt the Jackson Lee amendment, is a power that mirrors a constitutional power of parole and pardon power. And there is no doubt that that power can be abused. And I think overwhelmingly our sense of what has happened with this parole power for humanitarian purposes in the asylum context is that it has been used for productive and benevolent purposes. Why would we throw the baby out with the bath water? Even if you disagreed with one exercise of the power, why would you simply abolish it and leave a couple of very discrete, minor exceptions left standing? It would be as if to say --

Chairman Goodlatte. Would the gentleman yield?

Mr. Raskin. Yes, by all means.

Chairman Goodlatte. I have just heard from the gentleman from California that he is going to offer an amendment that tries to refine that. So why do we not move on to that rather than say we are not even going to throw out the bathwater? I mean, that seems to be a better approach than to adopt an amendment that would wipe out the effort to reform a program that has been abused by
Presidents in the past. So, to me, that is the better approach than to simply say we are going to adopt the Jackson Lee amendment which would end the discussion of reform.

Mr. Raskin. If I could just reclaim my time to answer the chairman's point. Undoubtedly, you know, in the analogous case of the Presidents' use of the pardon power, there might be certain instances that people disagree with. But I think the solution to that is not to say, "Well, let's come up with 5 or 10 or 15 or 20 or 25 discrete categories," but to allow the President to have the pardon power, but to criticize whatever misuse existed.

I am perfectly happy to enter upon the process of going back through Eisenhower and Trump and all the Presidents and saying, "Here are specific deployments of this power that we consider acceptable and good." But I think it would be better just to allow the power to exist, and I think that is the purpose of the amendment. And I am happy to yield back.

Chairman Goodlatte. The question occurs on the amendment --

Mr. Johnson of Georgia. Mr. Chairman?

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

Mr. Johnson of Georgia. I move to strike the last word.
Chairman Goodlatte. The gentleman is recognized for 5
minutes.

Mr. Johnson of Georgia. Thank you, Mr. Chairman. I
rise in support of the Jackson Lee amendment and I yield to
the gentlelady.

Ms. Jackson Lee. First of all, I thank the gentleman
from Georgia. I thank all my colleagues for their very
deliberative thought processes. And I just want to very
briefly build on this parole that was recently used and
expand on it. I do think the point that was made by the
gentlelady from California regarding our armed forces, added
to by the gentleman from California on the amendment that he
now proposes, I do think parole is a diplomatic tool but
also a national security tool. And section 5 in the
amendment in the nature of a substitute completely implodes
that national security tool and that diplomatic tool.

Now, I would say that the situation of the Afghanistan
girls can be expanded on to make our point. We recognize
that these girls were ultimately paroled into the United
States for a 10-day period when they were not issued a visa.

As the article suggests -- and I showed the picture of
these girls, I have personally met with these girls on two
days while they were here and the United States. They came
to the United States Congress and we met them at the
embassy. You could not see more mild mannered and
enthusiastic teenagers, 13, 14, 15, 16, that were ultimately being denied entry into the United States for a perfectly legitimate contest of robotics under the supervision of their leadership in Afghanistan. And out of the ultimate outcry of Americans and embarrassment because some thought it was tied to the Muslim ban, the President decided to, in a temporary mode of humanitarianism, give them a 10-day parole.

Again, they were not needing surgery. They were not having a situation that their relatives were dying, and they were not in need of emergency medical care, but it was known to be a diplomatic and national security emphasis for the relationship that we have with Afghanistan and what is going on with Afghanistan. I frankly believe the amendment that we have, it speaks to all of these elements, and I thank my colleagues for supporting the amendment. I ask my colleagues to support the Jackson Lee amendment. I yield back to the gentleman. I thank you for his kindness.

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

Mr. King. Mr. Chairman?

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

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

Chairman Goodlatte. The gentleman is recognized for 5 minutes.
Mr. King. Thank you, Mr. Chairman. I listened to the discussion here about young ladies from Afghanistan who were denied parole into the United States for the robotics team and it triggered my memory of the other story about the teenagers who were allowed into the United States under parole for the robotics team. And so I just looked this up in a handy little Google to verify my memory, and there is an article here that is FOX News, dated July 25th, that, "There are two teenagers that had disappeared from the Burundian team who are located, four who are not yet located." And the subtitle here says, "Teens may have self-initiated their vanishing event," organizers say. And two of the teams were intercepted as they were crossing from the United States into Canada. And the rumor, at least, is that the other four, maybe all of them, were looking for asylum. So I would suggest that --

Ms. Jackson Lee. Would the gentleman yield?

Mr. King. In a moment. I would suggest that this is exactly the kind of thing that we were trying to prevent.

Chairman Goodlatte. Would the gentleman yield?

Mr. King. I would yield.

Chairman Goodlatte. I thank the gentleman for yielding. I appreciate the gentleman's point, that the individuals from Burundi who have abused our immigration system were not admitted under a parole, they were admitted
under a visa. However, I would also point out that the individuals from Afghanistan were twice denied visas. So I am not sure that I think it was an appropriate use of parole for them as well.

But, be that as it may, I would hope that we could move on from this amendment and consider some of the apparently more finer tuned approaches to this issue rather than the all or nothing approach that seems to be the subject of this debate right now.

Mr. King. Reclaiming my time --

Ms. Jackson Lee. Would the gentleman yield?

Mr. King. -- and I appreciate the chairman's statement. But the nuance between visas or paroles does not change the personalities and the decisions that are made by individuals who have a motive. And so I am suggesting that we ought to keep that in mind. There is a reason to deny parole, regardless. And I thought that this point should be made because these are concurrent events. And, with that, I would yield back the balance of my time.

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

All those in favor, respond by saying aye.

Those opposed, no.

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

Ms. Jackson Lee. Roll call, Mr. Chairman.
Chairman Goodlatte. A recorded vote is requested and the clerk will call the roll.

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

[No response.]

Mr. Issa?

[No response.]

Mr. King?

Mr. King. No.

Ms. Adcock. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Adcock. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Adcock. Mr. Jordan votes no.
Mr. Poe?
[No response.]
Mr. Marino?
Mr. Marino. No.
Ms. Adcock. Mr. Marino votes no.
Mr. Gowdy?
[No response.]
Mr. Labrador?
Mr. Labrador. No.
Ms. Adcock. Mr. Labrador votes no.
Mr. Farenthold?
[No response.]
Mr. Collins?
Mr. Collins. No.
Ms. Adcock. Mr. Collins votes no.
Mr. DeSantis?
Mr. DeSantis. No.
Ms. Adcock. Mr. DeSantis votes no.
Mr. Buck?
Mr. Buck. No.
Ms. Adcock. Mr. Buck votes no.
Mr. Ratcliffe?
Mr. Ratcliffe. No.
Ms. Adcock. Mr. Ratcliffe votes no.
Mrs. Roby?
Mrs. Roby. No.

Ms. Adcock. Mrs. Roby votes no.

Mr. Gaetz?

Mr. Gaetz. No.

Ms. Adcock. Mr. Gaetz votes no.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. No.

Ms. Adcock. Ms. Johnson votes no.

Mr. Biggs?

Mr. Biggs. No.

Ms. Adcock. Mr. Biggs votes no.

Mr. Rutherford?

Mr. Rutherford. No.

Ms. Adcock. Mr. Rutherford votes no.

Mrs. Handel?

Mrs. Handel. No.

Ms. Adcock. Mrs. Handel votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Adcock. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Adcock. Mr. Nadler votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.
Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?


Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Deutch?

[No response.]

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]

Mr. Richmond?

[No response.]

Mr. Cicilline?

Mr. Cicilline. Aye.

Ms. Adcock. Mr. Cicilline votes aye.

Mr. Swalwell?

[No response.]

Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.
Mr. Raskin?

Mr. Raskin. Aye.

Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Chairman Goodlatte. The gentleman from Texas, Mr. --

Mr. Farenthold. No.

Ms. Adcock. Mr. Farenthold votes no.

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

Mr. Poe. No.

Ms. Adcock. Mr. Poe votes no.

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

Ms. Adcock. Mr. Chairman, 10 members voted aye, 19 members voted no.

Chairman Goodlatte. And the amendment is not agreed to. Are there further amendments to the amendment in the nature of a substitute? For what purpose does the gentleman from Rhode Island seek recognition?

Mr. Cicilline. Mr. Chairman, I just ask unanimous consent to welcome to the committee a second member of the
British Parliament, a member of the British Parliament's Labor Party, Holly Lynch, who has joined us at the risk of “The British are coming, and the British are coming,” I want to welcome her as well.

Chairman Goodlatte. Well, we are glad to have them here. One time, the British came and burned this Capitol, but I am sure their intentions are much more amicable today and they are very welcome here at the committee.

Mr. Cicilline. They are, indeed. Thank you, Mr. Chairman.

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

Mr. Lieu. Mr. Chair, I have an amendment at the desk that would address the issue you previously identified.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391 offered by Mr. Lieu. Page 4, line 13, strike "or" at the end.

[The amendment of Mr. Lieu follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read and the gentleman is recognized for 5 minutes on his amendment.

Mr. Lieu. Thank you, Mr. Chair. We already previously had discussion on this. This would address the issue that many of us have raised and the gentleman from Louisiana graciously has said that he would like to fix as well. And it basically allows for family members of military members to also receive parole. And, with that, I would urge a yes vote on this amendment.

Chairman Goodlatte. I am sorry, has the gentleman completed his --

Mr. Lieu. I am done because we already had a whole discussion on it.

Chairman Goodlatte. We are examining your amendment here.

Ms. Lofgren. Would the gentleman yield?

Mr. Lieu. I will yield to Ms. Lofgren.

Ms. Lofgren. I would like to speak just briefly in support of this amendment; although as I have mentioned earlier, adopting this amendment will not solve all the problems, but this is the right step.

And I will recall another instance of a mother whose son was killed while serving in the U.S. armed services. And she was going to be deported after her son gave his life
for our country and was benefited by the parole activity. 
So I am glad to see that in that circumstance, that would 
also be included. And I thank the gentleman for yielding 
and yield back my time to him. 

Chairman Goodlatte. The chairman recognizes himself to 
respond to the gentleman from California. First of all, I 
appreciate the gentleman's offering this amendment. I think 
it is offered in a spirit of trying to address one of the 
issues that was raised, but I think it is overbroad. I 
would be prepared to support an amendment that said, in 
subparagraph 3, "For an alien who is present in the United 
States without lawful immigration status but is not 
otherwise in admissible or deportable and is the spouse, 
minor son or daughter of a member of the armed forces 
serving on active duty and made at the request of the 
servicemember."

Ms. Lofgren. You are dead and you cannot ask, you are 
out of luck?

Chairman Goodlatte. For the purposes of parole, that 
is correct. There are other immigration remedies. 

Ms. Lofgren. Would the gentleman yield?

Chairman Goodlatte. I would be happy to yield.

Ms. Lofgren. I think we ought to vote on this 
amendment. And if you have an additional amendment, you 
should offer it. But the idea that if your soldier has died
while on active duty and therefore cannot request the parole for the widow, and to exclude the parents of dead American soldiers I think is simply unconscionable. So I would hope we could just vote on this amendment. I yield back, Mr. Chairman.

Chairman Goodlatte. I would oppose the amendment on the basis that the gentlewoman described because the whole purpose of the parole is if it is an injury to the servicemember, if the servicemember is no longer living, then it is not an injury to that servicemember.

Ms. Lofgren. If the gentleman would further yield.

Chairman Goodlatte. I would continue to yield.

Ms. Lofgren. The idea that the parent of the dead American soldier would be deported so as not to tend the grave, that is not my idea of how America works, and I yield back.

Chairman Goodlatte. Reclaiming my time. I would say to the gentlewoman that I think there is language that would satisfy me and other members on this side of the aisle, that this amendment has merit, but not in the form that is drafted. I do not believe that we can offer an amendment to the amendment to the amendment in the nature of a substitute. Therefore, I would recommend to our members that if the gentleman would like to withdraw the amendment and work with us, we would be happy to see if we can do
something that is somewhat more narrow.

Mr. Lieu. I could also ask for unanimous consent to accept the changes.

Chairman Goodlatte. You could also ask for unanimous consent to accept the changes. I do not know if you are prepared to do that. But if the gentleman wants to proceed with the amendment, I would recommend that we defeat the amendment and consider a more narrowly tailored one.

Mr. Lieu. Thank you, Mr. Chair. So this is a language that we have consulted with the military and the military supports. I am uncomfortable with excluding additional family members, but I would accept your addition of the "or deportable" language. And, perhaps with that, we can vote on this.

Chairman Goodlatte. Reclaiming my time, I would just say to the gentleman, it was my understanding the American Legion opposes this amendment. I do not know about the military. We have not run it by them. But I would be willing to support something that is more narrowly drawn.

Mr. Lieu. So I was not notified that they opposed this amendment, and I am not sure why they would.

Chairman Goodlatte. I think this is not a new issue and I think it has been discussed and they have opposed this approach in the past. But I am willing to say that part of what you are trying to do is a good thing and we should do
it.

Mr. Lieu. So, again, I accept your addition of the "or deportable" language, but I would not want to exclude any more family members.

Chairman Goodlatte. I cannot agree that widows, parents, adult sons and daughters are admissible. The immediate family of someone in the armed forces, certainly I am willing to do that, but not the extended family.

Mr. Lieu. Then I would like to request a vote on this amendment.

Chairman Goodlatte. All right, the question occurs on the amendment offered by the gentleman from California.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it and the amendment is not agreed to. A recorded vote is requested and the clerk will call the roll.

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?
Mr. Issa?
Mr. Issa. No.
Ms. Adcock. Mr. Issa votes no.
Mr. King?
Mr. King. No.
Ms. Adcock. Mr. King votes no.
Mr. Franks?
[No response.]
Mr. Gohmert?
[No response.]
Mr. Jordan?
Mr. Jordan. No.
Ms. Adcock. Mr. Jordan votes no.
Mr. Poe?
[No response.]
Mr. Marino?
[No response.]
Mr. Gowdy?
[No response.]
Mr. Labrador?
Mr. Labrador. No.
Ms. Adcock. Mr. Labrador votes no.
Mr. Farenthold?
Mr. Farenthold. No.
Ms. Adcock. Mr. Farenthold votes no.

Mr. Collins?

Mr. Collins. No.

Ms. Adcock. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Adcock. Mr. DeSantis votes no.

Mr. Buck?

Mr. Buck. No.

Ms. Adcock. Mr. Buck votes no.

Mr. Ratcliffe?

Mr. Ratcliffe. No.

Ms. Adcock. Mr. Ratcliffe votes no.

Mrs. Roby?

Mrs. Roby. No.

Ms. Adcock. Mrs. Roby votes no.

Mr. Gaetz?

Mr. Gaetz. No.

Ms. Adcock. Mr. Gaetz votes no.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Biggs?

[No response.]

Mr. Rutherford?
[No response.]
Mrs. Handel?
Mrs. Handel. No.
Ms. Adcock. Mrs. Handel votes no.
Mr. Conyers?
Mr. Conyers. Aye.
Ms. Adcock. Mr. Conyers votes aye.
Mr. Nadler?
Mr. Nadler. Aye.
Ms. Adcock. Mr. Nadler votes aye.
Ms. Lofgren?
Ms. Lofgren. Aye.
Ms. Adcock. Ms. Lofgren votes aye.
Ms. Jackson Lee?
Mr. Cohen?
[No response.]
Mr. Johnson of Georgia?
Mr. Johnson of Georgia. Aye.
Ms. Adcock. Mr. Johnson votes aye.
Mr. Deutch?
[No response.]
Mr. Gutierrez?
[No response.]
Ms. Bass?
[No response.]
Mr. Richmond?
[No response.]
Mr. Jeffries?
[No response.]
Mr. Cicilline?
[No response.]
Mr. Swalwell?
[No response.]
Mr. Lieu?
Mr. Lieu. Aye.
Ms. Adcock. Mr. Lieu votes aye.
Mr. Raskin?
Mr. Raskin. Aye.
Ms. Adcock. Mr. Raskin votes aye.
Ms. Jayapal?
Mr. Schneider?
Mr. Schneider. Aye.
Ms. Adcock. Mr. Schneider votes aye.
Chairman Goodlatte. The gentleman from Pennsylvania?
Mr. Marino. No.
Ms. Adcock. Mr. Marino votes no.
Chairman Goodlatte. The gentleman from Florida?
Mr. Rutherford. No.
Ms. Adcock. Mr. Rutherford votes no.
Chairman Goodlatte. The gentleman from Texas, Mr. Gohmert?
Mr. Gohmert. No.
Ms. Adcock. Mr. Gohmert votes no.
Chairman Goodlatte. The gentleman from Florida, Mr. Deutch?
Mr. Deutch. Aye.
Ms. Adcock. Mr. Deutch votes aye.
Chairman Goodlatte. Has every member voted who wishes to vote?
Okay, the clerk will report.
Ms. Adcock. Mr. Chairman, 10 members voted aye; 17 members voted no.
Chairman Goodlatte. And the amendment is not agreed to.
Are there further amendments to the amendment in the nature of substitute?
For what purpose does the gentlewoman from California seek recognition?
Ms. Lofgren. I have an amendment at the desk.
Chairman Goodlatte. The clerk will report the amendment.
Ms. Adcock. Amendment to the amendment in the nature of the substitute to H.R. 391, offered by Ms. Lofgren. Page 4, line 13 strike “or” at the end. Page 4, line 16 -- [The amendment of Ms. Lofgren follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. The amendment is considered as read, and the gentlewoman is recognized for 5 minutes on her amendment.

Ms. Lofgren. As I mentioned earlier, one of the discrete uses of the parole authority by the executive was to assist the Filipino war vets with having their adult sons and daughters come in to take care of them here in the United States. Section 6 would eliminate the Filipino World War II Veterans Parole Program.

Now, these Filipino war vets are heroes. They helped America win the war, and by preserving the program, this amendment honors these veterans’ service and their sacrifice. Over 260,000 Filipino soldiers stood shoulder to shoulder with U.S. troops during World War II. Some became prisoners of war. Many lost their lives. They fought faithfully to help our Nation; indeed, the Allied forces win the war.

After the war, some of these World War II veterans relocated to the United States. They became legal, permanent residents, U.S. citizens, patriotic Americans. Unfortunately, their children and other loved ones could not always relocate with them. As I am sure the chairman knows, the backlog of visas for the Philippines is very long. At present, the waiting period for family-based Filipino petitions can stretch beyond 20 years.
And so if these Filipino war vets had been born in another country, as U.S. citizens, they would be able to petition under the immigration laws to bring in a son or a daughter, but that really is not possible because of the quirk of how we allocate visas. The parole program has been used to overcome that problem, recognizing that these veterans are heroes, that they fought on our side in World War II. They are very old, and as time passes, their health has faded.

Reunion with their family is urgent, not only for their psychological well-being, but because of the pressing need for physical and medical support from their loved ones. I believe that to eliminate this program really dishonors the service and sacrifice that the Filipino war veterans have exhibited.

It turns our back on an important chapter of history, where the Filipino soldiers and scouts stepped forward at the call of General MacArthur, and this amendment would do only this: for an alien who would have been eligible for parole under the Filipino World War II Veterans Parole Program, the U.S. Citizenship and Immigration Services that would be exempt from the very draconian limitations on parole authority in this bill.

I do think that the number of Filipino war vets, because of their advanced age, is obviously decreasing every
year. They are part of the greatest generation, and I would hope that, given the narrow focus of this amendment, that we might be able to have some bipartisan support for this effort, and indeed, in the past we have had bipartisan efforts to try and stand up for the Filipino war vets. I would be happy to yield to the gentlelady from Texas.

Ms. Jackson Lee. I thank the gentlelady for her very worthy amendment. We have just finished, in the years past, honoring decades of service and commitment to World War II veterans. Many of us have interacted with the Filipino World War veterans. You are absolutely right. They are impeccably patriotic. They served with great distinction.

This has been a provision that has been accepted through Republican and Democratic Presidents, Republican and Democratic Congresses, and I really hope that you will secure bipartisan support. I would vote aye. I may have to step out. I have a bill being marked up in another committee, but I enthusiastically vote aye for this amendment because it is in tribute to those who sacrificed on behalf of this Nation, and we owe them an enormous debt of gratitude, and it is a very thoughtful amendment, and it is not protected by the underlying legislation. So I thank the gentlelady and yield back with great support for her amendment.

Ms. Lofgren. Thank you, and I would note also that any
amendment that the majority comes up with to narrow Congressman Lieu’s amendment, which lost, would not save the Filipino war vets. So we really do need to adopt this amendment. And, with that, I yield back, Mr. Chairman.

Chairman Goodlatte. The chair thanks the gentlewoman.

For what purpose does the gentleman from Louisiana seek recognition?

Mr. Johnson of Louisiana. Mr. Chairman, I oppose the amendment.

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

Mr. Johnson of Louisiana. Respectfully, I oppose it. I understand the intent behind it, and certainly, these persons are worthy of our respect. But the reason I oppose the amendment is this is exactly the problem that we have been discussing for this amount of time here that this is not what the parole statute is intended or designed to do.

It is supposed to be for individual, case-by-case matters and not broad categories of persons under all of these various scenarios. So my suggestion would be, humble suggestion, is this is perhaps an appropriate matter to be handled in a separate piece of legislation. So, for that reason, I would oppose it. Yield back.

Mr. Conyers. Mr. Chairman?

Chairman Goodlatte. For what purpose does the
gentleman from Michigan seek recognition?

Mr. Conyers. I seek recognition to support the amendment.

Chairman Goodlatte. The gentleman is recognized.

Mr. Conyers. Members of the committee, I support the Lofgren proposal to create carve-out for the Filipino World War II Veterans Parole Program. Section 6 would eliminate the Filipino World War II Veterans Parole Program, breaking apart the families of national heroes who helped America defeat Nazi Germany.

By preserving the program, this amendment honors these veterans’ service and sacrifice. Our Nation remembers the brave fighters, Filipino fighters, who served alongside our own troops during World War II. Over 260,000 Filipino soldiers stood shoulder to shoulder with American troops during the Second World War. Some became prisoners of war, but many lost their lives. All fought faithfully to help our Nation defeat, at that time, Nazi Germany.

Now, after the war, some of the World War II veterans relocated to the United States, became permanent, legal residents, U.S. citizens, patriotic Americans. Unfortunately, their children and other loved ones could not always relocate with them, and so decades later, too many of these veterans remain separated from family members. Immigrant visa petitions filed on behalf of their sons,
daughters, brothers, sisters stay mired in painstaking backlogs.

At present, waiting periods for Filipino-based family petitions can stretch beyond 20 years, beyond 20 years. All of the veterans are elderly, and as precious time passes, their health fades. Reunion with family becomes urgent, not only for their psychological well-being, but given the pressing need for medical support from loved ones.

So the United States Government created the Filipino World War II Veterans Parole Program to honor their service and sacrifice by reuniting them with their families. In 2016, our government launched the Filipino World War II Veterans Parole Program, noting that it is intended to honor their service and their sacrifice.

By eliminating the Veterans Parole Program, H.R. 391 would tear apart the families of these national heroes who helped America defeat Nazi Germany in World War II. H.R. 391 would end the World War II Veterans Parole Program, placing relatives who reunited with, and now care for, these veterans at risk of deportation. So to put it another way, the bill would, in my view, tear apart families of national heroes who helped us win World War II.

Further, these sons and daughters, who have not yet reunited with their veteran parents through this program, the bill would ensure that they never do. The age of these
veterans is too advanced, the visa backlog too deep, and so this bill would deny them their final opportunity to reside with and receive medical support from their own children.

Protecting the family unity of American-citizen, World War II veterans should not be a partisan issue, and I do not think it is. If, as the Federal Government stated, this parole program honors the service and sacrifice of these brave individuals, a bill that eliminates that program dishonors that same service and sacrifice.

And so it is my hope that no member of this committee would support such a measure. On behalf of these American heroes, we must preserve this program. So please support the Lofgren amendment through H.R. 391. I thank the chair, and I yield back any time that might be remaining.

Ms. Jayapal. Mr. Chairman?

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

Ms. Jayapal. Move to strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Jayapal. Thank you, Mr. Chairman. I rise in strong support of this amendment, and I thank the gentlelady from California for offering it. I wanted to put a face to what we are talking about.

One of the people that would be affected by this is in
my State of Washington. His name is Rudolpho; he is called Rudy Panaglima, and I am taking this from a Seattle Times report, though I have met him as well. He was just 13 years old when he joined his father in a Filipino guerrilla unit that worked in secret with the U.S. Army during World War II.

Because he was so young, he was actually able to sneak past Japanese forces as a courier and a scout, and he brought back information, food, and medicine to U.S. soldiers in the mountains of the Philippines near his home in the mountains there. He was among more than 250,000 Filipinos who fought with the United States during World War II, including at least 60,000 who were killed.

He did that on behalf of the United States, and they were subject to, unfortunately, a very disastrous effect after the war, when President Truman signed laws that stripped away promises that were made to them of benefits and citizenship for those veterans that fought for the United States. And so now, this is 70 years later we are talking about, and finally they were given some relief in 2016 when this parole program was passed.

And, at the time, retired Major General Tony Taguba, who actually served in the U.S. Army for 34 years, said that this was not just about one individual being paroled, and so to my colleague from Louisiana who said the parole program
is being misused and we should just do this for one person, actually, what happened is that we corrected a deep wrong that was done to these veterans.

And so this retired major general, this was his quote. He said that, "The reunification program begins to right a wrong deeply rooted in American history. Slowly but surely, our country has taken leadership to correct this injustice," and he noted that Filipino veterans who helped win World War II paid a huge price. And yet what they got, and again, these are his words was, "humiliation and indignation."

So what we are talking about with this very finely crafted amendment is allowing these veterans, who are now in their 70s and 80s, many of them have died. I have been to the funeral of at least one, and through this entire time, knowing and having lived their life knowing that they fought for a country because they did what was right at tremendous harm to themselves and their families, and yet they were not allowed the basic courtesy of having their family members be able to come in and look after them in their old age.

And, in fact, the way that we discussed the last amendment and the narrowing of Mr. Lieu’s amendment would not have helped these individuals because many of the children are now adults. They have waited so long, decades, and so many of these children are adults. So simply making it about minor children really ignores the tremendous wrong
that has been done for decades to these individuals who fought for the United States and gave their lives for the United States.

So I really would hope that every member of this committee, you know, we often talk about the respect we have for veterans that this is a core part of respect for veterans, that they should be allowed to reunite with their families, and I would gladly yield to the gentlelady from California.

Ms. Lofgren. I thank the gentlelady for her important statement, and I just would like to observe that the idea that somehow there are categories, and that is impermissible, overlooks the fact that categories are being created in the bill. For example, those who have helped in a criminal investigation are eligible, or in espionage. That is a category.

So the point I would like to make is that we do not always know here, and it does take a long time to pass legislation into law; situations arise; and the executive needs to act sometimes on behalf of American interests. For example, in addition to the Philippine war veterans, there are people who fought on our side in the Vietnam War. You know, I mentioned Major On (?) as one example, but there are others. And so to think that we could think of every example here of what would be in the national interest is a
mistake, and to think that we are not also creating
categories in this bill is simply incorrect. And I thank
the gentlelady, and I yield back.

Ms. Jayapal. That is right, and I reclaim just a
little bit of quick time to say that this would also be
particularly painful because we spent so long fighting for
the right for these families to be reunified, and they
finally got it 2 years ago. So now to go back to them and
say and now we have just granted you this after decades. We
have righted this wrong, and now we are going to take it
away, I think, would be incredibly cruel and very
disrespectful, and I just hope that this committee and the
gentleman from Louisiana would support this amendment.

Thank you, Mr. Chairman. I yield back.

Chairman Goodlatte. A question occurs on the --

Mr. Raskin. Mr. Chairman?

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

Mr. Raskin. Move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5
minutes.

Mr. Raskin. Thank you so much, Mr. Chairman. I rise
in very strong support of Ms. Lofgren's amendment, which
will allow for aliens who would have been eligible for
parole under the Filipino World War II Veterans Parole
also to be included under the possibility of humanitarian parole in the President’s exercise of his powers under this statute.

I want to echo the very important point that was made by Ms. Lofgren. The legislation itself contemplates certain categories of people who would be included, such as people who participate in assisting in a criminal investigation. The case-by-case requirement relates to the administrative process and not to the development of legislative categories. So anyone who would come in under the newly-revised Filipino World War II Veterans Parole exception, according to the President's exercise of humanitarian parole power, would be someone whose individual merits would have to be considered through the administrative process.

There is no doubt about that. Nothing is being changed there. It is not some kind of blanket, get-into-the-country-free card for anybody who says he or she belongs to that category. You would still have to make every proof that, factually, you belong in that category, and then the President would have to exercise the humanitarian parole in that way. So I think that to say that this belongs in another piece of legislation is to defy the history of this statute and also to disregard what we are doing in this
We are developing the categories within which the case-by-case administrative methodology is going to be deployed, and so to oppose this, I think, sends, as my distinguished colleague from Washington just said, a very demoralizing message to the people who were covered under the Filipino World War II Veterans Parole Program, and sends every conceivable wrong message about what we stand for.

Again, I would have preferred not to go down this road, but if we are going to go through a process of picking out particular categories, it is hard to think of one that is more compelling than this. And I would urge all colleagues on all sides of the aisle to back the Lofgren amendment.

With that, I yield back Mr. Chairman.

Chairman Goodlatte. Question occurs on the amendment offered by the gentlewoman from California.

All those in favor, respond by saying aye.

Those opposed, no.

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

Ms. Lofgren. I would like a recorded vote.

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.
Ms. Adcock. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

[No response.]

Mr. Issa?

Mr. Issa. No.

Ms. Adcock. Mr. Issa votes no.

Mr. King?

[No response.]

Mr. Franks?

[No response.]

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Mr. Jordan?

[No response.]

Mr. Poe?

[No response.]

Mr. Marino?

[No response.]

Mr. Gowdy?

[No response.]
<table>
<thead>
<tr>
<th>Year</th>
<th>Question</th>
<th>Response</th>
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<tbody>
<tr>
<td>1951</td>
<td>Mr. Labrador?</td>
<td>[No response.]</td>
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<tr>
<td>1952</td>
<td>Mr. Farenthold?</td>
<td>[No response.]</td>
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<td>1953</td>
<td>Mr. Collins?</td>
<td>Mr. Collins. No.</td>
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<td>1954</td>
<td>Ms. Adcock.</td>
<td>Mr. Collins votes no.</td>
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<td>1955</td>
<td>Mr. DeSantis?</td>
<td>Mr. DeSantis. No.</td>
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<td>1956</td>
<td>Ms. Adcock.</td>
<td>Mr. DeSantis votes no.</td>
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<td>1957</td>
<td>Mr. Buck?</td>
<td>Mr. Buck. No.</td>
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<td>1958</td>
<td>Mr. Ratcliffe?</td>
<td>[No response.]</td>
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<td>1960</td>
<td>Mr. Gaetz?</td>
<td>Mrs. Roby votes no.</td>
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<td>1961</td>
<td>Mr. Johnson of Louisiana?</td>
<td>Mr. Gaetz votes no.</td>
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<tr>
<td>1962</td>
<td>Mr. Johnson of Louisiana. No.</td>
<td>Mr. Johnson votes no.</td>
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<tr>
<td>1963</td>
<td>Ms. Adcock.</td>
<td>Mr. Johnson votes no.</td>
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<td>1964</td>
<td>Mr. Biggs?</td>
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1976    [No response.]
1977    Mr. Rutherford?
1978    Mr. Rutherford. No.
1979    Ms. Adcock. Mr. Rutherford votes no.
1980    Mrs. Handel?
1983    Mr. Conyers?
1984    Mr. Conyers. Aye.
1985    Ms. Adcock. Mr. Conyers votes aye.
1986    Mr. Nadler?
1987    Mr. Nadler. Aye.
1988    Ms. Adcock. Mr. Nadler votes aye.
1989    Ms. Lofgren?
1992    Ms. Jackson Lee?
1993    [No response.]
1994    Mr. Cohen?
1995    [No response.]
1996    Mr. Johnson of Georgia?
1997    [No response.]
1998    Mr. Deutch?
1999    [No response.]
2000    Mr. Gutierrez?
[No response.]

Ms. Bass?

[No response.]

Mr. Richmond?

[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

[No response.]

Mr. Swalwell?

[No response.]

Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?

Mr. Raskin. Aye.

Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Chairman Goodlatte. The gentleman from Iowa?

Mr. King. No.
Ms. Adcock. Mr. King votes no.

Chairman Goodlatte. The gentleman from Ohio?

[No response.]

The gentleman from Idaho?

[No response.]

The gentleman from Pennsylvania?

[No response.]

Has every member voted who wishes to vote?

The clerk will report.

Ms. Adcock. Mr. Chairman, 7 members voted aye; 15 members voted no.

Chairman Goodlatte. And the amendment is not agreed to.

The chair recognizes himself for the purpose of offering an amendment, and the clerk will report the amendment.

Ms. Adcock. Amendment to the amendment in the nature of a substitute --

[The amendment of Chairman Goodlatte follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read, and I will recognize myself to explain my amendment. This is, as will be readily apparent, the changes to the amendment offered by the gentleman from California, Mr. Lieu, that I think are appropriate. I, again, thank the gentleman for raising this issue. I know some others on his side of the aisle have raised it as well. I know that this does not go as far as the gentleman would like us to go. However, I am prepared to do this, and I hope that the members on both sides of the aisle will support the amendment.

For what purpose does the gentlewoman from California to seek recognition?

Ms. Lofgren. Mr. Chairman, I just want to point out some of the shortfalls that I perceive in the proposal that you are making. First, while it is true that one of the bases for providing relief to the family members of American soldiers is the impact of that soldier while fighting. I do not think that is the only reason for relief for the family members.

Now we have had, regrettably, instances where an American soldier lost his life while serving in the U.S. Armed Services, and these are real cases; has a spouse who is not documented, and because of the 3 and a 10-year bar could not be documented by the U.S. soldier, with American-
citizen children. And so you have got a situation where the widow of the American soldier, who died fighting for our country, will be deported and his children put in foster care.

I do not think that really stands up for the American soldier who is deceased. I do not think this goes far enough. You know, I would not oppose doing this limited amount, but to think that this actually resolves the problem is a serious mistake, in terms of how I see this. I will go further: excluding the parents of a dead U.S. soldier, I think, is wrong. I just think it is wrong, and I have had situations in California where the dead soldier has been buried in a military --

Chairman Goodlatte. Would the gentlewoman yield?

Ms. Lofgren. I would be happy to yield.

Chairman Goodlatte. I thank the gentle woman for yielding. I think with regard to some instances where a member of the Armed Forces has been killed in the line of duty, the gentlewoman has a good point. There could be other circumstances where people have died under very different circumstances, and therefore I am not prepared to make that change at this time.

I would recommend that the committee pass the amendment, and I will work with the gentlewoman to see if there is a way to address that specific concern that she has
addressed as we move the bill to the floor.

Ms. Logren. Well, I would be happy to continue discussing, but I just think the fact that you have got to have either the member of the Armed Forces -- and apparently this would also exclude veterans -- is very problematic.

Chairman Goodlatte. That is definitely the case.

Ms. Logren. I am not going to oppose it, but I cannot say in good conscience that this resolves the very serious problems created by this bill.

Chairman Goodlatte. I understand the Gentlewoman’s perspective. For what purpose does the Gentleman from Louisiana seek recognition?

Mr. Johnson of Louisiana. Thank you, Mr. Chairman.

Yes, in support of the amendment.

Chairman Goodlatte. The Gentleman is recognized for 5 minutes.

Mr. Johnson of Louisiana. Thank you. I support the amendment because I, and all of us, obviously, fully support and honor our brave servicemembers, but I want to note some important caveats as we proceed.

On November 15, 2013, then-U.S. Citizenship and Immigration Services Director Ali Mayorkas issued a memo regarding this very issue, and it was the grant of parole to unlawful alien family members of active duty and former Armed Services and Ready Reserve servicemembers.
The memo specifically provided that these relatives of anyone who has ever served in the U.S. Armed Forces for any period of time and without regard to whether discharge was honorable or dishonorable, had been eligible to receive parole in a categorical basis. But not only has this parole policy not been consistent with the statutory language on the previous intent of the use of parole, as we have all discussed, but USCIS has not even been implementing the policy in a reasonable manner, and here is the problem.

In December 2013 our committee staff met with USCIS officials to discuss the details of the Parole in Place process set out in that November 2013 memo, and during the meeting USCIS admitted that the servicemember is never contacted to determine whether he or she actually wants the unlawful aliens to receive Parole in Place; USCIS admitted there is no process in place to verify that the servicemember actually served in the Armed Forces; USCIS admitted that Parole in Place could be granted even if the servicemember was dishonorably discharged, and admitted that the servicemember could have felony convictions, and his or her immediate relatives would still be eligible for Parole in Place.

They also admitted that, even in cases of divorce, the servicemember’s ex-spouse could be eligible for Parole in Place, and finally that unlawful alien immediate relatives
could still receive Parole in Place despite criminal records.

So, in light of those clear abuses, I just wanted to go on record saying I fully support the Goodlatte amendment, but we want to be cautious in how we proceed. It is just another reminder to us that this is a very delicate area of the law, and while we all want to honor our servicemembers, we have to do this in a responsible manner. I think this amendment accomplishes that. I yield back.

Chairman Goodlatte. The chair thanks the gentleman. Question occurs on the Goodlatte amendment, and the clerk will call the roll.

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Adcock. Mr. Goodlatte votes aye.

Mr. Sensenbrenner.

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

[No response.]

Mr. Issa?

[No response.]

Mr. King?

[No response.]
Mr. Franks?
[No response.]
Mr. Gohmert?
[No response.]
Mr. Jordan?
[No response.]
Mr. Poe?
[No response.]
Mr. Marino?
[No response.]
Mr. Gowdy?
[No response.]
Mr. Labrador?
[No response.]
Mr. Farenthold?
[No response.]
Mr. Collins?
[No response.]
Mr. DeSantis?
[No response.]
Mr. Buck?
[No response.]
Mr. Ratcliffe?
[No response.]
Mrs. Roby?
Mrs. Roby.  Aye.

Ms. Adcock.  Mrs. Roby votes aye.

Mr. Gaetz?

Mr. Gaetz.  Aye.

Ms. Adcock.  Mr. Gaetz votes aye.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana.  Aye.

Ms. Adcock.  Mr. Johnson votes aye.

Mr. Biggs?

[No response.]  

Mr. Rutherford?

Mr. Rutherford.  Aye.

Ms. Adcock.  Mr. Rutherford votes aye.

Mrs. Handel?

Mrs. Handel.  Aye.

Ms. Adcock.  Mrs. Handel votes aye.

Mr. Conyers?

[No response.]  

Mr. Nadler?

Mr. Nadler.  Aye.

Ms. Adcock.  Mr. Nadler votes aye.

Ms. Lofgren?

[No response.]  

Ms. Jackson Lee?

[No response.]
Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

[No response.]

Mr. Deutch?

[No response.]

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]

Mr. Richmond?

[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

[No response.]

Mr. Swalwell?

[No response.]

Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?

Mr. Raskin. Aye.

Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Chairman Goodlatte. The gentleman from Florida.

Mr. DeSantis. Yes.

Ms. Adcock. Mr. DeSantis votes yes.

Chairman Goodlatte. The gentleman from Texas, Mr. Smith.

Mr. Smith. Aye.

Ms. Adcock. Mr. Smith votes aye.

Chairman Goodlatte. The gentleman from California, Mr. Issa?

Mr. Issa. Aye.

Chairman Goodlatte. The gentleman from Iowa, Mr. King?

Mr. King. Aye.

Chairman Goodlatte. The gentleman from Idaho?

Mr. Labrador. Aye.

Chairman Goodlatte. The gentleman from Colorado?

Mr. Buck. Aye.

Chairman Goodlatte. The gentleman from Pennsylvania.

Mr. Marina. Yes.

Chairman Goodlatte. The gentleman from Texas, Mr. Gohmert.
Mr. Gohmert. Aye.

Chairman Goodlatte. Has ever member voted who wishes to vote? The clerk will report. The gentleman from Ohio.

Mr. Jordan. Yes.

Ms. Adcock. Mr. Jordan votes yes.

Chairman Goodlatte. The clerk will report.

Ms. Adcock. Mr. Chairman, 21 members voted aye; 0 members voted no.

Chairman Goodlatte. And the amendment is agreed to.

Mr. Conyers. Mr. Chairman.

Chairman Goodlatte. Are there further amendments? For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391 offered by Mr. Conyers. Strike section 3 and redesignate succeeding sections accordingly.

[The amendment of Mr. Conyers follows:]

********** COMMITTEE INSERT **********
Mr. Conyers. Mr. Chairman and members of the committee, section 3 of this bill imposes a draconian credible fear standard that will result in the summary returned to the persecution of legitimate asylums-seekers. My amendment strikes that section, helping ensure that these individuals receive the full opportunity for protection that they deserve.

Congress intended for the credible fear screening to be a preliminary screening. The legal standard was deliberately set low to guarantee that bona fide asylum seekers placed into expedited removal proceedings would advance to full hearings before immigration judges in which they could properly present their claims.

Section 3 defies that intent by directing an inappropriately high bar. Specifically, this section requires a credible fear claim that is established by a preponderance of evidence, the voracity of their statements. The context of these screenings shows why this new standard is impossible for many bona fide asylum seekers to meet.

Affected individuals have generally just reached the United States; they frequently remain traumatized by their persecution, and rarely arrive with formal evidence substantiating their claims. To satisfy H.R. 391’s elevated standard, asylum seekers may need to hire counsel, gather records from their home countries, and prepare written
statements: actions often untenable within the brief timeframe afforded.

Unfortunately, we are already witnessing the implications of a tightened credible fear standard. February 2017, pursuant to President Trump’s executive order on border security, the administration introduced certain changes to the credible fear standard, changes that human rights first said were inconsistent with United States immigration law, and that they put people at risk of return to persecution and torture.

In the months following, credible fear grant rates have increasingly dropped. By ratcheting the credible fear standard even higher, H.R. 391 would reinforce this trend line, further thwarting congressional intent and resulting in yet more deportations. There are those who attempt to justify these measures by claiming that fraud and abuse pervade the credible fear system. The evidence, however, is to the contrary.

A substantial majority of the growth in credible fear claims in recent years comes from national fleeing from the Northern Triangle of El Salvador, Honduras, and Guatemala -- three of the world’s most dangerous countries in many people’s view.

In fact, the United Nation’s High Commissioner for Refugees declared the situation there a “protection crisis,”
a reflection of the large numbers of individuals escaping gangs, sexual and gender-based violence, and homicide. Such persons, then, are bona fide asylum seekers fleeing real persecution, yet section 3, by erecting a hurdle impossible for many of them to clear, would preclude their protection. The bill would therefore return victims of rape, torture, and slavery to further harm and death.

Accordingly, I urge all my colleagues to prevent these unjust outcomes by supporting by amendment. I thank the chair and yield back the balance of my time.

Chairman Goodlatte. The chair now recognizes Mr. Johnson from Louisiana.

Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I oppose this amendment, and use the time to say I oppose it because it would strike from H.R. 391 one of the bill’s most important provisions, and that is the one to raise the standard for credible fear determination.

Fraud is rampant in the U.S. asylum process for several reasons. For instance, the evidence on which to base a claim of asylum is often only the asylum-seeker’s word. In addition, the standard to find credible fear has become extremely low. Currently, an alien in expedited removal proceedings can claim a credible fear of persecution and, if found to have a credible fear, has the right to go before an immigration judge.
In order to establish a credible fear of persecution, the asylum officer must find only that a, quote, “significant possibility,” unquote, exists and that the individual may be found eligible for asylum or withholding of removal.

The intended purpose of this provision was to dispose of claims where there is little possibility of success while at the same time not foreclosing viable claims. However, the standard is so low now that, under the Obama administration, many baseless claims were approved. In fact, during the last years of the Obama Administration, approval rates were as high as 88 and 92 percent.

Section 3 of H.R. 391 applies a heightened standard to the claim of credible fear. In conjunction with showing a significant possibility under H.R. 391, the alien must show that it is, quote, “more probable than not the statements made by and on behalf of the alien in support of the alien’s credible fear claim are, in fact, true.”

So this is an effort to seek and confirm the truth, and nothing more, and so it defies logic that we might describe it as draconian, as had been said. Requiring an alien to show that it is more probable than not that his or her claims are true is not an overzealous standard at all. It is a reasonable standard that helps ensure the legitimacy of the U.S. asylum process.
In 2016, nearly 1 out of every 10 illegal immigrants crossing the southwest border of our country demanded asylum, and they used magic words to claim they had fear in their home country, according to statistics that we received from the Immigration Reform Law Institute.

Border officials believe that these persons are being coached, or at least many of them, and this turns a program that is intended to be a humanitarian lifeline into a new path for unauthorized migrants to gain a foothold in the U.S. And for that reason I respectfully urge my colleagues to oppose this amendment. I yield back.

Mr. Raskin. Would the Gentleman yield for a question?

Mr. Johnson of Louisiana. I yield. Sure.

Mr. Raskin. Mr. Johnson, you stated that there were rates of up to 88 percent or 92 percent approval of asylum applications, and I had never heard those statistics before. And I am wondering, are those national figures and over what period of time? Where does that come from?

Mr. Johnson of Louisiana. These are the last 2 years of the Obama administration, I believe. Yeah. I will correct the record, then. It is where credible fear was found, not asylum overall.

So, in the cases where that was alleged, they were handled under the credible fear analysis, 88 and 92 percent, respectively, in the last 2 years of the Obama
administration, they were granted, because the standard had become so lax. And that is the concern.

Mr. Raskin. Okay. Just curious to look at the underlying statistical evidence there.

Mr. Johnson of Louisiana. It is USCIS, and I am happy to supply that to the members.

Mr. Raskin. Thank you very much.

Ms. Lofgren. Mr. Chairman?

Mr. Johnson of Louisiana. It was provided to every member. I am happy to yield, if --

Ms. Lofgren. I would just like to make a quick comment, because when we crafted -- and the Judiciary Committee did craft it on a bipartisan basis -- this was a two-pronged process, and here is the reason why.

When you flee for your life, you, oftentimes, do not have documents, and so the idea was to have an initial review that was not the complete analysis that you would have after you had hired counsel, you had had the opportunity to go out and compile evidence.

As was stated by the Federal judge in Bolanos Hernandez v. INS, quote, “persecutors are highly likely to provide their victims with affidavits attesting to their acts of persecution.” It takes a while, and there are just four former immigration lawyers, to my knowledge, in the U.S. Congress: Mr. Labrador, Mr. Goodlatte, myself, and Senator
Menendez; and I think all of us have done asylum cases, and
they are difficult to do. You have evidence that you have
to compile, so if you show up, you fled for your life, you
may not have anything but the clothes on your back, you are
not going to be able to meet that high standard that you are
going to have to meet if you are found -- I have been -- as
to strike the last word.

Mr. Labrador. [Presiding.] The gentlewoman is
recognised.

Ms. Lofgren. If you show up with nothing, you are
unlikely, as the Federal court found in the Hernandez v. INS
case, to actually have the evidence necessary to prove your
case. Now, the fact that there are high credible fear
findings is not as significant as how often are those
findings actually found to be valid later on in the process.
And it is a very high percentage of the time that the
credible fear standard, once you have the immigration
proceeding, is found to be correct when you have the chance
to get your lawyer, to get your evidence, and the like.

So I do think, obviously, no one wants fraud, and
although that is often sighted, I do not know that there is
really any evidence that I have seen that fraud is
occurring. If there is fraud, I am against it, and I think
you would be against it as well. That would be unanimous on
the committee.
But the question is, how do you accommodate the life circumstances that the person who is fleeing in a way that gives them a chance to make their case.

And I would just note, I remember when we crafted this two-pronged approach, and Howard Berman, who was then a member of our committee, took a lead in this, and working with Republican members and very carefully with the religious community, and the Evangelical churches across the United States brought a lot of passion and morality to bear on this question because some of the people we are talking about are fleeing because of persecution for their religion and their Christian religion. So, there was great concern on the part of the Evangelical community.

To change this standard, I think, is a very severe mistake, and I would hope that we would adopt Mr. Conyers’s amendment. If we do not, I think that the opportunity for people with legitimate claims of asylum for persecution, for religious persecution, for those who have been sex-trafficked, and others are no going to be found and we will be turning our back on those who need safe haven, and we will not be living up to the standards that are set in international law that are followed by all civilized nations. I know that that is not the gentleman’s intent, but that would, in fact, be the result of the bill absent Mr. Conyers’s amendment. So, I strongly support Mr.
Conyers’s amendment and hope that we can pass it. And with that, I would yield back.

Mr. Labrador. The question on the amendment to the --

Those in favor, say aye.

Those opposed, say no.

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

Mr. Conyers. A record vote is sought.

Mr. Labrador. A recorded vote has been requested, and the clerk will call the roll.

Ms. Adcock. Mr. Goodlatte?

[No response.]

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

Mr. Chabot. No.

Ms. Adcock. Mr. Chabot votes no.

Mr. Issa?

[No response.]

Mr. King?

[No response.]

Mr. Franks?

Mr. Franks. No.
Ms. Adcock. Mr. Franks votes no.
Mr. Gohmert?
 [No response.]
Mr. Jordan?
 [No response.]
Mr. Poe?
 [No response.]
Mr. Marino?
 [No response.]
Mr. Gowdy?
 [No response.]
Mr. Labrador?
Mr. Labrador. No.
Ms. Adcock. Mr. Labrador votes no.
Mr. Farenthold?
 [No response.]
Mr. Collins?
 [No response.]
Mr. DeSantis?
Mr. DeSantis. No.
Ms. Adcock. Mr. DeSantis votes no.
Mr. Buck?
Mr. Buck. No.
Ms. Adcock. Mr. Buck votes no.
Mr. Ratcliffe?
2542 [No response.]
2543 Ms. Adcock. Mrs. Roby?
2544 Mrs. Roby. No.
2545 Ms. Adcock. Ms. Roby votes no.
2546 Mr. Gaetz?
2547 Mr. Gaetz. No.
2548 Ms. Adcock. Mr. Gaetz votes no.
2549 Mr. Johnson of Louisiana?
2550 Mr. Johnson of Louisiana. No.
2551 Ms. Adcock. Mr. Johnson votes no.
2552 Mr. Biggs?
2553 [No response.]
2554 Mr. Rutherford?
2555 Mr. Rutherford. No.
2556 Ms. Adcock. Mr. Rutherford votes no.
2557 Mrs. Handel?
2558 Mrs. Handel. No.
2559 Ms. Adcock. Mrs. Handel votes no.
2560 Mr. Conyers?
2561 Mr. Conyers. Aye.
2562 Ms. Adcock. Mr. Conyers votes aye.
2563 Mr. Nadler?
2564 Mr. Nadler. Aye.
2565 Ms. Adcock. Mr. Nadler votes aye.
2566 Ms. Lofgren?
Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?

[No response.]

Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

[No response.]

Mr. Deutch?

[No response.]

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]

Mr. Richmond?

[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

Mr. Cicilline. Aye.

Ms. Adcock. Mr. Cicilline votes aye.

Mr. Swalwell?

[No response.]

Mr. Lieu?

Mr. Lieu. Aye.
Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?

Mr. Raskin. Aye.

Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Mr. Labrador. Are there any other members who wish to be recognized? The gentleman from Ohio.

Mr. Jordan. No.

Ms. Adcock. Mr. Jordan votes no.

Mr. Labrador. Mr. Chairman?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Labrador. The gentleman from Pennsylvania?

Mr. Marino. No.

Ms. Adcock. Mr. Marino votes no.

Mr. Labrador. The gentleman from Texas?

Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Mr. Labrador. The clerk will report.

Ms. Adcock. Mr. Chairman, 8 members voted aye; 14
members voted no.

Mr. Labrador. It is not agreed to. Are there any other amendments to the amendment?

Mr. Nadler. Mr. Chairman?

Mr. Labrador. For what purpose does --

Mr. Nadler. There is an amendment at the desk.

Mr. Labrador. The gentleman is recognized. The clerk will record the amendment. Report.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391 offered by Mr. Nadler. Strike section 9.

[The amendment of Mr. Nadler follows:]

*********** COMMITTEE INSERT ***********
Mr. Labrador. Without objection, the amendment is considered as read and the gentleman is recognized.

Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman, my amendment would strike section 9 of the amendment in the nature of a substitute. Section 9 would unfairly and unreasonable limit the ability of individuals to seek asylum.

Under current law, asylum may not be granted to an individual who has, quote, “firmly resettled in another country prior to arriving in the United States,” unquote. By regulation, an individual is considered to be firmly resettled if that person received an offer of permanent residence, citizenship, or some other permanent status from that third country.

In other words, if someone leaves a country of persecution, stops in another country, he will not be granted permanent asylum here if that person received an offer of permanent residence, citizenship, or some other permanent status from the country in the middle.

The bill, however, modifies this provision to declare that one will be deemed firmly resettled in the other country if the individual can live in that country, quote, “in any legal status without fear of persecution,” close quote. While this may sound reasonable, it could leave thousands of people in a state of legal limbo with no
country willing to accept them on a permanent legal basis.

Many asylum seekers arrive in the United States by way of another country are often obtaining temporary status in that other country as they pass through. Even if they are permitted to live there permanently, this status frequently does not include authorization to work, the right to move freely within that country, access to public benefits, or the right to leave and re-enter the country at will.

Without these basic rights, it is absurd to consider them firmly resettled. Under this legislation, however, even that minimal legal status would make such individuals categorically ineligible for asylum. An immigration judge would be prevented from even considering asylum application, no matter how strong the claim of persecution in the home country.

And although this bill pertains to asylum seekers, this provision amends a section of law that would seemingly apply to refugees as well. Since nearly all refugees pass through another country while awaiting approval to enter the United States, this provision would nearly shut down the Refugee Resettlement Program altogether.

Furthermore, the bill does not require that the passed-through country actually be willing to accept the return of the individual if asylum is denied on the basis of firm resettlement. Consequently, we could end up in a game of
refugee ping-pong. We can secure a final order of deportation against an asylum seeker but have no realistic ability to return them to their home country without threatening their life and find no other country willing to accept them on a permanent basis.

This provision would leave many asylum seekers and refugees stateless and in legal purgatory with no legal residence at all. They would be in a state of limbo with no prospects for a durable solution in any country, and no secure future for themselves and for their children. That is not just irrational, it is inhumane.

Over the last few months, this committee has considered bill after bill that would impose harsh restrictions on individuals fleeing unimaginable horrors in their home countries. These people seek the protection of the United States as historically provided to those in need, but the majority would have us turn our backs on them instead.

I urge my colleagues to oppose the underlying bill and particularly to support this amendment which would retain current law and would avoid leaving in limbo large numbers of people who would otherwise have a legitimate claim in the U.S. We should not leave people with no legal right to be in any state permanently, which this provision would do, I assume, without proper consideration by the authors, because I had kind of assumed that was its intent.
I urge the adoption of my amendment and I yield the balance of my time.

Mr. Labrador. For what purpose does the gentleman from Louisiana wish to be recognized?

Mr. Johnson of Louisiana. Mr. Chairman, I oppose this amendment.

Mr. Labrador. The gentleman is recognized.

Mr. Johnson of Louisiana. Under current law, an applicant is ineligible for asylum if the applicant, quote, “was firmly resettled in another country prior to arriving in the United States,” unquote.

However, pursuant to regulation, an alien is considered to be firmly resettled only if he or she receives an offer of permanent resident status, citizenship, or some other type of permanent resettlement.

H.R. 391 clarifies that firm resettlement is established in another country if the alien can live in that country with any legal status without fear of persecution. The alien can rebut the indication of firm resettlement by showing a lack of legal status in that country.

This provision is designed to limit asylum to those actually fleeing persecution and not those simply seeking the most advantageous country to which to immigrate.

The amendment strikes this common sense provision, and for that reason I urge my colleagues to oppose the
amendment, and I yield back.

Mr. Labrador. The question is on the amendment to the amendment’s nature --

Ms. Lofgren. Mr. Chairman? I move to strike the last word.

Mr. Labrador. The gentlelady is recognized.

Ms. Lofgren. I think that the gentleman from Louisiana is incorrect, because I think the effect of this would be to prevent the asylum applicant from even applying, and they would not have the opportunity to rebut the resettlement issue that the gentleman referenced, because they would not be eligible to apply at all, and I think that creates a big problem.

I think we are much better off sticking with the law that is firmly established under many court cases and is part of international law than to make this rather significant departure from the law.

For example, if you had a Congolese refugee that was residing in Rwanda temporarily, because they are in the UNHCR process and they are in a refugee camp -- this is a lot of people in that situation -- the fact that they are in Rwanda would prevent them from applying for asylum or refugee status because they can stay there. And they would not have the opportunity to rebut because they are never eligible to make the application. I think it is a problem.
I am sure it is not intended, but it is a problem. And I yield to the gentleman from New York.

Mr. Nadler. Thank you. I thank the gentlelady for yielding and I would like to reply to what the gentleman from Louisiana said. He said you would have to have status in the third country. But status means they are permitted to live there. In many countries, it does not mean that they are authorized to work at all. It does not mean they have the right to move freely within that country. It may not mean they have the right to access to public benefits, and it may not mean they have the right to leave or reenter that country. And surely, without these basic rights, it is absurd to consider them firmly resettled.

Someone who will not be expelled from a country but cannot work, cannot become a citizen, cannot have access to public benefits, cannot move around freely, cannot leave or come in, and cannot work should not be considered having permanently resettled there so as to bar them from asylum here. That is the -- I yield to the gentlelady.

Ms. Lofgren. And if I may reclaim my time, if you think about it, this really puts the United States out of the refugee resettlement business, for the most part, because most of the refugees that are coming are coming in from refugee camps. Half of them are coming from Africa, where the U.N. is running the refugee camps. And the
process is this -- you flee, you are in the refugee camp --
I mean, usually for a long period of time. There is the
U.N. -- and they are the experts in refugee status -- they
screen the refugees to see whether they meet the
requirements of the U.N. refugee program.
And right now, the major requirements are you have, you
know, a severe health problem, you are particularly
vulnerable. And only at that point are you referred to the
U.S. refugee program for screening, which takes usually, you
know, 2, 3, or 4 years.
If you are there for 2, 3, 4 years in the refugee camp
-- and you are probably there for 5 years before that --
clearly, under the bill, you are not even eligible because
you are resettled, even though you are just in a camp. And
so, I think this would put us out of the refugee business.
I do not think that is a good idea. It may not be what is
intended, but I think that would be the impact of the bill.
Unless Mr. Nadler has additional comments, I would yield
back.
Mr. Johnson of Louisiana. Would the gentlelady yield
just for a moment?
Ms. Lofgren. Of course.
Mr. Johnson of Louisiana. I appreciate you yielding.
I will give you the nod as the expert in immigration law. I
was a constitutional law litigator. As it was pointed out,
I am not one of the four immigration lawyers in Congress. I suspect that 50 percent of those four immigration lawyers, though, are going to oppose this amendment. And I think the reason is -- as was stated a moment ago -- that, somehow, we would deny the right to a hearing to those claiming refugee status. But my appreciation and understanding of the operation of the law in this area is that a hearing is effectively automatic.

You request a hearing and you get one. You get here. Someone makes the determination, whether you can remain. And so, all we are saying here is let's clear up the standard and make sure that it is not abused.

Ms. Lofgren. Reclaiming my time. The point I am making is this appears to apply to the refugee program in additional to asylum. You would never get into the program, because under this state, you would be resettled and there would be no refugee program.

Mr. Labrador. The gentlelady's time has expired. I yield myself 5 minutes, and I yield my time to the gentleman from Louisiana.

Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I just, again, oppose the amendment because I think it goes a little too far. What we are trying to do here is clarify the abuses of the program. We have received insight from across the board on this bill, including immigration judges
and officials in the field. And they are the ones that have suggested to us that this has become a real problem. So, that is the reason for the bill in its current form. And for that reason, I oppose the amendment. I yield back.

Mr. Conyers. Mr. Chairman?

Mr. Labrador. For what purpose does the gentleman wish to --

Mr. Conyers. I wish to strike the requisite number of words.

Mr. Labrador. The gentleman is recognized.

Mr. Conyers. And I would yield to the gentleman from New York, Mr. Nadler.

Mr. Nadler. I thank the gentleman for yielding. I would point out that the gentleman from Louisiana did not answer any of the problems of the argument. The fact of the matter is, it is apparently undisputed that this amendment would mean that no one could apply for asylum here if he were in a foreign country without the right to work, without the right to become a citizen there, without the right to move freely about, without the right to enter and leave that country, number one. And that is hardly what we would call permanently resettled.

Number two, it would, as the gentlelady from California said, essentially end our refugee program. I doubt that is the intention of the provision, but that is what it would
do. First of all, you would not get a hearing, very often, as the gentlelady from California said. But even if you did, if the standard of the bill is that you are permanently resettled, as long as they are not going to kick you out of that other country, basically, as long as you can be there, even though you cannot work, even though you have no citizenship rights and cannot ever become a citizen, even though you have no right to move around freely, then no refugee will be considered, number one. The refugee program is over. And number two, it is not right as a matter of asylum.

It probably contravenes all kinds of international law. But it certainly contravenes our general idea because we are saying that a person is permanently resettled who has no rights at all except to stay there. And I doubt that that was what was intended. But it is what the bill does. And I think this amendment should be accepted. And if you want to rewrite a more limited provision on the way to the floor, that might be okay. But clearly, this probably goes a lot farther than was intended. I assume the intent was not to end the refugee program. The intent was not to establish a class of permanently stateless people with no rights in foreign countries.

Mr. Johnson of Louisiana. Would the gentleman yield just a moment?
Mr. Nadler. Sure.

Mr. Johnson of Louisiana. The refugee statute is a separate section of law. We are dealing with the asylum statutes. And so, it does not apply. All the experts that I have spoken to in the field, practitioners and --

Mr. Nadler. Reclaiming my time for just a second. The refugee program uses the same section of law. And therefore, whether you are intending it or not, you are affecting it and effectively ending it. And I will yield back to the gentleman from Louisiana if he wants to continue. Mr. Johnson of Louisiana. Well, there is two distinct sections in law, section 207 and 208. And so, what we are dealing with is one and not the other. And so, for that reason, I oppose the amendment.

Mr. Nadler. I reclaim my time. But this is the only place where "firmly resettled" is defined, and it applies to the refugee program as well as here. So, this provision, without amendment, ends the refugee program and establishes a permanent class of people who are stateless, in effect -- who have the right to stay in a foreign country but no other right whatsoever: to become a citizen, to work, et cetera. And that cannot be the intent of our asylum law. I yield back.

Mr. Labrador. The question is on the amendment to the amendment in the nature of a substitute.
Those in favor, say aye.

Those opposed, say no.

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

Mr. Labrador. A recorded vote has been requested, and the clerk will call the roll.

Ms. Adcock. Mr. Goodlatte?

[No response.]

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

[No response.]

Mr. Issa?

[No response.]

Mr. King?

[No response.]

Mr. Franks?

Mr. Franks. No.

Ms. Adcock. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Mr. Jordan?
Mr. Jordan. No.

Ms. Adcock. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Mr. Marino?

Ms. Adcock. Mr. Marino votes no.

Mr. Gowdy?

[No response.]

Mr. Labrador?

Ms. Adcock. Mr. Labrador votes no.

Mr. Farenthold?

[No response.]

Mr. Collins?

Ms. Adcock. Mr. Collins votes no.

Mr. DeSantis?

Ms. Adcock. Mr. DeSantis votes no.

Mr. Buck?

[No response.]

Mr. Ratcliffe?

[No response.]

Mrs. Roby?
Mrs. Roby. No.

Ms. Adcock. Mrs. Roby votes no.

Mr. Gaetz?

Mr. Gaetz. No.

Ms. Adcock. Mr. Gaetz votes no.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Biggs?

[No response.]

Mr. Rutherford?

Mr. Rutherford. No.

Ms. Adcock. Mr. Rutherford votes no.

Mrs. Handel? Mrs. Handel votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Adcock. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Adcock. Mr. Nadler votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?

[No response.]
Mr. Cohen?
[No response.]
Mr. Johnson of Georgia?
[No response.]
Mr. Deutch?
[No response.]
Mr. Gutierrez?
[No response.]
Ms. Bass?
[No response.]
Mr. Richmond?
[No response.]
Mr. Jeffries?
[No response.]
Mr. Cicilline?
Mr. Cicilline. Aye.
Ms. Adcock. Mr. Cicilline votes aye.
Mr. Swalwell?
[No response.]
Mr. Lieu?
Mr. Lieu. Aye.
Ms. Adcock. Mr. Lieu votes aye.
Mr. Raskin?
Mr. Raskin. Aye.
Ms. Adcock. Mr. Raskin votes aye.
Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Mr. Labrador. Are there any other members who wish to be recorded? The gentleman from Iowa?

Mr. Chabot. Ohio.

Mr. Labrador. Ohio, sorry.

Mr. Chabot. No.

Ms. Adcock. Mr. Chabot votes no.

Mr. Labrador. Mr. Chairman?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Labrador. The gentleman from Colorado?

Mr. Buck. No.

Ms. Adcock. Mr. Buck votes no.

Mr. Labrador. The clerk will report.

Ms. Adcock. Mr. Chairman, 8 members voted aye; 15 members voted no.

Mr. Labrador. The noes have it, and the amendment is not agreed to.

Are there any other amendments to the amendment?

Ms. Jayapal. Mr. Chairman, I have an amendment at the
Mr. Labrador. The clerk will report.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391, offered by Ms. Jayapal. Add at the end the following --

[The amendment of Ms. Jayapal follows:]

********** COMMITTEE INSERT **********
Mr. Jordan. Mr. Chairman? I reserve a point of order.

Mr. Labrador. The point of order is reserved. Without objection the amendment is considered as read and the gentlewoman from Washington is recognized.

Ms. Jayapal. Thank you, Mr. Chairman. Several recent human rights reports reveal that under the Trump administration, Customs and Border Protection personnel have turned away asylum seekers who request protection at land border ports of entry in violation of the law. My amendment makes it clear that any CBP officer or agent who turns away an asylum seeker at the border in violation of the law shall be referred to the Office of Professional Responsibility and the DHS Office of Civil Rights and Civil Liberties.

As I mentioned, there are recent reports that indicate that this has been happening to numerous vulnerable asylum seekers requesting protection at U.S. ports of entry. In May of 2017, Human Rights First documented in their report, Crossing the Line, 125 incidents where asylum seekers were denied full access to the U.S. asylum process.

And just this month, the American Immigration Council and others filed a class-action lawsuit challenging CBP's continued practice of turning back asylum seekers requesting protection at ports of entry. Unfortunately, the anti-immigrant rhetoric that has been happening has seemed to embolden the CBP practice.
In Texas, the CBP officer allegedly told an asylum seeker from Central America, "Trump says we do not have to let you in." And another one reportedly stated that "Donald Trump just signed new law saying that there is no asylum for anyone."

We have heard repeated reports of CBP officers turning back asylum seekers, often using threats, intimidation, coercion, and verbal and physical abuse. We have also heard CBP turning away asylum seekers through verbal and physical abuse. CBP reportedly threw an asylum seeker's 6-year-old daughter to the ground, held a gun to the back of an asylum seeker and compelled her to leave the port of entry, and knocked a transgender asylum seeker on the floor and then stepped on her neck.

Mr. Chairman, I seek unanimous consent to enter into the record a transcript of a recording of CBP agents turning away asylum seekers at the border.

Mr. Labrador. Without objection.

[The information follows:]

********** COMMITTEE INSERT **********
Ms. Jayapal. Thank you, Mr. Chairman. Such turn-backs often result in the return of asylum seekers to grave danger. For example, the class-action lawsuit details a story of Carolina Doe, a mother of three who resided in Mexico. Her brother-in-law was kidnapped and dismembered there by a Mexican drug cartel.

Carolina's family was then targeted and threatened with death. She and her children fled to the San Ysidro port of entry and requested asylum. However, CBP officials coerced her to recant her statement of fear of video and signed a form falsely indicating that she and her children were not afraid of returning to their home country. These CBP actions forced the family's return to Mexico, where they have suffered the death threat and where they now fear for their lives.

Mr. Chairman, I would argue that these turn-backs are not only unconscionable. They may violate U.S. and international law. They violate INA 208(a)(1), which guarantees the right of any individual present within the United States or arriving at a U.S. port of entry to apply for asylum. CBP officers lack authority to assess the protection claims of asylum seekers or summarily turn them away to Mexico.

Rather, when an arriving individual is found inadmissible but indicates an intention to apply for asylum
or expresses a fear of persecution, Customs and Border Protection must either refer the individual to an asylum officer -- who is trained to do a credible fear interview within the context of an expedited removal proceeding -- or place the individual into removal proceedings.

Regulations note that CBP, quote, "shall not proceed further," with the removal of an asylum seeker placed in expedited removal proceedings until referral to an asylum officer. Also, these turnbacks may violate the principle of nonrefoulement, as articulated in Article 33 of the 1951 Refugee Convention.

This principle prohibits the return of asylum seekers to a country where their lives or freedom would be threatened on account of a protected ground such as the return of a Mexican asylum seeker to his or own persecution in Mexico. This principle was enshrined in U.S. law when the United States signed the 1967 protocol relating to the status of refugees, which incorporated Article 33 of the Refugee Convention.

My amendment makes it clear that this administration -- any administration -- may not turn away arriving asylum seekers without granting them appropriate access to the credible fear process. It puts into statute that DHS may not turn back an arriving asylum seeker subject to expedited removal without first granting that individual's access to
the credible fear process.

It also provides consequences for any illegal action by a CBP officer or agent operating in violation of the law. This is simply about accountability and ensuring that CBP officers follow our laws. And I hope that all of my colleagues on both sides will support my amendment. Thank you, Mr. Chairman. I yield back.

Mr. Labrador. The gentleman’s point of order?

Mr. Jordan. Yes, Mr. Chairman. The amendment falls within the --

Mr. Labrador. The gentleman is recognized.

Mr. Jordan. Yeah. Thank you. The amendment falls within the jurisdiction of the Homeland Security Committee. They did not receive this bill. Therefore, unfortunately, it is not germane.

Mr. Labrador. Does the gentlelady from Washington wish to speak on the germaneness issue?

Ms. Jayapal. She does.

Mr. Labrador. The gentlelady is recognized.

Ms. Jayapal. Mr. Chairman, I do not understand the objection, because at a minimum, both CBP and DHS would have jurisdiction over this issue. We are talking about how we turn back and how we approach asylum seekers at the border. This appears very germane to me, and I do not see any reason why this would not be considered that way. We are
specifically dealing with the behavior of CBP officers at the border as it pertains to asylum seekers. This entire bill is about asylum seekers. And so, again, I would argue that this is, in fact, extremely germane.

Mr. Cicilline. Point of parliamentary inquiry?

Ms. Jayapal. Just one second, Mr. Chairman.

Mr. Labrador. I am prepared to rule on the point of order.

Ms. Jayapal. I yield to the gentleman from Rhode Island.

Mr. Cicilline. I would just say, Mr. Chairman, that the language that has been proffered in this amendment refers the officer agent for further investigation with the Office of Professional Responsibility of Customs and Border Patrol and the Office of Civil Rights and Civil Liberties of the Department of Homeland Security. So, it would seem to me that there is joint jurisdiction between this committee and Homeland Security. We have not surrendered our jurisdiction with respect to Customs and Border Protection.

Mr. Labrador. So I am prepared to rule on the point of order. The Homeland Security Committee has not received a referral of this amendment. That is the proper rule of germaneness. And therefore, I find that the amendment is not germane.

Mr. Cicilline. I appeal the ruling of the chair.
Mr. Jordan. Mr. Chairman, I move to table to appeal of the ruling of the chair.

Mr. Cicilline. We still can put a vote.

Ms. Jayapal. We still get to vote on it.

Mr. Labrador. All those in favor, say aye.

All those opposed, say nay.

The ayes have it.

Mr. Cicilline. I ask for a recorded vote.

Mr. Labrador. A recorded vote having been called, the clerk will call the roll.

Chairman Goodlatte. Aye.

Ms. Adcock. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

[No response.]

Mr. Issa?

[No response.]

Mr. King?

[No response.]

Mr. Franks?

Mr. Franks. Aye.

Ms. Adcock. Mr. Franks votes aye.
Mr. Gohmert?

Mr. Gohmert. Aye.

Ms. Adcock. Mr. Gohmert votes aye.

Mr. Jordan?

Mr. Jordan. Yes.

Ms. Adcock. Mr. Jordan votes Yes.

Mr. Poe?

[No response.]

Mr. Marino?

[No response.]

Mr. Gowdy?

[No response.]

Mr. Labrador?

Mr. Labrador. Yes.

Ms. Adcock. Mr. Labrador votes yes.

Mr. Farenthold?

[No response.]

Mr. Collins?

Mr. Collins. Yes.

Ms. Adcock. Mr. Collins votes yes.

Mr. DeSantis?

Mr. DeSantis. Yes.

Ms. Adcock. Mr. DeSantis votes yes.

Mr. Buck?

Mr. Buck. Aye.
Ms. Adcock. Mr. Buck votes aye.

Mr. Ratcliffe?

[No response.]

Mrs. Roby?

Mrs. Roby. Aye.

Ms. Adcock. Mrs. Roby votes aye.

Mr. Gaetz?

Mr. Gaetz. Aye.

Ms. Adcock. Mr. Gaetz votes aye.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Biggs?

[No response.]

Mr. Rutherford?

Mr. Rutherford: Aye.

Ms. Adcock. Mr. Rutherford votes aye.

Mrs. Handel?

Mrs. Handel. Aye.

Ms. Adcock. Mrs. Handel votes aye.

Mr. Conyers?

Mr. Conyers. No.

Ms. Adcock. Mr. Conyers votes no.

Mr. Nadler?

[No response.]
Ms. Lofgren?
[No response.]

Ms. Jackson Lee?
[No response.]

Mr. Cohen?
[No response.]

Mr. Johnson of Georgia?
[No response.]

Mr. Deutch?
[No response.]

Mr. Gutierrez?
[No response.]

Ms. Bass?
[No response.]

Mr. Richmond?
[No response.]

Mr. Jeffries?
[No response.]

Mr. Cicilline?
Mr. Cicilline. No.

Ms. Adcock. Mr. Cicilline votes no.

Mr. Swalwell?
[No response.]

Mr. Lieu?
Mr. Lieu. No.
Ms. Adcock. Mr. Lieu votes no.

Mr. Raskin?

Mr. Raskin. No.

Ms. Adcock. Mr. Raskin votes no.

Ms. Jayapal?

Ms. Jayapal. No.


Mr. Schneider?

Mr. Schneider. No.

Ms. Adcock. Mr. Schneider votes no.

Mr. Labrador. Mr. Chabot?

Mr. Chabot. Aye.

Ms. Adcock. Mr. Chabot votes aye.

Mr. Labrador. Mr. Marino?

Mr. Marino. Yes.

Ms. Adcock. Mr. Marino votes yes.

Mr. Labrador. Anybody else wish to be recorded? The clerk will report.

Ms. Adcock. Mr. Chairman, 15 members voted aye; 6 members voted no.

Mr. Labrador. The ayes have it, and the appeal is tabled. Are there any other amendments to the amendment?

Mr. Raskin. Mr. Chairman?

Mr. Labrador. For what purpose does the gentleman wish to be recognized?
Mr. Raskin. I have an amendment at the desk.

Mr. Labrador. The clerk will report the amendment.

Ms. Adcock. There is two. I have two. What number is it? Amendment to the amendment in the nature of a substitute to H.R. 391, offered by Mr. Raskin. Strike section 12.

[The amendment of Mr. Raskin follows:]

********** COMMITTEE INSERT **********
Mr. Labrador. Without objection, the amendment is recognized as read and the gentleman is recognized.

Mr. Raskin. Thank you very kindly, Mr. Chairman. This amendment would strike the provision that removes oral warnings for filing frivolous asylum applications, striking section 12 from the bill.

So, as currently drafted, section 12 removes the requirement in law that asylum officers provide an oral warning to asylum applicants. Instead, asylum applicants now would be left only with a written warning in English. The problem, of course, is that the majority of bona fide valid asylum seekers do not speak, read, or write fluent English. An oral warning allows the asylum officer to use an interpreter to translate the warning into the language that the applicant can fully understand.

So, to safeguard against their legal and linguistic vulnerabilities, current law requires that asylum applicants receive at a minimum three warnings regarding the consequences of filing false information: a written warning in English on the I-589 form, an oral warning translated into a language that the applicant understands -- either during the asylum interview or during the Immigration Court hearing -- and then by notarios, who are legally required to swear that they advised the applicant of the consequences in a language that they can understand.
The oral warning, Mr. Chairman, of course, is more effective, because most asylum applicants do not speak or read English, and the oral warning is translated into the native language of the applicant by the interpreter during the asylum interview or Immigration Court hearing.

So I do not know if this was, you know, an accidental, inadvertent change within the law. But I definitely think that we should restore the status quo so that oral warnings are given, so people know fully what is expected of them and what the consequences are of filing a false or frivolous asylum application.

Mr. Labrador. For what purpose does the gentleman from Louisiana wish to be recognized?

Mr. Johnson of Louisiana. Mr. Chairman, I oppose the amendment.

Mr. Labrador. The gentleman is recognized.

Mr. Johnson of Louisiana. Thank you. This provision simply states, as the Board of Immigration Appeals has ruled, that the notice contained in the asylum applications is signed under oath by the applicant and constitutes adequate notice of the repercussions of filing a frivolous asylum application. Though the BIA and courts have ruled such advisals are adequate, some have argued otherwise.

Without this provision, aliens committing asylum fraud would be able to escape any repercussions of the fraud if
they were discovered before being provided with oral
advisals and taking the oath. It is crucial that this
Congress combat fraud at every level. And we have openly
discussed that here this morning in bipartisan fashion.

Written advisals on the asylum application itself
provide an alien with the knowledge, at the beginning of the
process, of what may occur should the claim be called
fraudulent or frivolous. This is an important deterrent
against frivolity in the asylum process, and that is
acknowledged to be a real problem. The amendment strikes
this provision. So, I urge my colleagues to oppose the
amendment and yield back the balance of my time.

Mr. Labrador. Will the gentleman yield?

Mr. Johnson of Louisiana. I would be happy to.

Mr. Labrador. You know, I am not sure if the maker of
this amendment understands the implications or ramifications
of this amendment. But apparently, he is conceding that the
people who are applying for asylum are, in fact, not reading
their applications, which is the whole purpose of this
hearing, is to make sure that they are reading the
applications and they are not filing frivolous suits.

By your argument, you just conceded that these people
are not reading their applications; that somebody else is
filling them out for them and putting information into their
applications. And for that, I think that should be opposed
as well.

The question is on the amendment to the amendment.

Those in favor, say aye.

Those opposed, say no.

In the opinion of the chair, the noes have it and the amendment is not agreed to. Are there any other --

Mr. Raskin. A recorded vote, please, Mr. Chair.

Mr. Labrador. A recorded vote has been requested and the clerk will call the roll.

Ms. Adcock. Mr. Goodlatte?

[No response.]

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

[No response.]

Mr. Issa?

[No response.]

Mr. King?

[No response.]

Mr. Franks?

Mr. Franks. No.

Ms. Adcock. Mr. Franks votes no.

Mr. Gohmert?
Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Adcock. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Mr. Marino?

[No response.]

Mr. Gowdy?

[No response.]

Mr. Labrador?

Mr. Labrador. No.

Ms. Adcock. Mr. Labrador votes no.

Mr. Farenthold?

[No response.]

Mr. Collins?

Mr. Collins. No.

Ms. Adcock. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Adcock. Mr. DeSantis votes no.

Mr. Buck?

Mr. Buck. No.

Ms. Adcock. Mr. Buck votes no.
Mr. Ratcliffe?
[No response.]

Mrs. Roby?

Mrs. Roby. No.

Ms. Adcock. Mrs. Roby votes no.

Mr. Gaetz?

Mr. Gaetz. No.

Ms. Adcock. Mr. Gaetz votes no.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Biggs?
[No response.]

Mr. Rutherford?
[No response.]

Mrs. Handel?

Mrs. Handel. No.

Ms. Adcock. Mrs. Handel votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Adcock. Mr. Conyers votes aye.

Mr. Nadler?
[No response.]

Ms. Lofgren?
[No response.]
Ms. Jackson Lee?

[No response.]

Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

[No response.]

Mr. Deutch?

[No response.]

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]

Mr. Richmond?

[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

Mr. Cicilline. Aye.

Ms. Adcock. Mr. Cicilline votes aye.

Mr. Swalwell?

[No response.]

Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?
Mr. Raskin. Aye.

Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Chairman Goodlatte. The chair votes no.

Ms. Adcock. Mr. Goodlatte votes no.

Chairman Goodlatte. The gentleman from Ohio?

Mr. Chabot. No.

Ms. Adcock. Mr. Chabot votes no.

Chairman Goodlatte. The gentleman from Pennsylvania?

Mr. Marino. No.

Ms. Adcock. Mr. Marino votes no.

Chairman Goodlatte. Has every member votes who wishes to vote? The clerk will report.

Ms. Adcock. Mr. Chairman, 6 members voted aye; 14 members voted no.

Chairman Goodlatte. And the amendment is not agreed to.

Mr. Schneider. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from Illinois seek recognition?
Mr. Schneider. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

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

[The amendment of Mr. Schneider follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read and the gentleman is recognized for 5 minutes on his amendment.

Mr. Schneider. Thank you, Mr. Chairman. I would like to echo the comments of my colleagues in opposition to this legislation, which I fear would deal a negative blow to our Nation’s legacy as a beacon of hope for oppressed people around the world. Already, this administration has pursued policies contrary to our national values, like the ban on entry from certain Muslim majority countries and the pausing of acceptance of refugees. These policies serve no legitimate national security purpose. Rather, they are about politics.

I view this bill, H.R. 391, which would fundamentally alter and weaken our asylum program, in a similar light. It would establish new evidentiary burdens that by intention are nearly impossible for many to meet and would weaken asylum claims based on gang-related persecution. Just to put this in context, my maternal grandmother came to this country as a 5-year-old girl. They, like so many others at the time, her family -- my family -- was fleeing the violence of gangs; in this case, gangs attacking Jewish communities throughout Russia and Ukraine.

Earlier this year, I had the honor to befriend a young man named Raoul Ortiz. Raoul is 8 years old, but he is
mature beyond his years. When we first met, he told me his
story about being kidnapped by a criminal gang in Honduras
when he was only 5 years old.

Today, Raoul is awaiting asylum in our Nation. His
hero is Abraham Lincoln. His dream is to simply have a safe
and secure childhood, and then to make a positive difference
in his new home, the United States. Sadly, under recent
executive orders from President Trump and the directives
from Secretary of Homeland Security Kelly and Attorney
General Sessions, more and more asylum seekers are being
persecuted for immigration offenses. Similarly, the number
of first-time entrants under prosecution as well.

The consequence? People attempting the legal act of
seeking asylum in our country face penalties, are held in
Federal prisons, and in some instances, are even deported
without the opportunity to have their claims of asylum
considered.

In short, we are creating a Catch-22: requiring people
to be in the United States to claim asylum, but prosecuting
them for immigration offenses if they attempt to do. My
amendment seeks to better illuminate the scope of this issue
and the effects these policies have on vulnerable asylum
seekers. The amendment requires the Government
Accountability Office to submit a report to this committee
outlining, one, the number of aliens referred through
Operation Streamline who express credible fear of persecution, the number receiving interviews, and the outcome of those interview.

And, two, the extent to which prioritization of immigrant crime prosecution affects and potentially diverts resources from criminal prosecution of non-immigration criminal offenses. Surely, we can all agree this is important and useful information to have. Rather than prosecuting asylum seekers, I firmly believe our resources are better spent elsewhere.

In fiscal year 2016, prosecutions for legal reentry and other immigration-related violations constituted 50 percent of all Federal prosecutions. We should be focusing on prosecution members of criminal enterprises engaged in smuggling and trafficking people and on migration enforcement measures that are in line with our legal obligations on human rights and refugee protection. The United States can help vulnerable refugees and asylum seekers while at the same time protecting our borders. In fact, we have both the ability and duty to do so.

While I believe the proposed legislation included in H.R. 391 is not the right way to accomplish this goal, I urge my colleagues to support my amendment, and I yield back.

Chairman Goodlatte. The chair thanks the gentleman.
For what purpose does the gentleman from Louisiana seek recognition?

Mr. Johnson of Louisiana. Mr. Chairman, I oppose the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson of Louisiana. Thank you. I appreciate the intent behind this and respect my colleague, but do oppose the amendment for the simple fact that we can gather this information without amending the bill in this way. I mean, these numbers could be obtained sending a letter, in my view, so I do not muddy the waters any further than they are, and for that reason, I urge my colleagues to oppose.

Mr. Schneider. Will the gentleman yield?

Mr. Johnson of Louisiana. I am happy to yield.

Mr. Schneider. Thank you and I appreciate your remarks. While we both agree that this is important information to have, I think it is important to include it in the bill because just being able to do so just does not mean that it will get done. By having this information and having it readily available, I think it provides important content and context and I would like to keep it in.

Mr. Cicilline. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from Rhode Island seek recognition?
Mr. Cicilline. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Cicilline. Thank you, Mr. Chairman. I thank the gentleman from Illinois for offering this amendment, and I would implore my colleagues on the other side of the aisle to agree to this amendment. You know, when we get to the point where we acknowledge information is relevant and useful, but we want to defeat an amendment because it is offered by a Democrat or because we can get it by way of a letter, we send the wrong message to the American people.

We should be a committee that is anxious to get information, to learn as much as we can, to make decisions that are informed by good data, and if a colleague on this side of the aisle or that side of the aisle wants more information to make more thoughtful, more well-informed decisions, we should honor that request.

And the notion, just as an aside, for those of us who have written many, many letters to this administration requesting lots of information, never to get a response, the sort of empty promise of “just write a letter; we will get this information” does not seem particularly helpful.

So, I would implore the gentleman from Louisiana to agree to this amendment. It is simply about getting some information for us to make good, informed decisions. Do not
let the American people be watching this and think “they
cannot even agree that when they want to gather some
relevant information they can have access to it.” That is a
bad message.

Mr. Johnson of Louisiana. Will the gentleman yield?

Mr. Cicilline. I would be honored to yield.

Mr. Johnson of Louisiana. It is not a bad message
because in my stated opposition I started -- you might have
noticed -- by acknowledging my good colleague there and the
wisdom and all of that that he carries and the good intent
behind the bill. So, I did not mention anything about party
affiliation. It does not have anything to do with the fact
that my colleague and friend is a Democrat. It has to do
with the fact that I think this is superfluous and for that
reason I oppose it. It can be obtained by a letter and we
are flood --

Mr. Cicilline. Well --

Mr. Johnson of Louisiana. Wait a minute --

Mr. Cicilline. Reclaiming my time, it is hard to say
it is superfluous when we do not currently have the
information. You have acknowledged it is important. And
the reason I suggested that maybe it had to do that it came
from this side of the rostrum is that in every single
amendment the Democrats have offered since I have been on
this committee I can remember, they have been opposed by
every single Republican. It would be nice today to send a
different message to the American people and say, “You know
what, here is one we can agree on.” This is just gathering
information.

Have we gotten to the point where we will not even
allow a colleague to include a request for information as
part of an important issue and an important piece of
legislation? You know, there used to be comedy. There used
to be “of course, if this is important to you, of course Mr.
Schneider will agree to it.” We have gotten to the point
now we cannot even agree to an amendment that says, “Give us
good information?”

Mr. Johnson of Louisiana. Would the gentleman yield?

Mr. Cicilline. Yes, in the hopes that you are going to
give me a different response.

Mr. Johnson of Louisiana. As a show of civility and
collegiality, I will be delighted to join Mr. Schneider in a
letter that will seek this information. But we will get and
obtain that information much faster than a GAO report, which
usually takes a couple of years. So, with that, I still
oppose the amendment.

Mr. Schneider. Will the gentleman yield?

Mr. Cicilline. I will yield to Mr. Schneider, of

course.

Mr. Schneider. Thank you, and I do appreciate the kind
words from my friend from Louisiana. But I think it is important, having spent a career in business, not as a lawyer, but in business and working in the context of “what gets measured gets done,” but if it is not reported on, people do not necessarily pay attention to it.

I think this is important information. It will lead to better decision making. The way it is drafted, it says, “Not later than one year after the date of the enactment of this act, a report would be available.” While we agree that this is important information, I hope together, not in a partisan way, but as in a way that will take us to better decisions, we can come together and support this amendment.

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

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it and the amendment is not agreed to. Are there further amendments --

Mr. Schneider. I ask for a vote.

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Sensenbrenner?
Mr. Smith?
[No response.]

Mr. Chabot?
[No response.]

Mr. Issa?
[No response.]

Mr. King?
[No response.]

Mr. Franks?
[No response.]

Mr. Gohmert?
[No response.]

Mr. Jordan?

Mr. Jordan. No.

Ms. Adcock. Mr. Jordan votes no.

Mr. Poe?
[No response.]

Mr. Marino?

Mr. Marino. No.

Ms. Adcock. Mr. Marino votes no.

Mr. Gowdy?
[No response.]

Mr. Labrador?

Mr. Labrador. No.
Ms. Adcock. Mr. Labrador votes no.

Mr. Farenthold?

[No response.]

Mr. Collins?

Mr. Collins. No.

Ms. Adcock. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Adcock. Mr. DeSantis votes no.

Mr. Buck?

Mr. Buck. No.

Ms. Adcock. Mr. Buck votes no.

Mr. Ratcliffe?

[No response.]

Mrs. Roby?

Mrs. Roby. No.

Ms. Adcock. Mrs. Roby votes no.

Mr. Gaetz?

Mr. Gaetz. No.

Ms. Adcock. Mr. Gaetz votes no.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Biggs?

[No response.]
Mr. Rutherford?

[No response.]

Mrs. Handel?

Mrs. Handel. No.

Ms. Adcock. Mrs. Handel votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Adcock. Mr. Conyers votes aye.

Mr. Nadler?

[No response.]

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?

[No response.]

Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

[No response.]

Mr. Deutch?

[No response.]

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]
Mr. Richmond?
[No response.]

Mr. Jeffries?
[No response.]

Mr. Cicilline?
Mr. Cicilline. Aye.

Ms. Adcock. Mr. Cicilline votes aye.

Mr. Swalwell?
[No response.]

Mr. Lieu?
Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?
Mr. Raskin. Aye.

Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?


Mr. Schneider?
Mr. Schneider. Aye, and I will also work with my
colleague to write this letter, counting the votes.

Ms. Adcock. Mr. Schneider votes aye.

Chairman Goodlatte. The gentleman from Ohio? The
gentleman from Arizona? Has every member voted who wishes
to vote? The clerk will report. The gentleman from Texas?
Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Chairman Goodlatte. The clerk will report.

Ms. Adcock. Mr. Chairman, 7 members voted aye; 14 members voted no.

Chairman Goodlatte. And the amendment is not agreed to. Are there further amendments to the amendment in the nature of a substitute?

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

Chairman Goodlatte. The clerk will report the amendment from the gentlewoman from Washington.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391, offered by Ms. Jayapal. Add --

[The amendment of Ms. Jayapal follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read, and the gentlewoman is recognized for 5 minutes on her amendment.

Ms. Jayapal. Thank you, Mr. Chairman. This amendment is actually the same as the amendment I offered before, but we have addressed the issue of germaneness that was raised before by saying that it would be the Department of Justice who would investigate the reports or complaints regarding these CBP officers who turn back asylum seekers at the border in violation of the law.

And so, again, for those who were not here when I spoke about this amendment earlier, this amendment makes it clear that any CBP officer or agent who turns away an asylum seeker at the border in violation of the law would be referred to the Department of Justice to investigate those reports.

And Mr. Chairman, I am going to use my 5 minutes, since I already gave my statement, I am going to use a little bit of time just to again attach a few stories to what we are talking about, because I do think that this bill is so severe in its entirety and we have spoken about some of the pieces of it. And frankly, I am really surprised that my colleagues on the other side are looking to completely change our asylum policy.

But I wanted to give the story of a couple. We are
going to call them Pedro and Magda -- their names have been changed -- who together with their four minor children and their nephew approached the Calexico point of entry in early June of 2017 to ask for asylum. They had fled their home located in a more southern state of Mexico after the cartel killed a close family member and threatened to kill the entire family. They presented themselves to the point of entry around 7:00 a.m. and tried to explain that they wished to seek protection in the United States.

In addition to receiving other discriminatory and denigrating remarks on Pedro’s appearance and the likelihood of their success on their asylum claim, they allege that a CBP officer threatened to separate the entire family from one another should they pursue their right to seek asylum.

According to Magda, this agent claimed that Pedro would be sent to a detention center, that she would be sent to another, and that all four of her young children would be separated from her and one another. The officer allegedly posed the question, “Who knows how long they or you all will last?” and intimated that perhaps one or more of the children would not be able to withstand the length of the proceedings. The officer also suggested that if one of the kids were to be deported, neither Pedro nor Magda would have any way of knowing.

Terrified at this prospect of being separated and
having the children brought to tears with fear over the
agent’s comments, the family eventually decided not to
pursue their right to asylum and was officially deported to
Mexico the same day.

This is an untenable choice to provide and, if true, it
would be a violation of our laws that CBP officers are not
supposed to make judgments about the claims for asylum.
That is simply not within their purview. They are not
trained to do that and we have laws around exactly what that
process is and who conducts those credible-fear interviews.

Another story, Mr. Chairman. On February 16th, 2017,
the Women’s Refugee Commission accompanied Anna Maria --
again, her name has been changed -- an asylum-seeking woman
from Guatemala who had previously been turned away from the
Hidalgo port of entry back to that port. Two attorneys from
the Texas Rio Grande Legal Aid also accompanied her.

Once the group entered the Hidalgo port, WRC observed
the interaction between Anna Maria and the TRLA attorneys,
who approached together, and the CBP agent. The agent
asked, “What can I do for you?” One of the TRLA attorneys
explained that Anna Maria was seeking protection in the
United States. In his response, the agent told Anna Maria
that “the policies have changed.”

The same TRLA attorney insisted that the officer
process Anna Maria and refer her for a credible-fear
interview as required by law. The agent again responded that “things are changing all the time, so it all depends,” and he said that he would have to check. The attorney again insisted that Anna Maria had a right to seek asylum and that she should be processed in accordance with the law. The agent finally allowed for the group to pass into a waiting area off to the side which had a door and was physically separated from the passport control lines.

Now, this kind of behavior continues, and if she had not had an attorney present who knew that she was required to have the right to present herself for a credible-fear interview and to have her asylum claim actually assessed by somebody who was trained and qualified, she would have been turned away, and that is happening all the time.

So, once again, Mr. Chairman, my amendment just says that these kinds of cases would be investigated by the Department of Justice to make sure that we are actually complying with our asylum laws and allowing asylum seekers to get the due process and the process that has been outlined in the laws that they are entitled to. And with that, I yield back.

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

Mr. Johnson of Louisiana. Mr. Chairman, I oppose the amendment.
Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson of Louisiana. Thank you, Mr. Chairman.

Again, this is another amendment that I know is very well-intended and I respect that, but it is in contravention of what the Department of Homeland Security has told us, and Customs and Border Protection. They gave us a statement this morning and I am just going to quote it.

“According to CBP policy, if an officer or agent encounters a U.S.-bound migrant without legal papers at or between ports of entry and the person expresses fear of being returned to his or her home country, our officers and agents process them for an interview with an asylum officer with U.S. Citizenship and Immigration Services. Every individual encounter who is a candidate for removal is asked if they have a fear of returning to their country. CBP officers do not determine or evaluate the validity of the fear expressed.”

The point here is that everybody who presents themselves can be processed by CBP and provided a credible-fear interview. And --

Ms. Jayapal. Would the gentleman yield?

Mr. Johnson of Louisiana. Well, just a moment. No evidence exists to suggest that DHS is not following these processes and complaints can be raised to the Inspector
General at DHS, and so we feel like the existing provisions adequately cover this. And I will just add and then I will yield, the volume here speaks for itself. We have 94,048 referrals from CBP and ICE in the last year alone. It used to be 5,000 a year; now it’s 94,000. So, I am not sure we can say with any credibility that they are not following these procedures and not providing everyone with their relative due process. With that, I yield.

Ms. Jayapal. I thank the gentleman for yielding and I would just say that, unfortunately, we have a lawsuit right now by the American Immigration Council and the Center for Constitutional Rights on this very issue.

The fact that CBP officers are supposed to not make any judgment on credible fear but are supposed to move those asylum seekers over to that process is exactly what we are talking about in this amendment. That we have been continuing to see CBP officers violate their authority by making judgments and trying to convince people who have come to the border seeking asylum in very legitimate situations that, somehow, they do not qualify.

And you know, I am a mom and if somebody were to tell me that I was going to be separated from my kids if I continued with a process that I know I am entitled to, I still might not move forward with that process because who wants to be separated from their children? That is actually
what happened.

And so, I would just submit to the gentleman’s statement just now, that this amendment would allow for those cases to be investigated. We are not saying that they would all be granted, but we are saying that there has been a repeated abuse of authority that appears to be happening at the border. And I have got and I ask unanimous consent to enter into the record this lawsuit.

Also, we have a declaration of an attorney that specifically talks about the number of reports that refugees who are presenting to request political asylum are being denied the right to apply at all. So, I would just say that we are asking that these be investigated and I hope that the gentleman would agree to at least do that.

Mr. Johnson of Louisiana. Reclaiming my time. I yield to the chairman.

Chairman Goodlatte. Would the gentleman yield? I thank the gentleman for yielding. I just want to ask the gentlewoman from Washington, have you or have the folks who have been in communication with you about this asked the Inspector General of the Department of Justice to investigate this?

Ms. Jayapal. I believe that they have asked the DHS to investigate this.

Chairman Goodlatte. Sure.
Ms. Jayapal. And we have continued to try to raise this because, Mr. Chairman, we are just trying to make sure that these agents are actually complying with the law, so that if people are presenting at the border with legitimate claims, that they are given the process that is articulated until it has changed.

Chairman Goodlatte. Reclaiming my time. I understand the gentlewoman’s concern and I think that the law has to be followed. The appropriate way to do that is not to pass something here calling for an investigation when the mechanism for the investigation already exists. And I am glad to hear that the Inspector General has been asked to look into this. We should await that investigation and seek what comes of it. I yield back to the gentleman.

Mr. Johnson of Louisiana. And reclaiming my time, I would just add to that that the fact that you have the right to bring your civil rights suit is further evidence that this amendment is not necessary. You have got two avenues to go after abuses here and that system is adequate, in my view.

Ms. Jayapal. Well, that system is not working, with all due respect. We have not gotten any investigations into this. This amendment really seeks to say, “Can this committee” -- since we are passing a very sweeping bill on asylum and we are taking away a whole bunch of rights that
Currently exist for asylum seekers -- “can we, at a minimum, say that we care that people at the border are able to present their credible-fear interviews, have their credible-fear interviews, and have their asylum actually investigated?”

Chairman Goodlatte. The time of the gentleman has expired.

Ms. Jayapal. File claims investigated.

Mr. Cicilline. Mr. Chairman?

Chairman Goodlatte. How much time is left?

Voice. There are 10 minutes on the vote.

Chairman Goodlatte. Ten minutes remaining to vote.

For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. To strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Lofgren. I think that this is an important amendment and although the gentlelady and the lawsuit outlined instances where there might have been conduct that was outside the norm by agents, perhaps even misconduct. And we know that in any large organization there can be a few bad apples, whether it is Congress, the Border Patrol, whatever. I think in some cases it is a training issue.

I recall when we went down the border 2 years ago and
the lawyers for the subcommittee went to the border and reviewed the processes with the CBP officials, and they had a checklist on what they were supposed to do and there was nothing on the checklist about asylum. And in the discussion, they expressed to the lawyers that was not something that was in their purview to refer anybody. They were just sending people back. Well, I do not think they were intending to violate the law. I think that they had been poorly trained on what the law was and what their job was to do.

And this is not just the Trump administration; the Obama administration similarly declined to investigate. So, I do think it is important to support this amendment because it allows for a different opportunity with a different agency to make sure that the laws are upheld. And I know that all of us, just as all of us are against fraud, all of us are for adhering to law, and that is really what this amendment is about.

So, unless the gentlelady wants additional time, in which case I would yield to her, I would yield back to the chairman with the hope that we will adopt this important amendment.

Mr. Cicilline. Mr. Chairman?

Chairman Goodlatte. The question occurs, but the gentleman from Rhode Island seeks recognition.
Mr. Cicilline. I move to strike the last word.

Chairman Goodlatte. The committee will stand in recess. There is approximately 6 minutes remaining in the vote that is on the floor of the House.

Mr. Cicilline. Hopefully, my speaking will incentivize people to return to the committee.

[Recess.]

Chairman Goodlatte. The committee will reconvene.

When the committee recessed, we were considering an amendment to the amendment in the nature of the substitute, offered by the gentlewoman from Washington, Ms. Jayapal, and the chair had recognized the gentleman from Rhode Island, Mr. Cicilline.

Mr. Cicilline. Thank you, Mr. Chairman. I rise in strong support of this amendment. I would say at the outset, while there may be passionate disagreement about what our current immigration law should be and what standard should apply for the granting of asylum or admission into the United States or any other relevant immigration questions, there should be no disagreement about our commitment to ensure that the rule of law is followed. In fact, we should not be indifferent to the application and execution of these laws.

We, of course, have a responsibility to make certain that our laws are being properly followed. And the
suggestion has been made that, well, there is no evidence to support this. Or, actually, the first suggestion was, could they not write a letter? Which of course they have written letters. Could they not file a lawsuit? They have filed a lawsuit. But the question is, what is our responsibility as members of Congress? This amendment fulfills that responsibility.

It says the Department of Justice shall investigate reports of custom and border officials who are not properly discharging their responsibilities. I think it is really important that we not get to the point where we do not take a position about the importance of honoring the faithful execution of the law and doing all that we can as members of Congress to ensure that that happens.

Now, the second point has been made that, “well, there is really no evidence to support this.” Well, I point my colleagues again to a report done by Human Rights First, which has been introduced into the record, called Crossing the Line. As everyone knows, Human Rights First is a well-respected independent advocacy organization focused on advancing human rights and civil rights here and around the world. This particular report was based on 125 cases of individuals and families wrongly denied access to U.S. asylum procedures at U.S. ports of entry. They conclude in this report “the United States is unlawfully turning away
some asylum seekers at official ports of entry across the southern border without referring them, as required under U.S. law and treaty commitments, to asylum protection screenings or immigration proceedings."

They go on to give examples that these individuals include an artist from Colombia fleeing political persecution at the hands of violent paramilitaries, a Turkish opposition political party member, a former Guatemalan police officer who resisted gangs, a Salvadorian child of Christian pastors who witnessed the gang murder of his sister, a Mexican fleeing police kidnapping after reporting cartel violence, Cubans requesting asylum, and transgender women from El Salvador, among others.

They go on to say that asylum seekers were turned away by CBP agents have been kidnapped, raped, and robbed upon return to Mexico and some face continued risk of persecution. So, there is ample evidence that there is a problem here. You couple that with sworn complaints that were filed in the court proceedings, coupled with testimonials from individuals, and we clearly have a problem. And so, all this amendment does is say the Department of Justice should investigate this.

If they investigate these complaints and they find some of them are unfounded, no further action will be taken. But we should be making a very strong statement about our
expectation that the men and women who serve in the Customs and Border Protection.

And we acknowledge the vast majority of them are professionals who discharge their duties with a strong commitment to the rule of law and to the prevailing statutes, but there are obviously some problems, particularly in the context of the rhetoric that has been used by some members of the administration, including the President, which have sort of invited this side of treatment of asylee seekers.

And so, I urge my colleagues to recognize that this is a problem, to take the de minimis step of simply saying, “Investigate this.” We should have tremendous confidence that the United States can continue to maintain its position as a global leader by really honoring these great American values, and one of those most important values is that we are a country of laws, not of men and women, I guess, and that, in fact, we have a responsibility to abide by the laws that we enact, but also to honor our treaty obligations.

So, with all of that, I just urge my colleagues to support this amendment. I thank the gentlelady for offering it. I think it is an important one, and I hope I will be surprised and we will get bipartisan support on it. And with that, I yield back.

Chairman Goodlatte. For what purpose does the
Mr. Johnson of Louisiana seek recognition?

Mr. Johnson of Louisiana. Mr. Chairman, I oppose the amendment.

Chairman Goodlatte. The gentleman is recognized.

Mr. Johnson of Louisiana. Thank you. I oppose it just on the simple basis that the language of it is overly broad in a few cases, and I will give you some examples. But also, we just regard it to be unnecessary. Oh, I withdraw that. I do oppose that amendment, but I was already on the next one. I am sorry. I missed it on the break. I forget which one we were on.

Chairman Goodlatte. All right.

Mr. Johnson of Louisiana. I was about to unload, but I will --

Ms. Jayapal. You were actually going to say you supported my amendment.

Mr. Johnson of Louisiana. No, no.

Ms. Jayapal. I would be happy to --

Mr. Johnson of Louisiana. I yield back. Thank you,

Mr. Chairman.

Chairman Goodlatte. I recall your earlier comments in opposition to the amendment.

The question occurs on the amendment offered by the gentlewoman from Washington.

All those in favor, respond by saying aye.
Those opposed, no.

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

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

Mr. Chabot. No.

Ms. Adcock. Mr. Chabot votes no.

Mr. Issa?

[No response.]

Mr. King?

[No response.]

Mr. Franks?

[No response.]

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Mr. Jordan?
Mr. Jordan. No.

Ms. Adcock. Mr. Jordan votes no.

Mr. Poe?
[No response.]

Mr. Marino?

Mr. Marino. No.

Ms. Adcock. Mr. Marino votes no.

Mr. Gowdy?
[No response.]

Mr. Labrador?

Mr. Labrador. No.

Ms. Adcock. Mr. Labrador votes no.

Mr. Farenthold?
[No response.]

Mr. Collins?

Mr. Collins. No.

Ms. Adcock. Mr. Collins votes no.

Mr. DeSantis?
[No response.]

Mr. Buck?
[No response.]

Mr. Ratcliffe?

Mr. Ratcliffe. No.

Ms. Adcock. Mr. Ratcliffe votes no.

Mrs. Roby?
Mrs. Roby.  No.

Ms. Adcock.  Mrs. Roby votes no.

Mr. Gaetz?

[No response.]

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana.  No.

Ms. Adcock.  Mr. Johnson votes no.

Mr. Biggs?

Mr. Biggs.  No.

Ms. Adcock.  Mr. Biggs votes no.

Mr. Rutherford?

Mr. Rutherford.  No.

Ms. Adcock.  Mr. Rutherford votes no.

Mrs. Handel?

Mrs. Handel.  No.

Ms. Adcock.  Mrs. Handel votes no.

Mr. Conyers?

Mr. Conyers.  Aye.

Ms. Adcock.  Mr. Conyers votes aye.

Mr. Nadler?

[No response.]

Ms. Lofgren?

Ms. Lofgren.  Aye.

Ms. Adcock.  Ms. Lofgren votes aye.

Ms. Jackson Lee?
[No response.]

Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Adcock. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]

Mr. Richmond?

[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

[No response.]

Mr. Swalwell?

[No response.]

Mr. Lieu?

[No response.]

Mr. Raskin?

Mr. Raskin. Aye.
Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

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

Mr. Poe. No.

Ms. Adcock. Mr. Poe votes no.

Chairman Goodlatte. Has every member voted who wishes to vote?

Ms. Lofgren. I think we have got a member who is --

Chairman Goodlatte. The gentleman from California, Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Chairman Goodlatte. The clerk will report.

Ms. Adcock. Mr. Chairman, 8 members voted aye; 14 members voted no.

Chairman Goodlatte. And the amendment is not agreed to. Are there further amendments to H.R. 391? For what purpose does the gentleman from Maryland seek recognition?

Mr. Raskin. Thank you, Mr. Chairman. I have an amendment at the desk.
Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391, offered by Mr. Raskin. Add at the end of the bill the following --

[The amendment of Mr. Raskin follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the bill is considered as read and the gentleman is recognized for 5 minutes on his amendment.

Mr. Raskin. Mr. Chairman, thank you very much. My amendment would require a GAO report on the turnback of asylum seekers at the border, just a report to get the facts down. As I followed the twists and turns of our debate this morning and this afternoon, it strikes me that we have had lots of differences over facts, but I do not think we really differ fundamentally on the values. At least, I hope not. That is, I hope that all of us would agree that America should not be pulling up the ladders and closing the doors to valid asylum seekers coming to America.

After all, this goes back to the very origins of our country. Here is George Washington: “The bosom of America is open to receive not only the opulent and respected stranger, but the oppressed and persecuted of all nations and religions whom we shall welcome to a participation of all of our rights and privileges.”

Here is Thomas Jefferson: “Shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe?”

And here is Tom Payne: “Freedom has been hunted around
the globe. O, receive the fugitive and prepare in time an
asylum for mankind here.”

Here is President Eisenhower: “It is imperative that
our immigration policy be in the finest American tradition
of providing a haven for oppressed peoples and fully in
accord with our obligation as a leader of the free world.”

Now, Ms. Jayapal’s amendment about unlawful conduct at
the border was just rejected. Mine takes no position on
whether or not it is happening. It asks only for a GAO
report on the turnback of asylum seekers so we can get to
the bottom of this. I, too, am privy to the Human Rights
First report that was referenced by the gentleman from Rhode
Island. Human Rights First, of course, is the successor
organization to the Lawyers’ Committee for Human Rights and
they have collected a series of cases where people were
actually being turned back at the border when they are
trying to seek asylum. And let me just tell you about a few
of the ones that are in this report, and I highly recommend
it to everybody on the committee.

One case is of Cuban asylum seekers who were denied
access to the asylum system and told that “the law has
changed; you have to go back.” Reports from January through
April of this year indicate that CBP agents are turning away
some Cuban asylum seekers. In January, agents at the Laredo
port of entry told Cuban asylum seekers to go back to Mexico
and wait until Trump took over to see if he was going to 
change the so-called wet-foot/dry-foot policy. 

Here is another one about a Mexican family that was 
threatened with jail if they continued to claim that they 
f feared persecution by the Mexican Government. This was in 
February of this year. The family fled to the PedWest port 
of entry to seek asylum after suffering violence and death 
threats from a major drug cartel. A CBP officer reportedly 
asked if they had any proof of the violence and if they had 
reported the incidents to the local police. 

A family member explained that the police were involved 
with the drug cartel, so they could not safely report the 
incidents to the police. The agent told the young man he 
was defaming the Mexican government and if he continued to 
do so, the CBP agent would call Mexican authorities to have 
him put in jail. 

And just one other I will mention: U.S. agents turned 
away a Honduran family twice, forcing them to cross the Rio 
Grande. The eldest son was under threat from a criminal 
gang so he sought asylum in the U.S. An immigration judge 
denied his case and he was deported. Two weeks later, he 
was murdered by the gang. Fearing for their lives, the 
etire family fled. 

On their first attempt to seek asylum at the Hidalgo 
port, a CBP officer told them, “You cannot be here. No
Hondurans. If you do not leave, I will have to use force to remove you,” and so on. Dozens and dozens of these cases.

All that my amendment says is the GAO will give us a report about what is actually happening at the border. And so, this does elevate it to a different level from a member of this committee or member of Congress simply writing a letter. And, of course, we have heard from this administration at various points that they are not responding to letters from members of the minority party, that they are responding only to the chairs of committee.

But in any event, I think that this pattern of activity that has been reported by very credible human rights groups and U.S. lawyers merits our inclusion in this legislation of a required report by the GAO. I hope that everybody can see fit to add this amendment. And with that, I will yield back, Mr. Chairman.

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

Mr. Johnson of Louisiana. I oppose the amendment, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson of Louisiana. Thank you. I jumped the gun a little earlier, but I was beginning to say that I really have two primary reasons for opposing the amendment. Once
again, understand the intent. I do not question that at all. I just question whether this is necessary. I think it is overbroad and unnecessary, and let me explain why.

Every member of the committee got the memo this morning, as we always do, on this bill, this legislation, and on page three, it has the numbers and the numbers do not lie. They come straight from the officials who are charged with keeping all this data; and the credible-fear cases chart is very compelling.

[Chart]

I mean, if you just look across the board here on page 3, in 2006 we had 5,338 referrals from CBP and ICE, and this year, just up to quarter three of fiscal year 2017, we are already at 61,063. So, the evidence clearly suggests that no one is being denied this at all.

To the contrary, we have a flood of credible-fear processing going on and that in itself has become a problem. And the credible fear, by the way, has been found in 87 percent of the cases all the way up to quarter three of this year. I do not think that what is being requested here is necessary or merited under the clear facts that are in front of us.

And also, the way that the amendment is drafted is a bit overbroad. So, on line 8, for example, you know, it references the Department of Homeland Security’s treatment
of aliens. I mean, that is a rather amorphous, kind of broad term. It could encompass anything and thus be costly and overly subjective and require a lot of time to comply.

And then, on line 14, you reference fear of persecution, but that is a statutorily defined term, of course, that we have discussed ad nauseum today, and that is not referenced there in particular. So I think the risks outweigh the benefit of the amendment.

And finally, section 3, at the end, is overly broad. “Recommendations concerning additional needed training.” I mean, that could be just anything.

So, for those reasons I oppose the amendment and urge my colleagues to do the same, and I yield back.

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

All those in favor, respond by saying aye.

Those opposed, no.

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

Mr. Raskin. Mr. Chairman, I seek a recorded vote.

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.
Mr. Sensenbrenner?
[No response.]
Mr. Smith?
[No response.]
Mr. Chabot?
Mr. Chabot. No.
Ms. Adcock. Mr. Chabot votes no.
Mr. Issa?
[No response.]
Mr. King?
[No response.]
Mr. Franks?
[No response.]
Mr. Gohmert?
[No response.]
Mr. Jordan?
[No response.]
Mr. Poe?
[No response.]
Mr. Marino?
Mr. Marino. No.
Ms. Adcock. Mr. Marino votes no.
Mr. Gowdy?
[No response.]
Mr. Labrador?
Mr. Farenthold?
[No response.]

Mr. Collins?

Mr. Collins. No.

Ms. Adcock. Mr. Collins votes no.

Mr. DeSantis?
[No response.]

Mr. Buck?
[No response.]

Mr. Ratcliffe?
[No response.]

Mrs. Roby?

Mrs. Roby. No.

Ms. Adcock. Mrs. Roby votes no.

Mr. Gaetz?
[No response.]

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Biggs?

Mr. Biggs. No.

Ms. Adcock. Mr. Biggs votes no.

Mr. Rutherford?

Mr. Rutherford. No.
Ms. Adcock. Mr. Rutherford votes no.

Mrs. Handel?

Mrs. Handel. No.

Ms. Adcock. Mrs. Handel votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Adcock. Mr. Conyers votes aye.

Mr. Nadler?

[No response.]

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?

[No response.]

Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Deutch?

[No response.]

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]
Mr. Richmond?

[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

[No response.]

Mr. Swalwell?

[No response.]

Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?

Mr. Raskin. Aye.

Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Chairman Goodlatte. The gentleman from Idaho?

Mr. Labrador. No.

Ms. Adcock. Mr. Labrador votes no.

Chairman Goodlatte. The gentleman from Florida?

Mr. Gaetz. No.
Ms. Adcock. Mr. Gaetz votes no.

Chairman Goodlatte. The gentleman from Texas?

Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Chairman Goodlatte. The gentleman from Illinois?

Mr. Gutierrez. Aye. Thank you.

Ms. Adcock. Mr. Gutierrez votes aye.

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

The clerk will suspend. The gentleman from Texas?

Mr. Ratcliffe. No.

Ms. Adcock. Mr. Ratcliffe votes no.

Chairman Goodlatte. The clerk will report.

Ms. Adcock. Mr. Chairman, 8 members voted aye; 13 members voted no.

Chairman Goodlatte. And the amendment is not agreed to. Are there further amendments? For what purpose does the gentlewoman from Texas seek recognition?

Ms. Lofgren. I am from California.

Chairman Goodlatte. Sorry, California.

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

Chairman Goodlatte. The clerk will report the amendment from the gentlewoman from California.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391, offered by Ms. Lofgren. Strike
section --

[The amendment of Ms. Lofgren follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read and the gentlewoman is recognized for 5 minutes on her amendment.

Ms. Lofgren. This amendment strikes the provision that codifies the rather restrictive definition of particular social group found in that section on page 16 of the manager’s amendment. Section 15 really eradicates the legal definition of particular social group as codified by the courts. Instead, section 15 constructs an impossibly narrow definition of particular social group that would exclude women who fear female genital mutilation, LGBT individuals, domestic violence victims, and many others who fear persecution.

Now, membership in a particular social group represents one of the five protected grounds under not only United States but also international refugee law. For 20 years, the Board of Immigration Appeals operated under a simple, effective, and, I would add, in my judgment, fair definition of a particular social group which was articulated in the 1985 case Matter of Acosta and it is this. It is a group of members who share an immutable characteristic. That means an attribute that they cannot change or that they should not have to change because it is core to who they are.

Section 15 codifies a far more complicated and, I think, ultimately unworkable definition that was set forth
in the Board of Immigration Appeals’ 2014 precedential
decision Matter of M-E-V-G- and Matter of W-G-R-. The Board
held in those decisions that a particular social group must
consist of members who share an immutable characteristic,
but also must be sufficiently particularized and perceived
as distinct within the society in question.

These particularity and social distinction requirements
have sown significant confusion among asylum applications,
attorneys, as well as adjudicators; and Federal courts have
had a hard time agreeing what those terms mean.

In some cases, particularity and social distinction
have appeared to be in conflict or even mutually exclusive,
leaving the law and many vulnerable protection seekers in a
state of ongoing uncertainty.

Moreover, these heightened requirements have needlessly
erected an evidentiary bar difficult, if not impossible, for
many bonafide asylum seekers to meet. In some instances,
the new legal standard may require expert testimony, costly
legal counsel, and other tools not always available to
vulnerable individuals who fled to the United States with
little or no money.

Now, by imposing these requirements beyond a shared
immutable characteristic, this section also seems to run
afoul of international law as well as the statute. The
formulation appears to conflict with the statute that really
is ejusdem generis, of the same kind. A particular social
group language is best read in unison with the four other
protected grounds: race, religion, nationality, and
political opinion. The common denominator of those four
grounds is an immutable characteristic or a characteristic
that one should not have to change because it is core. And
this was actually, as I mentioned earlier, the simple rule
for 20 years.

The international law also is at odds with section 15
in the bill. The UNHCR has defined a particular social
group as, and I quote, “a particular social group is a group
of persons who share a common characteristic other than
their risk of being persecuted or who are perceived as a
group by society. The characteristic will often be one
which is innate, unchangeable, or which is otherwise
fundamental to identity, conscience, or the exercise of
one’s human rights.”

Now, several Federal courts have rejected the narrow
reading that the BIA unwisely found in M-E-V-G- and Matter
of W-G-R-, and that includes the Seventh Circuit, the Third,
and the Ninth. So, this would actually overturn the
decisions that have been made by the Federal court, in
addition to being at odds with the statute.

The real problem is that it would preclude asylum
admissions for people who are harmed because of who they
are. LGBT community, women, and children fleeing gender-based violence or gang violence, or other forms of persecution. I would note that Chinese women who were fleeing forced abortions -- a horrible thing -- were provided asylum because of the standard that this section would do violence to. I am not suggesting that the proponents of the bill intend to exclude Chinese women fleeing forced abortions, but that would be the result and I think that would be an unfortunate result indeed.

So, I offer this amendment in hopes that we can adopt it on a bipartisan basis, align ourselves with the Federal district courts that have corrected the mistake made by the Board of Immigration Appeals. And with that, I see my time is expired, Mr. Chairman. I yield back.

Chairman Goodlatte. The chair thanks the gentlewoman. For what purpose does the gentleman from Louisiana seek recognition?

Mr. Johnson of Louisiana. Mr. Chairman, I oppose the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I oppose the amendment for a number of reasons. H.R. 391 makes an important reform to asylum law by codifying the definition of particular social group for the first time in
statute. In recent holdings, the Board of Immigration Appeals defined membership in a particular social group as membership in a group composed of those who share a common immutable characteristic that is defined with particularity and is socially distinct within society.

This definition is a culmination of many years of board and circuit court precedent that have undergone many iterations. It is crucial that the United States has a uniform approach to asylum cases, including in assessing whether an individual can show membership in a viable social group.

For far too long, Federal circuits have been able to fit amorphous groups into the board category of particular social group. Without any guidance, we have already witnessed the emergence of court holdings aimed at whittling away at the definition and expanding it to include many more aliens than were intended by the statute.

This is not a catch-all category and we cannot allow it to be viewed as the protected ground to rely on when all other grounds are unavailable. The ambiguity on this now-overused protected ground must be resolved and H.R. 391 does so in this provision.

It just simply makes sense today to affirm the carefully drafted and considered BIA definition. I would note also, in response to what has been said, that a
population control is already a protected area in the statute and so the ladies fleeing that horrible situation in China would be protected by our law already. For all these reasons, I urge my colleagues to oppose the amendment and I yield back.

Chairman Goodlatte. The question occurs on the amendment offered by the gentlewoman from California. All those in favor, respond by saying aye. Those opposed, no.

In the opinion of the chair, the noes have it and the amendment is not agreed to. Are there further amendments to H.R. 391?

For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. I have an amendment at the desk, hopefully.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391, offered by Ms. Lofgren of California. Strike section 6 and 7 --

[The amendment of Ms. Lofgren follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read and the gentlewoman is recognized for 5 minutes on her amendment.

Ms. Lofgren. This amendment strikes section 12 of the Asylum Reform and Border Protection Act. Section 12 would allow the United States --

Chairman Goodlatte. Would the gentlewoman suspend?

The amendment handed out struck section 6 and 7. Do we want to --

Ms. Lofgren. You are right, absolutely right, and I misspoke.

Chairman Goodlatte. So, are we going ahead with the one that was distributed?

Ms. Lofgren. Yes, we are.

Chairman Goodlatte. The gentlewoman is recognized.

Ms. Lofgren. In any case, the gist of this is the provision would allow the United States, in the absence of a formal agreement, to declare any country a safe third country and require the asylum seeker to return to said country. The section closes the door on asylum seekers, preventing them from even applying for asylum in the United States. Now, how would this work?

The safe third country designation bars individuals who transit through that nation from even applying for asylum in the United States. Under current law, and that is the law
today, our government may prevent asylum seekers from applying for asylum in the U.S. and it may return those individuals to a safe third country pursuant to a bilateral, and in some cases multilateral, agreement.

A safe country is defined as one where the individual’s life or freedom would not be threatened on account of a protected ground and where that individual would have access to full and fair asylum procedures.

The only nation which the United States has reached a safe third country agreement is Canada, and I think we would all agree that Canada is, in fact, a safe third country. Under this agreement, individuals in Canada, with certain exceptions, who arrive in the United States may not apply and are not permitted to apply for asylum in the U.S. The United States-Canada safe third country agreement was implemented in 2005, and it is aimed at protecting the rights of refugees. It does exempt some of those with close ties in the United States.

There are safe third country agreements in Europe, Australia, and the agreement between the U.S. and Canada have led legal scholars to conclude that such agreements can in fact risk deportation chains in violation of international law, where one country returns refugees to a safe third country if they are eventually deported to the country from which they fled.
So to allow the Secretary of Homeland Security the ability to unilaterally designate a country as a safe third country opens the possibility that such decisions could be motivated by a variety of political and other factors, circumventing the opportunity to negotiate protections for asylum seekers through bilateral agreement processes.

It has been suggested that the U.S. would declare Mexico a safe third country and, in fact, I think this section is intended to accomplish that. However, a recent report by the Human Rights First found that despite minor improvements in law and policy, Mexico is a dangerous country for refugees, and in fact, they are not really set up to adequately process the asylum requests that are made by refugees that find themselves in Mexico. There are procedural barriers. There is a 30-day filing deadline, no appeal, hardly any asylum officers.

In fact, we will end up with the situation where individuals who would get kicked back to Mexico after we have unilaterally decided that that is what should happen without Mexico’s agreement may end up facing a legal wall of persecution and inability to seek asylum in Mexico. They may, in fact, be sent back to the place where they have been trafficked or where they have fled.

This amendment would solve that problem, and I highly recommend its adoption. And I see my time is almost up, so
I will yield back, Mr. Chairman.

Chairman Goodlatte. The chair thanks the gentlewoman. And for what purpose does the gentleman from Louisiana seek recognition?

Mr. Johnson of Louisiana. I oppose the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson of Louisiana. Thank you. H.R. 391 allows DHS to remove asylum seekers to safe third countries where they would have access to a full and fair procedure for applying for asylum without the current necessity for bilateral agreements with those countries. This includes unaccompanied minors. Under current law, unaccompanied minors are exempted from this exception to asylum eligibility. The surges of unaccompanied minors over the past several years have forced a reevaluation of the manner in which our immigration laws deal with similarly situated aliens. Asylum law is no exception.

The trend of unaccompanied minors massing at the border is largely due to the belief that if they present themselves, they will be immediately allowed to stay. We have an obligation to discourage and not encourage parents from paying coyotes to smuggle their children north. We must all take necessary steps to remove all those incentives. That unaccompanied minors are not subject to
the safe third country exception is such an incentive. No matter how many countries an unaccompanied minor traverses to get to the U.S. and how many of those countries would provide them the opportunity to safely avail themselves of the laws of that country, they are still eligible to apply for asylum in the U.S. This makes the very perilous journey even more worth the risk. Unaccompanied minors should not be exempt from this exception.

Regarding section 7, if asylum seekers understand that simply making it to the U.S. does not mean that they will be allowed to stay and that there is real possibility of resettlement in a safe third country, they may be less inclined to make the arduous and often dangerous journey to the U.S., whether they are minors or adults.

In addition, why should countries who, in essence, promote trespass to the U.S. not be required to bear the settlement cost of those they allow into their country to pass through the U.S.? H.R. 391 allows the return of apprehended Central Americans to Mexico, where they could apply for asylum. Such returns would reduce the number of aliens seeking to come to the U.S.

For these and other reasons, I urge my colleagues to oppose this amendment and I yield back.

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

    All those in favor, respond by saying aye.

    Those opposed, no.

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

For what purpose does the gentlewoman from California seek recognition?

    Ms. Lofgren. I have an amendment. I hope it is at the desk.

    Chairman Goodlatte. We are not aware of it.

    Ms. Lofgren. She is running down with the copies right now.

    Chairman Goodlatte. That counts. The clerk will report the amendment.

    Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391, offered by Ms. Lofgren. Page 15, strike the line --

    [The amendment of Ms. Lofgren follows:]

    ********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read and the gentlewoman is recognized for 5 minutes on her amendment.

Ms. Lofgren. The section which this amendment strikes would preclude most victims of crime, including women fleeing domestic violence, from obtaining asylum. This amendment would provide an exemption for domestic violence survivors, ensuring that domestic violence victims can receive protection in the United States rather than face return to further persecution by their abusers.

It is worth pointing out that there was an important decision made by the Board of Immigration Appeals in August of 2014. It is a Matter of A-R-C-G- and it recognized that women fleeing domestic violence may constitute a particular social group and qualify for asylum.

Now, in the case of Guatemala, women in Guatemala were unable to leave their relationship. They represent such a group and it cleared the way for other comparable groups of domestic violence survivors to gain recognition under U.S. protection law. I think that is the proper legal conclusion, although the BIA opinion suffered from a few defects, including the employment of an unduly restrictive definition of particular social group, which I would add is completely obliterated in the draft bill on page 15 on line 5.
The outcome, that domestic violence victims can constitute such a group, is correct. The board rightly found that gender is an immutable characteristic and that persecution on account of that characteristic may, where other requirements are met, qualify the persecuted individual for asylum.

Now, the ARCG case was part of a long and I would say bipartisan effort towards a formal acknowledgement meant that women fleeing domestic abuse need and deserve humanitarian protection. In the 1996 decision Matter of Kasinga, the BIA recognized that women fleeing female genital mutilation can constitute a particular social group and laid an important foundation for future jurisprudence, recognizing that gender-based persecution can form a basis for obtaining asylum.

In the Matter of R-A-, the Department of Homeland Security under the Bush administration argued that Rody Alvarado, a Guatemalan woman who escaped to the United States after enduring years of unspeakable domestic violence, was a member of a particular social group.

Further, the Bush administration recommended that Ms. Alvarado be granted asylum on the basis of persecution stemming from her membership in that group. Both Democratic and Republican administrations, therefore, have recognized the importance of ensuring access to asylum for domestic
violence survivors.

The plight of the victims central to ARCG demonstrates the moral imperative to provide such battered women with relief. In that case, Ms. C.G. faced abuse that is difficult to discuss and unimaginable to suffer. Among other acts of brutality, her husband consistently beat her; he raped her; he assaulted her with paint thinner, burning her body; he broke her nose and repeatedly threatened to kill her, including when she attempted to escape by moving to her father's house.

This bill would deny protection to female domestic violence survivors like Ms. C.G. and return these women to further persecution by their abusers. As everyone on this committee knows, such horrific violence as that suffered by Ms. C.G. is not confined to her case. Regrettably, all too many women are subjected to abuse and torture by partners that more closely resemble captors.

My amendment is simple. A vote for it is a vote to protect abused women. A vote against it is a vote to deny them protection. My amendment recognizes that victims fleeing domestic violence do in many instances constitute a particular social group and those who suffer persecution on account of membership in such groups may qualify for asylum. By voting for it, we ensure that thousands of battered women will find safety in the United States. By voting against
it, members would ensure that these women get deported back
to further persecution at the hands of their abusers.

Protecting victims of domestic violence should not be a
partisan issue and in fact, historically, it has not been a
partisan issue. This committee has worked together to fight
domestic violence and this amendment is part, I hope, of
that bipartisan history, and I hope that my colleagues will
support it, do the right thing, and support this amendment.
I see my time is about to expire, so I will yield back, Mr.
Chairman.

Chairman Goodlatte. The chair thanks the gentlewoman.

For what purpose does the gentleman from Louisiana seek
recognition?

Mr. Johnson of Louisiana. I oppose the amendment.

Chairman Goodlatte. The gentleman is recognized for 5
minutes.

Mr. Johnson of Louisiana. Thank you, Mr. Chairman.

Once again, a very well-intended proposed amendment, but I
have to oppose it for the simple reason that this is not
within the scope of our asylum law. I mean, let's just
think about the implications of providing a new category for
all victims of all crime and domestic violence. I mean,
that would potentially be maybe hundreds of millions of
people that we would say that they could seek asylum in the
U.S. It is just not a tenable proposal.
And to respond to what was said about the Matter of R-A-, that case; the finding there was that they qualified because it was based on political opinion, the political opinion of the husband in that case. He actually believed his wife was his property. So, that had a qualifying distinction there in and this would not overturn that matter at all. The point being that the asylum laws define the way it is. It includes the categories as they are for a reason and this would, in an almost literal sense, open the floodgates for everyone.

We have tremendous sympathy for victims of domestic violence around the world, but we simply cannot provide asylum for every single one of them and for that reason I --

Ms. Lofgren. Would the gentleman yield?

Mr. Johnson of Louisiana. I yield.

Ms. Lofgren. I thank the gentleman for yielding. You know, the law of asylum is not that anyone who is a victim gets asylum. It is when the government fails as a matter of policy to protect you from such abuse. So, it would not be the case under current law or, if this amendment passes, under prospective law that anyone who is a victim gets asylum.

You have to also be a victim of your government failing to try and protect, and I would ask unanimous consent to put a copy of the decision in the record. The characterization
that you have made is quite different than the reading I
have of the decision. If we could put that in the --

Mr. Johnson of Louisiana. I respect that.

Chairman Goodlatte. Without objection --

Ms. Lofgren. And I yield back to the gentleman.

Chairman Goodlatte. The document will be made a part
of the record.

[The information follows:]

********** COMMITTEE INSERT **********
Mr. Johnson of Louisiana. Just to clarify that it has to be on one of the five protected grounds. So, by adding the provision “or” in line 13, you are creating an entirely separate analysis and category that I do not think is warranted under the asylum law. So, for that reason, I would oppose the amendment.

Ms. Lofgren. If the gentleman would further yield.

Mr. Johnson of Louisiana. I yield.

Ms. Lofgren. Here is the problem. If you look on page 16, line 5, what is missing is the particular individuals. The language has been removed. The PSG has been removed. So, they would never necessarily qualify, even if they could make their claim, if they are a domestic violence victim who, as a matter of policy, their government has failed to protect.

So I think your comment fails to accommodate the actual language of the bill, in my judgment, that removes a current section of law that allows for a decision of innate and particular cases, and I thank the gentleman for allowing me to comment. I yield back.

Mr. Conyers. Mr. Chairman?

Chairman Goodlatte. Does the gentleman yield back?

Mr. Johnson of Louisiana. I yield back. Sorry.

Chairman Goodlatte. For what purpose does the gentleman from Michigan seek recognition?
Mr. Conyers. I support the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Conyers. And I would like to observe that this is a forward step in terms of the gender relationships between men and women that are occurring across the country and in some respects around the world. The important thing to me here -- and I commend the gentlelady for supporting and urging that we accept her amendment -- both administrations approve of ensuring access to asylum because of domestic violence, and I think that is a huge step forward in terms of the relationships between men and women. And I think that in the end it is going to grow and continue for many years to come.

Both administrations, Democratic and Republican, have supported this concept and I am hoping that the Lofgren proposal is accepted here. I yield back, Mr. Chairman.

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

All those in favor, respond by saying aye.

Those opposed, no.

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

Ms. Lofgren. Could I have a recorded vote, Mr. Chairman?
Chairman Goodlatte. A recorded vote is requested and the clerk will call the roll.

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

[No response.]

Mr. Issa?

[No response.]

Mr. King?

Mr. King. No.

Ms. Adcock. Mr. King votes no.

Mr. Franks?

[No response.]

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Mr. Jordan?

[No response.]

Mr. Poe?

[No response.]
Mr. Marino?
[No response.]
Mr. Gowdy?
[No response.]
Mr. Labrador?
[No response.]
Mr. Farenthold?
[No response.]
Mr. Collins?
Mr. Collins. No.
Ms. Adcock. Mr. Collins votes no.
Mr. DeSantis?
[No response.]
Mr. Buck?
[No response.]
Mr. Ratcliffe?
Mr. Ratcliffe. No.
Ms. Adcock. Mr. Ratcliffe votes no.
Mrs. Roby?
Mrs. Roby. No.
Ms. Adcock. Mrs. Roby votes no.
Mr. Gaetz?
Mr. Gaetz. No.
Ms. Adcock. Mr. Gaetz votes no.
Mr. Johnson of Louisiana?
Mr. Johnson of Louisiana. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Biggs?

[No response.]

Mr. Rutherford?

[No response.]

Mrs. Handel?

Mrs. Handel. No.

Ms. Adcock. Mrs. Handel votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Adcock. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Adcock. Mr. Nadler votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?

[No response.]

Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. Aye.

Ms. Adcock. Mr. Johnson votes aye.
Mr. Deutch?
[No response.]
Mr. Gutierrez?
Mr. Gutierrez. Yes.
Ms. Adcock. Mr. Gutierrez votes yes.
Ms. Bass?
[No response.]
Mr. Richmond?
[No response.]
Mr. Jeffries?
[No response.]
Mr. Cicilline?
[No response.]
Mr. Swalwell?
Mr. Swalwell. Aye.
Ms. Adcock. Mr. Swalwell votes aye.
Mr. Lieu?
Mr. Lieu. Aye.
Ms. Adcock. Mr. Lieu votes aye.
Mr. Raskin?
Mr. Raskin. Aye.
Ms. Adcock. Mr. Raskin votes aye.
Ms. Jayapal?
Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Chairman Goodlatte. The gentleman from Ohio?

Mr. Chabot. No.

Ms. Adcock. Mr. Chabot votes no.

Chairman Goodlatte. The gentleman from Florida?

Ms. Adcock. No.

Chairman Goodlatte. The gentleman from Ohio?

Mr. Jordan. No.

Ms. Adcock. Mr. Jordan votes no.

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

Mr. Poe. No.

Ms. Adcock. Mr. Poe votes no.

Chairman Goodlatte. The gentleman from Pennsylvania?

Mr. Marino. No.

Ms. Adcock. Mr. Marino votes no.

Chairman Goodlatte. The gentleman from Idaho, Mr. Labrador?

Mr. Labrador. No.

Ms. Adcock. Mr. Labrador votes no.

Chairman Goodlatte. The gentleman from California, Mr. Issa?

Mr. Issa. No.

Ms. Adcock. Mr. Issa votes no.
Chairman Goodlatte. Has every member voted who wishes to vote? The clerk will report.

Ms. Adcock. Mr. Chairman, 10 members voted aye; 15 members voted no.

Chairman Goodlatte. And the amendment is not agreed to. Has the gentleman from Illinois been recorded? He has been recorded? The gentleman from Arizona?

Ms. Adcock. Not recorded.

Chairman Goodlatte. All right. The gentleman from Florida?

Mr. Deutch. Aye.

Ms. Adcock. Mr. Deutch votes aye.

Chairman Goodlatte. The clerk will report.

Ms. Adcock. Mr. Chairman, 11 members voted aye; 16 members voted no.

Chairman Goodlatte. And the amendment is not agreed to. Are there further amendments?

Mr. Johnson of Georgia. Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment of the gentleman from Georgia.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391, offered by Mr. Johnson of Georgia. Strike section 2 --

[The amendment of Mr. Johnson of Georgia follows:]
5249  ********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read and the gentleman is recognized for 5 minutes on his amendment.

Mr. Johnson of Georgia. Thank you, Mr. Chairman.

Today, the world faces its worst refugee crisis since World War II. Refugees and asylum seekers, not just from south of our border, but from Europe and Asia are in need of safety and security. My amendment would strike section 2 of H.R. 391, which would restrict government-funded counsel for immigrants and asylum seekers and insert requirements regarding counsel for unaccompanied children and people suffering with serious mental trauma and other vulnerable people.

I believe that it would be extremely difficult if not impossible to navigate our country's complex legal system as a non-English-speaking adult asylum seeker. For an unaccompanied minor child or an individual with serious mental disabilities, to be forced to navigate our country's immigration court process without counsel makes such navigation impossible. We should not treat unaccompanied children and people with serious mental disabilities this way in America. We are bigger than that.

Due to asylum admission being classified as a civil matter, noncitizens are not afforded the protections of the Constitution that are provided to criminal defendants, yet
in immigration proceedings the unaccompanied minor child or
person with serious mental disability faces an experienced
trial attorney pressing for their removal. We should not be
treating children and people with serious mental
disabilities as if they are able-bodied adults of sound
mind. We are talking about individuals who may face
credible and well-founded fear of persecution and death if
deported to their native land.

According to the American Immigration Lawyers
Association, asylum seekers represented by counsel in
removal proceedings are 12 times more likely to be granted
asylum and children represented by attorneys are five times
more likely to be granted protection. According to the
National Association of Immigration Judges, legal
representation is absolutely essential to ensure that
children have meaningful access to asylum and other
protections. This also improves the efficiency of the
courts.

Children are vulnerable and lack full competency and,
therefore, immigration court cases involving children must
be conducted in a manner different than that of adults. It
can be challenging to effectively communicate complicated
nuances of our law to children. Children may fake
compliance in order to please the judge as an authority
figure and a judge may need time to figure out if the child
actually understands what is being communicated. Immigration judges must take more time with children who have been victims of emotional or psychological trauma. Children in proceedings need time to gather crucial corroborating documentation to support their relief claims and immigration judges are able to conduct proceedings more expeditiously and resolve cases more quickly when children are represented by attorneys. These statistics reveal the difficulty of applying for asylum without representation and I believe that those who come to the U.S. to escape violence and death deserve to have their applications fully considered.

My amendment would ensure that asylum application seekers and the process is fair, with every applicant being able to properly communicate their needs and tell their story. I would urge my colleagues to support this amendment and I thank you and I yield back.

Chairman Goodlatte. The chair thanks the gentleman. For what purpose does the gentleman from Louisiana seek recognition?

Mr. Johnson of Louisiana. I oppose the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson of Louisiana. Thank you. I oppose the amendment because this amendment would allow for an endless
amount of U.S. taxpayer funds -- literally endless, as you can see on lines 13 to 15 on page 4 -- to be used to supply attorneys for unlawful aliens in immigration proceedings. Section 292 of the Immigration and Nationality Act states that “in any removal proceedings before an immigration judge, and in any appeal proceedings before the attorney general for many such removal proceedings, the person concerned shall have the privilege of being represented at no expense to the government by such counsel.” So, the INA prohibits taxpayer-funded counsel and immigration removal proceedings.

But the Obama administration ignored section 292. They just ignored it. In fact, the administration requested funding upwards of $50 million in some years to provide attorneys for aliens in removal proceedings. H.R. 391 clarifies section 292 by removing the prohibition from the parenthetical and adding a sentence that reads “in no instance shall the government bear any expense for counsel for any person” in immigration proceedings.

Aliens in removal proceedings are there because they have no right to be in the United States. They have entered illegally. They have overstayed a visa or even committed an offense rendering them subject to deportation. And aliens in other immigration-related proceedings should not be provided attorneys at the expense of U.S. taxpayers.
American taxpayers are already forced to shoulder the government's expenses incurred due to immigration proceedings. They should not also be required to bear the cost of the alien his or herself in those proceedings. H.R. 391 will ensure that any administration understands that taxpayer funds cannot be used in these purposes.

H.R. 391 does not prevent aliens from retaining their own counsel and that is important to point out. They can either do so by paying for it themselves or through pro bono representation, which is widely available, certainly, in tragic cases. Our legislation simply makes clear that U.S. tax dollars cannot be used to pay for the alien's representation. I oppose this amendment and urge my colleagues to do the same. I yield back the balance of my time.

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

Mr. Gutierrez. If the gentleman from Louisiana could send me the list of all those pro bono lawyers, I have got a bunch of people back at the district that would love to meet with them. I have not been able to find them. Please send me the list as soon as you.

Mr. Johnson of Georgia. Would the gentleman yield?

Mr. Gutierrez. Yes, I will.

Chairman Goodlatte. The gentleman is recognized for 5
Mr. Johnson of Georgia. This amendment has to do with protecting vulnerable people, namely children, unaccompanied minors, and also people suffering from mental trauma. It does not have to be someone who is crazy out of their mind, but just someone who is suffering from severe post-traumatic stress from what they have been through and may not be of the soundest of minds when they arrive at the border to be able to apply for asylum in a way that would be effective. And so, this amendment is humane, it is compassionate, and it would bring those qualities back to this bill, which is draconian and which would result in innocent and insecure and at-risk children and persons with mental disabilities being deported back to, in some cases, persecution, in some cases, death. So, I would ask my colleagues to consider voting in favor of this amendment and I will yield back to the gentleman.

Mr. Gutierrez. I yield back the balance of my time, Mr. Chairman.

Chairman Goodlatte. The chair thanks the gentleman. The question occurs on the amendment offered by the gentleman from Georgia.

All those in favor, respond by saying aye. Those opposed, no.

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

Mr. Johnson of Georgia. Mr. Chairman, I would ask for a recorded vote.

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

Mr. Chabot. No.

Ms. Adcock. Mr. Chabot votes no.

Mr. Issa?

Mr. Issa. No.

Ms. Adcock. Mr. Issa votes no.

Mr. King?

Mr. King. No.

Ms. Adcock. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Adcock. Mr. Franks votes no.

Mr. Gohmert?
Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Adcock. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Mr. Marino?

Mr. Marino. No.

Ms. Adcock. Mr. Marino votes no.

Mr. Gowdy?

[No response.]

Mr. Labrador?

Mr. Labrador. No.

Ms. Adcock. Mr. Labrador votes no.

Mr. Farenthold?

[No response.]

Mr. Collins?

Mr. Collins. No.

Ms. Adcock. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Adcock. Mr. DeSantis votes no.

Mr. Buck?

[No response.]
Mr. Ratcliffe?

Mr. Ratcliffe. No.

Ms. Adcock. Mr. Ratcliffe votes no.

Mrs. Roby?

Mrs. Roby. No.

Ms. Adcock. Mrs. Roby votes no.

Mr. Gaetz?

Mr. Gaetz. No.

Ms. Adcock. Mr. Gaetz votes no.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Biggs?

[No response.]

Mr. Rutherford?

[No response.]

Mrs. Handel?

Mrs. Handel. No.

Ms. Adcock. Mrs. Handel votes no.

Mr. Conyers?

Mr. Conyers. No.

Ms. Adcock. Mr. Conyers votes no.

Mr. Nadler?

Mr. Conyers. Oh, wait a minute. Aye.

Chairman Goodlatte. Too late, too late.
Mr. Nadler. Mr. Chairman?

Chairman Goodlatte. The gentleman from Michigan prefers to be recorded as a no.

Mr. Conyers. No, I --

Chairman Goodlatte. No, an aye. I am sorry. I am getting with it, too.

Mr. Nadler. How am I recorded?


Chairman Goodlatte. The gentleman from New York wants to be recorded as an aye.

Ms. Adcock. Aye.

Mr. Nadler. Thank you very much.

Ms. Adcock. Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?

[No response.]

Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Deutch?

[No response.]

Mr. Gutierrez?
Mr. Gutierrez. Yes.

Ms. Adcock. Mr. Gutierrez votes yes.

Ms. Bass?
[No response.]

Mr. Richmond?
[No response.]

Mr. Jeffries?
[No response.]

Mr. Cicilline?
[No response.]

Mr. Swalwell?
[No response.]

Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?
[No response.]

Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

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

Mr. Poe. No.
Ms. Adcock. Mr. Poe votes no.

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

Ms. Adcock. Mr. Chairman, 8 members voted aye; 17 members voted no.

Chairman Goodlatte. And the amendment is not agreed to. Are there further amendments?

Mr. Gutierrez. Mr. Chairman?

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

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to the amendment in the nature of substitute to H.R. 391, offered by Mr. Gutierrez. In section 11 of the bill --

[The amendment of Mr. Gutierrez follows:]

********** COMMITTEE INSERT **********

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

Mr. Gutierrez. Thank you, Mr. Chairman. This is what the gentleman from Idaho, the chairman of the Immigration
Subcommittee, calls a “backdoor amnesty,” but this backdoor amnesty program is for homeschoolers from northern European countries, Christians, educated people. We are in effect saying that the children of homeschoolers in Germany are more important than the children of people fleeing violence in the most deadly, murderous countries right here in our backyard: Honduras, Guatemala, and El Salvador.

When our President does not consider grandparents to be close family members, because he tried, so far unsuccessfully, to bar them as part of his Muslim and refugee ban, but we know there are efforts to eliminate legal immigration or severely curtail it in the House and the Senate and the bills that expand legal immigration are done at the request of agricultural industry and amount almost to a form of indentured servitude or slavery for people to come work and leave.

And now we have the cherry on top, a carveout for a small but dearly beloved group that resonates in the hearts of the majority much more than in the brown and black desperate people who come as refugees or come seeking asylum. “Turn those people away,” the majority says, echoing their president. And if you can turn them away, let's put them in jail and pay private prisons to lobby us for a healthy profit. And if we put them in jail, let's hunt them down with their families and anyone that is here
to give them a home or put them in jail and deport them.

And if someone comes at the age of 15 and we have not adjudicated their case, they may have a qualified asylum case, but by the time they turn 15, which we all know is very likely because we have not invested in having an asylum system that works well, then we put them in jail and deport them, just because they turned 18.

I think we all understand the priority of the majority. Let's make legal immigration difficult for everyone and impossible for most people, and let's score political points by rallying against the illegalities that we create. But that is a political strategy, not a strategy for controlling, regulating, embracing legal immigration, and promoting national security.

No, not all immigrants, except for the Christian homeschoolers from Europe, are criminals, rapists, security threats, just as Trump has been saying since the day he descended the golden escalators to announce his campaign. The problem is that now the majority in this committee is turning those bad ideas based on prejudice and political opportunism into law that hurts the American people. It hurts our standing as the greatest Nation in the world and a beacon of hope for freedom-loving people around the world and hurts this committee and the institution.

It seems to me we have had this bill before us. It
went nowhere before. It will probably go nowhere now, but we keep doing this. It would seem to me we might want to have a hearing on the fact that the President of the United States just tweeted that his Attorney General should be investigating his opponent in the last presidential election.

I can only imagine the outcry and the fact that there will be hearings of Eric Holder if President Obama were to tweet to Eric Holder, “Why do you not put my political opponents in jail?” With that, I return the balance of my time.

Ms. Lofgren. Oh, could I ask a question, Mr. Gutierrez?

Mr. Gutierrez. Sure, you can.

Ms. Lofgren. I am reading this. It really is an astonishing section on page 11, asylum cases for homeschoolers, but it is not clear to me and I am wondering if you have a view or maybe we should direct this to the majority. “The right of the person to direct the upbringing and education of a child of that person, including any law or regulation preventing homeschooling.”

Now, in the case of madrassas, we have, you know, like in England, there is a requirement to send your kid to public school, but there are some parents who want their kids to go to madrassas and basically be indoctrinated
religiously instead of going to public school. Would they not be eligible for asylum under this provision in your view?

Mr. Gutierrez. I do believe so. And one of the best things, and I have shared this with other members of the committee, is that I am always enlightened when the gentlelady from California speaks on these issues, and I am so happy -- I want to say this with all sincerity of my heart -- that you are here to be a guiding light and beacon for us. So, I think yes, and I give the balance of my time to the gentlelady from California.

Ms. Lofgren. No, I think our time is about expired, but still although the intent may be, as you have suggested, for Christians in Europe trying to homeschool, the language would certainly be wide-ranging across the world --

Mr. Gutierrez. I agree.

Ms. Lofgren. -- that would allow narrow fundamentalists who are resisting public education to gain asylum. And that is probably not a good idea. And I yield back.

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

Mr. Johnson of Louisiana. Oppose the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.
Mr. Johnson of Louisiana. Thank you, Mr. Chairman. I will not need 5 minutes because much of this discussion and debate can be reference by what we did on the last amendment. This would open the door for potentially hundreds of millions of people to come to the U.S. to seek or be given asylum. Crime cannot be a category for asylum. Crime is not the same as persecution, and our laws historically recognize this, and we just simply cannot change it now.

So for that reason, I oppose the amendment and urge my colleagues to do --

Ms. Lofgren. Would the gentleman yield?

Mr. Johnson of Louisiana. I will yield.

Ms. Lofgren. Because I think, if I am reading this correctly -- and maybe I am not -- that the expansion to domestic violence and sexual violence would still be subject to the numerical limitation on this section found on line 3 on page 12, which would be 500 a year. It is just that we would not have the madrasas parents, we would also have the domestic violence victims among the 500.

Mr. Johnson of Louisiana. Reclaiming my time. I guess it is my time; I have lost track.

Ms. Lofgren. It is your time. It is a question that I asked you.

Mr. Johnson of Louisiana. Thank you. So, Ms. Lofgren,
I think the answer is, the number 500 is a reasonable number; it allows up to 500 individuals per year to receive asylum if they have been persecuted or have a well-founded fear of persecution based on the fact that they homeschool their children.

And look, it is not just white Westerners and Christians and all that, whatever was alleged here. It is for anyone who fits that category. And you have to put a number; it cannot be an unlimited, uncapped amount.

Ms. Lofgren. No, no, but if I may, the question was, you said thousands and thousands of domestic violence victims; but I think the limitation is 500, and that continues to apply to this section even if we accept Mr. Gutierrez's amendment that expands it to domestic violence and sexual violence. It is a question, not a statement.

Mr. Johnson of Louisiana. No, no, I think on its face, arguably that is probably true, but if we get the 500 cap there would almost certainly be an outcry to raise the number, and it does not change the important point of what we would be doing. By changing the statute, the underlying law, and the purpose of it is that we make a distinction -- and we always have -- between crime and persecution, and if we open the door to every crime -- and this is a pretty broad listing of crimes -- then we open a Pandora's box.

We have tremendous concern, care, and sympathy for all
these persons who are victims of domestic violence, for example. But we just simply cannot use the asylum statute to go there. And for that reason, we oppose the amendment.

I yield back.

Mr. Johnson of Georgia. Mr. Chairman?

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

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

Chairman Goodlatte. Gentleman is recognized for 5 minutes.

Mr. Johnson of Georgia. Yield to the gentleman from Illinois.

Mr. Gutierrez. Thank you. Well, there we have it. Homeschoolers, you are protected. You are fleeing for your lives because your parents decided to homeschool you. So let us put you in the definition because you are a homeschooler. I read every day, there are just all these vicious ugly people out to get you. So the Republican majority says, let us put them in there. All my amendment says is, people really die because they are persecuted because they need to be accepted as asylum seekers in this country.

I do not know how many homeschoolers die, but I can tell you how many kids die because they did not allow themselves to be recruited into a gang. I can tell you how
many people die and how many women have been put into sexual
exploitation and death because they were women and there was
no State there to protect them.

Part of the purpose of the amendment is, yeah, it is
500, it is limited, as the lady from California -- all I am
saying is, homeschoolers, the Republican majority will not
let homeschoolers compete with people that are trafficked,
with women that are victims of abuse and exploitation, of
those that would be murdered. That is the only point.

But I guess we are going to make sure that our great
American flag and the Statue of Liberty is all happy because
homeschoolers of the world, all you need to do is to get to
America; there is only 500 of you, so get in line quickly
and come to America and bring your visa. But if you are
coming here fleeing murder, mayhem, death, much of which is
created -- much of which, not all -- is created by the
consumption of the illicit drugs uncontrolled in this
country, which causes to those countries in Central America
to become debilitated, then it is okay, you do not have a
way in.

I do not know. I am just going to call over to
Honduras, El Salvador, and Guatemala, and start a
homeschool. Tell everybody, “Send your kids to homeschool.”
You know, they are not going to let you in America because
there are drug dealers out to get your kids. Homeschool
your kids, because in America, drug dealers, okay, you do not get to come to America and seek safety. Homeschoolers, great. Sign up in Central America today.

Thank you so much. And I return the balance of my time to the gentleman.

Mr. Johnson of Georgia. Thank you. I find it ironic that at a time when the world is experiencing its worst refugee crisis since World War II, and an influx of people seeking asylum into this country from across the world who have a well-founded fear of danger and persecution should they be returned to their native lands, and we are trying to shut that door but leaving a little crack for 500 folks who are educating their kids in homeschooling. There is something about the homeschooling deal and politics that has crept into this bill and has, therefore, devalued the whole process that this bill is founded upon.

It is disappointing. And I would ask my colleagues to really support the Gutierrez amendment. We are not talking about decreasing the numbers at all; just talking about expanding the qualifications for people to be able to get in so that we are really talking about people with serious well-founded fears of persecution, should they be returned home.

And with that, Mr. Chairman, I will yield back.

Chairman Goodlatte. Question occurs on the amendment
offered by the gentleman from Illinois.

All those in favor, respond by saying aye.

Those opposed, no.

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

Are there further amendments to H.R. 391?

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

Chairman Goodlatte. The clerk will report the amendment offered by the gentlewoman from Washington.

Ms. Adcock. Amendment to the amendment in the nature of a substitute to H.R. 391, offered by Ms. Jayapal. Strike sections 14 and 17.

[The amendment of Ms. Jayapal follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is agreed to as read, and the gentlewoman is recognized for 5 minutes on her amendment.

Ms. Jayapal. Thank you, Mr. Chairman. At the beginning of this session, my friend from Louisiana talked about our moral leadership in the world. And I have to say, I wonder whether everybody on the other side even knows what is in this bill. If we had had a hearing on this bill, as with many of the immigration bills that we have seen -- we have not had a hearing -- if we had had a hearing, then we would have been able to go into some of these points and see the ridiculousness of including homeschooling and making a carveout but then somehow saying that we cannot provide relief for domestic violence victims or others who are in deep need of asylum. And I do worry about what message we send to the world with this bill and what moral leadership we can continue to claim.

My amendment would strike sections 14 and 17 of H.R. 391 because together these sections essentially decimate our asylum laws and the protections that we have in place for those who are fleeing serious persecution and harm. These sections together would prohibit crime victims, LGBT persons, domestic abuse survivors, children fleeing gang recruitment, and individuals persecuted by rogue government officials from obtaining asylum, and would force them to
return to a perilous situation.

Section 14 claims to deny asylum to anyone who claims persecution based on, quote, “generalized violence,” but it focuses on gangs, and it bars asylum to anyone who is in a gang or participates in a gang, but then it also denies asylum to anyone who was recruited or fears being recruited into a gang.

The nonsensical and inhumane result of this section means, for example, that a young boy who was recruited into a gang but makes the right decision not to join that gang and is afraid for his life as a result, that young boy would be denied asylum into the United States. Or an 11-year-old girl who fears being recruited into a gang for purposes of sexual slavery, and escapes to the United States seeking safety, that young girl would be denied asylum. Or a 7-year-old child who is repeatedly gang raped by a member of a criminal gang, that child would be denied asylum in the United States.

And I just wonder if my colleagues on the other side actually know what this bill contains, because we are limiting protection to people who are victims of gang violence. And many of these victims are kids who have been sexually and physically abused. So in the guise of being tough on gangs, this section actually expands asylum prohibition to all victims of crime regardless of whether
the crime is gang-related.

Section 14 states that anyone who is a victim of a crime or who fears being a victim of a crime cannot get asylum unless the motivating factor is related to race, religion, national origin or political opinion. It omits the enumerated ground of membership in a particular social group as a reason why a victim of crime can qualify.

Section 14 would warp U.S. protection law by barring grants of asylum to individuals who suffer persecution on account of their membership in a particular social group whenever such membership takes the form of a crime. So, in any country in which such terrible acts as domestic abuse or rape or torture constitutes crimes, if someone commits such acts against an individual on account of that individual’s membership in a particular social group, that individual then cannot receive asylum in the United States.

This just flies in the face of humanitarian protection principles and potentially violates our country’s international treaty obligations. And it would lead to absurd results including denial of protection, for example, to families who are targeted for death by gang members in countries where attempted murder is a crime.

Section 17 goes even further. It bars asylum to an individual persecuted by, quote, “a rogue official on account of any protected ground, whether race, religion,
nationality, political opinion, or membership in a particular social group." That even further distorts U.S. asylum law and denies many vulnerable individuals an opportunity for protection. Thus, any non-sanctioned persecutory act committed against an individual by a government official cannot form the basis for asylum.

For example, if a government official rapes a woman as retribution for her participation in an opposition political party, and the act was not government-sanctioned, that rape cannot serve as the basis of asylum for the raped woman. If a police officer, while on duty, bombed a Christian church due to anti-Christian convictions, and in contravention of government policy, that bombing could not serve as basis for asylum for the attacked Christians.

And if enacted into law, this bill would result in the denial of asylum to somebody like Malala Yousafzai, a Pakistani schoolgirl who we have all heard about, who was shot in the head by a man who opposed girls’ education. As a victim of crime, Malala would be denied asylum in the United States and forced to return to Pakistan.

If enacted into law, the United States would no longer have a respectable asylum system, but instead would have a decimated humanitarian-like program that recognizes the plight of Christian homeschoolers but not victims of violence and people whose lives are in danger.
I urge my colleagues to support my amendment, to ensure that some small piece of our asylum program is maintained. And I yield back the balance of my time.

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

Mr. Johnson of Louisiana. I oppose the amendment.

Chairman Goodlatte. Gentleman is recognized for 5 minutes.

Mr. Johnson of Louisiana. This amendment that would strike from H.R. 391 one of the bill’s most important provisions, and that is to limit eligibility for asylum based on generalized violence, especially in the gang context.

Look, the gang issue is nothing new for asylum law. For the past several years, more asylum claims from regions such as Central America have focused on fear of gangs or being a current or former gang member. Asylum is not a remedy for everyone who is afraid to return to their home countries; it cannot be. The Board of Immigration Appeals has held that fear of gangs cannot alone form the basis for asylum eligibility.

In so finding, the Board has found that even if the particular social group element is met, the inquiry must still focus on the nexus. In other words, does membership in that particular social group constitute one central
reason for the claim of persecution?

In the context of gang violence, it typically does not. Instead, gangs are using violence to control territory and instill fear so they can make money and continue their criminal enterprises. While no one would argue that there are many reasons to be fearful of gangs, this fear alone cannot constitute the basis for asylum under our current Federal framework.

Yet again, we have seen courts chip away at the Board’s holding. The Fourth Circuit Court of Appeals has published several decisions finding that the threat of gang reprisal against a family unit constitutes a sufficient basis for asylum. That court has gone even farther in finding that even former gang members can qualify as a particular social group for the purpose of asylum eligibility. These decisions contradict long-held precedent of asylum law and represent not only a serious departure from the Board decision but also a Circuit split.

These decisions fail to recognize the dangers of finding that gang members are persecuting others on account of their membership in a particular group. This erosion of the nexus requirement ignores the need for a direct connection between the protected and the persecution, and makes wholly irrelevant the one central reason standard.

The courts have always differentiated persecution from
crime. And we must not allow those lines to blur. While the gang violence and street crime in Central America and in other places around the world is certainly horrific, we must affirm the rule of law that asylum is limited to those suffering persecution as traditionally defined.

As the Board stated recently in Matter of M-E-V-G-, quote, “a national community may struggle with significant societal problems resulting from gangs, but not all societal problems are the basis for asylum,” unquote. This provision also codifies established precedent and further creates the bright line rule that gang members who seek asylum will not be eligible.

We have to continue to fight against dangerous transnational criminal street gangs. We must ensure that no court provides immigration relief in the form of asylum to those gang members.

Regarding section 17 -- this has been said -- asylum law does not protect all those fearful of returning to their home countries. Victims of crime are not eligible for asylum under current law, and the acts in question must, with limited exception, be committed at the hands of government agents acting in their official capacity.

H.R. 391 resolves a split in the Federal Circuits regarding the actions of rogue government officials who are not acting within the auspices within their official
capacity. While the First, Second, and Tenth Circuits have found that the actions of rogue government agents may not constitute government action for purposes of asylum, the Ninth Circuit has found otherwise. Rogue government officials are not acting under color of law, and the actions they take are more akin to criminal activity than government action.

In order to clarify this concept, section 17 definitively states that the actions of rogue officials cannot form the basis for eligibility for either asylum or withholding of removal. Without evidence to support that the actual government and the country supports the actions of the rogue official, there cannot be a prima facie case for protection.

H.R. 391 follows the approach espoused by the three Circuits distinguishing rogue officials from government officials. Without evidence of participation by the government, support by the government, or willful blindness by the government, the actions of the rogue official cannot be impugned on the government itself.

Requiring an alien to show their fear of persecution is based on government action, and that is not an overzealous standard. It is a reasonable standard and helps ensure the legitimacy of the U.S. asylum process and the spirit and rule of our law. So for those reasons, I oppose the amendment
and urge my colleagues to do the same. I yield back.

Mr. Johnson of Georgia. Mr. Chairman?

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

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

Chairman Goodlatte. Gentleman is recognized for 5 minutes.

Mr. Johnson of Georgia. Thank you, Mr. Chairman. We have got a well-considered, conservatively applied asylum process in this country. H.R. 391 chokes the life out of that asylum process. This bill named Asylum Reform and Border Protection Act is definitely misleading. In reality, this legislation destroys the asylum program, a program that is instrumental in safeguarding those who are fleeing persecution and violence.

While the majority claims that this bill will close loopholes in the asylum program, in reality it will simply lead to the removal, instantly, of innocent individuals seeking asylum protection in the U.S. At its core, the bill targets some of the most vulnerable people in the world, those fleeing persecution, violence, terror, sexual slavery, torture.

For decades America has served as a beacon of safety for these people, but unfortunately this bill represents the latest step in the Steve Bannon-led effort to dismantle our
Nation’s humanitarian protection system. It has got Steve Bannon written all over it.

The destruction of the U.S. asylum program will result in thousands of innocent people facing violence or death, being turned away from our shores. This is not what our country stands for, and as the Congress, we should work to find solutions to help these people, not send them back into harm’s way.

This bill hurts some of the citizens this country holds in the highest regard: our military. Over 4,400 loved ones of active or former military personnel maintain lawful presence in America from parole in place authorization; and this bill even kills the parole in place program, which could lead to mass deportations of United States military spouses and children. Our service members deserve better, the people of the world deserve better, and we should not place the isolationist agenda of the Trump administration over the lives and wellbeing of those who have served our country.

I urge my colleagues to support the Jayapal amendment, a sensible and measured amendment to this very draconian bill —

Mr. Conyers. Would the gentleman yield?

Mr. Johnson of Georgia. And I will.

Mr. Conyers. I thank the gentleman for yielding. And
I support the amendment as well. But I ask unanimous consent to put in the record a letter from the American-Arab Anti-Discrimination Committee, known as ADC, whose president is Samer Khalaf, into the record at this point.

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

[The information follows:]

********** COMMITTEE INSERT **********
Mr. Conyers. Thank you, sir.

Mr. Johnson of Georgia. Mr. Chairman, I yield back.

Chairman Goodlatte. The chair thanks the gentleman.

The chair recognizes himself in opposition to the amendment.

I hear the statement of the gentleman from Georgia, that somehow we are destroying the long-held valued asylum process in the United States. But frankly, what has put at risk the asylum process in this country is the gross abuse of that process during the Obama administration. And for those of you who are interested, you can look at page 3 of the memorandum regarding this markup.

From fiscal year 2006 to fiscal year 2009, an average of 5,000 referrals were made from the Border Patrol to ICE, and a comparable number were completed. In fiscal year 2010, that jumped up to nearly 9,000. In fiscal year 2011, 11,500. In fiscal year 2012, 13,500. In fiscal year 2013, it nearly tripled as word spread as to how the Obama administration was abusing the asylum process to make it possible, and many talented lawyers, educated people, on how to participate in this abuse to 36,170.

In fiscal year 2014, it went to 48,630. In fiscal year 2015, for some reason it leveled off, also 48,000. And last year it jumped to almost 93,000 people filing for asylum claims; almost 19 times as many as filed in fiscal year 2006.
This is an abuse of the process. It destroys the merit of the process for those several thousand people each year who do have valid, legitimate fears of persecution in countries where the government is either sponsoring the persecution or failing to protect people from that persecution. That is intention of the asylum law, and it has been grossly abused in recent years. And that is why this legislation is needed.

Ms. Jayapal. Would the chairman yield?

Chairman Goodlatte. I would be happy to yield.

Ms. Jayapal. Thank you so much, Mr. Chairman. I just wanted to say that you are right that asylum claims have increased, but they have not just been an increase in the United States. They have increased around the world because there has been an increase in violence in Latin America --

Chairman Goodlatte. Reclaiming my time. The fact of the matter is that there has always been violence in various places around the world, and the United States has always been a beacon of hope. But people have come here, brought here by coyotes, human smugglers -- like the ones who smuggle people in recently, where 10 were suffocated to death in the back of a tractor trailer -- and they are told that they should simply go across the border, and if they do not succeed in being admitted they should then offer an asylum claim. The asylum claims, in my opinion, are not
based upon a 19 times increase in the amount of violence in Central America or other places around the world.

Ms. Jayapal. Actually, Mr. Chairman, if you would yield.

Chairman Goodlatte. I will not yield. I am very strongly opposed to this amendment, and I urge my colleagues --

Ms. Lofgren. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. To strike the last word.

Chairman Goodlatte. Gentlewoman is recognized for 5 minutes.

Ms. Lofgren. And I would yield to the gentlelady from Washington.

Ms. Jayapal. Thank you so much for yielding. Let me just read you what the UNHCR, the U.N. Commission for Refugees has documented: a 712 percent increase in the number of asylum applications from Salvadorian, Honduran, and Guatemalan citizens from 2008 to 2013. So in fact, our increase has been less than what has been seen by the UNHCR. And if your side is asserting that somehow the asylum process is being abused, let us talk about how many asylum applications are actually granted.

In 2014, 41,920 asylum cases were received and only
8,775 were granted. Out of 3,996 asylum requests from Mexico, only 38 were granted. So I do not understand how we can assert that the system is being abused. In fact, there is a very strong system in place, and I do not know if every member of this committee has had a chance, on both sides of the aisle, to go down and actually be present for the process that happens at the border when people come to apply for asylum. Because if everyone were to go through that, I think what you would see is it is an extremely difficult and rigorous process, both to actually go through the process and then finally to be granted asylum status.

And so, to say that there is extreme fraud in the system, of course there may be fraud in every system, and we should root it out. I think members on both sides of the aisle would be willing to talk about ways to do that. Without a hearing and with a broad bill that completely mischaracterizes, in my opinion, what we are trying to do here and says that it is somehow reforming an asylum system, when in fact it is decimating an asylum system that was set up because we have been a beacon of hope. And it is our moral responsibility to make sure that we continue to protect that ability for people from around the world. And we should not sugarcoat what we are doing here. This would dramatically affect the ability of people to seek asylum in a system that is not ridden with fraud. If the
system were ridden with fraud then we would see a lot more people getting granted asylum, but that is not the case. That is not what the statistics show. Sure, there is an increase in applications because we are seeing an increase in violence. We are seeing an increase in inequality around the world. We are seeing an increase in drought. We are seeing an increase in climate refugees. There are all kinds of reasons why we continue to see increases in refugees and asylum seekers.

But the reality is the system is working pretty darn well because we continue to allow very few of those people to actually get in and be granted asylum status. So I am strongly opposed to the idea that there is fraud in the system, and I hope that perhaps we can take a trip together to the border to actually sit and listen to these credible fear interviews and see how they go, because right now what this bill will do is decimate our asylum program.

Ms. Lofgren. Reclaiming my time, I appreciate the gentlelady's comment. And I would just note that I think there are some points of agreement between the majority and the minority. It is not that because there is an increase in potential asylees that there is therefore something impermissible, because we have got more people on the move today than we have had since World War II because of disorder in parts of the world. But I think we would agree
that the best place to deal with failed states is not at the border of the United States.

If we have people seeking protection, we should stand up, live up to our obligations under international law and provide protection. But we ought to be taking more vigorous steps -- not just with ourselves, but with other Western Hemisphere nations -- to bring some peace to the Northern Triangle, where most of the asylees are fleeing, not just to the U.S., but also to Belize, and Nicaragua, and other places.

The enduring frustration I have is that we have shown so little leadership in working with the U.N., in working with other Western Hemisphere countries -- Canada, Costa Rica, and others -- who would be willing to join us, and to say, "This is not just a U.S. problem; this is a hemisphere-wide problem that ought to be addressed on a hemisphere-wide basis." I think, ultimately, that is a good resolution to the trauma that we see at our borders and one that we have neglected as a country.

And with that, I yield back, Mr. Chairman.

Mr. Cohen. Mr. Chairman?

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

Mr. Cohen. Strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5
Mr. Cohen. And to yield time to my friend, the honorable gentleman of Georgia, Mr. Hank Johnson.

Mr. Johnson of Georgia. I thank the gentleman for yielding. And the specter of the Obama administration has once again been wielded in this hearing. I wonder, why is it that we keep raising that specter, and on a problem that does not exist? According to the research of Congresswoman Jayapal, less than one-fourth of asylum applications are granted yearly. Less than a fourth. Well—less than a fourth.

But yet, we are wielding this specter of President Obama, and then we are driving in the Trump/Steve Bannon bandwagon that got them into office, ever since, as my colleague noted, Congressman Gutierrez, that he descended the golden stairs of the Trump Tower to make his campaign announcement, and then proceeded to rail against every minority present in this country.

So, this is something that is inhumane. It is not well thought out. And it is political. It is just rank political appeal to the lower instincts of people when it comes to blaming others for a non-existent problem that we have in this country, when we should be using our time instead of bringing bills that have not gone through regular order, not gone through committee, subcommittee hearings
before brought up for markup.

And we are doing a cascade of these Steve Bannon-type bills, and while there is something looking us in the face, asking us to look at. And that is Russian collusion, obstruction of justice, money laundering, abuse of the democratic system. And this committee has done absolutely nothing, and we continue with these types of messaging bills that seek to remedy a non-existent problem.

The American people are watching us. They are watching us waste time and they are watching Congress getting ready to go on a 1-month, 5-week vacation, leaving serious issues that need oversight un-overseen. We are just ignoring the obvious while trying to trick people into thinking that something that is a problem somewhere in the asylum process, when there is none.

I would implore us to get to work as a committee doing the people's business that actually needs to be done, and move away from these messaging -- we are 6 months into this new administration and we are still in campaign mode. And Trump is in campaign mode, going to the Boy Scouts, talking to 30,000 young Boy Scouts, leading them astray, talking about false news. And we are following up on that with our process here in this committee. And I am sick and tired of it. I want us to move forward. With that, I yield back to the gentleman.
Mr. Cicilline. Mr. Chairman?

Chairman Goodlatte. Thank you. For what purpose does the gentleman from Rhode Island seek recognition?

Mr. Cohen. I still have the time, I think.

Chairman Goodlatte. Okay.

Mr. Cohen. I was just going to comment that in a wonderful spirit of bipartisanship, the freshman member on the other side of the aisle, Mr. Gaetz, came over to me on -- is it -- am I pronouncing it correctly? Is it Gaetz or --

I yield to the gentleman from Florida for pronunciation purposes only.

Mr. Gaetz. I thank the gentleman for yielding. It’s "Gates."

Mr. Cohen. "Gates."

Mr. Gaetz. Think, like open gates.

Mr. Cohen. Open gates. Jim Gaetz, in the wonderful spirit of bipartisanship, came and said, "How nice was it in the last meeting when the chairman said he was going to work with us on finally doing some research, a long research on medical marijuana?" And I agreed with him. I signed onto his bill today on scheduling of marijuana, and I wanted to thank the chairman for his offer and just ask the chairman, where are we on that?

Chairman Goodlatte. The gentleman's question is totally not germane.
Mr. Cohen. It is about bipartisanship, and Kumbaya and Republicans and Democrats.

Chairman Goodlatte. Well, I would just say to the gentleman that open gates are better than closed gates, and we ought to move back to the subject at hand.

Mr. Gutierrez. Mr. Chairman?

Mr. Cohen. I yield back the balance of my 5 seconds.

Chairman Goodlatte. All right. The gentleman from Illinois is recognized for 5 minutes.

Mr. Gutierrez. Thank you. Thank you very much, Mr. Chairman. Look. Here is what we are going to vote on: that a legitimate fear of persecution, indeed, of violence, is homeschooling. That is what we are saying. If you prohibit -- if the State, if the government prohibits you from homeschooling your children -- and this is supposed to be a stop abuse of the asylum system. But the majority inserted into this bill, this reform bill -- and in order to reform it, it said, "Those poor homeschoolers." I get lots of letters from them every day from all over the world, saying, "Luis, do something for me, because we are being persecuted."

I mean, this is asylum status for homeschoolers. But who do they want to cut down the asylum status for? For real people that are in real jeopardy of dying. No one on this side of the aisle -- I have not found anybody -- has
proposed that we allow gang members, and drug dealers, and cartel people to come. I challenge anybody to show me where those words exist in any one of our proposals.

But that is where we go. Now, I would like to say to my colleagues, unfortunately, I do see people who apply for government jobs at the White House who forget -- who forget about their meetings with the Russians, who forget about putting down on their applications things that they own, and financial transactions, in violation of the law. I see that pretty regularly.

Everybody has amnesia over at the White House about what Russians they saw, and what they talked to the Russian about, and how many times they saw that Russian. Now, that is something we do not want to discuss, but is germane to the committee, the Judiciary Committee. But we are not going to discuss that.

I do not know how we do not have the Attorney General of the United States -- for as long as he is going to stay there, because I understand he was once a huge person for President Trump. He thought of him hugely; he thought he was huge, he was great. I am not quite sure how long he is going to last, that great friend of the President as Attorney General.

But before the President gets rid of him, maybe we should invite him down here, since there is a tweet, which
is an official message these days, from the President of the United States, almost demanding that he start an investigation, and indict, and "lock her up."

But we do not see any criminality or any reason to look into that here in the committee of jurisdiction. But we keep talking about criminals, criminals, criminals, criminals, criminals, criminals when the committee does have jurisdiction over that.

Or, moreover, that the Attorney General of the United States should not have recused himself, although the regulations at the Department of Justice require him, because he was the member of a campaign, to withdraw himself. And they say, "Well, then the Deputy became in charge, and how come the Deputy did not ask the General Attorney before he appointed a special prosecutor?" Because he recused himself, because he could not have anything to do with that. You cannot go and ask somebody who recused themselves from an investigation, an area investigation, to then appoint.

So, we have a live, acting investigation on the part of Mueller, and we know that there are rumors -- just like Comey, and last time I checked, it seems to me to be kind of criminal to say to the Vice President, "Leave the room" -- your son-in-law to leave the room, to tell the Attorney General to leave the room, and then to call -- whisper over
to the FBI Director and say, "Hey, can you lay off on the investigation of Flynn?" That happened. We have that from none other than the former Director of the FBI. But we are talking about crimes. So, I would just suggest, there are crimes that may be occurring, and certainly have surfaced, and merit the attention. And you know what? I got to say, I am pretty proud of the Judiciary Committee over on the Senate. They are fulfilling their responsibilities. While what are we doing? Limiting the possibility, unless you are a homeschooler suffering from that abuse, and terror, and near-death situation, because the State says, "No, you got to go to school outside your house and you cannot do it at home."

Look, let's do the investigation into what may really be criminal activity, instead of making it up. And I return the balance of my time.

Mr. Cicilline. Mr. Chairman?

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

Mr. Cicilline. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Cicilline. Mr. Chairman, I rise in strong support of the amendment. You know, we have sort of forgotten, I
think, some of the basic values of this country. It might be good to recall the words on the Statue of Liberty: "Give me your tired, your huddled masses, your poor, yearning to breathe free."

That reflected deeply-held American values, that we were a country that when people were fleeing unspeakable violence, drought, famine, that we would be a place that would welcome people who had genuine, well-founded fear of persecution.

We heard our friends on the other side of the aisle continue to repeat that this is a system that is filled with fraud. There is no such evidence. No matter how many times you say it does not make it true.

And if all you are relying on is the increase in the numbers of people who legally are entitled to asylum status, you are not paying attention to what is happening in the world. We have 65 million people displaced.

Chairman Goodlatte. Will the gentleman yield?

Mr. Cicilline. No. I will not.

Chairman Goodlatte. Okay.

Mr. Cicilline. I will just finish my point, and then I am happy to yield.

Chairman Goodlatte. Okay. Thank you.

Mr. Cicilline. Sixty-five million people displaced, more than at any other point in our history. Of course
there are more people who are being granted asylum. There are more people fleeing instability, war, violence, climate refugees, droughts. This is a time of record instability in the world. You cannot draw the conclusion that because more people are trying to come to America because the world is more violent and less secure, and people are facing greater violence, that that is evidence of a fraud or evidence of a system which is being abused. It is in fact a system that is working.

People who can make a well-founded claim, a fear of persecution, get to come to the United States. Now, if you disagree with that law, you can argue there should be a different standard. But do not make up this claim that it is being fraudulently applied. We have a responsibility, as people who live in an inter-connected world, to do our fair share, in terms of taking care of refugees. We are very generous donors to the refugee crisis around the world. I think we are the most generous donor. But we also have a responsibility to accept some refugees into our country. And we have a good law, a high standard that works. We should be proud of that.

I have refugees that have moved to Rhode Island, and I welcome them to my State. And I got to say, "You are here because America stands for something." We stand for being a place that people can come at a time of complete horror in
their lives, where they are fleeing unspeakable persecution. We should be proud of that. We should protect that. And so, I urge my colleagues to support this amendment, defeat this horrible bill. And with that, I yield the balance of my time to the chairman.

Chairman Goodlatte. I thank the gentleman for yielding.

Ms. Jackson Lee. Mr. Chairman?

Chairman Goodlatte. I would like to respond to the gentleman, because I am impressed by his passion. I respect it. But I have to say that you are ignoring the problem as well, because when we had a hearing on this issue in March, we had an immigration law judge who testified that the overwhelming majority of his asylum cases were fraudulent.

And to back that up, we have a report -- which, without objection, I will ask to be put into the record -- to the House from the General Accountability Office on asylum. "Additional actions needed to assess and address fraud risks," 95 pages long. Without objection, it will be made a part of the record.

[The information follows:]

******* COMMITTEE INSERT **********
Chairman Goodlatte. And I thank the gentleman for yielding to me.

Mr. Cicilline. Mr. Chairman, I will reclaim it, if I might. While I do not recall the testimony of a judge, I would presume that if the judge thought a claim was fraudulent, he would not have granted asylum. That is why we have judges, and hearings, and evidentiary requirements. So, that is not to say people may not make a claim, which is rejected because it is not a legitimate claim, but that is why we have a system for that.

And if he identified claims as fraudulent, I dare say he would never approve them. If he did, he should not be a judge. So, we have a system that works. That does not mean that every person who files a claim, that it is not a valid claim. But those claims are rejected. And if they are not rejected by judges, then those individuals ought not be judges.

But we have a legal standard. We have a system that works, that ferrets out a claim that may not be valid and only awards asylum when individuals have, in fact, proved a well-founded fear of persecution. And with that, I yield back.

Mr. Issa. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from California seek recognition?
Mr. Issa. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Issa. You know, American values are described by a great many things. And the Statue of Liberty is cited often. I must first remind my colleague from Rhode Island that the French put that on and gave it to us. And at that time, and through the years that followed, we took an unprecedented amount of people into this country. But we always rejected some. Ellis Island was not just a place you stopped coming in; it was a place you often got turned around at.

So, when the gentleman from Rhode Island talks about a system as though it is not broken, and makes a statement which I think the chairman eloquently refuted, that there is no fraud, when in fact there is huge fraud, what I might say to the gentleman is that one of the reasons we need reform is, in an expeditious way, we need to return people who are, in fact, at the front end of fraud, because as the gentleman from Rhode Island knows all too well, people who are defrauding that judge are in the United States for prolonged periods of time, being Americans, if you will, while offering a fraudulent reason for coming in.

If we simply had an Ellis Island, and you sat at Ellis Island, it might be a little different. But we do not. The
fact is, they are in our communities when they have made fraudulent claims that often are so boldly fraudulent on their face that they are really an insult to the 1.2 million people who come here and are granted immigrant status every year legally.

And so, I commend the chairman for this markup today, for dealing with a system in which we want to live up, in every way, to what is on the base of the Statue of Liberty. But we want to live up to it while also enforcing laws that are not gamed by those who can be here for years by simply making a false claim.

And so, I commend the chairman and I look forward to the final passage. And I yield back.

Ms. Jackson Lee. Mr. Chairman?

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. Mr. Chairman, I think it is appropriate for me to come right behind my good friend because he is speaking to --

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Jackson Lee. Forgive me, Mr. Chairman, to strike the last word. Thank you so very much. As I said, to come behind my good friend, because he is speaking generally
about the bill, and as I understand, a number of amendments that have occurred. It is really not about violating the law as much as the misconception that there is a lot of fraud in the asylum process. And so, here we are at an amendment that strikes at the very evidence, again, of how this would harm individuals seeking asylum.

In the early part of this markup, I offered an amendment to strike section 5, which severely restricted the parole authority. And members have, in successive fashion, tried to reform the very devastating problems of this bill. And we have meticulously tried to offer one amendment after another.

The amendment by the gentlelady, Congresswoman Jayapal, is one of those amendments. And again, none of the answers that have been given by our friends on the other side of the aisle can explain how, beyond being in a gang, that you are also penalized for being recruited or being fearful of being recruited in a gang, when we know that many of the unaccompanied minors that fled were fleeing because they had seen their siblings or relatives being murdered for not going into a gang, or in the midst of gang violence. And they were fleeing for the very reason, so they could be secure.

So, this this particular provision that the amendment seeks to strike would provide relief to a male child who is
recruited into a gang but makes the right decision not to join the gang, and is afraid for his life, as a result, that he would be denied asylum in the U.S. An 11-year-old female who fears being recruited into a gang for purposes of sexual slavery and escapes to the U.S. seeking safety will be denied asylum, or a 7-year-old child who is repeatedly gang raped by a member of a criminal gang would be denied asylum.

These are the very children that, when there was a wave of individuals coming in, and it was the unaccompanied children some years ago, and they were demonized, it was in fact because they were fleeing these very conditions.

So, I would very enthusiastically support the amendment. And I would just cite what my colleagues may consider an unrelated element that has just struck me and causes me to recount it in the Judiciary Committee.

And that is the tweet that came out from the President of the United States this morning, a tweet that indicated that trans service individuals already serving, wearing the uniform of this Nation, could no longer be allowed or accepted into the United States military, with the whim of a tweet.

And so, this is what we are doing here. We have denied military persons their right to die for this country. Now, with a whim of a bill, we are setting out a whole reformational change on how people can live; the asylum
structure that allows people to survive. A male child refusing to be in a gang. An 11-year-old female fleeing from sexual slavery. And a 7-year-old who has been repeatedly gang raped. These are not non-reality shows. This is not TV. This is real lives, of which those of us who are at the border saw in living color. And we saw people who fled out of fear of their lives.

I want a government returned back to the people, where we do not have tweets that dismiss human beings serving in the United States military, and we do not have legislation that -- as I started out this morning, and I do apologize; I was in another markup -- that literally takes away rights and a protocol of relief to refugees that we have utilized on a continuous basis.

I might add that all of the amendments that I have missed, Democratic amendments, if I had been present, I would have voted aye for each and every one of them. I ask my colleagues to support the Jayapal amendment.

I yield back.

Chairman Goodlatte. The question occurs on the amendment offered by the gentlewoman from Washington.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it and the amendment is not agreed to.
Ms. Jayapal. Mr. Chairman, may I have a recorded vote?

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

Mr. Chabot. No.

Ms. Adcock. Mr. Chabot votes no.

Mr. Issa?

Mr. Issa. No.

Ms. Adcock. Mr. Issa votes no.

Mr. King?

Mr. King. No.

Ms. Adcock. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Adcock. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.
Mr. Jordan?

Mr. Jordan. No.

Ms. Adcock. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Mr. Marino?

Mr. Marino. No.

Ms. Adcock. Mr. Marino votes no.

Mr. Gowdy?

[No response.]

Mr. Labrador?

Mr. Labrador. No.

Ms. Adcock. Mr. Labrador votes no.

Mr. Farenthold?

[No response.]

Mr. Collins?

Mr. Collins. No.

Ms. Adcock. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Adcock. Mr. DeSantis votes no.

Mr. Buck?

[No response.]

Mr. Ratcliffe?

Mr. Ratcliffe. No.
Ms. Adcock. Mr. Ratcliffe votes no.

Mrs. Roby?

[No response.]

Mr. Gaetz?

Mr. Gaetz. No.

Ms. Adcock. Mr. Gaetz votes no.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Biggs?

Mr. Biggs. No.

Ms. Adcock. Mr. Biggs votes no.

Mr. Rutherford?

Mr. Rutherford. No.

Ms. Adcock. Mr. Rutherford votes no.

Mrs. Handel?

Mrs. Handel. No.

Ms. Adcock. Mrs. Handel votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Adcock. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Adcock. Mr. Nadler votes aye.

Ms. Lofgren?
Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?


Mr. Cohen?

Mr. Cohen. Aye.

Ms. Adcock. Mr. Cohen votes aye.

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Deutch?

[No response.]

Mr. Gutierrez?

Mr. Gutierrez. Aye.

Ms. Adcock. Mr. Gutierrez votes aye.

Ms. Bass?


Mr. Richmond?

[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

Mr. Cicilline. Aye.
Ms. Adcock. Mr. Cicilline votes aye.

Mr. Swalwell?

[No response.]

Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?

[No response.]

Ms. Jayapal?


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

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

Mr. Poe. No.

Ms. Adcock. Mr. Poe votes no.

Chairman Goodlatte. The gentlewoman from Alabama?

Mrs. Roby. No.

Ms. Adcock. Mrs. Roby votes no.

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

Ms. Adcock. Mr. Chairman, 12 members voted aye; 19 members voted no.

Chairman Goodlatte. And the amendment is not agreed
to. Are there further amendments to the amendment in the nature of a substitute?

The question is on the amendment in the nature of a substitute.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment in the nature of a substitute is agreed to.

A reporting quorum being present, the question is on the motion to report the bill H.R. 391 as amended favorably to the House.

Those in favor will respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it and the bill is --

Ms. Lofgren. Can we have a recorded vote, Mr. Chairman?

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Adcock. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?
[No response.]

Mr. Chabot?

Mr. Chabot. Aye.

Ms. Adcock. Mr. Chabot votes aye.

Mr. Issa?

Mr. Issa. Aye.

Ms. Adcock. Mr. Issa votes aye.

Mr. King?

Mr. King. Aye.

Ms. Adcock. Mr. King votes aye.

Mr. Franks?

Mr. Franks. Aye.

Ms. Adcock. Mr. Franks votes aye.

Mr. Gohmert?

Mr. Gohmert. Aye.

Ms. Adcock. Mr. Gohmert votes aye.

Mr. Jordan?

Mr. Jordan. Yes.

Ms. Adcock. Mr. Jordan votes yes.

Mr. Poe?

Mr. Poe. Yes.

Ms. Adcock. Mr. Poe votes yes.

Mr. Marino?

Mr. Marino. Yes.

Ms. Adcock. Mr. Marino votes yes.
Mr. Gowdy?
[No response.]
Mr. Labrador?
Mr. Labrador. Yes.
Ms. Adcock. Mr. Labrador votes yes.
Mr. Farenthold?
[No response.]
Mr. Collins?
Mr. Collins. Yes.
Ms. Adcock. Mr. Collins votes yes.
Mr. DeSantis?
Mr. DeSantis. Aye.
Ms. Adcock. Mr. DeSantis votes aye.
Mr. Buck?
[No response.]
Mr. Ratcliffe?
Mr. Ratcliffe. Yes.
Ms. Adcock. Mr. Ratcliffe votes yes.
Mrs. Roby?
Mrs. Roby. Aye.
Ms. Adcock. Mrs. Roby votes aye.
Mr. Gaetz?
Mr. Gaetz. Aye.
Ms. Adcock. Mr. Gaetz votes aye.
Mr. Johnson of Louisiana?
Mr. Johnson of Louisiana. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Biggs?

Mr. Biggs. Aye.

Ms. Adcock. Mr. Biggs votes aye.

Mr. Rutherford?

Mr. Rutherford. Aye.

Ms. Adcock. Mr. Rutherford votes aye.

Mrs. Handel?

Mrs. Handel. Aye.

Ms. Adcock. Mrs. Handel votes aye.

Mr. Conyers?

Mr. Conyers. No.

Ms. Adcock. Mr. Conyers votes no.

Mr. Nadler?

Mr. Nadler. No.

Ms. Adcock. Mr. Nadler votes no.

Ms. Lofgren?

Ms. Lofgren. No.

Ms. Adcock. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. Jackson Lee. No.

Ms. Adcock. Ms. Jackson Lee votes no.

Mr. Cohen?

Mr. Cohen. No.
Ms. Adcock. Mr. Cohen votes no.

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Deutch?

[No response.]

Mr. Gutierrez?

Mr. Gutierrez. No.

Ms. Adcock. Mr. Gutierrez votes no.

Ms. Bass?

[No response.]

Mr. Richmond?

[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

Mr. Cicilline. No.

Ms. Adcock. Mr. Cicilline votes no.

Mr. Swalwell?

[No response.]

Ms. Adcock. Mr. Lieu?

Mr. Lieu. No.

Ms. Adcock. Mr. Lieu votes no.

Mr. Raskin?

[No response.]
Ms. Adcock. Ms. Jayapal?

Ms. Jayapal. No.


Mr. Schneider?

Mr. Schneider. No.

Ms. Adcock. Mr. Schneider votes no.

Chairman Goodlatte. Has every member voted who wishes to vote? Is the gentleman from Texas, Mr. Poe, recorded?

The clerk will report.

Ms. Adcock. Mr. Chairman, 19 members voted aye; 11 members voted no.

Chairman Goodlatte. The ayes have it, and the bill, as amended, is ordered reported favorably to the House.

Members will have 2 days to submit views.

Without objection, the bill will be reported as a single amendment in the nature of a substitute, incorporating all adopted amendments, and staff is authorized to make technical and conforming changes.

Pursuant to notice, I now call up House Resolution 446 for purposes of markup. The clerk will report the resolution.

Ms. Adcock. House Resolution 446, of inquiry requesting the President and directing the Attorney General to transmit, respectively, certain documents to the House of Representatives relating to the removal of former Federal
Bureau of Investigation Director James Comey.

[The bill follows:]

********** INSERT 3 **********
Chairman Goodlatte. Without objection, the resolution is considered as read and open for amendment at any time. I recognize myself for an opening statement.

Today we will consider the fourth resolution of inquiry that has been referred to the Judiciary Committee this Congress. Pursuant to rule 13 of the Rules of the House of Representatives, the committee must act on this resolution within 14 legislative days of its introduction, or we could be discharged from our referral.

Accordingly, we have scheduled the resolution for markup today in order to preserve our referral. By scheduling this resolution for consideration in committee, we are following what has been the practice in the House for the last 30 years, regardless of which party has been in control. In that time, over 75 resolutions of inquiry have been introduced in the House. Of those, only 2 were considered on the House floor, but even those 2 resolutions were marked up in committee.

I believe that so few resolutions of inquiry are considered on the House floor because they have no effect on the executive branch’s obligation to produce documents to Congress. Resolutions of inquiry are not subpoenas. Rather, resolutions of inquiry, if acted upon by the House, have no greater legal force or effect than sending the Attorney General or the President a letter requesting this
The difference, though, is that sending a letter would not monopolize the committee’s time. And when appropriate, this committee has proven itself willing and able to seek information from Federal agencies. Last week, every Judiciary Committee Republican joined in a letter to the Attorney General seeking responses to inquiries that have gone unanswered by the previous administration. That is an appropriate use of the committee’s oversight authority. This resolution is not.

This resolution requests the President and directs the Attorney General to transmit any documents, recordings, or other communications in their possession relating to the removal of Director Comey. Each of the separate requests in the proposed resolution relates to the circumstances surrounding the removal of Director Comey, including Attorney General Jeff Sessions’ recusal and testimony on the subject.

As legal commentary following Comey’s ouster showed in near-uniform agreement, it is directly within the President’s constitutional authority to fire a subordinate, which, of course, means everyone in the executive branch. The President’s oath under the Constitution to faithfully execute the office of the President of the United States would mean nothing if those serving at his pleasure declined
to carry out lawful Presidential directives or act in a manner that fails to conform to standards expected of political appointees.

Deputy Attorney General Rosenstein’s reasoning for recommending Mr. Comey’s termination is, therefore, not to be discounted. Rosenstein specifically cited Comey’s improper action to, “Usurp the Attorney General’s authority,” in infamously taking on the role of prosecutor, judge, and jury, rather than his sole responsibility as investigator, when claiming that, “No reasonable prosecutor would bring such a case,” against Hillary Clinton, despite actions by Clinton and her associates that Mr. Comey characterized as extremely careless in their handling of very sensitive, highly classified information.

One can just as legitimately argue that it was President Trump’s responsibility to fire an FBI Director who had clearly transgressed beyond his statutory role as investigator, in order to preserve our system of justice, which allows for prosecutorial discretion. This resolution seems to be just one more opportunity for my colleagues on the other side of the aisle to vicariously voice Hillary Clinton’s long and growing list for reasons why she lost the election.

In fact, just this past weekend, Senate Minority Leader Chuck Schumer’s comments highlight how Democrats on this
committee continue to seek, in Senator Schumer’s words, to, “Blame other things, Comey, comma, Russia,” rather than the more appropriate and constructive response recommended by Mr. Schumer, to, “blame yourself.”

So instead of soul searching to understand how they lost the election, including overwhelming losses throughout State legislatures, Democrats now fall back on the oldest trick in the book: the blame game. It is unfortunate for them that President Trump’s action in firing Mr. Comey was and is on solid statutory and constitutional grounds.

Notwithstanding the President’s authority, as my colleagues all know, Special Counsel Robert Mueller is currently engaged in an investigation into, “Any links and/or coordination between the Russian Government and individuals associated with the campaign of President Donald Trump any matters that arise or may arise directly from the investigation and any other matters within the scope,” of the special counsel regulations.

While it is highly questionable whether this directive is broad enough to include the President’s firing of Mr. Comey, the investigation of Russian influence on the 2016 election appears to be in full swing. So it is difficult to understand how the President’s firing of Mr. Comey and, importantly, swift nomination of a replacement for FBI Director Christopher Ray has, in any way, hampered any
investigation. Until Mr. Mueller’s investigation is complete, it is redundant for the House of Representatives to engage in fact-gathering on many of the same issues he is investigating.

There is no salient reason for this committee to become the sixth entity that is using taxpayer dollars to investigate the Trump campaign’s connections, or lack thereof, to the Russian Government. My friends on the other side of the aisle know all of this as well. When there was clear evidence, which there is not in this situation, that former Secretary Clinton broke the law, this committee did the responsible thing and allowed the FBI to complete its investigation without interference.

Now that we have a Republican President, my friends on the other side of the aisle suddenly have a problem with allowing the investigation to proceed without political interference. As with the previous resolutions of inquiry, this is simply an attempt by the minority to have it both ways: a special counsel to investigate whether there was any criminality involved in the Trump campaign’s alleged ties to Russia, and a congressional investigation, so they can score political points against this administration on that front. This committee must not enable that. I urge my colleagues to vote to report this resolution unfavorably.

[The prepared statement of Chairman Goodlatte follows:]
********** COMMITTEE INSERT **********
Chairman Goodlatte. The chair is pleased to recognize the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Mr. Chairman. And members of the committee, House Resolution 446, offered by the gentlewoman from Washington, Ms. Jayapal, and the gentleman from Rhode Island, Mr. Cicilline, is an important measure. I support it and urge my colleagues to do the same. The resolution seeks information about the administration of the Department of Justice, at a time when the Attorney General is under direct attack by the President, and the President has openly encouraged the Department to pursue a criminal investigation of his political enemies.

Whatever we think about the political views of Attorney General Sessions, this conduct is not right. It is not normal, and it deserves the immediate attention of this Committee. That is why, Mr. Chairman, my colleagues and I wrote to you last Thursday, requesting hearings with Attorney General Jeff Sessions, Deputy Attorney Rob Rosenstein, and acting FBI Director Andrew McCabe. Without objection, I ask that that letter be placed into the record.

Chairman Goodlatte. Without objection, the letter will be made part of the record.

[The information follows:]
7022 ********** COMMITTEE INSERT **********
Mr. Conyers. Thank you, sir. That list of leaders at
the Department of Justice may be familiar to you, Mr.
Chairman. As we transmitted our letter to you, we learned
that the President had questioned the credibility of each of
these officials in his interview with the New York Times.
Without objection, I ask that a transcript of that interview
be placed in the record as well.
Chairman Goodlatte. Without objection, it will be made
part of the record.
[The information follows:]

********** COMMITTEE INSERT **********
Mr. Conyers. Now let me say something that may surprise you, Mr. Chairman. I agree that a resolution of inquiry is not the most effective tool for conducting oversight of the executive branch. As you have observed, resolutions of inquiry, if acted upon by the House, have no greater legal force or effect than sending the Attorney General or the President a letter requesting this information.

Our problem, Mr. Chairman, is that the majority will not allow us to even take this modest step. We have sent letters to the Attorney General and the President requesting this information; more than a dozen combined to the Department of Justice and the White House. And we have sent letters to you, Mr. Chairman, four so far, calling for hearings on matters that, in ordinary times, would command the attention of this committee, no matter which party held power.

But we have received no response from the administration, Mr. Chairman, and we have received no response from you, sir. I appreciate your reaching out to me yesterday and offering to schedule briefings with the special counsel and the Deputy Attorney General. That offer is a necessary step in the right direction, but it is certainly not sufficient if we are to fulfill our responsibilities here.
This committee has not held a single hearing on events that have the public openly speculating about the line of succession at the Department of Justice. President Trump fired the Director of the FBI because he did not like an ongoing criminal investigation. In his words, regardless of the recommendation he received from the Attorney General and the Deputy Attorney General, he was going to fire Director Comey because of, “This Russia thing with Trump and Russia.”

The President is open about attempting to undermine that investigation now that it is in the hands of the special counsel. He takes to Twitter to question the integrity of career prosecutors of both parties. He has plunged the Department of Justice into crisis after crisis. Our committee has sat on the sidelines through it all, so what choice do we have but to call this resolution of inquiry before the committee? How else are we to remind the majority that we have a responsibility to protect the institutions that are trusted to our oversight?

The resolution before us today will help us get at the precise scope of the Attorney General’s recusal from matters related to the Presidential campaigns. It will also help us to understand whether the Attorney General has applied that recusal consistently to matters outside the special counsel’s investigation, and why he felt that he could participate in the removal of Director Comey despite that
action’s direct connections to the campaigns.

We must have that information in order to do our jobs. And we must do our jobs, Mr. Chairman. As we wrote in our last letter to you, “We believe that our failing to act now will allow others to inflict lasting damage to the Department of Justice. It will also inflict lasting damages to our committee, which has in years past, under the leadership of chairmen of both parties, rarely shied away from providing meaningful oversight of the Department and its component agencies.” I urge this committee to please act and to support the resolution before us today. I thank you, Mr. Chairman, and I yield back.

[The prepared statement of Mr. Conyers follows:]

*********** COMMITTEE INSERT ***********
Chairman Goodlatte. Thank you, Mr. Conyers. I recognize myself for purposes of offering an amendment in the nature of a substitute. The clerk will report the amendment.

Ms. Adcock. Amendment in the nature of a substitute to H. Res. 446, offered by Mr. Goodlatte of Virginia. Strike all that follows after --

[The amendment of Chairman Goodlatte follows:]

********** INSERT 4 **********
Chairman Goodlatte. Without objection, the amendment will be considered as read, and I will recognize myself to explain the amendment. I am offering this substitute amendment to House Resolution 446.

Ms. Lofgren. Mr. Chairman, we do not have an amendment. Is it in the packet?

Chairman Goodlatte. I will start again. I am offering this substitute amendment to House Resolution 446 for 2 reasons. First, it makes a small change to clause 1 of the introduced version of the resolution, to make that clause consistent with clauses 2 and 4, and it adds a missing comma in clause 6.

Second, offering this substitute amendment preserves the majority’s ability to ensure that the markup of this resolution proceeds smoothly and without dilatory tactics. Under the Rules of the House, prior to conclusion of debate, a previous question can only be moved in order to proceed immediately to a vote on an amendment. By offering a substitute amendment today, the majority is reserving the right to exercise this procedural motion.

Let me be clear. I do not believe that we will need to exercise this procedural motion. I intend to give members sufficient time to debate this resolution. However, offering this substitute preserves the ability to exercise this motion should the need arise. I ask members to support
this substitute, and I recognize the gentlewoman from Washington for any comments she may have on the amendment.

Ms. Jayapal. Thank you, Mr. Chairman. For 6 months, we have watched as the Trump administration’s actions have raised grave concerns about constitutional government in the United States, from concerns about his financial conflicts of interests, to collusion with a foreign government, to obstruction of justice. Meanwhile, this committee, the House Judiciary Committee, has failed to assert any oversight authority.

The website for this committee states that the committee functions as, “The lawyer for the House of Representatives.” Well, Mr. Chairman, with due respect, if that is so, then we should fire our lawyer because this committee has refused to have a single hearing on any of the critical issues that have emerged in the past 6 months, even as our counterparts in the Senate Judiciary Committee and the House and Senate Intelligence Committees have put country over party and have refused to step away from their essential roles.

Congressman Cicilline and I introduced this resolution of inquiry to get to the facts. Did the President obstruct justice by firing FBI Director James Comey? Are tapes being made of the conversations within the White House? And what was the potential collusion with Russia within the Trump
administration?

The intelligence community agrees that Russia interfered with our election. Now the question is, what role did the Trump campaign play in potentially colluding with Russia to undermine our Democracy? The answers become even more grave when we consider former campaign officials who are now at the highest levels of our government: Attorney General Jeff Sessions, our Nation’s top law enforcement officer, and Jared Kushner, a senior advisor to the President. This committee must get to the bottom of these questions.

We know that the Attorney General failed to disclose meeting with the Russian Government in testimony before Congress. He also failed to disclose contacts with foreign governments on his security clearance application, which is blank, calling into question whether he should even have a security clearance. And last Friday, we learned that the Attorney General discussed campaign-related matters, including policy issues important to the Kremlin, with the Russian ambassador during meetings that the Attorney General claimed not to have had.

Ironically, the President is now undermining his own Attorney General with every tweet and potentially threatening to fire him. If he does, it will not be for any of the reasons that this resolution raises, but rather
because Mr. Sessions recused himself from overseeing the
Russian investigation. This President is on a path of grave
peril, questioning the loyalty of and threatening to fire
anyone who investigates him.

We have written, Mr. Chairman, to the Justice
Department 13 times, requesting information on matters
related to Mr. Comey’s firing, conflicts of interest, the
Russia investigation, and have received no response. On the
Senate side, Chairman Grassley sent a letter rebuking this
position, and reiterating the need for Federal agencies to
be responsive to all members of Congress, regardless of
party. Unfortunately, on the House side, we have seen no
such thing. This committee has relinquished any authority
over these issues, which are a critical part of the
committee’s jurisdiction.

Mr. Chairman, on February 28th, the committee
considered H. Res. 111, which examined the President’s
conflicts of interest, potential ethics violations, and
Russia ties. Every single Republican member of this
committee voted against it. On March 29th, we considered H.
Res. 184 to compel the President and Attorney General to
provide all information concerning his interactions with
Russian operatives. For a second time, every single
Republican member rejected that resolution.

And Mr. Chairman, with respect, each time, you have
stated that our resolutions have been, in your word, premature. Mr. Chairman, when will it not be premature? What are we waiting for? If the President fires his Attorney General because he did not recuse himself from proclaiming loyalty to the President, would that be premature? Just last weekend, the President stated that he has, “Complete power to pardon himself and his family members and aides.”

Mr. Chairman, if the President pardons himself and his family, will this committee’s role to investigate be premature? What exactly are we waiting for? Your Republican colleagues in the Senate do not think any of this is premature, and neither should we in the House. The integrity of our Democracy is at stake. Every time this committee refuses to conduct oversight and rejects these resolutions, we are enabling a cover-up and enabling a potential flouting of our laws.

We have a President who appears to believe that he and his associates are beyond accountability and oversight. Mr. Chairman, history looks kindly on those who stand up to the abuses of power. Tomorrow, July 27th, marks the 43rd anniversary of the crucial vote that happened in this very committee, when the House Judiciary Committee approved its first article of impeachment, charging President Nixon with obstruction of justice. At that time, 6 of the committee’s
17 Republicans joined all 21 Democrats in voting for the article.

We are not at that place, Mr. Chairman, but this committee has refused to even have a single hearing on these issues. Every member of this committee should want to be able to look themselves in the eye and say they did everything they could to protect the future of our children and grandchildren to have a Democracy. Let us follow the example of the Senate and House Intelligence Committees and the Senate Judiciary Committee, who are all taking action on the Trump-Russia matter. I urge my colleagues to support this resolution, so that we can finally get to the truth. The American people deserve nothing less. I yield back.

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

Mr. Gaetz. Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Jayapal. Mr. Chairman, I reserve --

Mr. Cicilline. Mr. Chairman, reserving a point of order.

Chairman Goodlatte. Point of order has been reserved.

Mr. Cicilline. Mr. Chairman, point of parliamentary inquiry: is there not an amendment currently pending before
the committee that we have not voted on?
Chairman Goodlatte. Well, that is the amendment in the nature of a substitute, and it is open for amendment, just like it was on the last.
Mr. Cicilline. Okay.
Ms. Jayapal. Mr. Chairman, was my point of order reserved? I was not sure who you were referring to.
Chairman Goodlatte. Point of order has been reserved. I think it is only necessary to have one.
Ms. Jayapal. Thank you.
Chairman Goodlatte. The Clerk will report the amendment.
Ms. Adcock. Substitute for the amendment in the nature of a substitute to H. Res. 446, offered by Mr. Gaetz of Florida. Strike all that follows.
[The amendment of Mr. Gaetz follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read, and the gentleman is recognized for 5 minutes on his amendment.

Mr. Gaetz. Mr. Chairman, my legislation, in the form of this amendment, calls for a special counsel to investigate the real crimes, harmful lies, and the undermining of American security by the prior administration. Just because Hillary Clinton lost the last election does not mean we should forget or forgive conduct that is likely criminal.

The 2016 election was a rule of law election. Voters want real criminals who have harmed our Nation locked up. Susan Rice’s unmasking of members of the Trump transition team is a serious matter for which there has been no accountability yet. Loretta Lynch directed James Comey to call the Clinton email scandal a matter and not an investigation. We need to know why the Attorney General of the United States directed the FBI Director to lie to the American people.

While on the subject of the improper conduct of Loretta Lynch, what in the world was she doing on a private jet at the Phoenix airport talking to Bill Clinton while she was supposed be investigating his wife? This is somewhere on the continuum between unethical and illegal, and we need an investigation of Tarmac-gate. We need to know why the Obama
administration gave immunity deals to potential Hillary Clinton co-conspirators.

Think about that: giving immunity to people who potentially worked with Hillary Clinton to break the law.

Let us get to the bottom of the Clinton Foundation. Cash was flowing to the Clinton Foundation while the Uranium One deal was at work. That is real collusion that threatens American’s security.

I do suspect that there was Russia collusion in the 2016 election. But the only actual evidence of that collusion is tied to Fusion GPS, a company that was creating fake dossiers on then-candidate Trump and spreading them both before and after the election to undermine his legitimate Presidency. Now, Federal statute 600.1 outlines the criteria for special counsel. It says that there must be a conflict of interest or extraordinary circumstances and that a special counsel must be in the public interest.

The Department of Justice has an obvious conflict investigating the immediate past Attorney General and FBI Director. Currently, Department of Justice officials may have been involved in the very immunity deals or the implementation of Lynch or Comey directives that would need to be investigated. Moreover, these are extraordinary circumstances, where the prior administration was prioritizing politics over the law. As for the public
interest, if it is in the public interest to investigate the Trump administration, it is most certainly in the public interest to investigate the real crimes by the real criminals.

Mr. Chairman, prior to proceeding, I would like to make a point of parliamentary inquiry and inquire as to the potential germanity of this amendment. Given the privileged nature of the resolution, I would yield to the chairman for response.

Chairman Goodlatte. I thank the gentleman for yielding. I like the spirit of his amendment, and I think it is very well-intentioned. However, counsel for the committee has consulted with the House Parliamentarian and been advised that the amendment is not germane to the resolution.

In consultation with the committee’s Parliamentarian, that is the same conclusion that we have reached: that it is not germane. However, because I agree with the desire of the gentleman to see that these matters are properly investigated, I have prepared a very detailed letter that sets forth the basis for asking the Department of Justice to appoint a special counsel, and I would invite the gentleman to join me in signing that letter.

Mr. Cicilline. Mr. Chairman?

Mr. Gaetz. Reclaiming my time; therefore, Mr.
Chairman, I agree. I will join you in signing a letter to call for a special counsel to investigate these potential crimes in the prior administration, and at this time, I would like to withdraw the amendment, and I have another amendment at the desk.

Mr. Cicilline. Mr. Chairman?

Chairman Goodlatte. The gentleman has another amendment at the desk. The clerk will report the amendment.

Mr. Cicilline. Mr. Chairman, could I just inquire about the --

Ms. Jackson Lee. I would like to strike the last word, Mr. Chairman.

Chairman Goodlatte. Not until the gentleman’s time has expired, and he is going to introduce another amendment.

Ms. Jackson Lee. Well, he is almost expiring.

Chairman Goodlatte. Well, we may give him more time.

Mr. Gaetz. Mr. Chairman, I would like to withdraw the first amendment.

Mr. Cicilline. Will the gentleman yield for a moment?

Chairman Goodlatte. No, the clerk will report the amendment.

Mr. Cicilline. I am asking Mr. Gaetz, Mr. Chairman, not you. He has the controlling of time.

Chairman Goodlatte. Well, let us report the amendment, and then you can ask him any question you want, if he yields
Mr. Cicilline. That is what I am trying to avoid.

Point of parliamentary inquiry: if Mr. Gaetz were to yield to me, can I offer my amendment?

Chairman Goodlatte. No.

Mr. Gaetz. Mr. Chairman, I do not yield to Mr. Cicilline until I have the opportunity to offer my second amendment, at which point I will be more than eager to yield to Mr. Cicilline.

Mr. Cicilline. Point of parliamentary inquiry, Mr. Chairman. Is it not a Democrat’s opportunity now to offer an amendment? You just had one, two from the Republicans; are we entitled to offer an amendment?

Chairman Goodlatte. It was withdrawn.

Mr. Cicilline. No, but you had your amendment, Mr. Chairman, and now he has offered an amendment. It is now the opportunity for Democrats to offer an amendment.

Chairman Goodlatte. The clerk will report the amendment of the gentleman from Florida.

Ms. Adcock. Substitute for the amendment in the nature of a substitute to H. Res. 446, offered by Mr. Gaetz of Florida. Strike all that follows after the resolving pause.

[The amendment of Mr. Gaetz follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read, and the gentleman is recognized on his.

Ms. Jayapal. I object.

Chairman Goodlatte. An objection has been heard.

Ms. Jayapal. Could I ask for the whole amendment to be read, please, Mr. Chairman?


Ms. Jayapal. It is story time at the Judiciary Committee.

Chairman Goodlatte. We will ask to report. The clerk will read the amendment.

Ms. Adcock. That it is the sense of the House of Representatives that a special counsel should be appointed -

Ms. Jackson Lee. Reserve a point of order.

Ms. Adcock. -- by the Attorney General or his designee to investigate the following. Then-Attorney General Loretta Lynch directing James B. Comey to mislead the American people by stating --

Chairman Goodlatte. Will the clerk suspend? Is she reading the correct --

Mr. Gaetz. Mr. Chairman, am I recognized?

Chairman Goodlatte. Yes.
Mr. Gaetz. Mr. Chairman, the second amendment that I have begins, “That the President has requested the Attorney General of the United States.”

Chairman Goodlatte. The clerk will read that amendment. The clerk will proceed.

Ms. Adcock. That the President is requested, and the Attorney General of the United States is directed, to transmit, respectively, in a manner appropriate to classified information if the President or Attorney General determines appropriate to the House of Representatives not later than 60 days after the date of the adoption of this resolution copies of any document, record, audio recording, memo, correspondence, or other communication in their possessions or any portion of any such communication that refers or relates to the firing of James B. Comey in the following respects: then--Attorney General Loretta Lynch directing James B. Comey to mislead the American people by stating that he should refer to the investigation --

Mr. Gaetz. Mr. Chairman, I move that the amendment be considered as read.

Ms. Jackson Lee. No, you are late. Object.

Chairman Goodlatte. What is the objection?

Ms. Jackson Lee. We want it read.

Chairman Goodlatte. Great. Continue reading.

Ms. Adcock. -- by stating that he should refer to the
investigation into the mishandling of classified data and use of an unauthorized email server by former Secretary of State Hillary Clinton as a matter, rather than a criminal investigation; leaks by James B. Comey to Columbia University Law Professor Daniel Richmond regarding conversations had between President Donald Trump and then-FBI Director James B Comey; and how the leaked information was purposely released to lead to the appointment of a special counsel, Robert Mueller, a longtime friend of James Comey.

The propriety and consequence of immunity deals given to possible Hillary Clinton co-conspirators, Cheryl Mills, Heather Samuelson, John Bentel, and potentially others by the Federal Bureau of Investigation during the criminal investigation James B. Comey led into Hillary Clinton's misconduct; the decision by James B. Comey to usurp the authority of then-Attorney General Loretta Lynch in his unusual announcement that criminal charges would not be brought against Hillary Clinton following her unlawful use of a private email server and mishandling of classified information.

James B. Comey’s knowledge and impressions of any ex parte conversation between then-Attorney General Loretta Lynch and former President Bill Clinton on June 27, 2016, at a Phoenix airport on a private jet; James B. Comey’s
knowledge of the company Fusion GPS, including its creation of a dossier of information about Mr. Donald J. Trump, that dossier’s commission and dissemination in the months before and after the 2016 Presidential election, and the intelligence sources of Fusion GPS or any person or company working for Fusion GPS or its affiliates; any and all potential leaks originated by James B. Comey and provided to Author Michael Schmidt, dating back 1993.

James B. Comey’s knowledge of the purchase of a majority stake in the company Uranium One by the company Rosatum; whether the approval of the sale was connected to any donations made by the Clinton Foundation; what role then-Secretary of State Hillary Clinton played in the approval of that sale; and whether the sale could have affected the national security of the United States of America. James B. Comey’s refusal to investigate then-Secretary of State Hillary Clinton, regarding selling access to U.S. State Department through Clinton Foundation donations; Huma Abedin's dual employment at the State Department and the Clinton Foundation simultaneously; or utilization of the State Department to further paid speaking opportunities for her husband.

Any collusion between former FBI director James B. Comey and Special Counsel Robert Mueller, including the information James B. Comey admitted to leaking to the
Columbia University law professor being intentional, such that a special counsel, his longtime friend Robert Mueller, would be appointed to lead the investigation against the Trump administration, and any communication between Robert Mueller and James B. Comey in advance of the Senate Intelligence Committee hearing.

Whether James B. Comey had any knowledge of efforts made by any Federal agency to monitor communications of then-candidate Donald Trump; to assess any knowledge by James B. Comey about the unmasking of individuals on Donald Trump's campaign team, transition team, or both; to assess the role that former National Security Adviser Susan Rice played in the unmasking of these individuals or to reveal the purpose served by masking any individual or individuals serving on the staff of then-candidate Donald Trump, or the dissemination of unredacted information to various intelligence agencies and any attempts to use surveillance of then-candidate Donald Trump for the purposes of damaging the credibility of his campaign, his Presidency, or both.

Chairman Goodlatte. Does the gentlewoman from Washington seek to reserve a point of order?


Chairman Goodlatte. A point of order has been reserved. The gentleman from Florida is recognized on his amendment.
Mr. Gaetz. I thank the chairman, and given the amendment’s thorough reading, I doubt a detailed explanation is necessary. I would yield to the gentleman from Rhode Island as I had promised, but I see he has stepped out for a moment and so I yield -- oh, is he there? No? Very well. I yield back, Mr. Chairman.

Chairman Goodlatte. Does the gentlewoman wish to be heard on her point of order?

Ms. Jayapal. I do, Mr. Chairman.

Chairman Goodlatte. The gentlewoman is recognized.

Ms. Jayapal. Thank you, Mr. Chairman. This amendment is not germane. First, it addresses an entirely different subject matter. The underlying resolution seeks information about the scope of the Attorney General's recusal, the President's decision to fire director James Comey, and the President's claim that he recorded his conversations with Director Comey. These matters relate to current government officials and agencies that fall into our jurisdiction. The amendment, however, relates to a long list of former government officials.

James Comey’s current state of mind, his “purpose” for transmitting his notes to another private citizen, his current, “Knowledge and impressions” of any conversations between Attorney General Lynch and President Clinton, and his knowledge of Fusion GPS are entirely beyond the subject
matter of this resolution and probably our jurisdiction, as well.

Second, Mr. Chairman, the amendment would render the resolution not privileged. Under House rules and precedence of this committee, that also makes the amendment not germane. In order to enjoy its privileged status, a resolution of inquiry must call for facts, rather than opinions, and cannot require the government to undertake a new investigation. We asked the House Parliamentarian to review our resolution and we worked with them to reach language that they believe meets both of those tests.

This amendment that is offered here asks for opinions. For example, whether the sale could have affected the national security of the United States of America, and it requires the government to open several new investigations to determine James Comey’s current state of mind, for example, and to root out a completely unsubstantiated theory that Mr. Comey and the special counsel are somehow in cahoots. And it asks for investigations, for example, any and all potential leaks by James Comey. This both changes the nature of the resolution, and it breaks its privilege.

In 1998, the chairman of this committee set a precedent, “To a privileged resolution of impeachment, an amendment proposing, instead, censure, which is not privileged, was held not germane.” That precedent applies
here. An amendment that makes the underlying privileged resolution not privileged is not germane.

Nevertheless, Mr. Chairman, I am willing to withdraw my point of order if the sponsors of this amendment can agree to a friendly amendment in turn. My colleagues are as entitled to their oversight prerogatives as I am to mine, so if my colleagues are willing to add these points that are in your amendment to our resolution, rather than substitute your questions for hours, then I will withdraw my point of order, and I will look forward to their support for the underlying resolution.

Chairman Goodlatte. Does the gentleman from Florida seek to be heard on the point of order?

Mr. Gaetz. I do, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized.

Mr. Gaetz. Thank you, Mr. Chairman, and I will respectfully decline the gentlelady's offer. There is already a special counsel reviewing the conduct of the Trump administration. I think what the American people want to see and what I suspect a majority of this committee will want to see is, ultimately, evidence produced to us and then the subsequent appointment of a special counsel to ensure that the real criminals are held accountable for their conduct that has undermined the country.

I will now speak to the specific germanity points, and
I would like to begin on the matter of privilege. My language only impacts those documents which currently exist, and so there is no requirement under the language that I have produced for a new investigation to be undertaken or for new documents to be generated. If there are not documents responsive to the request made, that will simply be the response that the committee receives, and thus, the privilege is not impaired and the amendment would be germane.

As to whether or not the amendment expands the scope of the matter at hand, the gentlelady from Washington's amendment seek to find information regarding the firing of James Comey, and my substitute amendment seeks information regarding the firing of James Comey. We simply have a more detailed and, I would say, more focused approach to what might be those things that Mr. Comey was fired about. And what is interesting about Mr. Comey’s service is that that service did not solely occur under the Presidency of Donald Trump.

Mr. Comey was Director of the FBI under the prior administration, and Mr. Trump has publicly stated, I should say President Trump, has publicly stated that Mr. Comey was fired not just as a consequence of his conduct during the Trump administration, but as a consequence of his conduct under the Obama administration. This is not a view uniquely
held by Mr. Trump. It is a view held by many Democrats, something that was certainly illuminated during the chairman's opening statement.

And so, if there is an amendment that seeks information regarding Mr. Comey’s firing, it is entirely within the scope of that amendment to determine whether or not Mr. Comey’s refusal to investigate the crimes of the Clinton Foundation, whether Mr. Comey’s observance of the unmasking of members of the Trump transition team, whether Mr. Comey’s potential participation or knowledge of the Fusion GPS matter, where there was active collusion with Russia to undermine Donald Trump, both before and after he was sworn in as President, is entirely within the scope. It is simply more focused and, I would say, Mr. Chairman, more in line with the views of the American people. And I would yield my remaining time. Very well. I yield back.

Chairman Goodlatte. The chair is prepared to rule on the point of order, and the chair --

Mr. Gutierrez. Mr. Chairman, point of order?

Chairman Goodlatte. No, the chair is prepared to rule on the point of order.

Ms. Jackson Lee. We need to speak to the point of order, Mr. Chairman.

Chairman Goodlatte. Both sides have had the opportunity to present their arguments on the point of
order, and the chair is prepared to rule. The chair has --

Mr. Nadler. Point of parliamentary inquiry.

Chairman Goodlatte. The gentleman will state his
parliamentary inquiry.

Mr. Nadler. Is it the intention of the chair to hide
behind the procedure --

Chairman Goodlatte. That is not a parliamentary
inquiry.

Mr. Nadler. It certainly is.

Chairman Goodlatte. No, it is not. The chair is
prepared to rule. The counsel for the committee has
consulted the Parliamentarians on this amendment as well,
and the Parliamentarian has advised the committee, and the
Parliamentarian of the committee has advised the chair that
this amendment is germane.

Who seeks recognition? The gentleman from New York is
recognized for 5 minutes.

Mr. Nadler. What? He has not ruled.

Chairman Goodlatte. I have ruled that the amendment is
germane.

Ms. Jayapal. Mr. Chairman?

Chairman Goodlatte. The gentleman can be recognized on
the amendment.

Ms. Jayapal. I move to appeal the ruling of the chair.

Chairman Goodlatte. The ruling of the chair has been
appealed.

Mr. Chabot. I move to table it.

Chairman Goodlatte. The appeal of the ruling of the chair has been tabled. The question is on the table of the appeal of the ruling of the chair.

All those in favor of tabling, respond by saying aye. Those opposed, no.

In the opinion of the chair, the ayes have it.

Ms. Jayapal. Mr. Chairman, I request a roll call vote.

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Adcock. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

Mr. Chabot. Aye.

Ms. Adcock. Mr. Chabot votes aye.

Mr. Issa?

[No response.]

Mr. King?

Mr. King. Aye.
Mr. King votes aye.

Mr. Franks?

Mr. Franks. Aye.

Ms. Adcock. Mr. Franks votes aye.

Mr. Gohmert?

[No response.]

Mr. Jordan?

Mr. Jordan. Yes.

Ms. Adcock. Mr. Jordan votes yes.

Mr. Poe?

Mr. Poe. Yes.

Ms. Adcock. Mr. Poe votes yes.

Mr. Marino?

Mr. Marino. Yes.

Ms. Adcock. Mr. Marino votes yes.

Mr. Gowdy?

[No response.]

Mr. Labrador?

[No response.]

Mr. Farenthold?

Mr. Farenthold. Yes.

Ms. Adcock. Mr. Farenthold votes yes.

Mr. Collins?

[No response.]

Mr. DeSantis?
Mr. DeSantis. Yes.

Ms. Adcock. Mr. DeSantis votes yes.

Mr. Buck?

[No response.]

Mr. Ratcliffe?

Mr. Ratcliffe. Yes.

Ms. Adcock. Mr. Ratcliffe votes yes.

Mrs. Roby?

[No response.]

Mr. Gaetz?

Mr. Gaetz. Yes.

Ms. Adcock. Mr. Gaetz votes yes.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. Yes.

Ms. Adcock. Mr. Johnson votes yes.

Mr. Biggs?

Mr. Biggs. Aye.

Ms. Adcock. Mr. Biggs votes aye.

Mr. Rutherford?

Mr. Rutherford. Aye.

Ms. Adcock. Mr. Rutherford votes aye.

Mrs. Handel?

Mrs. Handel. Yes.

Ms. Adcock. Mrs. Handel votes yes.

Mr. Conyers?
Mr. Conyers. No.

Ms. Adcock. Mr. Conyers votes no.

Mr. Nadler?

Mr. Nadler. No.

Ms. Adcock. Mr. Nadler votes no.

Ms. Lofgren?

Ms. Lofgren. No.

Ms. Adcock. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. Jackson Lee. No.

Ms. Adcock. Ms. Jackson Lee votes no.

Mr. Cohen?

Mr. Cohen. No.

Ms. Adcock. Mr. Cohen votes no.

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Deutch?

Mr. Deutch. No.

Ms. Adcock. Mr. Deutch votes no.

Mr. Gutierrez?

[No response.]
[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

[No response.]

Mr. Swalwell?

[No response.]

Mr. Lieu?

[No response.]

Mr. Raskin?

[No response.]

Ms. Jayapal?

Ms. Jayapal. No.


Mr. Schneider?

Mr. Schneider. No.

Ms. Adcock. Mr. Schneider votes no.

Chairman Goodlatte. Has every member voted who wishes to vote? The gentleman from Idaho?

Mr. Labrador. Yes.

Chairman Goodlatte. The gentleman from Texas?

Gohmert. Yes.

Chairman Goodlatte. The clerk will report.

Ms. Adcock. Mr. Chairman, 17 members aye; 9 members voted no.
Chairman Goodlatte. And the tabling of the appeal of the ruling of the chair is sustained. Who seeks recognition on the amendment?

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

Mr. Nadler. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Nadler. Mr. Chairman, I oppose this amendment obviously because it hijacks the intent of the resolution of inquiry and goes into entirely different subjects. Now, I mean, if you want to waste the committee's time, frankly, by pursuing rightwing conspiracy theories from the past, okay, as long as you also look at the questions raised in the committee in the resolution of inquiry. But instead, you are shutting off the subjects of the committee of the resolution of inquiry.

Back in February, I introduced the first resolution of inquiry related to Russia's relationship with the Trump campaign and the Trump administration. At the time, the chairman told us it was unnecessary, premature, and not the best way for this committee or the House to conduct oversight over the issues covered by the resolution. We were assured the committee would be conducting significant oversight over the Department of Justice, as well as
Russia's interference in the U.S. election and the possible collusion between the Trump campaign and Russia, but here we are, 5 months later, with what is potentially one of the greatest scandals in American history unfolding in front of our eyes, and this committee has, so far, remained silent.

When Democrats first started raising questions about Russia, we were told by the White House, the Department of Justice, and by Republican members of Congress that there was nothing to the story. We were just conspiracy theorists disappointed with the outcome of the election. But each day, we learn more information that only confirms our earlier suspicions and that raises yet more questions while this committee refuses to act. Just recently, Donald Trump, Junior published an email exchange showing that he actively solicited assistance to the Trump campaign from an unfriendly foreign government, and yet, this committee has been silent.

During his confirmation hearings, then-Senator Sessions flatly denied having any contact with Russian officials; then we learned that he had at least 2 meetings and possibly a third with the Russian ambassador. Then he told us that those meetings were simply in his capacity as a senator and he certainly never discussed anything related to the Trump campaign. Now, we know that this was false, too, and yet, in the face of this ever-changing story from the Attorney
General of the United States, this committee has been silent.

Despite having to recuse himself from the Russia investigation, we learned that Attorney General Sessions was involved in the decision to fire former FBI director James Comey, a decision the President himself said was because of, "This Russia thing with Trump and Russia," and yet the committee has been silent. Being in the majority is about setting priorities for the committee. Unfortunately, last week, the majority showed us where their priorities lie.

On Friday, every Republican member of this committee wrote to Attorney General Sessions to demand responses, not to any issue before us today, but to a number of letters they sent during the last administration. How does our majority choose to use its limited resources? On questions about a low-level fraud investigation submitted to the acting associate AG in 2014, on a letter about a cross-border data flow submitted to the former Deputy Assistant Attorney General in 2015. But our oversight responsibilities did not end on January 20th.

Perhaps Republicans long for a simpler time when there was a different administration, when our biggest concern seemed to be Lois Lerner's emails and when the prospects for stripping healthcare from millions of Americans to finance taxes for the rich were but a distant dream. It is deeply
disappointing that the majority chooses to ignore world events, direct threats to the integrity of the Department of Justice, and the four letters that Democrats in this committee have now sent to the chairman calling for hearings on these matters. Rather than relitigate the past, we should pay attention to what is happening today.

The resolution offered by the gentlelady from Washington did not seek information about last year's campaign or about the Russian Government's actions to subvert our election process. The resolution deals with the functioning of the executive branch, the FBI, and the Department of Justice this year. Right now, the President is attacking and undermining the entire senior leadership of the Department of Justice, not to mention Special Counsel Mueller.

This could be an attempt to lay the foundation of his own Saturday Night Massacre and to try to stop the investigation, the Russia investigation, from advancing. That makes it absolutely critical that we understand exactly how the Comey firing was handled and who was involved. The resolution of inquiry would do just that.

The FBI and the Justice Department are at the heart of the jurisdiction of this committee. The firing of Mr. Comey, the recusal of Attorney General Sessions, the threats by the President aimed at Attorney General Sessions and at
Special Counsel Mueller, the possible obstructions of
justice in all this are all in the oversight jurisdiction of
the Judiciary Committee.

Mr. Mueller’s investigation of possible crimes does
not, as the chairman said at an earlier hearing, that is, I
am disagreeing with what he said, does not, as he said in an
earlier hearing, relieve us of our oversight
responsibilities over the Justice Department, the FBI, and
our justice system in general. The House and Senate
intelligence committees are investigating matters within
their purview. The Senate Judiciary Committee has begun its
own investigation of this matter. We are alone in our
inaction, and there is no excuse for burying our heads in
the sand at this critical moment. I urge the committee to
take our oversight responsibilities seriously and to focus
on the important issues at hand.

This amended resolution deals entirely with the past,
and as I said, if the committee wants to spend its time on
that, fine, but we should not avoid the oversight
responsibility for the attempted subversion of the
Department of Justice now. I urge that we go back and take
the original resolution favorably, whatever we do with the
amended resolution now. I yield back the balance of my
time.

Chairman Goodlatte. The chair recognizes himself in
support of the amendment. I thank the gentleman from Florida for offering this amendment. I agree that many of the items listed in this amendment are things that this committee has great interest in. In fact, last Congress, we sent more than a dozen letters to the Obama Justice Department seeking information about the FBI investigation into Secretary Clinton and related matters. Our efforts were largely ignored by Attorney General Lynch. I share my colleague's desire to determine the extent to which laws were broken during the election by individuals named in this amendment.

We are all well aware, and this is a point my colleagues on the other side of the aisle do not seem to pick up on, there is already a special counsel investigation into the connection between the Trump campaign and the Russian Government. As my colleagues no doubt know, the special counsel regulations require that there be grounds for a criminal investigation. What those grounds are with respect to the current administration is an open question. We simply do not know what Mr. Mueller is investigating or how broad his authority is. There is real concern that this is a fishing expedition.

What we do know, however, is that Mr. Mueller's investigation is limited to matters involving the President's campaign. There is no mandate to look into any
of the very real questions enumerated in this amendment.

There has been no accountability. The previous
administration was simply permitted to run out the clock.

However, I believe strongly that we need these answers. Our
constituents, the American people, deserve to know the
facts, all of them, surrounding the 2016 Presidential
election.

However, the Attorney General has recused himself from
matters related to the 2016 campaign, and the current
special counsel investigation is insufficient to fully
investigate those matters. Consequently, I support the
gentleman's amendment as a way to ensure that this committee
receives information it requested, but was denied.

I plan to make further inquiries to the Deputy Attorney
General, specifically calling upon him to investigate
matters related to the Clinton campaign, its ties to Russia,
and the associated matters listed in this amendment, which
establish the grounds for a criminal investigation. I urge
my colleagues to join me in supporting the gentleman’s
amendment.

Who seeks recognition?

Ms. Jackson Lee. Mr. Chairman?

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

Ms. Jackson Lee. I rise to strike the last word.
Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Jackson Lee. I have indicated throughout the day that I do not attribute to my colleagues, albeit my vigorous disagreement with them, their right to express their views or their opinions, and I stand by that today. And I imagine that is the position that the gentleman from Florida is taking in the offering of this resolution, but it is nothing but a fishing expedition of old, dated, and already decided upon matters that, rather than those of us on this side of the aisle being concerned about spilt milk, it is clearly a bucket of spilt milk.

I would venture to say that there are not many constituents collectively across the United States that would be interviewed that have any concern on what the gentleman has now asked about, none whatsoever. Certainly, my good friends on the other side of the aisle had every opportunity to pass resolutions; they were in charge, to hold hearings, and they did not.

The gentlelady's underlying amendment is a thoughtful resolution of inquiry because it deals with the immediacy of what the American people are now concerned about. I would venture to say that, if one went on the streets of rural America or urban America and asked the question about Russian collusion or the firing of James Comey or the issues
that have been delineated in Ms. Jayapal’s resolution, they
would both understand and say, “I think it is important that
we move forward on getting those answers.”

The gentleman from Virginia, the chairman, indicated
that it is very true that the special counsel's
investigation deals with potential criminal prosecution.
This committee has a responsibility for oversight into the
actions of the Attorney General, which exploded upon us in
the last 3 to 4 days, hearing that the Attorney General
might have had discussions about the campaign with the
Ambassador to the United States from Russia.

All of these point to the necessity of the very
thoughtful resolution that asked the Department of Justice
to provide information regarding the firing of Director
James Comey, participation of Attorney General Sessions, the
scope of the application of Attorney General Sessions’
recusal, the application of Attorney General Sessions’
recusal to the removal of Director Comey. These are
legitimate current issues that need to be addressed.

I would offer, for 6 months, we have watched the Trump
administration make a mockery of our laws and the highest
office in the land. This resolution will force Republicans
to vote on production of evidence relevant to some of the
most egregious actions that have been taken to date, if it
had been addressed in a fair manner. The FBI’s
investigation into potential collusion between Trump and the campaign officials and Russian operatives is an important discussion, but information regarding the Attorney General's action is even more important as our responsibilities of oversight over the Department of Justice.

I would offer to say, however, that, in addition to asking constituents across America what they are most concerned is the orderly running of this country, they might also be familiar with Ike Kaveladze, if I am pronouncing right, a translator, Russian real estate individual; or Natalia, a Russian lawyer; or Jared Kushner; or Paul Manafort; Rinat Akhmetshin, a Russian-American lobbyist; or Donald Trump, Junior, all participants in a meeting that certainly had the ramifications of suggestion of talking about a campaign and colluding with Russia to undermine the 2016 election.

Even separate and standing aside from this great resolution that we have, H. Res. 446, we have never answered those questions, and those questions are rising up among the minds of Americans. I would venture to say that not many people are interested in tarmac visitations, unmasking that have already been answered, emails that have already been said there was nothing there, and a whole list of sore points of people who cannot seem to get enough of people who have served this Nation, either former President William
Jefferson Clinton or Secretary Clinton. I would venture to say that, in this coming election, they will not be on the ballot.

So, to those who are indicating that we are sore losers, let me be very clear. Democrats did not suffer massive losses. Democrats gained House seats; Democrats gained Senate seats; and the Democratic candidate for President won the popular vote by 3 million votes. The question has to be, how did they lose the election? And that is the issue undermining or underlying the resolution is to get to the facts of firing and get to the facts of the issues dealing with Attorney General Sessions.

How was the collusion between the Trump administration and campaign and the Russians to skew the election to one candidate over the other? And in this instance, it is the President of the United States. You do not want to answer those questions, so you offer a déjà vu, already-answered resolution that will now trump a reasonable, thoughtful resolution offered by the gentlelady from Washington, gentleman from Rhode Island, and thoughtful members of the United States Congress Judiciary Committee.

It is a sad state of affairs and unfortunate that we find ourselves in this particular predicament. There lies the resolution that Mr. Cohen offered just a few days ago and my resolution that I am offering that has been
introduced that I hope the way we can put on the agenda that is to avoid or prevent the President from firing the special counsel or abusing the pardon power H. Res. 474. Let's put that on the agenda and have a real debate. I yield back.

Chairman Goodlatte. Time for the gentlewoman has expired. For what purpose does the gentleman from Ohio seek recognition?

Mr. Jordan. Mr. Chairman, to strike the last word, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Jordan. Mr. Chairman, why would the Attorney General tell the FBI Director to call the investigation a matter? Last time I checked he is not Director of the Federal bureau of matters.

Why would the Attorney General meet with the subject of the investigation's husband 3 days before the subject of the investigation is to be interviewed by the FBI? Why would that happen?

Maybe because they wanted Clinton to win the election. Right? We have got all these investigations about Putin's government trying to influence our election. How about the Obama administration's influence on our election? Think about this, you had the Attorney General of the United States tell the FBI Director of the United States, “Go tell
the American public something that is not true," and he did
it. He did it willfully. He did it intentionally. He did
that the direction of the United States Attorney General.

This is the judiciary committee charged with defending
the Constitution, and we have a Justice Department that
knowingly, intentionally, willfully misled the American
public in the middle of a campaign, and we are not going to
ask for these documents, and we are not going to pass a
resolution saying we need a special counsel? Are you
kidding me?

I mean think about that: our Justice Department not
being square with the American people. Comey, it gets
better. I mean, you cannot make this up. It gets better.

Comey gets fired. Then what does he do?

He leaks a government memo through a friend to the New
York Times, and he testified under oath, for what purpose
did he do that? To create momentum for a special counsel to
review and look at the Trump campaign and the Trump issues.
Really? He did that? I mean this is unbelievable. Through
a friend, leaks a document to create momentum. And it is
not just any special counsel; it is his best friend. It is
his predecessor. It is his mentor. It has to be Bob
Mueller. That is where we are at. And we are not going to
pass this resolution? And we are not going to call for a
special? Are you kidding me?
We have to do this. Think about the tarmac. I mean, I applaud the gentleman for bringing this resolution up, bringing this amendment up to the resolution. One thing that we all know that drives our constituents crazy, drives Americans crazy, is this idea that there are now 2 standards of justice: one for us regular people, one for the folks we all get to represent, the 3 quarters of a million people in all our districts. But if your name is Comey, if your name is Lynch, if your name is Clinton, it is a whole different standard.

This is the Judiciary Committee. This is important stuff. This is fundamental stuff. This is exactly the kind of thing we should be focused on, exactly the kind of resolution we should pass, exactly the kind of resolution calling for a special counsel that should pass this committee with the letter and be supported by the full House of Representatives. That is what our constituents talk to us about every single day we are out in our districts talking with them.

That is the kind of action that is needed. And again, I just applaud the gentleman from Florida for having the courage to do what our constituents have been asking us to do, the courage to do what this committee is supposed to be focused on doing. And I would urge everyone to vote yes on this resolution.
Mr. Gaetz. Will the gentleman yield?

Mr. Jordan. I would be happy to yield to the sponsor of the amendment.

Mr. Gaetz. I thank the gentleman for yielding. The gentlelady from Texas said that the American people, they are not really worried about these things that we have discussed. They are not focused on things like the Clinton Foundation functionally selling access to the State Department. They are not worried about uranium reserves potentially changing hands in a mechanism that would hurt American security. They are not worried about unmasking. I would ask the gentleman from Ohio, in his district, has he heard from individuals about those things, and what are his constituents saying about them?

Mr. Jordan. Yes.

Mr. Gaetz. I yield back to the gentleman.

Mr. Jordan. Yes. The simple answer is heck yes. And what they are also worried about is this double standard. It is supposed to be, in this great country, equal treatment under the law.

Ms. Jayapal. Would the gentleman yield?

Mr. Jordan. Equal treatment under the law. That is all we are asking for. That is all we want to investigate. So let's do that.

Ms. Jayapal. Would the gentleman yield?
Mr. Jordan. The gentleman from Texas has asked first; if I have time, I will yield to the gentlelady as well.

Mr. Gohmert. And I would just like to applaud those comments and add there is another name that needs investigation. The regulations are very clear. If there is a witness in an investigation that an attorney in the Justice Department is too close to, he must recuse himself. Bob Mueller is very close friends with Comey. So close Comey actually admitted that he colluded with Mueller about his testimony. What all did they collude about?

I mean, did Comey actually do to Jeff Sessions, did he encourage him to recuse himself the way he did John Ashcroft so he could get his godchild in to be a special prosecutor back when he went after Scooter Libby? There are a lot of questions we need to know. And my time has expired.

Ms. Jayapal. Would the gentleman yield?

Chairman Goodlatte. The time of the gentleman has expired.

Mr. Jordan. Of course I have no time.

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

Mr. Cohen. To strike the last word and --

Chairman Goodlatte. Gentleman is recognized for 5 minutes.

Mr. Cohen. -- [inaudible] what is occurring. This is
the most astonishing moments I have ever experienced in my, now, 11th here in the Judiciary Committee. To take a question concerning the firing of James Comey and turn it into a question about Hillary Clinton, this is unbelievable, sir. The chairman has left the room. Justice has left the room. Commonsense has left the room. A lot has left this room, maybe never entered it.

Now I wanted to ask the chairman: he started off earlier by saying all the Republicans signed a letter and sent it to the Attorney General, asking for his answers to questions that were raised during the previous administration they never got answers to. I wanted to ask him if the issues in this particular resolution were in that letter. And if they were, are they are being answered or not answered already? And I also wanted to ask if he asked a single Democrat to sign onto that letter because he certainly did not ask me, and he did not ask any of the Democrats I have asked. Why is he sending a letter, as chairman of the committee, without asking all members of the committee to join in?

He is making it strictly, totally partisan. And by taking this over, Ms. Jayapal had already said she would be happy to have Mr. Gaetz' issues included in her resolution, so we can ask the Attorney General to answer all these issues, all of these questions. That is what is fair. You
want to answer those questions? I was not wild about uranium and giving it up and whatever happened. I thought there were some issues about the foundation and the Secretary of State’s office. I do not have a problem with those issues being answered. But I think Ms. Jayapal, who started, should have her questions answered too. And that is only fair, not to take over and hijack her resolution to put out some issues that probably were encompassed in the chairman’s letter. But what is fair would be to have all the questions asked for and ask the Attorney General look into them.

You know, the question was asked about, oh, they talk about Russia, but did the Obama administration get involved in this election? There is a big, big difference between Obama getting involved in the election, a partisan election and helping somebody who was part of his administration run for office, and the Russians and Putin getting involved. You all get it totally wrong. It is not about somebody getting involved in the election. When Americans get involved the election, it is okay. When Russia gets involved, we need to be united and be against that. Russia and Putin have --

Mr. Jordan. Will the gentleman yield?

Mr. Cohen. No, sir, I will not. Russia and Putin have no right getting involved in our elections. Never have.
This should be bipartisan, and we should be together on this. Instead, we are divided, and we are bringing up issues from the past election. We need to get answers. America does not need to have Moscow give its imprimatur to actions. There is something afoul in the White House when the President of the United States goes up to Putin and says, “I am honored to meet you.” The mayor of Chicago never went up to Al Capone and said, “I am honored to meet you.” It is, in essence, the same thing.

Mr. Jordan. Will the gentleman yield? Just a question?

Mr. Cohen. No, I do not yield.

Mr. Jordan. Just a question?

Mr. Cohen. Once KGB, always KGB. And you are not honored to meet the man who was the KGB and still is the KGB and who murders his opponents and gets them wiped out, puts them in jail, so they are not eligible to run against him. And the idea of having a joint Kumbaya committee to look into election fraud is absurd. They do not have elections in Russia. They kill or imprison their opponents, and they count the votes. It is not the same.

Mr. Jordan. Will the gentlemen yield for a question?

Mr. Cohen. And there is a question about the FBI standard that, you know, all Republicans signed that letter. And then the chairman said something about this is using
taxpayer dollars. Taxpayer dollars? This probably cost what it cost us to put up 10 people at Mar-a-Lago at government expense when he goes down there. He goes to Ohio the other day, and he says, “Oh, it is great to be here out of the swamp. I love it.” Well, when he is not in Washington at the swamp, he is at the people that own the swamp’s home at Mar-a-Lago. He does not know the swamp. He is the swamp. And the fact is this country is being run into the ground.

Mr. Chabot. [Presiding.] The gentleman will suspend.

Mr. Cohen. Yes, sir.

Mr. Chabot. The gentleman's words, if they have not already crossed the line, I think, are very close to it. So I would urge the gentleman to consider his remarks before he makes any further remarks.

Mr. Cohen. Thank you, sir. I appreciate it. It is very difficult, with our rules, about not saying things about the President and speaking the truth and asking about the truth, and it is a hard place. The truth is an offense and libel action, but I am not sure what the situation is here. I yield back the balance of my time.

Mr. Chabot. The gentleman's time has expired. The gentleman from Arizona, Mr. Biggs, is recognized for 5 minutes.

Mr. Biggs. I move to strike the last word. Thank you,
Mr. Chairman, and I support the Gaetz amendment. I am very pleased to do so. I think it is on the right track. It is what we should have been doing. And I want you to know, in my district, my constituents say, "Hey, what is going on? What is going on with the investigation of the crimes of the previous administration?" They want justice. They want the rule of law. And what I just heard is a denial of the fact that investigation is already going on to all the issues that the gentleman just talked about with regard to this administration.

But what I heard previously from people today is, "Oh, this is old. The things in this the Gaetz amendment are dated. They were decided upon. It is deja vu, already answered. Let's not relitigate the past." That is what was said.

The reality is these things were never litigated. That rationale would be, if you take anything that happened in the previous administration, we are not concerned about that. We are not going to worry about that. That rationale basically says, "Let's not look back unless it is convenient for us on a partisan basis." Well, the reality is I am going to give you some examples from the amendment of things that were not looked back at that need to be looked at. And we need the documents.

And that is whether James Comey had any knowledge of
efforts made to monitor communications of then-candidate Donald Trump. There has been numerous news reports indicating that that was the case. To assess any knowledge by Mr. Comey about the unmasking of individuals on the Trump campaign. That is a crime. Unmasking is a crime. And to assess the role that former NSA National Security Adviser Susan Rice played in the unmasking of these individuals.

That is real. That is something that needs to be looked at. To reveal the purpose served by unmasking any individual or individual serving on the staff of then-candidate Donald Trump. Those are not old, dated, decided upon, deja vu, already answered. Those need to be answered. I commend my friend from Florida for this amendment.

Mr. Nadler. Will the gentleman yield?

Mr. Biggs. No, I will not. When I hear talk about this, it contains rightwing conspiracy theories. Well, I am telling you my constituents, in reference made to what are your constituents thinking, my constituents think what is going on in the underlying bill that was introduced today, the resolution introduced today, they think that is leftwing conspiracy theories. There is no doubt about it. This is a divided, divided Nation. But the reality is you do not get there by not seeking the rule of law and seeking justice.

Mr. Nadler. Will the gentleman yield?

Mr. Biggs. And in my opinion, that is exactly what
this Gaetz amendment is all about. And with that, Mr.
Chairman --

Mr. Chabot. Will the gentleman yield?

Mr. Biggs. I yield back to the chair. Thank you.

Mr. Chabot. The gentleman yields back. Does the
gentleman from New York seek recognition?

Mr. Johnson of Georgia. Mr. Chairman, I move to strike
the --

Mr. Chabot. The gentleman from New York is recognized.

Mr. Nadler. Yes. I just want to point out in one or
two sentences. Unmasking is not a crime. It is a procedure
done pursuant to section 702 of the FISA Act and may be
appropriate in certain circumstances. It may not be
appropriate. But to say that it is a crime is simply wrong.
I yield back.

Mr. Chabot. The gentleman from Texas is recognized for
5 minutes.

Mr. Gohmert. Thank you. Appreciate being recognized
on this issue. And it really is amazing to hear, probably
and actually, nobody better perfected the -- oh, was I only
recognized for a minute and a half? Oh, here we go.

Mr. Chabot. The clerk is working on the clock. The
gentleman will proceed.

Mr. Gohmert. Okay. Thank you. But the Clinton
administration perfected the defense of, “This is old news,”
after years and years of obfuscating, refusing to produce evidence. And the Obama administration did not miss any of those tactics. We still do not have documentation on Fast and Furious, and we know we lost a precious U.S. agent’s life because of that. The things that I ask for, the documents that were provided to the convicted terrorists in the Holy Land Foundation trial, never produced, never produced.

And the Attorney General Holder had the nerve to say, “Well, you know, there may be classifications issues.” I said, “You provided it to the terrorists. Do not you think you could provide it to Congress?” And obviously, his response by his actions was no. He will not provide documentation to Congress that he provided to convicted terrorists.

With regard to Putin and “Honored to meet you,” I would just rhetorically ask compare “Honored to meet you” to a President sending over a Secretary of State after Russia attacks Georgia and the Bush administration gets so upset they put sanctions in place to send a message to Putin, “We are not putting up with this type of attack on a neighboring country.” So what did we do? The new administration Obama since this Secretary of State Hillary Clinton over with a red button, with the misinterpreted Russian translation.

They want to reset relations with Russia. Clearly, the
message that Obama and Clinton sent to Putin, this person that is now being vilified by the people that did everything they could just suck up to the guy, they say, “Look, we want you to know we were not really bothered by your attack on Georgia. We want to reset things; you know, Bush just overreacted. So we are good with what you do,” which is clearly a message, “We are good with you attacking Georgia.”

And to double-down on that message, the Obama administration did the most double-crossing, dirty deal to allies of the United States. Polish elected officials that put their political careers on the line to protect Poland and the United States by allowing us to put missile defense system against Russia in Poland. What does Obama do? He does the ultimate gift to Obama for nothing in return, stabs our allies in the back in Poland, and withdraws that defense system. We are not going to put it in place. Did not get anything in return. And what does he ask in return from Putin?

Well, at another opportunity, he says, “Be sure and tell Vladimir I will have a lot more flexibility, in effect, to give away more of America's protection and Western Europe's protection after my election.” And people have the nerve to point the finger at the Trump administration? And it seems like, I know there is allegation of old news. But the more we find out, the more it is really new news.
First, we have all the screaming and hollering about Donald Trump, Junior, meeting with this Natalia Veselnitskaya. And then we find out, actually, she should not have been in this country, but for the Obama administration interceding, so she can have this meeting, apparently, with Donald Trump, Junior. Nothing came out of the meeting worthwhile. That is why he left early. And he got an apology for a worthless meeting.

But it was not so worthless because Donald Trump, Junior, met with this person affiliated with Fusion GPS, the Democratic opposition research firm, and with very notorious characters in Russia, then that was a big help to the Obama administration finally getting a warrant from the FISA court after they turned it down the first time.

Now they get a warrant to bug the Trump Tower. This is stuff, the more we find out, the more it smells from the Obama administration and we need the new news, the real motivation behind what has been going on and the obfuscation from the other side. It is time to get to the bottom of this. I yield back.

Mr. Chabot. Thank you. The gentleman’s time has expired. For what purpose does the gentleman from Georgia seek recognition?

Mr. Johnson of Georgia. I move to strike the last word.
Mr. Chabot. The gentleman is recognized for 5 minutes.

Mr. Johnson of Georgia. Thank you, Mr. Chairman. I am alarmed that after 16 intelligence agencies have concluded that Russia tried to influence the outcome of the Presidential election, and this House Judiciary Committee having had not one hearing to oversee the administration at this time when there are many questions arising about whether or not they have tried to obstruct the investigation that is ongoing, at this point, it forces Ms. Jayapal to introduce a resolution of inquiry.

And when we have a hearing on that, the first thing that happens is the Republicans try to undermine that resolution by introducing this amendment, and it appears to me that House Republicans are colluding with the Trump administration to obstruct the investigation of the special counsel into allegations of the Trump campaign's collusion with the Russians and allegations that President Trump attempted to cover up and obstruct that investigation.

Forty-four years ago, we had a House Judiciary Committee that rose above partisanship and protected our Democracy from a constitutional crisis by oversight investigations that led to the impeachment and resignation of President Richard Nixon, resulting from his obstruction and cover up of the Watergate break-in.

Today, sadly, we have a House Judiciary Committee that
colludes with an abusive and, perhaps, treasonous administration by refusing to provide a check on executive overreach by exercising its constitutional duty and responsibility to provide oversight. It is deeply disappointing, and it is, indeed --

Mr. Biggs. Mr. Chairman?

Mr. Johnson of Georgia. -- an alarming --

Mr. Biggs. Mr. Chairman, I ask that the gentleman's words be taken down.

Mr. Chabot. The gentlemen will suspend.

The clerk will review the words. Read the words back.

Does the gentlemen have the capability to read back the gentleman's words? My recollection of what the gentleman said was that the accusation that this side is colluding with a possibly treasonous administration? Is that the word?

Mr. Chabot. The word was not “possibly.”

Mr. Johnson of Georgia. The word “is colluding with an abusive and perhaps treasonous administration by refusing to provide a check on executive overreach by exercising its constitutional duty and responsibility to provide oversight.”

Mr. Biggs. Request the ruling of the chair.

Mr. Chabot. The chair is being advised that the words are too general to be directed specifically at a party or
entity and, therefore, are not out of bounds. The chair would also note that the gentleman is very close, so the chair would advise the gentleman to be very careful.

Mr. Johnson of Georgia. I was very careful with how I worded my comments, and I will repeat them again.

Mr. Chabot. The chair would advise the gentleman to try to be more careful because the gentleman is very close.

Mr. Johnson of Georgia. Thank you, Mr. Chairman. The American people should be concerned about the direction that this country is headed in under Republican Party, unified Republican Party control. Republicans in control of this committee are perhaps complicit in peddling fake news and alternative facts to the American people, anything to
AFTER 6:00 p.m.

After 6:00 p.m.
distract people's attention away from the investigation into
possible collusion between the Russians and the Trump
campaign. Republicans on this committee conducted vigorous
oversight of the Obama administration: Benghazi, Fast and
Furious, the IRS with Lois Lerner and trying to impeach the
IRS Commissioner, and on and on.

And today, we want to reopen the investigation into
Benghazi. Well, this is Benghazi. This is the special
committee. This is the special committee report, all 11
volumes, on Benghazi; it has been beaten like a dead horse.
This is oversight. But this Congress is refusing to do
oversight. It is very disappointing.

Today, I guess we will probably hear from the other
side that they want us to support their move to investigate
Pizzagate, the child molestation conspiracy that caused a
gentleman to drive all the way from South Carolina up to
Washington, D.C., and take hostages or take a restaurant
hostage and fire his weapon, thinking that there was a real
conspiracy.

That is the danger that we are confronting with leaders
of America peddling fake news and alternative facts, knowing
that it is not true. I am really concerned about the
direction of this country under this leadership. We are not
doing the right thing by way of the American people. And I
am heartened to know that it was not a majority of the people in this country that elected this Congress and this administration. It was a minority of people who selected this current regime, and it is leading America to dark places. And with that, I yield back.

Mr. Chabot. The gentleman's time has expired.

For what purpose is the gentleman from Florida seeking recognition?

Mr. Rutherford. To strike last comments.

Mr. Chabot. The gentleman is recognized for 5 minutes.

Mr. Rutherford. Thank you, Mr. Chairman. I first want to thank my colleague from Florida for having brought this resolution forward. You know, in the past, we had the great privilege of working together. He was in the Florida legislature, and I was a lifelong law enforcement officer, and we had the great privilege of working together to fight against injustice in our State. And I am very proud to support him in this resolution here today because, again, I think there has been a great injustice in our country.

I have to tell you, Mr. Chairman, when I was in law enforcement, I was a very ardent supporter of FBI Director James Comey. In fact, when he was appointed to look into the email scandal concerning campaign President Hillary Clinton, I told folks that I was confident that he would get to the bottom of exactly what had happened in regards to
those emails. And I felt, from some of the evidence that had been presented, that he would absolutely do an excellent job, as I had always known him to do.

However, I have to say, after listening to his press conference, Mr. Comey conducted a press conference for almost 30, 45 minutes back in July of 2016 and, during that time, laid out what I know to be probable cause for certainly a more in-depth investigation into the Clinton email possible conspiracy involving these emails. And I wondered also about the propriety and the consequences of the immunity deals that his office had given to potential Hillary Clinton co-conspirators Cheryl Mills, Heather Samuelson, John Bethel, and possibly others.

And I have to tell you, Mr. Chairman, it was at the end of that, when you then usurp the authority of then-Attorney General Loretta Lynch, completely getting out his law enforcement lane in saying that there would be no criminal prosecution or charges brought, I have to tell you, I was personally let down by that performance of the FBI Director. So, I think this is now the time, Mr. Chairman, that we need to come together and have a full disclosure of the issues that are so clearly laid out in this resolution. I yield back.

Mr. Chabot. The gentleman yields back.

Ms. Jayapal. Mr. Chairman?
Mr. Chabot. For what purpose does the gentlelady seek recognition?

Ms. Jayapal. Move to strike the last word.

Mr. Chabot. The gentlelady is recognized for 5 minutes.

Ms. Jayapal. Thank you, Mr. Chairman. You know, when I introduced this resolution, I thought we would have a discussion on the resolution. When the other side introduced, essentially, an amendment that would gut my resolution and tried to focus it on an entirely different set of questions, I offered a friendly amendment to say, “I am happy to include your questions, because I think you have a right to those answers. I do not think there is anything there, but how do I know that unless we have those questions answered?” You chose not to accept that, and so I really reject any idea that, somehow, we are avoiding things that you want to discuss.

We have agreed to include those questions in our resolution, create one resolution that answers your questions and answers my questions. I think we have a right to that; I think that is what is fair. And in the absence of doing that, what it seems to me is happening, Mr. Chairman, is that there is deliberate stonewalling that appears to be happening to stop any movement into the questions that are before us today: very serious and grave
constitutional questions. And if you look at some of the
tings that have been emerging, this is not just Democrats
who are saying this. It would be one thing if you could say
that it was only Democrats who raise questions about the
things that are happening; that is not what is happening.

And I wonder if you are questioning the credibility of
the Senate Judiciary Committee in raising these questions,
in calling before the committee Donald Trump, Junior, and
Comey and all of these people to hearings in the Senate
Judiciary Committee because they know that it is their
responsibility to the country and to the Constitution and to
our Democracy to examine those questions because I do not
think that Chairman Grassley or Republicans in the Senate
who are investigating this think it is ridiculous. They are
investigating it because it is the responsibility to do so
because, increasingly, troubling things are occurring.

When Donald Trump, Junior, has a meeting, purportedly
to get information provided by the Russians around the
campaign and Hillary Clinton’s Presidential campaign, and
when following the revelation of that meeting, the President
tweets his support for his son, does not even ask any
questions, but says, this was his July 11th tweet, “My son,
Donald, will be interviewed by Sean Hannity tonight. He is
a great person who loves our country.” July 13th: “My son,
Donald, did a good job last night. He was open,
transparent, and innocent. This is the greatest witch hunt in political history.”

But for the other side to imply that, somehow, Donald Trump, Junior, is okay because he left the meeting because there was nothing worthwhile there, what does that mean? If there was information that was presented by the Russians that that, somehow, would have been worthwhile, and then he would have stayed? The reality is he should have never taken the meeting.

And, again, it is not just Democrats who are saying this. David French from the National Review, respected Conservative, wrote an article saying, “No, you do not take the meeting.” You do not take the meeting. And when this committee and my friends on the other side undermine Robert Mueller as somehow also being partisan, I find that incredibly disrespectful to Mr. Mueller.

In fact, when Mr. Mueller was selected as the independent counsel, there was wide, bipartisan agreement. Mr. Mueller was the longest serving FBI director since J. Edgar Hoover, originally an appointee of George W. Bush in 2001. And yet, now, because Mr. Mueller is uncovering things that must be investigated, like obstruction of justice by the President, all of a sudden, some of my Republican colleagues seem to be implying, and the President is certainly implying, that he is going to be fired from
that role. And that is the problem with the special counsel role is that it reports to the chain of command. And Representative Jason Chaffetz called Mueller a great selection with impeccable credentials; Charles Grassley said the same thing; many Republicans have said that.

So, the reality is, Mr. Chairman, that I am distressed that this committee cannot, on a bipartisan basis, agree that there are significant questions before the American people. You want to have another beating the dead horse of Hillary Clinton and her emails? Fine, I will include it. But let me and let us and let the American people have the opportunity to actually debate the issues that are before us today, that Democrats and Republicans in the Senate have agreed are important to come before the Judiciary Committee. But this Committee of the House Judiciary has yet to have a single hearing, and, in fact, has stripped my resolution.

Mr. Chabot. The gentlelady’s time has expired.

Ms. Jayapal. I thank you, Mr. Chairman, and I will yield back, but I want to say that I will introduce the resolution again because I intend to have a discussion on the resolution. Thank you, Mr. Chairman.

Mr. Chabot. The gentlelady’s time has expired. For what purpose does the gentleman from Iowa --

Mr. King. Move to strike the last word.

Mr. Chabot. The gentleman is recognized for 5 minutes.
Mr. King. Thank you, Mr. Chairman. Listening to this debate, it strikes me that there are few things that have been left out of this discussion. And I do support the gentleman from Florida’s amendment, and I follow the ideology of this in the process.

One of things that I would say to that is that, as I listen to the gentleman from Tennessee address this subject matter and raise his voice pretty strongly about the allegations of Obama versus Russians versus Putin, I would make a couple of points on this.

One is, it is clear that the Obama administration sent their people over to Israel to work against Prime Minister Benjamin Netanyahu, pretty much openly, significant dollars invested in that campaign over there. The President of the United States, with at least the moral support of the people who had worked for him, in the country of Israel seeking to shift the results of the election against the seated Prime Minister Benjamin Netanyahu.

Then, the gentleman --

Mr. Nadler. Will the gentleman yield?

Mr. King. No, no, I will not yield. I have a lot of things I must say, but thank you. Then, the gentleman did object to U.S. tax dollars being used. I just came back, not that long ago, from the Balkans where I sat in a place like Macedonia. And there, I learned that the United States
Government, borrowing money from China and Saudi Arabia, had handed over somewhere at least $5 million in contracts transferred through USAID into George Soros’ organizations that were used to manipulate elections in the Balkans. And that is just particularly in Macedonia, not including the neighboring countries that are there.

And some of that money was used to translate Saul Alinsky’s Rules for Radicals into Macedonian, to distribute the books, and the Rules for Radicals and the actions of radicals were manifested within the election efforts in that part of the world. So, I would say that the Obama administration is a long ways from clean on this, as far as being involved in elections in other countries, not to mention little comments like the British: “If you vote Brexit, you are going to have to go to the back of queue.”

So, that is the taxpayer dollars piece of this, but the long string that we should be looking at with this investigation and special counsel that is our request here, it goes a long ways back. It goes clear back to Huma Abedin, Anthony Weiner, 650,000 emails, which we still have access to. And the question that was answered to us by James Comey, which is there was nothing to see there. We did a fast software search of 650,000 emails, and in the case of Huma Abedin and Anthony Weiner sharing laptop and sharing emails, there was nothing new in 650,000 emails.
And what we have done in this Congress so far is just taken his word for that.

Now, it seemed fairly logical to take his word for it at the time, until you examine the investigation that he conducted of Hillary Clinton. Oh, by the way, it was a matter. The investigation that had Cheryl Mills, her Chief of Staff, as her chief counsel, in the room with Hillary Clinton, and both of them had a plea bargain of some kind; they were exempted from prosecution by limited terms.

But, in any case, when you have this Chief of Staff, who is a subject of investigation, too, there as counsel to the person who is the subject of the investigation, and we ask under oath, and I asked these questions of Loretta Lynch and Comey under oath, and that is: where is the copy of the transcript? Where are the audio files? Where are the video files? Who was in the room?

We do not have the answer to any of that except, “No, if there were notes taken, we do not know whose they are or where they are. If there was any transcript of the deposition, then that does not exist either, neither do the tapes of either audio or video.”

This is, what looks like on its face, a sham investigation. Plus, they destroyed a tremendous amount of information, at least 30,000 emails; crushed hard drives; bought bleach bet; hired outside contractors to scrub the
emails up; and we are to take James Comey’s word for this that there was not enough substance there to bring a prosecution. Even though, on a year ago July 5th, James Comey delivered 15 minutes of the summary of a prosecution that was completely convincing to me, until they got down to the last couple sentences of that presentation, which is, “Well, we cannot prove intent.” Well, curiously, there is no requirement for intent in the two statutes that appear to have been violated.

And, furthermore, I looked back in the records to the previous October the previous April, Barack Obama stated that into the news media record, he said Hillary Clinton would never intend to put our national security at risk. Hillary Clinton would never intend to harm America’s security. That is October and April, the previous October and April. Well, James Comey latched on to that word “intend,” and they made up new law and gave Hillary Clinton an exemption for this lack of intent that they said they could not prove, which is absolutely proven by the facts that he delivered to us in the summary that day and that there is evidence for. And I would go on.

Not only does this trail lead through Hillary Clinton and James Comey, but the Loretta Lynch component of this, as well. When you put this in place and you look at the example of them on the tarmac, it is hard to imagine they
sat there for 38 minutes and discussed grandchildren; I think that might even be singular grandchild at the time. We should check that. But the answers that we got from Loretta Lynch were far less than satisfying.

And then that brings me to Alexandra Chalupa. She is a DNC contractor that went off over to Ukraine to try and gather dirt on the Trump people. So, bringing this around, Mr. Chairman, I will conclude it with this as my time will soon run out. And that is this, that the trail leads, I believe, also to Barack Obama.

Mr. Chabot. The gentleman’s --
Mr. King. We need to investigate all of this.
Mr. Chabot. The gentleman’s time has expired.
Mr. King. I yield back.

Mr. Gutierrez. Mr. Chairman?
Mr. Chabot. The gentleman’s time has expended. Does any member seek recognition?

Mr. Gutierrez. Mr. Chairman?
Mr. Chabot. The gentleman from Illinois, for what purpose does --

Mr. Gutierrez. I move to strike the last word.
Mr. Chabot. The gentleman is recognized for 5 minutes.
Mr. Gutierrez. Thank you. Well, it is clear to me that some people watch Fox News and actually believe what they see on Fox News. It is clear. And this is another
episode of the unbelievable that will be shown on Fox News,
and tomorrow, you know, Hannity will have a good time. You
all will have additions for Fox News tonight. You know
what? They might send you all a check, too, because,
clearly, this is what this all about, is to feed a false
narrative to people.

I watched Fox News this morning; they went out, “What
do you think about Trump’s speech?” Did you really think
they were going to say something bad? Have you ever heard
anybody say anything bad about the President of the United
States on Fox & Friends in the morning? No.

Mr. Labrador. Will the gentleman yield?

Mr. Gutierrez. No. Absolutely not. Fox & Friends has
all they need already. So, the difference is that you watch
it; you believe it; and then you say, “Let me continue to
entertain the notion that we are not in a crisis in
America.” I mean, think about it one moment. At least we
have got to give Grassley, the Senator, credit and the
Senators. They are not over there denying the reality of
what is going on.

You know, we have men and women in the intelligence
services of the United States of America that I have
learned, from the Republican majority, risk their lives
every day to keep us safe, and what do you do? You squander
their work. You squander their heroism. You squander their
patriotism coming here and not dealing with the reality of what we are confronting as a Nation. I mean, does anybody really believe that it would take a nanosecond, if then-President Barack Obama would have sent a note, a text. Tell me, what does the President do? I do not do that thing. Tweet. Now, here it is, the President of the United States sends a tweet that says, “How come the Attorney General of the United States, who I appointed, is not investigating Hillary Clinton and locking her up?” which he was very good at saying during the campaign, the Attorney General of the United States. But I do not know how long he is going to be Attorney General because it looks like Trump, you know, he hires and fires at will. He got rid of Comey; he is going to get rid of the Attorney General; then he is going to get rid of Mueller, and this committee will still not take its job seriously. We are going back to this. I want to just think a moment.

He said, “How long would it have taken for this committee, if President Barack Obama would have tweeted to Eric Holder, ‘Why are you not investigating my opponent in the past election and locking him up?’” How long do you think? A nanosecond before we would come here, and there would be impeachment. I mean, we had impeachment here over a past President of the United States because he had sex; that is what it was really all about, and the interesting
thing was he was being impeached and voting by impeachment
by people who have done exactly what they were accusing him
of doing.

I would have thought they would have resigned first
from their positions before they would have taken on an
impeachment of a President. Now, anybody could take down my
word if what I am saying is wrong, but it seems to me, I
recall that the chairman of the Judiciary Committee had some
astonishing pictures of beautiful women on his lap, but that
was okay. Let’s impeach the President.

But when it comes to somebody circumventing the
Constitution of the United States, the majority does not
find any reason that we should call. Grassley does. The
Senate does. Why do you think we are held in such low
esteem? Because we do not do our job, because we do not
fulfill our constitutional commitment to safeguard the
Constitution of the United States. This President is a
threat to this Nation, to its Constitution, to its
Democracy, and we are doing absolutely nothing to respond
except, let’s go back to talk about Hillary Clinton’s
emails.

Hillary Clinton lost the campaign. You have already
demonized her enough. Let’s get on with the real business
that we have before us. We have a President of the United
States that is talking about forgiving and pardoning his
children and his cabinet and himself, and he already fired the FBI Director; he already is trying to figure out if he can fire Mueller. This is the greatest threat I have seen to our Democratic institution and to our Constitution, and what we are doing is laughable. All due respect to Fox News & Friends and the Fox News Network --

Mr. Chabot. The gentleman’s time has expired.

Mr. Gutierrez. -- they do not need us to be subsidizing their television newscast.

Mr. Chabot. The gentleman’s time has expired. For what purpose does the gentleman from Texas seek recognition?

Mr. Poe. I thank the chair.

Mr. Chabot. The gentleman is recognized for 5 minutes.

Mr. Poe. I thank the chairman. The issue about Russia, which we hear every day, and all of my days as a judge in Texas, I never heard the word “collusion.” I do not see that in our statutes. “Conspiracy” is a different word, but “collusion” is not a crime, as far as I know. Be that as it may, in all fairness, I think that we should have an open investigation to all of these matters that have been discussed today, and I think that has been obvious by the statements that have been said by both sides. Let’s talk about Comey.

He is supposed to be, or was, the head of the most prestigious law enforcement investigation unit in the world:
the FBI. And I have always held the FBI in high regard, so what happens? The investigation in our system is done by the police, as I call them; the prosecution is done by the Attorney General or the district attorney or the county attorney. And in almost all cases, the investigator investigates, gets the information, and turns it over to those that will prosecute the case and let them decide whether to prosecute or whether not to prosecute.

We had, in this case, the most unbelievable, unique experience, where the investigator denied the Attorney General the ability to prosecute the case by holding a press conference and stating the facts, some of the facts, and then saying no reasonable prosecutor would ever prosecute this case, thus poisoning the case against Hillary Clinton because she could not be prosecuted after that.

The Attorney General would not prosecute her. Now, I was a prosecutor for 8 years, and I saw plenty of evidence there. There are a lot of juries in Texas that would have convicted on that evidence if they had been shown that evidence, but that is a different issue, so then he holds another press conference saying, “Oh, I was wrong. There is evidence to prosecute Hillary Clinton.” And then thirdly, he states that we will go with the first argument: there is no evidence.

Totally improper for Mr. Comey, the head of the
greatest law enforcement agency in the world, to hold these press conferences. Now, the issue is about the firing of Mr. Comey; that is one of the issues that the other side has brought up. Let’s discuss his firing. Well, reasons for his firing go all the way back to last year under the Obama administration, and that is something that needs to be investigated: what was Comey’s relationship with the last administration, with the Attorney General of the last administration, and about prosecuting or not prosecuting Hillary Clinton for things that a lot of Americans are still talking about.

Now the other side says, “Oh, she lost the election. Forgive her of her potential sins as a candidate.” Well, no, it does not work that way. The law does not work that way. If crimes have been committed, and I am not saying they have been, but if they were committed, they still should be investigated. And if they were not, that should be investigated, as well, to clear the air, but the idea that Mr. Comey can get a pass from being investigated because he was in the last administration is an unreasonable thought.

So if we want to investigate him, investigate all of his absurd actions, including the fact that, while he was no longer with the FBI, a private citizen, he is releasing information that belongs to law enforcement in an
investigation. Law enforcement agencies do not have that ability. For a police officer, former, retired police officer, to pull out an offense report of a case that happened when he may or may not have been there and give that access to the public, that at least violate procedure of the FBI to release that unauthorized information because he was then a private citizen.

He releases it to his friend; his friend releases it to the press. Leave the press out of this issue; the issue is whether he was authorized as a private citizen. So there is a lot to be discussed about Mr. Comey and his actions, and I think that we should proceed on the investigation of Mr. Comey’s firing and the reasons he was fired because that is what we are supposed to do, and I will not go into some of the other matters discussed because we are out of time, but I yield the other 10 seconds to the gentleman from Ohio.

Mr. Jordan. Mr. Chairman, I just had a question.

Chairman Goodlatte. The gentleman has 20 seconds, but --

Mr. Jordan. I just had a question for the chairman. The chairman, in his opening remarks, mentioned a letter that he is prepared to put together and send. The magnitude of the situation, in my mind, would warrant that that letter go today; is that the plan of the chairman?

Chairman Goodlatte. I want to afford all the members
the opportunity to sign it, but it is available, and people
are already signing it now, so --

Mr. Jordan. I would encourage members to do that, and
we can send that as quickly as possible. Thank you, Mr.
Chairman.

Mr. Raskin. Mr. Chairman?

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

Mr. Raskin. Move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5
minutes.

Mr. Raskin. I had to step away for a few moments, and
I came back, and I feel like I am in a Midsummer Night’s
Dream here. There are some extraordinary comments on the
floor, and if I could just try to reframe the context a bit,
17 of America’s intelligence agencies reported to us, with a
high degree of certainty, that Vladimir Putin and the
Russian Government engaged in a campaign to subvert and
undermine the Presidential election of the United States in
2016.

And if there is anyone on either side of the aisle who
wants to dispute that conclusion and finding, I will gladly
yield some of my precious 4 minutes and 12 seconds remaining
to hear if anybody rejects the conclusion of our
intelligence agencies.
Okay, so that is a fact that we all accept about the world now, and it is pervasively accepted because it is true, and nobody wants to dispute it.

Mr. Jordan. Will the gentleman yield for a second?

Mr. Raskin. Yes.

Mr. Jordan. Does the gentleman accept the fact that the Attorney General of the United States instructed the FBI Director of the United States to tell the American citizenry something that was not, in fact, true? Do you accept that fact? Because Mr. Comey testified to that.

Mr. Raskin. Let us deal with that on your time, if we could. I want to stay on course for what I am talking about here, which is our intelligence agencies have told us definitively that there was a Russian effort to undermine and thwart our democratic process in 2016. I think that any constitutional patriot in America would consider this an emergency situation, that we have foreign powers trying to disrupt American elections. It is not a partisan issue; it is not Democrat, it is not Republican, liberal or conservative. It is an assault on the sovereignty of the American people that took place.

Mr. Labrador. Would the gentleman yield?

Mr. Raskin. Yes, I would.

Mr. Labrador. The Russian Government has been interfering with our elections for years. Why did you not
have a concern about that when they interfered 4 years ago, 8 years ago, 12 years ago?

Mr. Raskin. Reclaiming my time. I entered Congress in January of this year, so you were brought into Congress before me.

Mr. Labrador. But your party has not been concerned about this.

Mr. Raskin. I am reclaiming my time, Mr. Chairman. I am reclaiming my time.

Chairman Goodlatte. The gentleman from Maryland controls the time.

Mr. Raskin. So, we have in the White House a President who appears to be a master of deflection, diversion, and distraction. And now we are all running on a wild goose chase. We want to indict Mr. Comey. We want to go after everybody except for what is actually the subject of the investigation, which is what we need to know, which was how was our election impaired and tampered with in that way? That is the proper subject of our inquiry here.

Now, I understand that the author of the amendment, the gentlewoman from Washington State, has said that she would gladly incorporate all of the inquiries that were suggested as a substitute to her amendment and to combine them together. And I hear my good friend and colleague from Texas, Judge Poe, say that what we need is an open
comprehensive investigation, which is what some of us have been calling for from the beginning. Not controlled by one side or the other; an independent 9/11-style outside investigation.

And I would gladly work with him on legislation to do that if that is what he is talking about. If that is not what he is talking about, if he wants this committee to do it, then let us combine the two efforts from the Democratic side and the Republican side. Let us put them together. We have got nothing to be afraid of. And if Hillary Clinton or the Ukrainians were involved in trying to subvert our election process I want to know about it.

Chairman Goodlatte. Would the gentleman yield?

Mr. Raskin. Yes, by all means.

Chairman Goodlatte. I thank the gentleman for yielding. The difference is that there is a special counsel appointed to investigate the elections last year, and there is not a special counsel appointed to investigate the alleged wrongdoings by one of the two candidates last year. And that is why members on this side of the aisle want to see some parity. We are asking questions about an issue where there is no special counsel, and if there is a special counsel appointed I will adhere to the same process that I adhered to when she was being investigated by the Director FBI.
Last year we did not hold any hearings until he completed his investigation. And as you know, we are allowing to do his job with regard to the Trump Russia issue --

Mr. Raskin. Reclaiming my time if I might, Mr. Chairman. I do not know if I am allowed to reclaim --

Chairman Goodlatte. -- and that is the difference, and that is why this amendment has been offered.

Mr. Raskin. Okay, well as the chairman well knows, the special counsel process is not one which we control. That is something that takes place within the Department of Justice --

Chairman Goodlatte. I think that is the point of the special counsel. He is to do it without the political influence that we hope is not taking place, and then we will receive the benefit of his investigation.

Mr. Raskin. Perhaps I am being dimwitted here, but I understand the objection to be that there is not a special counsel appointed to investigate Hillary Clinton, James Comey; how is that properly addressed to the Democrats on this panel?

Mr. Nadler. Will the gentleman yield?

Mr. Raskin. Yes.

Mr. Nadler. I would simply point out what has been said before, and what the chairman said a few months ago.
The special counsel is to investigate crimes. Our oversight jurisdiction is to investigate the functioning of government and whether something should be done about it. And if you want to investigate what is in the amendment, wonderful, but it does not negate that we should investigate the things that were originally in the gentlelady’s resolution, and the fact that there is a special counsel for crimes and not for the general questions that we ought to investigate. I yield back.

Mr. Raskin. Thank you very much. Mr. Chairman, again, I want to try to kind of arrive at some common ground here. I take it that the position of the chair is that we have a special counsel who is operating to investigate the Russian undermining of our election and potential collusion or conspiracy that took place, any potential coordination made illegal under the Federal Election Campaign Act, and assorted crimes; okay.

Now could we all agree the special counsel should not be dismissed by the President of the United States?

Chairman Goodlatte. I think that is a separate issue beyond the scope of this discussion. And if the gentleman would yield, I would point out that there are other committees including the Intelligence Committee investigating the underlying issue of whether or not Russia influenced our election. That is you know many committees
can and some committees have claimed jurisdiction to do
that. It is my belief that this work should be conducted
and then report should be given to the committee and the
committee should act in response to that.

Now, that has not happened with regard to the matter
with regard to the Clinton campaign. And therefore we are
asking in a letter for a special counsel. And until we get
that we are asking for information about it. If we get the
special counsel, we do not need the information.

Mr. Raskin. Well, if I could just complete, then, with
this thought. It seems to me that if there is a serious
effort being made to find out whether there was some kind of
misconduct related to the Ukrainians or Hillary Clinton.
Fair enough. Go for it if you think it is there. If all of
this is simply meant to distract and divert from the ongoing
special counsel investigation somehow to create the idea of
symmetry or parody, that strikes me as, you know,
antithetical to the purposes of this committee.

There is a special counsel who is at work, whose
integrity, whose sovereignty in that investigation is being
challenged every single day by the President of the United
States who seems to want to be either firing the attorney
general or the United States or isolating him or going after
the special counsel. And I think our role should be to
stand up with the special counsel rather than further
undermine what he is doing.

Chairman Goodlatte. Would the gentleman yield?

Mr. Raskin. Yes, by all means.

Chairman Goodlatte. The gentleman's time has expired.

I appreciate you yielding to me. I just want to point out that as was noted by the ranking member, we have requested that the special counsel meet with us in closed session, so we can ascertain whether or not he is doing his job properly. And I think that is an appropriate function for us to do. But holding public hearings and inviting in witnesses that are also being interviewed by the special counsel in requesting documents that are also being examined by the special counsel is interference in that investigation and I do not intend to participate in that.

Mr. Jordan. Mr. Chairman, has Mr. Mueller responded to that? When can we have that hearing?

Chairman Goodlatte. It is not a hearing.

Mr. Jordan. When would we have that inquiry?

Chairman Goodlatte. It is a meeting of myself and the ranking member with the special counsel.

Mr. Jordan. Rest of us are not invited?

Chairman Goodlatte. He has not responded yet. But we are told that it will not be before the recess. So, I cannot tell you when it will take place. But we are going to make sure it takes place.
Ms. Jayapal. Mr. Chairman, I have just a question on the point that you just raised.

Chairman Goodlatte. If the gentleman whose time long ago expired would yield to you.

Mr. Raskin. I will yield my negative time to the gentlelady from Washington.

Ms. Jayapal. I just had a question Mr. Chairman because you are saying that you think it would be interference for this committee to interview people but are you saying, then, that the Senate Judiciary Committee is interfering by having the hearings that they are having?

Because these hearings are taking place in the Senate Judiciary Committee because we do have jurisdiction and authority. And so, all we are saying is the House Judiciary Committee is the only committee that does have jurisdiction the two intelligence committees and the --

Chairman Goodlatte. That is not correct. There are other committees that have jurisdiction over parts of this.

Ms. Jayapal. That is true. But in terms of these issues --

Chairman Goodlatte. Acting as well. But I will tell you that I do not believe that a sixth committee conducting hearings that could interfere with an investigation is better than five committees holding hearings that could impede with the investigation.
Ms. Jayapal. Mr. Chairman, you stated that this was interference, and I just want to make it clear that the Senate Judiciary Committee is continuing to look into these questions because they are important to the judiciary, to the Constitution, to our democracy. And that is what we were trying to get at. And I was willing to incorporate the other side's questions so that we could actually move forward. This is something that the Senate Judiciary Committee has determined is well within the scope. Yield back.

Mr. Chabot. Mr. Chairman?

Chairman Goodlatte. What purpose does the gentleman from Ohio seek recognition?

Mr. Chabot. To strike the last word.

Chairman Goodlatte. Gentleman is recognized for 5 minutes.

Mr. Chabot. Thank you, Mr. Speaker. It was stated earlier by one of my colleagues on the other side of the aisle that President Clinton was impeached for having sex with a woman. And I think it is important, since we are the Judiciary Committee that we are accurate about these things. And that is not accurate at all. Bill Clinton was impeached for perjury. That is why he was impeached. Now it did have something to do with the fact that you know he had a history of sexual harassment of women. That is what this arose out
I happened to be on this committee at the time. This happened in my second term. Quite a few years ago. And this committee did vote out articles of impeachment which went to the House floor, and he was impeached by the House. And then, I was one of the House managers in the trial of the President over on the Senate side.

But what happened, essentially, as an American citizen, Paula Jones, one whom he had harassed, brought a lawsuit against him. And being a citizen and having the rights under our justice system to essentially protect her rights, her attorney had a deposition and asked the President. Because that would be one of the things that one was a plaintiff in a case like that would want to know are there other women that he is harassed under him, and there were a number of them.

And one of those happened to be an intern down at the White House whose name is pretty famous now, Monica Lewinsky, and he lied about that. And he lied under oath about that. You know he put his hand on the Bible he swore to tell the truth, the whole truth, and nothing but the truth. And he lied. And that is perjury.

And there are a lot of people in fact hundreds all across the country, American citizens who are behind bars at that time probably still are many for committing perjury.
And our view was that every person ought to be equal under the law including the president of the United States. But that is why President Clinton was impeached for perjury not for the things that led up to that. Those things that led up to that were pretty unsavory. That type of behavior is inappropriate whether it is in a hotel room in Arkansas or whether it is in the White House. It may not be illegal, but it is certainly unsavory and wrong.

Mr. Johnson of Georgia. Would the gentleman yield?

Mr. Chabot. That is why he was impeached. It was for perjury. I would be happy to yield.

Mr. Johnson of Georgia. Well, thank you. I recall the Whitewater investigation in Ken Starr, 40 investigators, 40 lawyers, $40 million over 4 years investigating Whitewater, Vince Foster, Travelgate; I mean, a bunch of stuff. And all they could come up with was a stain on a dress. But this committee at this time is refusing to take any kind of action.

Mr. Chabot. Reclaiming my time. The stain that you mentioned, I had mentioned that. But that was actual physical proof that what was said was true not what the President said was true but what the accusations were true and I would also --

Mr. Johnson of Georgia. Maybe has more than a soiled dress --
Chairman Goodlatte. The gentlemen will suspend. It is the time of the gentleman from Ohio.

Mr. Chabot. I would also note that even though the Senate voted 50-50 to remove him from office and, obviously, it was not just one vote away because it takes a two-thirds. Our Founding Fathers made it very difficult to remove a president from office. I would also note that after that, the bar association disbarred him. They took away his license to practice law. He was fined something like a half million dollars. There were settlements with a number of the women involved here. But there is no question that that President did do things which should not occur in this country. And he was held at least somewhat accountable for that.

Mr. Johnson of Georgia. Would the gentleman yield?

Mr. Chabot. I would be happy to yield.

Mr. Johnson of Georgia. Well I wish that this committee would pay as much attention to what is going on now as it did to what was happening with Bill Clinton. And with that you are back to you.

Mr. Chabot. And again, reclaiming my time, there has to be a crime in order for something like that to happen, or high crimes and misdemeanors, or an impeachable offense, or something along those lines.

Mr. Johnson of Georgia. Would the gentlemen yield?
Mr. Chabot. And just one other thing. Somebody also mentioned pardons earlier in this thing. I remember asking the question of one of the attorneys, I believe it was, as to would the President forego pardoning himself, and the answer was in the affirmative at that time. But my time has expired.

Mr. Cicilline. Mr. Chairman? Mr. Chairman?

Chairman Goodlatte. For what purpose is the gentlemen from Rhode Island seeking recognition?

Mr. Cicilline. I move to strike the last word.

Chairman Goodlatte. You are recognized for 5 minutes.

Mr. Cicilline. Mr. Chairman, 6 months ago President Donald Trump was inaugurated. The Judiciary Committee's oversight function has all but come to a standstill and now it is in a full-fledged farcical mode.

Evidence has been mounting of conflicts of interest, of ongoing ties to foreign governments, of potential constitutional crises. Democratic members of this committee have written letters urging immediate hearings on the actions of this administration but our requests have gone unanswered. Our committee has even voted three times along party lines to decline to request documents related to pressing matters including the President's wiretapping claims, potential violations of the Emoluments Clause, and troubling contacts between the Trump campaign and Russian
officials.

This committee has failed to take action at every opportunity despite the three-alarm fire happening right in front of our eyes. Let's look at what just happened in this past month. The President has repeatedly undermined the credibility of top Justice Department officials including the attorney general, the deputy attorney general, and the FBI director.

The President has openly suggested both the possibility of firing special counsel Robert Mueller and pardoning himself and his family. It was revealed that during the 2016 presidential campaign, Donald Trump, Jr., Paul Manafort, and Jared Kushner met with a person described as a Russian government attorney and a former Russian military intelligence officer. Donald Trump, Jr. agreed to the meeting after being promised incriminating information about Hillary Clinton which had been collected as part of a Russian government effort to aid his father's candidacy.

Intercepts by U.S. intelligence agencies showed that then Senator Sessions may have discussed the Trump campaign during his meeting with Russia's ambassador. It also came to light that the attorney general did not disclose these meetings on his security clearance application. Security clearance which he still currently holds. Throughout all of this, the Judiciary Committee has stood idly by. We are
reaching the point where this Congress is willfully denying the American people the opportunity to learn the truth.

I am sure my colleagues on the other side of the aisle would agree that in carrying out our oversight function the first step is an honest attempt to get the facts. In what was originally presented as a resolution from his Ms. Jayapal and myself, was a tool to help us get to the bottom of still unanswered questions. The full extent of the ties between Donald Trump's inner circle and the Kremlin, whether James Comey was fired to hide the truth about Donald Trump's ties to Russia or collusion between the Trump campaign and Russian officials, and if Jeff Sessions violated his recusal when he participated in the firing of James Comey. We have crossed into unprecedented territory. And I fear that we are witnessing a tipping point in our Nation's history that is unlike anything we have ever seen before in American politics.

Our committee can and must exercise our authority to act as a check on the executive branch. Instead, this committee and this very clever procedural maneuver is attempting to shift the attention to -- oh, yes -- their favorite subject, Hillary Clinton. These ongoing investigations have nothing to do with Hillary Clinton. And the American people cannot be so easily fooled. No matter the evidence of obstruction of justice, abuse of power, or
collusion with the Russian government, will the refrain
always be Hillary Clinton and some reference to her? Will
our colleagues refuse to engage in any meaningful oversight
and continue to hide behind this phony argument in the hopes
that the American people will grow numb to all of this
alarming evidence?

Mr. Chairman, members of the committee, history will
judge us very harshly if we continue to refuse to do our
duty and get to the bottom of this. Think about the men and
women who have given their lives in defense of our
democracy. The men and women who serve in the armed forces,
who risk their lives to defend this great democracy. We owe
it to them to honor their service by doing our part to
defend our democracy as well.

And I am deeply saddened that a serious effort to help
this committee collect the facts so that we can follow them
where they will lead and get to the bottom of this, has
turned into an opportunity for my colleagues on the other
side of the aisle to make a mockery of the seriousness of
these allegations by talking about Bill Clinton and Hillary
Clinton, and refusing to look at all of the evidence of all
of this misconduct, potential collusion, deep conflicts of
interest, and obstruction of justice that imperil our
democracy. And with that I yield back.

Chairman Goodlatte. The question occurs on the
amendment to the amendment in the nature of substitute offered by the gentleman from Florida.

    All those in favor respond by saying aye.

    Those opposed, no.

    In the opinion of the chair, the ayes have it. And the amendment is agreed to.

    Ms. Jayapal. Recorded vote, Mr. Chairman.

    Chairman Goodlatte. Recorded vote is requested and the clerk will call the roll.

    Ms. Adcock. Mr. Goodlatte?

    Chairman Goodlatte. Aye.

    Ms. Adcock. Mr. Goodlatte votes aye.

    Mr. Sensenbrenner?

    [No response.]

    Ms. Adcock. Mr. Smith?

    Mr. Smith. Aye.

    Ms. Adcock. Mr. Smith votes aye.

    Mr. Chabot?

    Mr. Chabot. Aye.

    Ms. Adcock. Mr. Chabot votes aye.

    Mr. Issa?

    [No response.]

    Mr. King?

    Mr. King. Aye.

    Ms. Adcock. Mr. King votes aye.
Mr. Franks?  
Mr. Franks.  Aye.  
Ms. Adcock.  Mr. Franks votes aye.  
Mr. Gohmert?  
Mr. Gohmert.  Aye.  
Ms. Adcock.  Mr. Gohmert votes aye.  
Mr. Jordan?  
Mr. Jordan.  Yes.  
Ms. Adcock.  Mr. Jordan votes yes.  
Mr. Poe?  
[No response.]  
Mr. Marino?  
Mr. Marino.  Yes.  
Ms. Adcock.  Mr. Marino votes yes.  
Mr. Gowdy?  
Mr. Gowdy.  Aye.  
Ms. Adcock.  Mr. Gowdy votes aye.  
Mr. Labrador?  
Mr. Labrador.  Yes.  
Ms. Adcock.  Mr. Labrador votes yes.  
Mr. Farenthold?  
Mr. Farenthold.  Yes.  
Ms. Adcock.  Mr. Farenthold votes yes.  
Mr. Collins?  
[No response.]
9461   Mr. DeSantis?
9462   [No response.]
9463   Mr. Buck?
9464   [No response.]
9465   Mr. Ratcliffe?
9466   [No response.]
9467   Mrs. Roby?
9468   [No response.]
9469   Mr. Gaetz?
9470   Mr. Gaetz. Aye.
9471   Ms. Adcock. Mr. Gaetz votes aye.
9472   Mr. Johnson of Louisiana?
9473   Mr. Johnson of Louisiana. Aye.
9474   Ms. Adcock. Mr. Johnson votes aye.
9475   Mr. Biggs?
9476   Mr. Biggs. Aye.
9477   Ms. Adcock. Mr. Biggs votes aye.
9478   Mr. Rutherford?
9479   Mr. Rutherford. Aye.
9480   Ms. Adcock. Mr. Rutherford votes aye.
9481   Mrs. Handel?
9482   Mrs. Handel. yes.
9483   Ms. Adcock. Mrs. Handel votes yes.
9484   Mr. Conyers?
9485   Mr. Conyers. No.
Ms. Adcock. Mr. Conyers votes no.

Mr. Nadler?

Mr. Nadler. No.

Ms. Adcock. Mr. Nadler votes no.

Ms. Lofgren?

Ms. Lofgren. No.

Ms. Adcock. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. Jackson Lee. No.

Ms. Adcock. Ms. Jackson Lee votes no.

Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Deutch?

[No response.]

Mr. Gutierrez?

Mr. Gutierrez. No.

Ms. Adcock. Mr. Gutierrez votes no.

Ms. Bass?


Mr. Richmond?

[No response.]
Mr. Jeffries?
[No response.]
Mr. Cicilline?
Mr. Cicilline. No.
Ms. Adcock. Mr. Cicilline votes no.
Mr. Swalwell?
Mr. Swalwell. No.
Ms. Adcock. Mr. Swalwell votes no.
Mr. Lieu?
[No response.]
Mr. Raskin?
Mr. Raskin. No.
Ms. Adcock. Mr. Raskin votes no.
Ms. Jayapal?
Ms. Jayapal. No.
Mr. Schneider?
Mr. Schneider. No.
Ms. Adcock. Mr. Schneider votes no.
Chairman Goodlatte. The gentleman from Florida, Mr. Deutch?
Mr. Deutch. No.
Ms. Adcock. Mr. Deutch votes no.
Chairman Goodlatte. Has every member who wishes to vote voted?
The clerk will report.

Ms. Adcock. Mr. Chairman, 16 members votes aye; 13 members voted no.

Chairman Goodlatte. And the amendment to the amendment in the nature of a substitute is adopted. Are there further amendments to the amendment in the nature of a substitute?

The question is on --

Ms. Jackson Lee. Mr. Chairman, parliamentary inquiry.

Chairman Goodlatte. The gentlewoman will state her parliamentary inquiry.

Ms. Jackson Lee. My parliamentary inquiry is, what is the impact of this resolution passing?

Chairman Goodlatte. I think that is not a parliamentary inquiry. The bill speaks for itself. The amendment to the amendment in the nature of a substitute is before the committee, and the vote occurs on it now.

Ms. Jackson Lee. Well, Mr. Chairman, the impact is that it will come back to us, it will go to the floor. We are getting a special counsel. Because I tried to read it and I did not see that action item. And then I wonder, for those of us who desire to file an impeachment inquiry for the untruth that the President of the United States has now been engaged in, denied that he fired Mr. Comey for anything other than his misbehavior as opposed to the Russian thing, we will also be able to file an impeachment inquiry --
Chairman Goodlatte. The gentlewoman is not stating a parliamentary inquiry.

Ms. Jackson Lee. Well I want to know, if we pass this, does that mean that we can also have before the committee an impeachment inquiry of Mr. Trump?

Chairman Goodlatte. The question is on the amendment in the nature of a substitute as amended to House Resolution 446.

Ms. Jackson Lee. I hope that will open the door for an impeachment inquiry. I yield back.

Chairman Goodlatte. All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to. A reporting quorum --

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

Never mind.

Mr. Smith. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from Texas seek recognition?

Mr. Smith. Mr. Chairman, I move that the committee report the resolution favorably to the House.

Chairman Goodlatte. A reporting quorum being present, the question is on the motion to report House Resolution 446 as amended favorably to the House.
All those in favor, respond by saying aye.

Those opposed, no.

The ayes have it and resolution is ordered favorably.

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Adcock. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

Mr. Smith. Aye.

Ms. Adcock. Mr. Smith votes aye.

Mr. Chabot?

Mr. Chabot. Aye.

Ms. Adcock. Mr. Chabot votes aye.

Mr. Issa?

[No response.]

Mr. King?

[No response.]

Mr. Franks?

Mr. Franks. Aye.

Ms. Adcock. Mr. Franks votes aye.

Mr. Gohmert?

Mr. Gohmert. Aye.
Ms. Adcock. Mr. Gohmert votes aye.

Mr. Jordan?

Mr. Jordan. Yes.

Ms. Adcock. Mr. Jordan votes yes.

Mr. Poe?

[No response.]

Mr. Marino?

Mr. Marino. Yes.

Ms. Adcock. Mr. Marino votes yes.

Mr. Gowdy?

Mr. Gowdy. Yes.

Ms. Adcock. Mr. Gowdy votes yes.

Mr. Labrador?

Mr. Labrador. Yes.

Ms. Adcock. Mr. Labrador votes yes.

Mr. Farenthold?

Mr. Farenthold. Yes.

Ms. Adcock. Mr. Farenthold votes yes.

Mr. Collins?

[No response.]

Mr. DeSantis?

[No response.]

Mr. Buck?

[No response.]

Mr. Ratcliffe?
Mrs. Roby?
[No response.]
Mr. Gaetz?
Mr. Gaetz. Yes.
Ms. Adcock. Mr. Gaetz votes yes.
Mr. Johnson of Louisiana?
Mr. Johnson of Louisiana. Yes.
Ms. Adcock. Mr. Johnson votes yes.
Mr. Biggs?
Mr. Biggs. Aye.
Ms. Adcock. Mr. Biggs votes aye.
Mr. Rutherford?
Mr. Rutherford. Aye.
Ms. Adcock. Mr. Rutherford votes aye.
Mrs. Handel?
Mrs. Handel. Yes.
Ms. Adcock. Mrs. Handel votes yes.
Mr. Conyers?
Mr. Conyers. No.
Ms. Adcock. Mr. Conyers votes no.
Mr. Nadler?
Mr. Nadler. No.
Ms. Adcock. Mr. Nadler votes no.
Ms. Lofgren?
Ms. Lofgren. No.

Ms. Adcock. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. Jackson Lee. No.

Ms. Adcock. Ms. Jackson Lee votes no.

Mr. Cohen?

[No response.]

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Deutch?

Mr. Deutch. No.

Ms. Adcock. Mr. Deutch votes no.

Mr. Gutierrez?

Mr. Gutierrez. No.

Ms. Adcock. Mr. Gutierrez votes no.

Ms. Bass?

[No response.]

Mr. Richmond?

[No response.]

Mr. Jeffries?

[No response.]

Mr. Cicilline?

Mr. Cicilline. No.

Ms. Adcock. Mr. Cicilline votes no.
Mr. Swalwell?
Mr. Swalwell. No.
Ms. Adcock. Mr. Swalwell votes no.
Mr. Lieu?
[No response.]
Mr. Raskin?
Mr. Raskin. No.
Ms. Adcock. Mr. Raskin votes no.
Ms. Jayapal?
Ms. Jayapal. No.
Mr. Schneider?
Mr. Schneider. No.
Ms. Adcock. Mr. Schneider votes no.
Chairman Goodlatte. The gentlewoman from California, Ms. Bass?
Ms. Jackson Lee. How am I recorded?
Chairman Goodlatte. The gentlewoman is recorded as a no.
Ms. Jackson Lee. Thank you.
Chairman Goodlatte. Has every member voted who wishes to vote?
The clerk will report.
Ms. Adcock. Mr. Chairman, 15 members votes aye; 13 members voted no.

Chairman Goodlatte. The ayes have it and the resolution as amended is ordered favorably to the House. Members will have 2 days to submit views.

Without objection, the resolution will be reported as a single amendment in the nature of a substitute, incorporating all adopted amendments. And staff is authorized to make technical and conforming changes.

This concludes our business for today, and thanks for all our members for attending. The markup is adjourned.

[Whereupon, at 6:59 p.m., the committee was adjourned.]