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4 H.R. 4731, THE "REFUGEE PROGRAM

5 INTEGRITY RESTORATION ACT OF 2016"

6 Wednesday, March 16, 2016

7 House of Representatives,

8 Committee on the Judiciary,

9 Washington, D.C.

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

13 Present: Representatives Goodlatte, Sensenbrenner,  
14 Smith, Chabot, Issa, Forbes, King, Franks, Gohmert, Jordan,  
15 Poe, Chaffetz, Marino, Gowdy, Labrador, Farenthold, Collins,  
16 DeSantis, Buck, Ratcliffe, Trott, Bishop, Conyers, Nadler,  
17 Lofgren, Jackson Lee, Cohen, Chu, Gutierrez, Bass, DelBene,  
18 Jeffries, Cicilline, and Peters.

19 Staff Present: Shelley Husband, Staff Director; Branden  
20 Ritchie, Deputy Staff Director/Chief Counsel; Zachary  
21 Somers, Parliamentarian & General Counsel; Kelsey Williams,

22 Senior Legislative Clerk; Andrea Loving, Counsel,  
23 Subcommittee on Crime, Terrorism, Counsel, Subcommittee on  
24 Immigration and Border Security; John Manning, Professional  
25 Staff; Minority Chief Counsel, Chief of Staff, Staff  
26 Director; Danielle Brown, Minority Parliamentarian and Chief  
27 Legislative Counsel; Arron Hiller, Minority Chief Oversight  
28 Counsel; Joe Graupensperger, Minority Chief Counsel,  
29 Subcommittee on Crime, Terrorism, Homeland Security and  
30 Investigations; and Veronica Eligan, Minority Professional  
31 Staff.

32 Chairman Goodlatte. The Judiciary Committee will come  
33 to order and without objection, the chair is authorized to  
34 declare a recess of the committee at any time. Before we  
35 begin today's mark-up, I would like to take a moment to  
36 recognize the life of Tiffany Joslyn, who we tragically lost  
37 just over a week ago. And I would like to begin by  
38 recognizing the gentleman from Michigan, the ranking member,  
39 Mr. Conyers.

40 Mr. Conyers. Thank you, Chairman Goodlatte, members of  
41 the committee. These thoughts in remembrance of Tiffany  
42 Joslyn, our Democratic Deputy Chief Counsel for the  
43 Subcommittee on Crime, are directed to her family, who  
44 suffered her loss, as well as her brother Derek, on March  
45 the 5th.

46 Tiffany was, as many of you know, a special person who  
47 had worked with us for only a relatively brief period of  
48 time, and who made a lasting contribution to her colleagues  
49 on this committee after working for years on the National  
50 Association of Criminal Defense Lawyers.

51 She joined us on the committee as we were preparing to  
52 engage in our effort to draft legislation to reform various  
53 aspects of the criminal justice system. She had expertise,  
54 diligence, and good humor, and she had been working on  
55 legislation dealing with youth and justice issues.

56 Her professional life, as well as her efforts to

57 advance many causes outside of her work, was motivated by a  
58 strong sense of fairness and caring and we will miss her,  
59 remember her, and be inspired by her working with us for  
60 this very brief period of time. And I thank the chairman.

61 Chairman Goodlatte. The chair thanks the gentleman and  
62 would also recognize the gentlewoman from Texas, Ms. Jackson  
63 Lee, for her thoughts about Tiffany.

64 Ms. Jackson Lee. Chairman, thank you, and for those  
65 who may not remember or will remember, we remember her as a  
66 joyful and spirited young woman who I had the privilege of  
67 interviewing over a series of days. Her tenacity and  
68 determination to secure this position, as my counsel to the  
69 Committee on Crime was unceasing and overwhelming. I think  
70 she hired herself.

71 But what I would say to all of you is that this is a  
72 devastating loss. It is an emotional loss, because she  
73 loved this country; and by loving this country, she had the  
74 ability to reach to the most vulnerable, many of whom who  
75 have confronted the criminal justice system unfairly.

76 But even with that philosophy, she had the ability to  
77 listen to other positions and help work with us, and Mr.  
78 Conyers, and all of our staff, and the Republican staff, and  
79 Mr. Goodlatte, and Sensenbrenner, on crafting enormously  
80 far-reaching and reformational changes to the criminal  
81 justice system for the better.

82           She is beloved, as I indicated in my statement, a  
83 beloved staff member. And her tenure here does not in any  
84 way suggest or limit the impact that she made and the  
85 lasting love that she will have from all of my staff and me.

86           To our fellow staff members and members whose staff  
87 engaged with her, mostly each and every one of you, she was  
88 determined to get on every bill that we were attempting to  
89 pass, and two of them we did pass. But more specifically,  
90 to the family that is devastated and without words.

91           I will close by saying that Tiffany left Washington to  
92 comfort her two younger stepbrothers, for the tragic loss  
93 that they had in a loved one killed in a car crash. On the  
94 Sunday before she was to come back, she, and her brother,  
95 the two children of her father, were killed in a car crash;  
96 and her beloved cat was injured, and another sister-in-law  
97 as well was injured. So, we know what a tragedy is.

98           Mr. Chairman, I thank you for allowing me, Mr. Ranking  
99 Member of the full committee, for allowing me to pay this  
100 tribute. We will be going with staff to her memorial today,  
101 but we invite all of you, including those from outside this  
102 room who gave so many tributes, to join us in April for a  
103 befitting tribute to this vital, young, energetic young  
104 American.

105           With that, Mr. Chairman, I hope that we will have an  
106 opportunity for a moment of silence, but I yield back to you

107 at this time.

108 Chairman Goodlatte. I thank the gentlewoman, and  
109 before we have a moment of silence, I would also like to say  
110 that Tiffany was a well-respected, dedicated, and a loyal  
111 member of the House Judiciary Committee family, and we were  
112 all deeply affected by her untimely passing.

113 In the short time Tiffany worked on our committee, she  
114 developed a strong working relationship with her colleagues,  
115 especially the staff on the Crime Subcommittee, on both  
116 sides of the aisle, who unanimously praised her ability to  
117 strongly advocate for the Democratic members of the  
118 committee, in particular, the gentlelady from Texas, by  
119 making persuasive and balanced appeals to consider her  
120 member's views, yet always leaving negotiations friendly.  
121 She was the epitome of a professional who could disagree  
122 without being disagreeable.

123 Tiffany worked side-by-side with majority Crime  
124 Subcommittee staff to craft a number of pivotal bills that  
125 the committee has considered in recent months as part of our  
126 criminal justice reform initiative. Her legal acumen and  
127 dedication to these issues were instrumental in producing  
128 these bipartisan bills.

129 I trust we will keep Tiffany in our hearts and minds as  
130 we move forward with these bills. I know I speak for the  
131 entire committee when I say we extend our deepest sympathies

132 to her family as they mourn the loss of Tiffany and her  
133 brother Derek. And I do think it is appropriate if we have  
134 a moment of silence in their memory. Thank you.

135 Pursuant to notice, I now call up H.R. 4731 for  
136 purposes of markup and move that the committee report the  
137 bill favorably to the House. The clerk will report the  
138 bill.

139 Mr. Manning. H.R. 4731, to provide for an annual  
140 adjustment of the number of admissible refugees, and for  
141 other purposes.

142 [The bill follows:]

143 \*\*\*\*\* INSERT 1 \*\*\*\*\*

144 Chairman Goodlatte. Without objection, the bill is  
145 considered as read and open for amendment at any point, and  
146 I will begin by recognizing myself for an opening statement.

147 The United States has a generous refugee program, and  
148 has provided millions of people fleeing persecution with  
149 safe haven; and while we should continue that great  
150 tradition, it is clear that our refugee laws are being  
151 abused and need to be reformed.

152 The Refugee Act of 1980 created our current refugee  
153 resettlement process, in which the President sets the annual  
154 limit for the number of refugees the United States can  
155 resettle during the next fiscal year. And the act set forth  
156 who would be considered admissible as a refugee and how and  
157 when those refugees could adjust to lawful permanent  
158 resident status. In addition, the Act put in place a  
159 process for the Federal Government to work through  
160 nongovernmental agencies to resettle refugees.

161 Thirty-six years later, Americans are voicing a growing  
162 number of concerns about how many and the way refugees are  
163 admitted to the United States, as well as what happens once  
164 they are admitted, but the Federal Government, under this



165 administration, has done little to respect those concerns.  
166 When a State or locality expresses security concerns about  
167 refugee resettlement, the current administration simply  
168 repeats the talking point that refugees undergo the most  
169 rigorous background checks of any immigrant to the United  
170 States.

171 This ignores the warnings of several of the  
172 administration's own security officials, that if there is no  
173 information regarding a potential refugee in the databases  
174 that are checked, then no derogatory information will show  
175 up during the check; and it ignores the fact that in many  
176 failed states, like Syria, there is no reliable information  
177 about refugees.

178 Considering the terrorist threats facing our Nation, we  
179 have a right to be concerned about resettlement of refugees  
180 from countries that are hotbeds of terrorist activity. And  
181 if a State or locality expresses concerns about the costs of  
182 refugee resettlement or the lack of available employment  
183 opportunities, this administration may pay lip service to  
184 the locality by sending a representative to try to placate  
185 the community.

186 But in the end, it is very telling that the Assistant  
187 Secretary for Population, Refugees, and Migration, Ann  
188 Richard, told the Immigration Subcommittee that the Federal  
189 Government has the right to resettle refugees all across

190 America; and that is exactly what is happening, despite  
191 concerns raised by the affected communities.

192 I know that many resettlement organizations do  
193 wonderful and necessary work, but essentially ignoring the  
194 pleas of communities across the U.S. and leaving refugee  
195 resettlement decisions to the administration, is no longer a  
196 viable option.

197 Also ripe for change is the process by which the annual  
198 refugee ceiling is set. Currently, the President sets the  
199 refugee ceiling after, quote, "appropriate consultation with  
200 Congress." But such appropriate consultation has become  
201 simply a September meeting between the Secretary of State  
202 and certain members of the House and Senate Judiciary  
203 Committees, at which the Secretary tells how many refugees  
204 the President has decided can be admitted. So, Congress has  
205 no real say in any numerical decisions.

206 And last year, even when the Secretary did provide us a  
207 number during the consultation, the final fiscal year 2016  
208 determination by the President was 10,000 more than what  
209 Secretary Kerry had indicated just days before.

210 So, among its many reforms, the bill we are considering  
211 today, H.R. 4731, sets an annual limit for refugee  
212 admissions, curbing the President's limitless power in this  
213 area; and the bill places the power in the hands of the  
214 States and localities to determine whether or not refugee

215 resettlement is best for their communities.

216       The mass migration from the Middle East across Europe  
217 has rightly focused the world on the need to help those  
218 fleeing violence or persecution in their home countries.  
219 But simply because an individual flees his or her home  
220 country does not mean that they should automatically qualify  
221 as a refugee under U.S. immigration law or that they even  
222 want to be resettled in the U.S.

223       In fact, the vast majority of those who have fled the  
224 Middle East in recent years would prefer to be repatriated once  
225 peace is achieved.       The Refugee Act of 1980 worked  
226 relatively well for several years, but after 36 years, it is  
227 time to make some needed reforms.       H.R. 4731, the Refugee  
228 Program Integrity Act, does just that.

229       I thank the gentleman from Idaho, Mr. Labrador, for his  
230 hard work on this legislation, and I thank all of our  
231 members who provided input.       I urge my colleagues to support  
232 the bill.       And I yield the balance of my time.

233       It is now my pleasure to recognize the ranking member  
234 of the Judiciary Committee, the gentleman from Michigan, for  
235 his opening statement.

236       [The statement of Chairman Goodlatte follows:]

237 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

238 Mr. Conyers. I thank you, Chairman Goodlatte, members  
239 of this committee. We are in the midst of a global refugee  
240 crisis. There are currently more displaced people,  
241 somewhere in the neighborhood of 60 million, than any time  
242 since World War II. They are in refugee camps in Africa;  
243 they are on boats and trains and traveling by foot from the  
244 Middle East to Europe; and they are coming to our border  
245 from Central America. These are the world's most  
246 vulnerable, many of them women and children.

247 Unfortunately, the majority's answer to this crisis is  
248 H.R. 4731, a bill that would reduce refugee admissions to  
249 the United States by nearly one-third, deem all refugees  
250 suspect, and effectively build walls around entire  
251 communities.

252 H.R. 4731 would impose an arbitrarily low cap on the  
253 number of refugees permitted to be resettled each year, and  
254 would transfer the authority to establish the annual refugee  
255 admissions ceiling from the President to the Congress.  
256 Doing so would tie the hands of the President, making it  
257 difficult, if not impossible, for him or her to utilize the

258 refugee program to respond in a time of war or other crises.  
259 And so, as a result, those fleeing persecution will be  
260 turned away because we have reached an arbitrary level that  
261 is far below what, to me, is needed, what we can do and what  
262 other countries, including Germany and Canada, are already  
263 doing.

264 In addition, H.R. 4731 would erect new, costly hurdles  
265 for those seeking to start a new life in America and would,  
266 in effect, deem all refugees suspect. It authorizes  
267 surveillance monitoring and additional security checks for  
268 all refugees without cause, and for no other reason than  
269 having arrived legally through the refugee program. It  
270 stigmatizes refugees as potential criminals. It is simply  
271 un-American to treat those fleeing persecution, who want  
272 nothing more than to start a new life in a safe and  
273 welcoming community, as potential criminals.

274 Finally, this legislation would effectively wall off  
275 entire communities from refugee resettlement by empowering  
276 Governors and local legislators to block the resettlement of  
277 refugees.

278 We know that the American refugee program relies on  
279 support from State and local governments as well as faith-  
280 based and other non-governmental organizations; without  
281 them, it just does not work.

282 In my home State, I opposed Governor Snyder when he

283 tried to exclude Syrian refugees from being resettled in  
284 Michigan, and I am pleased that he has backtrack.

285 And so, in closing, I would observe that this is not a  
286 serious attempt to legislate. A draft of H.R. 4731 was just  
287 made available to all members on Monday. There have been no  
288 legislative hearings or even the opportunity for input from  
289 the administration or organizations that are best equipped  
290 to understand how such sweeping changes will affect  
291 refugees.

292 I suspect this is another political exercise to play on  
293 our worst fears, similar to the divisive and dangerous  
294 rhetoric being used by certain political candidates.

295 I have watched, frankly, with dismay, as the leading  
296 candidate for the Republican presidential nomination talks  
297 of building a wall and closing our country to Muslims. I  
298 know the Muslim community in and around my district. They  
299 are hard-working, family-oriented people of faith. Their  
300 dreams are the same as immigrants who came before them:  
301 safety and protection from oppression, educational  
302 opportunities for their children, and a better life for  
303 their families.

304 In conclusion, H.R. 4731 would have us turn our back on  
305 those in most need of refugee resettlement. It is  
306 inconsistent with our law and international refugee law as  
307 well. So, I urge my colleagues to join me in opposing this

308 mean-spirited legislation. And I yield back the balance of  
309 my time and I thank the chairman.

310 [The statement of Mr. Conyers follows:]

311 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

312 Chairman Goodlatte. The chair thanks the gentleman and  
313 now recognizes the sponsor of the legislation, the vice-  
314 chairman of the Subcommittee on Immigration and Border  
315 Security, the gentleman from Idaho, Mr. Labrador, for his  
316 opening statement.

317 Mr. Labrador. Thank you, Mr. Chairman. I am honored  
318 to sponsor H.R. 4731, the Refugee Program Integrity  
319 Restoration Act of 2016. I have long been a supporter of  
320 the refugee program and the important humanitarian mission  
321 that it serves. The United States should be a beacon of  
322 hope to those in dire need who face persecution, torture, or  
323 death on account of their religion, race, national origin,  
324 political opinion, or membership in a particular social  
325 group. As a former immigration lawyer, this is more than  
326 just a theory; it is something that I have seen, observed  
327 many, many times firsthand, as a lawyer, and as our  
328 communities in Idaho have welcomed many refugees over the  
329 last few years.

330 The refugee program, however, is outdated and it is now  
331 in need of reform. The process is wrought with fraud,  
332 unchecked executive authority, and potential threats to our



333 National security. These deficiencies have been highlighted  
334 in several hearings and by numerous witnesses.

335 When FBI Director James Comey testified before this  
336 committee last year, he made very troubling statements about  
337 the inability of law enforcement to properly vet incoming  
338 refugees. Compared to countries where U.S. intelligence has  
339 strong footing, many current refugees are coming from failed  
340 states, such as Syria, where there is very little U.S.  
341 intelligence presence.

342 The simple fact is that we do not know who these people  
343 truly are. Director Comey made it clear that he could not  
344 give assurance for the safety of the communities that were  
345 accepting refugees. This is not only unacceptable, but it  
346 further undermines the legitimacy of the program and hurts  
347 those that it should help. The reforms outlined in my bill  
348 do much to restore the refugee program's integrity that has  
349 been lost over the past several years.

350 The statutory changes modernize a statute that was  
351 written over 30 years ago and that could not have  
352 contemplated the problems that we now face. By updating  
353 provisions related to waiver authority, termination of  
354 refugee status, and the process for adjustment of status for  
355 refugees, H.R. 4731 takes the necessary steps to bring the  
356 refugee program into the 21st century.

357 This bill goes to great lengths to strengthen the

358 infrastructure of the program and combat fraud and threats  
359 to national security. By improving our fraud detection at  
360 the early stages of the process and including recurrent  
361 security checks after a refugee is admitted to the country,  
362 U.S. law enforcement can better assess fraud patterns,  
363 identify future threats, and thwart attacks before they can  
364 occur. The provisions of this bill truly anticipate the  
365 needs of future Congresses to protect against unchecked  
366 executive action. By setting the ceiling through statute  
367 and requiring congressional action in advance of any  
368 adjustment, Congress finally brings the refugee ceiling  
369 determination in line with all other statutory caps set by  
370 immigration law.

371 Further, by providing a voice to State and local  
372 governments, this or any future administration can no longer  
373 dictate resettlement without substantive input from the  
374 States and communities that will be impacted. This bill is  
375 a result of the effort of many members, and I want to thank  
376 all members who provided ideas, input, and language.

377 I especially want to thank Chairman Goodlatte for his  
378 strong leadership on this issue, and the chairman of the  
379 subcommittee, Mr. Trey Gowdy. H.R. 4731 is a strong bill  
380 that will greatly improve many facets of the refugee  
381 program. And I urge the members of this committee to  
382 favorably report it out of committee today. Thank you, and

383 I yield back.

384 [The statement of Mr. Labrador follows:]

385 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

386 Chairman Goodlatte. Thank you, Mr. Labrador. It is  
387 now my pleasure to recognize the ranking member of the  
388 Subcommittee on Immigration and Border Security, the  
389 gentlewoman from California, Ms. Lofgren, for her opening  
390 statement.

391 Ms. Lofgren. Thank you, Mr. Chairman. This markup  
392 falls during a week that will end with Republicans offering  
393 a partisan resolution condemning executive actions meant to  
394 bring some sense and sanity to our broken immigration  
395 system. And it comes amidst a presidential nomination  
396 season rife with anti-immigrant rhetoric. The proposal we  
397 are considering today is more of the same. It is a  
398 fundamental attack on refugees and the programs that serve  
399 them.

400 The bill does nothing to repair our broken immigration  
401 system. It does not enhance security or address current  
402 problems in our refugee programs. It is based on the faulty

403 premise that refugees pose a danger and therefore need to be  
404 under continual surveillance. It fails to recognize that  
405 refugees are fleeing persecution. They are victims to whom  
406 we have an obligation, morally and legally, to provide  
407 protection and welcome to our communities.

408 As Mr. Conyers has said, we are in a worldwide refugee  
409 crisis, the likes of which we have not seen since World War  
410 II. Yet, this bill reduces the number of refugee admissions  
411 by nearly one-third of fiscal year 2016 levels. It strips  
412 the President of his ability to set, in consultation with  
413 Congress, the annual refugee target admissions level. And  
414 when it does that, it severely hampers the ability of the  
415 United States to respond to international crisis.

416 Since the 1970s, America has accepted millions of  
417 refugees. Under President Reagan in the 1980s, the U.S.  
418 resettled hundreds of thousands of Vietnamese refugees, at  
419 times taking in more than 10,000 per month. In the 1990s,  
420 we accept hundreds of thousands of political refugees from  
421 the former Soviet Union. Refugees from Asia, Eastern  
422 Europe, Africa, and around the world have become enormous  
423 contributors to the U.S. economy and part of the fabric of  
424 our country, of our society, and of my district.

425 The executive authority to set the refugee ceiling was  
426 proposed and signed into law as part of the Refugee Act of  
427 1980. I think we can all agree that Congress is not the

428 most nimble decision-making body, but this bill would  
429 establish a relatively low refugee level and vest Congress  
430 with the sole authority to lift the refugee ceiling with no  
431 real exceptions for emergencies.

432 At this moment of great need, I propose that we  
433 resettle 200,000 refugees in 2016. And while I recognize  
434 that that is an ambitious goal, the point is, we should be  
435 trying to do more, not less. The level this bill sets is  
436 miserly and sends a dangerous message to the rest of the  
437 world, relinquishing our historic leadership in refugee  
438 protection.

439 The bill would have us prioritize religious minorities  
440 for refugee resettlement as a matter of law. That is a  
441 radical departure from established refugee law that provides  
442 protection from persecution based on race, religion,  
443 nationality, political opinion, or membership in a  
444 particular social group. This bill lifts one of those  
445 grounds, religion, above all others.

446 In doing so, we would deprioritize Iraqis and Afghanis  
447 who supported U.S. armed services. A woman fleeing sex  
448 enslavement by Boko Haram or female genital mutilation would  
449 likely be passed over. A political dissident from North  
450 Korea would find no refuge in America because he is not a  
451 religious minority. Even more alarming, this provision is  
452 reminiscent of prior proposals, effectively prioritizing

453 Christian refugees. It appears to be crafted to exclude  
454 Muslims from Middle Eastern countries.

455 Another related provision allows any action by  
456 Governors and local legislatures to deny refugee placement  
457 in their communities, a restriction that applies to no other  
458 group of immigrants. This provision sends the message that  
459 refugees are undesirable and unwelcome in our communities.  
460 The desire to keep out refugees is not rooted in anything  
461 other than xenophobia, which is the kind of base emotion and  
462 rhetoric consistent with the front-letter of the Trump  
463 Republican Party.

464 Perhaps most perniciously, this bill would essentially  
465 require refugees to reapply years after having established  
466 that they suffered persecution. The process proposed in the  
467 bill would make refugees re-tell their stories perhaps five  
468 years after their first interview, and if they fail to re-  
469 establish their eligibility for any reason, they would be  
470 forced to return to the country where they were tortured or  
471 fear persecution. There is no justification advanced for  
472 this new requirement, which would re-traumatize those who  
473 have already proven themselves to be refugees; and this is  
474 after refugees are subject to 18 to 24 months of the most  
475 thorough screening any traveler to America undergoes before  
476 ever setting foot on U.S. soil.

477 This is after the bills calls for refugees to be held

478 in temporary status for an extended period of time. The  
479 bill prolongs the period of instability for refugees and  
480 delays them from starting their lives anew.

481 Just over 75 years ago, a ship called the St. Louis,  
482 carrying nearly 1,000 Jews fleeing Nazi Germany, sailed so  
483 close to the United States the passengers could see the  
484 lights of Miami; but rather than welcome these refugees,  
485 America turned them away. Over 250 of these Jewish refugees  
486 perished, killed by the Nazis when they were forcibly  
487 returned to Europe.

488 Making sure that such a tragedy never happens again  
489 became the bedrock of U.S. refugee and asylum law and  
490 policy. But this bill upends this fundamental principle and  
491 endangers refugees all over the world. I urge my colleagues  
492 to join me in opposition to this bill, and I thank the  
493 chairman, and yield back the balance of my time.

494 [The statement of Ms. Lofgren follows:]

495 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



496 Chairman Goodlatte. I thank you, Ms. Lofgren. Without  
497 objection, all the members' opening statements will be made  
498 a part of the record.

499 [The information follows:]

500 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

501 Chairman Goodlatte. Are there any amendments to H.R.  
502 4731? For what purpose does the gentleman from Texas seek  
503 recognition?

504 Mr. Poe. Mr. Chairman, I have an amendment at the  
505 desk.

506 Chairman Goodlatte. The clerk will report the  
507 amendment.

508 Mr. Manning. Amendment to H.R. 4731 offered by Mr. Poe  
509 of Texas. Page 7, Line 16. Strike "or" and insert the

510 following: "In any state in which the Director of the Office  
511 of Refugee Resettlement."

512 [The amendment of Mr. Poe follows:]

513 \*\*\*\*\* INSERT 2 \*\*\*\*\*

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

517 Mr. Poe. I thank the chairman. I also want to thank  
518 Congressman Labrador for introducing this legislation.

519 This is an important issue for many of our districts  
520 and our home States. In fact, from 2010 to 2015, my home

521 State of Texas accepted 41,000 refugees, which is more than  
522 any other State in the United States during the same period.  
523 Texans have been a welcoming bunch; however, there have been  
524 security concerns with the program, and it became evident  
525 after the Paris attacks and our State ended up being in a  
526 difficult situation.

527 In October 22nd, FBI Director Comey told this very  
528 committee in this very room, quote, "We have gotten much  
529 better as an intelligence community at joining our efforts  
530 and checking databases in a way that gives us high  
531 confidence. If we have a record on somebody, it will  
532 surface."

533 That is good news, but here is the problem. The  
534 challenge we face with Syria is that we do not have that  
535 rich set of data. So, even though we have gotten better at  
536 what we have, we certainly will have less overall.

537 Also, so I said to a question earlier, someone only  
538 alerts as a result of our searches if we have some record on  
539 them. That is the challenge we face in Syria. That is the  
540 challenge, Mr. Chairman. There is no record on many of  
541 these refugees.

542 Different people can interpret this different ways.  
543 But to me, this statement indicates that the Federal  
544 Government currently does not have the ability to vet Syrian  
545 refugees. There are a lot of reasons for this. Most

546 notable is there are little infrastructure in Syria. So,  
547 there is no criminal or terrorist databases. Many of these  
548 Syrians or refugees have no identity at all. Therefore, the  
549 data that is available to us to vet the individuals is not  
550 complete. It is possible that we will even likely  
551 unwittingly let an ISIS sleeper into the United States.

552 Just this January, Omar Faraj Saeed Al Hardan, an Iraqi  
553 refugee, was arrested in Houston, Texas for pledging himself  
554 to ISIS and planting on blowing up the Houston Galleria. He  
555 was captured before he committed any other crimes.

556 At the same time, as the vulnerability is made clear,  
557 current law mandates that the Federal Government must, must  
558 consult with States before placing refugees in the State,  
559 but the Federal Government does not do that. In my home  
560 State of Texas, refugees are often placed around the State.  
561 There is no notice until someone finds out these refugees  
562 have moved to this location. This is a violation of current  
563 law by the government.

564 This catch-22 has meant that our States were, on one  
565 hand, being told they had no choice but to participate in  
566 the refugee program by the Federal Government, but on the  
567 other hand, they are being told by the Federal Government  
568 that they really could not guarantee these refugees were  
569 safe.

570 Understandably, this conflict has led to a situation

571 where 30-plus States have indicated they would like to opt  
572 out of this refugee program. After all, first and foremost,  
573 it is the duty of every Governor in the United States to  
574 keep the citizens of that state safe. How can the Federal  
575 Government mandate that these individuals participate in a  
576 program that the Federal Government does not guarantee is  
577 safe?

578 To address this issue, I worked with Texas Governor  
579 Abbott on language to address and introduce to H.R. 4197,  
580 the State Refugee Security Act and it is a pending bill in  
581 the Senate. This bill currently has 48 co-sponsors. My  
582 amendment today mirrors this legislation.

583 It requires that the Office of Refugee Settlement give  
584 States 21-day notice of the placement of refugees and  
585 provides certification that refugees do not present a  
586 security threat to that State. If those requirements are  
587 not met, the Governor of the State can refuse settlement of  
588 a group of refugees or a specific refugee. This is common  
589 sense; gives the Governors the right to opt out.

590 At this time, Mr. Chairman, I would like unanimous  
591 consent to introduce the 31 States where the Governors have  
592 indicated they would like an opt-out provision.

593 Chairman Goodlatte. Without objection, it will be made  
594 a part of the record.

595 [The information follows:]

596 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

597           Mr. Poe. So, I would urge support of this amendment to  
598 make sure that refugees, whoever they are, wherever they  
599 come from, that they are not a national security risk, by

600 them being vetted before that occurs. And I will yield  
601 back.

602 Chairman Goodlatte. Will the gentleman yield?

603 Mr. Poe. Yes, sir.

604 Chairman Goodlatte. I thank the gentleman for  
605 yielding. I support his amendment. The gentleman from  
606 Texas rightly notes that the States should have advance  
607 notification of a refugee's arrival and that Governors  
608 should be able to point to a certification from the Federal  
609 Government that the refugees resettled within their  
610 boundaries are not a security threat. I thank the gentleman  
611 for his work on this amendment and I am prepared to accept  
612 the amendment.

613 Ms. Lofgren. Mr. Chairman?

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

616 Ms. Lofgren. To strike the last word.

617 Chairman Goodlatte. The gentlewoman is recognized for  
618 5 minutes.

619 Ms. Lofgren. While I have great respect for my  
620 colleague from Texas, Mr. Poe, I think this amendment should  
621 be opposed. The amendment requires that the Office of  
622 Refugee Resettlement notify the State agencies, as we know,  
623 21 days in advance. But I think the amendment feeds into  
624 the idea that refugees are undesirable and a danger and



625 drain on our society, which is not the case. It requires  
626 ORR to notify.

627 However, State agencies are not the entity charged with  
628 care for refugee populations. Local refugee organizations,  
629 primarily faith-based groups, are the ones providing care  
630 and guidance for refugee populations. And ORR already  
631 regularly consults with local organizations prior to placing  
632 refugees in a community.

633 Now, public notice provides danger to refugees. We are  
634 all aware of anti-Muslim hate groups, such as the Refugee  
635 Resettlement Watch, who monitor placements, stir up  
636 opposition to refugees and efforts to resettle them, and  
637 actually pose violent threats to refugees. So it is unwise  
638 to make a public notification, and it is also impossible for  
639 ORR to make an assessment on security, because they are not  
640 a law enforcement or national security organization. They  
641 are just the placement agency after the security agencies  
642 have done their work; that is not their job.

643 Now, refugees undergo 18 to 24 months of processing.  
644 The majority of that time is spent on security checks. And  
645 by the time a refugee is approved for entry into America,  
646 every screening check at our disposal has already been  
647 conducted. I think it would be a mistake to task ORR, that  
648 is not in the business of security, they are in the business  
649 of refugee resettlement, to task them with a law enforcement

650 role which they are not prepared to do.

651 I would like to note also that although Mr. Comey spoke  
652 to one committee, he later really walked back his comments  
653 and indicated that although there are challenges and gaps to  
654 the process, that the process is effective and has gotten  
655 more so in recent years.

656 And I would like to note also that there is a real  
657 value and importance in providing refuge. We all worked  
658 with Michael Chertoff, who was head of the DHS. I did not  
659 agree with Secretary Chertoff on many occasions, but no one  
660 would say he was not a tough on law enforcement type of guy.

661 He said this: "The process for any refugees seeking  
662 entry to the United States requires the highest level of  
663 scrutiny from a law enforcement and national security  
664 perspective. The process takes place while the refugees are  
665 still overseas. It is lengthy and deliberate. So long as  
666 the refugee admittance process is fully implemented and not  
667 diluted, it will allow us to safely admit the most  
668 vulnerable refugees while protecting the American people."

669 And he also said, and I think this is important, "If  
670 admitting Syrian refugees allows us to truthfully say we are  
671 not hypocrites or bigoted against Muslims or people from  
672 other countries, that has a positive impact in terms of the  
673 disposition people around the world have towards the U.S.  
674 You do not want to play into the narrative of the bad guy.

675 That is giving propaganda to the enemy."

676 So, I do think, although, as I say, I have tremendous  
677 respect for Judge Poe, I think this amendment should not be  
678 approved for the reasons I have outlined. And I thank the  
679 chairman for recognizing me and yield back the balance of my  
680 time.

681 Chairman Goodlatte. The question occurs on the  
682 amendment offered by the gentleman from Texas, Mr. Poe.

683 All those in favor, respond by saying aye.

684 Those opposed, no.

685 In the opinion of the chair, the ayes have it and the  
686 amendment is agreed to.

687 Ms. Lofgren. May we have a recorded vote on this?

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

690 Mr. Manning. Chairman Goodlatte?

691 Mr. Goodlatte. Aye.

692 Mr. Manning. Chairman Goodlatte votes aye.

693 Mr. Sensenbrenner?

694 Mr. Sensenbrenner. Aye.

695 Mr. Manning. Mr. Sensenbrenner votes aye.

696 Mr. Smith?

697 [No response.]

698 Mr. Chabot?

699 [No response.]

700 Mr. Issa?  
701 [No response.]  
702 Mr. Forbes?  
703 [No response.]  
704 Mr. King?  
705 Mr. King. Aye.  
706 Mr. Manning. Mr. King votes aye.  
707 Mr. Franks?  
708 Mr. Franks. Aye.  
709 Mr. Manning. Mr. Franks votes aye.  
710 Mr. Gohmert?  
711 Mr. Gohmert. Aye.  
712 Mr. Manning. Mr. Gohmert votes aye.  
713 Mr. Jordan?  
714 Mr. Jordan. Yes.  
715 Mr. Manning. Mr. Jordan votes yes.  
716 Mr. Poe?  
717 Mr. Poe. Yes.  
718 Mr. Manning. Mr. Poe votes yes.  
719 Mr. Chaffetz?  
720 [No response.]  
721 Mr. Marino?  
722 Mr. Marino. Yes.  
723 Mr. Manning. Mr. Marino votes yes.  
724 Mr. Gowdy?

725 Mr. Gowdy. Yes.

726 Mr. Manning. Mr. Gowdy votes yes.

727 Mr. Labrador?

728 Mr. Labrador. Yes.

729 Mr. Manning. Mr. Labrador votes yes.

730 Mr. Farenthold.

731 [No response.]

732 Mr. Collins?

733 Mr. Collins. Aye.

734 Mr. Manning. Mr. Collins votes aye.

735 Mr. DeSantis?

736 Mr. DeSantis. Yes.

737 Mr. Manning. Mr. DeSantis votes yes.

738 Ms. Walters?

739 [No response.]

740 Mr. Buck?

741 Mr. Buck. Aye.

742 Mr. Manning. Mr. Buck votes aye.

743 Mr. Ratcliffe?

744 Mr. Ratcliffe. Yes.

745 Mr. Manning. Mr. Ratcliffe votes yes.

746 Mr. Trott?

747 Mr. .Trott. Yes.

748 Mr. Manning. Mr. Trott votes yes.

749 Mr. Bishop?

750 [No response.]

751 Mr. Conyers?

752 [No response.]

753 Mr. Nadler?

754 [No response.]

755 Ms. Lofgren?

756 Ms. Lofgren. No.

757 Mr. Manning. Ms. Lofgren votes no.

758 Ms. Jackson Lee?

759 [No response.]

760 Mr. Cohen?

761 [No response.]

762 Mr. Johnson?

763 [No response.]

764 Mr. Pierluisi?

765 [No response.]

766 Ms. Chu?

767 Ms. Chu. No.

768 Mr. Manning. Ms. Chu votes no.

769 Mr. Deutch?

770 [No response.]

771 Mr. Gutierrez?

772 Mr. Gutierrez. No.

773 Mr. Manning. Mr. Gutierrez votes no.

774 Ms. Bass?

775 Ms. Bass. No.

776 Mr. Manning. Ms. Bass votes no.

777 Mr. Richmond?

778 [No response.]

779 Ms. DelBene?

780 Ms. DelBene. No.

781 Mr. Manning. Ms. DelBene votes no.

782 Mr. Jeffries?

783 [No response.]

784 Mr. Cicilline?

785 Mr. Cicilline. No.

786 Mr. Manning. Mr. Cicilline votes no.

787 Mr. Peters?

788 Mr. Peters. No.

789 Mr. Manning. Mr. Peters votes no.

790 Chairman Goodlatte. The gentleman from California, Mr.

791 Issa.

792 Mr. Issa. Yes.

793 Mr. Manning. Mr. Issa votes yes.

794 Chairman Goodlatte. The gentleman from Michigan, Mr.

795 Bishop?

796 Mr. Bishop. Yes.

797 Mr. Manning. Mr. Bishop votes yes.

798 Chairman Goodlatte. Has every member voted who wishes

799 to vote? The gentlemen from Tennessee.

800 Mr. Cohen. No.

801 Mr. Manning. Mr. Cohen votes no.

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

804 Mr. Manning. Mr. Chairman, 17 members voted aye; 8  
805 members voted no.

806 Chairman Goodlatte. The ayes have it and the amendment  
807 is agreed to. Are there any further amendments? For what  
808 purpose does the gentlewoman from California seek  
809 recognition?

810 Ms. Lofgren. I have an amendment at the desk to  
811 strike.

812 Chairman Goodlatte. The clerk will report the  
813 amendment.

814 Mr. Manning. All right. Amendment to H.R. 4731,  
815 offered by Ms. Lofgren. Page 4, strike --

816 Chairman Goodlatte. Without objection, the amendment  
817 is considered as read, and the gentlewoman is recognized for  
818 5 minutes on her amendment.

819 Ms. Lofgren. Thank you, Mr. Chairman. This amendment  
820 would strike the portion of the bill that gives priority  
821 consideration to, "Practitioners of a minority religion, for  
822 individuals from a country of particular concern" in the  
823 annual report of the Commission on International Religious  
824 Freedom.



825 Now, while current law recognizes that individuals who  
826 face religious persecution can and should qualify for  
827 refugee protection, Section 4 of the bill would prioritize  
828 refugees claiming persecution on the basis of minority  
829 religion over all other refugees, regardless of  
830 vulnerability or danger of imminent harm.

831 Now, the idea that religious minorities are more worthy  
832 of protection than other refugees is inconsistent with the  
833 values on which the U.S. asylum and refugee law is based, as  
834 well as international law. Under current law, refugees are  
835 resettled based on their vulnerability, their ties to the  
836 United States, and whether they are of special humanitarian  
837 concern. This has led to resettling of refugees, such as  
838 orphans, the disabled, women who have been victims of sexual  
839 slavery.

840 This amendment would mean that a religious minority  
841 would have a priority over any other refugee group,  
842 regardless of imminent danger or harm. For the first time  
843 in our Nation's history, it would lift religious persecution  
844 above all other grounds; and while religious persecution  
845 continues to be a problem around the world, so does a  
846 persecution based on race, nationality, political opinion,  
847 and membership in a particular social group. There is no  
848 principle basis for this distinction.

849 The provision reminds me of the discussion earlier,

850 this year and last year, about the idea of prioritizing  
851 Christian refugees over all others, but in the aftermath of  
852 the death of Aylan Kurdi, the little boy whose body washed  
853 up on a beach in Turkey, I think the bill that is being  
854 introduced today shows that a Christian-only refugee  
855 restriction is not consistent with our values. To  
856 prioritize Christian refugees over Muslims in most of the  
857 Middle East, such as Syria, Iraq, and Iran, would not be  
858 right; however, and this may not be the intent, it could  
859 prioritize Muslim refugees, who constitute minorities as  
860 either members of sub-sects of Islam, or minorities within a  
861 majority of non-Muslim countries over other refugees.

862 The current list of countries of concern include:  
863 Burma, Central African Republic, China, Egypt, Eritrea,  
864 Iran, Iraq, Nigeria, North Korea, Pakistan, Saudi Arabia,  
865 Sudan, Syria, Tajikistan, Turkmenistan, Uzbekistan, and  
866 Vietnam.

867 Now, the intent may be to prioritize Christian  
868 refugees, but I think this would require, for example, a  
869 priority for the Rohingya in Burma, or the Uyghurs in China,  
870 for example, or the Shias in Saudi Arabia, over others who  
871 might be simply victims of sexual slavery. The bill would  
872 prioritize in individuals' identity over their experience,  
873 and would disregard the level of persecution in favor of  
874 blanket priority.

875           For example, the bill would prioritize cases of Muslim  
876 refugees from the Central African Republic, but not the case  
877 of a Saudi human rights defender, who was sentenced to two  
878 years in jail, and 200 lashes for, among other things,  
879 advocating for the rights of religious minorities in Saudi  
880 Arabia. This runs contrary to refugee determinations, which  
881 are always individualized, and take into consideration the  
882 totality of the circumstances for each applicant.

883           The bill would discriminate based on religion among  
884 refugees who are otherwise identical in claims. For  
885 example, when faced with two refugees from Pakistan, one  
886 Christian and one Sunni Muslim, both accused of blasphemy  
887 and both facing imminent threats to their lives on that  
888 basis, the bill would require prioritizing the Christian  
889 over the Muslim, allowing the Muslim to be murdered.

890           I think this is a bad idea. I think it is inconsistent  
891 with international law. I think it is inconsistent with  
892 American values, and I urge that the amendment be defeated,  
893 and I yield back the balance of my time.

894           Chairman Goodlatte. What purpose does the gentleman  
895 from Idaho seek recognition?

896           Mr. Labrador. Mr. Chairman, to move the strike word --  
897 to move to strike the last word?

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

900 Mr. Labrador. I seek time and opposition to the  
901 amendment. First of all, everything we heard is inaccurate,  
902 and I oppose this amendment, and urge my colleagues to do  
903 the same. For example, the Lautenberg Amendment has been in  
904 effect since 1990, and not only does it give priority to  
905 persecuted religious minorities from countries such as Iran  
906 and the former Soviet Union, it actually lowers the bar for  
907 those persecuted minorities in those two countries.

908 So, to say that this is the first time that we have  
909 tried to do this is completely inaccurate. We are really  
910 fortunate that in the United States, religious freedom is  
911 respected. In fact, the First Amendment to the U.S.  
912 Constitution states: "Congress shall make no law for  
913 respecting an establishment of religion or prohibiting the  
914 free exercise thereof."

915 Of course, in many countries across the world,  
916 religious persecution is commonplace, and the U.S. has a  
917 long history of providing safe haven for those persecuted on  
918 the basis of their religion. The bill provides that for  
919 refugees from countries with the worst records of religious  
920 persecution. Refugee claims based on religious persecution  
921 are given preference over other claims.

922 In particular, the bill states that when processing  
923 refugee applications from a country of particular concern,  
924 as listed in the annual U.S. Commission on International

925 Religious Freedom, preference is giving to religious  
926 persecution claims. For 2015, as the good lady actually  
927 already mentioned, these countries are Burma, China,  
928 Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and many  
929 others. No specific religion is singled out by this bill.

930 In fact, if you look at Burma, the first country that I  
931 mentioned, Burma alone, we know that the majority in Burma  
932 is actually persecuting Muslim minority, and the people who  
933 would be receiving benefits from this bill would be the  
934 Muslims in Burma. So, we are not trying to single out  
935 Christians. We are just trying to protect all religious  
936 minorities in the world, especially in countries where  
937 religious persecution has been a major issue, and for those  
938 reasons, I oppose this amendment.

939 Mr. Sensenbrenner. Will the gentleman yield?

940 Mr. Labrador. Yes, absolutely.

941 Mr. Sensenbrenner. I oppose the amendment, as does my  
942 colleague from Idaho. But it seems to me that we ought to  
943 get back to where refugee policy began, which was in 1951,  
944 with the U.N. Convention. And the U.N. Convention defined a  
945 refugee as someone who had a well-founded fear of religious  
946 or political persecution if they returned home.

947 Now, it seems to me that we have kind of gotten off the  
948 track on the religious persecution issue. The gentleman  
949 from Idaho mentioned Muslims in Burma. I think we all know

950 that there are Christians in Syria that are, I think,  
951 subject to a genocide, and the House passed a resolution to  
952 do that.

953 So, it seems to me that if we value freedom of  
954 religion, which I think all of us do, or say we do, you  
955 know, we ought to say that people who are subjected to  
956 religious persecution should be close to the front of the  
957 line in being able to obtain refugee status.

958 Now, it has been stated repeatedly that in terms of the  
959 refugee program, economic migrants are not considered to be  
960 refugees. It has to be religious or political persecution  
961 on this. Now, we do not know how many of the people who are  
962 migrating out of the Middle East into Europe are economic  
963 refugees, and how many of them are actually people who have  
964 been persecuted for political or religious reasons. That is  
965 up to the European authorities who will be interviewing  
966 these applicants on a one-by-one basis, and those that do  
967 not fit the criteria, I think, are going to end up being  
968 sent home. That is a European problem.

969 Now, the second issue with this bill is who should  
970 control the number of refugees that we admit every year. I  
971 was here when the Refugee Act of 1980 was passed, as was my  
972 distinguished junior chairman emeritus, the gentleman from  
973 Michigan, Mr. Conyers. There, I think wrongly, that  
974 Congress rejected any role in actually setting the number of

975 refugees. Instead, there was a consultation process where  
976 the administration and the Secretary of State, whomever that  
977 person may have been, came on in and basically told us what  
978 was going to happen.

979 And despite complaints that members of the committee  
980 over the years had, in terms of numbers and in terms of  
981 regions of the world, where the refugees would be admitted,  
982 the administrations were content to go ahead, full speed  
983 ahead, regardless of what kind of input they had in the  
984 consultation process.

985 Bottom line is the consultation process ended up being  
986 a joke. And it seems to me that where Congress sets a cap,  
987 which is subject to adjustment, there will be more  
988 consultation by the State Department, and specifically, the  
989 Secretary of State, and then coming in and saying, "Here is  
990 what it is going to be, and I will listen to you for a few  
991 minutes, and then we will wait until next year."

992 So, this bill, I think, is important, to put Congress  
993 back in the role of setting policy, of having a more direct  
994 say in the numbers, and I think building support for a  
995 refugee policy that is, frankly, in tatters now. And I  
996 thank the gentleman for yielding.

997 Mr. Labrador. Mr. Chairman, I reclaim my time just  
998 real quickly. It seems ironic to me that we had a hearing  
999 yesterday on the over reach of the executive, and that the

1000 minority in that hearing said that we are at fault for not  
1001 being specific about our policies and today they are  
1002 objecting to us being specific about what the refugee  
1003 policies of the United States should be. Thank you.

1004 Ms. Chu. Mr. Chair?

1005 Chairman Goodlatte. What purpose does the gentlewoman  
1006 from California seek recognition?

1007 Ms. Chu. I move to strike the last word.

1008 Chairman Goodlatte. Gentlewoman is recognized for 5  
1009 minutes.

1010 Ms. Chu. I support this amendment, and I would like to  
1011 yield to my colleague, Ms. Lofgren.

1012 Ms. Lofgren. Thank you for yielding, Congresswoman  
1013 Chu. I just wanted to address a couple of things. First,  
1014 the issue of the Lautenberg Amendment, which ensures access  
1015 to refugee programs for religious minorities. For  
1016 historical reasons, we have not been able to show  
1017 persecution on a case by case basis. We all know that this  
1018 was adopted, really to provide for relief to Soviet Jews who  
1019 are not able to be admitted under the refugee standard  
1020 because they can only show that they were unable to attend  
1021 university or work in professional jobs solely because they  
1022 were Jewish, and they could not show that they themselves  
1023 were jailed, or otherwise persecuted, based on their  
1024 religion.



1025           Now, under the Lautenberg Amendment, current religious  
1026 minorities from Iran, who themselves were not jailed or  
1027 tortured, can qualify as refugees by showing that they face  
1028 a pervasive discrimination based on their religion that  
1029 makes it impossible to live freely, even if they cannot show  
1030 that they themselves were persecuted.

1031           The Lautenberg Amendment was intended to rectify  
1032 situations where certain fates are excluded from fully  
1033 participating in society, and members of these groups live  
1034 in a constant state of insecurity, even if not every single  
1035 person is persecuted, although some may be.

1036           Now, Christians in the Middle East do not need the  
1037 Lautenberg Amendment because they have access to  
1038 resettlement under the existing standard. I think the  
1039 Lautenberg Amendment is totally unrelated to Section 4 of  
1040 the bill; and I would note, although people can and  
1041 apparently do disagree that the idea of elevating religious  
1042 persecution above all others is a mistake.

1043           And I will give you an example of the pernicious effect  
1044 this would have, and it is a real case of a Saudi human  
1045 rights defender who was sentenced to two years to prison,  
1046 and 200 lashes by a Saudi court. The charges were his  
1047 efforts to promote understanding between Saudi Arabia's  
1048 Sunni majority, and the Shia minority.

1049           Now, if he had fled to a third country and had been

1050 referred to the United States, Section 4 would not require  
1051 that his case be prioritized because he himself was a Sunni;  
1052 if, however, he had a Shia colleague who was involved in the  
1053 same activities and fled with him, Section 4 would require  
1054 prioritization of his assistant's case over this own. I do  
1055 not think that is logical, and I do not think it is the way  
1056 our program has been working in the past, nor the way it  
1057 should be working.

1058         And I would note that there are instances where a  
1059 persecution has occurred because of membership in a  
1060 particular social group that is so horrendous that it should  
1061 not be de-prioritized over religious persecution. And one  
1062 example that comes to mind is the condition of people who  
1063 are gay in certain African countries who will be murdered  
1064 because of their sexual orientation, and who have a claim  
1065 for protection.

1066         And finally, on the issue of setting the number in a  
1067 way that could only be changed by an act of Congress: I  
1068 think that is a mistake. You know, I am as jealous as any  
1069 member of the House in the role of the legislative process.  
1070 We are Article 1 for a reason. But I do think that the role  
1071 the President, the executive plays in foreign policy cannot  
1072 be assumed by Congress. We are not nimble enough to  
1073 actually play that role, and that is why that role is  
1074 assumed by the executive.

1075 I actually thought, Mr. Sensenbrenner, that it was --  
1076 you know, I believe it was under your chairmanship where you  
1077 pointed out the Secretary of State had to actually  
1078 personally meet with the members of the committee, and I  
1079 thought that was quite a good advance.

1080 We do meet personally with the Secretary of State every  
1081 fall, and it is an opportunity to discuss the refugee  
1082 program at some length in a productive way. But that  
1083 consultation cannot anticipate the explosion of violence in  
1084 a part of the world later in the year. We have to give some  
1085 flexibility to the executive to respond to international  
1086 relations.

1087 And I would finally note that the power of the purse  
1088 always resides in the Congress, and there are limitations on  
1089 resettlement that is provided for, and how much we fund  
1090 refugee resettlement efforts through ORR. So, I think this  
1091 amendment is a good one, and I would hope that it could be  
1092 adopted, and I yield back to the gentlelady from California.

1093 Chairman Goodlatte. What purpose does the gentleman  
1094 from Rhode Island seek recognition?

1095 Mr. Cicilline. Move to strike the last word, Mr.  
1096 Chairman.

1097 Chairman Goodlatte. The gentleman is recognized for 5  
1098 minutes.

1099 Mr. Cicilline. I strongly support the gentlelady's

1100 amendment, and urge my colleagues to do the same. There is  
1101 no question that religious minorities are facing horrific  
1102 persecution as part of the Islamic State's campaign in the  
1103 Middle East. Just this week, the House passed a bill that  
1104 came out of the Foreign Affairs Committee that declared that  
1105 ISIS is engaged in acts of crime against humanity, war  
1106 crimes, and genocide against religious ethnic minorities in  
1107 the region.

1108 But Section 4, as it is currently written, seriously  
1109 undermines American values. The section four of this bill  
1110 does a tremendous disservice to a longstanding practice and  
1111 proud tradition of this country of welcoming those facing  
1112 serious peril abroad by essentially creating a contest for  
1113 who is being the most targeted by prioritizing religious  
1114 minorities over other persecuted groups.

1115 Someone facing starvation, torture, rape, or murder  
1116 does not care if it is because they are Christian or Muslim  
1117 or a political dissident, or a member of a particular ethnic  
1118 group. What matters is they are facing grave peril because  
1119 of who they are. And we should not, as a country, create a  
1120 hierarchy of who we think is more deserving of refugee  
1121 status.

1122 Millions of people are suffering throughout the Middle  
1123 East, and it seems extremely presumptuous, to me, trying to  
1124 put them in some kind of suffering order. One example I

1125 want raise is a community that is facing absolutely horrific  
1126 violence: are those perceived to be part of the LGBT  
1127 community in territories controlled by ISIS.

1128 While information from within ISIS controlled  
1129 territories is difficult to obtain, this group has proudly  
1130 advertised its crimes against allegedly LGBT individuals  
1131 through gruesome social media videos and photos. Groups  
1132 such as Outright Actions International have compiled dozens  
1133 of incidences which people, usually men, who are  
1134 blindfolded, tortured, and thrown off tall buildings, and  
1135 then brutally murdered by crowds incited by anti-LGBT slurs.

1136 Last summer, BBC Magazine ran a heartbreaking story  
1137 titled "Why My Own Father Would Have Let I.S. Kill Me,"  
1138 detailing a young man who had to flee Iraq, under cover,  
1139 after his own father agreed to turn him over to ISIS for  
1140 being gay.

1141 I raise these issues not to suggest that those within  
1142 the Islamic State territory who are being persecuted for  
1143 being LGBT are more deserving than anyone else of receiving  
1144 refugee protections, but to point out that there are now  
1145 millions of people who are being targeted by their race,  
1146 religion, ethnicity, gender, or sexual orientation by the  
1147 Islamic State. They all face unimaginable horrors, and most  
1148 of them would meet the definition of a refugee under U.S.  
1149 and international law.

1150 I cannot imagine why we would attempt to impose a  
1151 hierarchy of suffering upon people who simply want to live  
1152 without fear, suffering, and fear of persecution is the same  
1153 suffering -- and the fear of persecution is the same; and we  
1154 should welcome those who meet this eligibility requirement,  
1155 long recognized under international and U.S. law.

1156 I strongly support this amendment. I urge my  
1157 colleagues to do the same, and I ask unanimous consent, Mr.  
1158 Chairman, to introduce into the record, this BBC article  
1159 entitled "Why My Own Father Would Have Let I.S. Kill Me," as  
1160 well as an Outright Action International report detailing  
1161 atrocities committed against those perceived to be LGBT by  
1162 the Islamic State. And with that, I yield back.

1163 Chairman Goodlatte. Questions occurs on the amendment  
1164 offered by the gentlewoman from California, Ms. Lofgren.

1165 All those in favor, respond by saying aye.

1166 Those opposed, no.

1167 Opinion of the chair, the noes have it, and the  
1168 amendment is not agreed to.

1169 A recorded vote is requested, and the clerk will call  
1170 the role.

1171 Mr. Manning. Chairman Goodlatte?

1172 Chairman Goodlatte. No.

1173 Mr. Manning. Chairman Goodlatte votes no.

1174 Mr. Sensenbrenner?

1175 Mr. Sensenbrenner. No.

1176 Mr. Manning. Mr. Sensenbrenner votes no.

1177 Mr. Smith?

1178 Mr. Smith. No.

1179 Mr. Manning. Mr. Smith votes no.

1180 Mr. Chabot?

1181 [No response.]

1182 Mr. Issa?

1183 Mr. Issa. No.

1184 Mr. Manning. Mr. Issa votes no.

1185 Mr. Forbes?

1186 [No response.]

1187 Mr. King?

1188 Mr. King. No.

1189 The .Clerk. Mr. King votes no.

1190 Mr. Franks?

1191 [No response.]

1192 Mr. Gohmert?

1193 Mr. Gohmert. No.

1194 Mr. Manning. Mr. Gohmert votes no.

1195 Mr. Jordan?

1196 Mr. Jordan. No.

1197 Mr. Manning. Mr. Jordan votes no.

1198 Mr. Poe?

1199 [No response.]

1200 Mr. Chaffetz?  
1201 [No response.]  
1202 Mr. Marino?  
1203 Mr. Marino. No.  
1204 Mr. Manning. Mr. Marino votes no.  
1205 Mr. Gowdy?  
1206 Mr. Gowdy. No.  
1207 Mr. Manning. Mr. Gowdy votes no.  
1208 Mr. Labrador?  
1209 Mr. Labrador. No.  
1210 Mr. Manning. Mr. Labrador votes no.  
1211 Mr. Farenthold.  
1212 [No response.]  
1213 Mr. Collins?  
1214 Mr. Collins. No.  
1215 Mr. Manning. Mr. Collins votes no.  
1216 Mr. DeSantis?  
1217 Mr. DeSantis. No.  
1218 Mr. Manning. Mr. DeSantis votes no.  
1219 Ms. Walters?  
1220 [No response.]  
1221 Mr. Buck?  
1222 [No response.]  
1223 Mr. Ratcliffe?  
1224 Mr. Ratcliffe. No.



1225 Mr. Manning. Mr. Ratcliffe votes no.  
1226 Mr. Trott?  
1227 Mr. .Trott. No.  
1228 Mr. Manning. Mr. Trott votes no.  
1229 Mr. Bishop?  
1230 Mr. Bishop. No.  
1231 Mr. Manning. Mr. Bishop votes no.  
1232 Mr. Conyers?  
1233 [No response.]  
1234 Mr. Nadler?  
1235 [No response.]  
1236 Ms. Lofgren?  
1237 Ms. Lofgren. Aye.  
1238 Mr. Manning. Ms. Lofgren votes aye.  
1239 Ms. Jackson Lee?  
1240 [No response.]  
1241 Mr. Cohen?  
1242 Mr. Cohen. Aye.  
1243 Mr. Manning. Mr. Cohen votes aye.  
1244 Mr. Johnson?  
1245 [No response.]  
1246 Mr. Pierluisi?  
1247 [No response.]  
1248 Ms. Chu?  
1249 Ms. Chu. Aye.

1250 Mr. Manning. Ms. Chu votes aye.

1251 Mr. Deutch?

1252 [No response.]

1253 Mr. Gutierrez?

1254 Mr. Gutierrez. Aye.

1255 Mr. Manning. Mr. Gutierrez votes aye.

1256 Ms. Bass?

1257 [No response.]

1258 Mr. Richmond?

1259 [No response.]

1260 Ms. DelBene?

1261 Ms. DelBene. Aye.

1262 Mr. Manning. Ms. DelBene votes aye.

1263 Mr. Jeffries?

1264 Mr. Jeffries. Aye.

1265 Mr. Manning. Mr. Jeffries votes aye.

1266 Mr. Cicilline?

1267 Mr. Cicilline. Aye.

1268 Mr. Manning. Mr. Cicilline votes aye.

1269 Mr. Peters?

1270 [No response.]

1271 Chairman Goodlatte. The gentleman from Colorado.

1272 Mr. Buck. No.

1273 Mr. Manning. Mr. Buck votes no.

1274 Chairman Goodlatte. Has every member voted who wishes

1275 to vote? The clerk will report.

1276 Mr. Manning. Mr. Chairman, 7 members voted aye; 16  
1277 members voted no.

1278 Chairman Goodlatte. And the amendment is not agreed  
1279 to. What purpose does the gentleman from Iowa, Mr. King,  
1280 seek recognition?

1281 Mr. King. Mr. Chairman, I have an amendment at the  
1282 desk.

1283 Chairman Goodlatte. The clerk will report the  
1284 amendment.

1285 Mr. Manning. Amendment to H.R. 4731, offered by Mr.  
1286 King, of Iowa. Page 7, Line --

1287 Chairman Goodlatte. Without objection, the amendment  
1288 is considered as read, and the gentleman is recognized for 5  
1289 minutes on his amendment.

1290 Mr. King. Thank you, Mr. Chairman. The underlying  
1291 bill, which I appreciate and support, allows for a Governor  
1292 or a State legislature to disapprove of the settlement of  
1293 refugees in their particular jurisdiction. And there are  
1294 many States that have a referendum process where they ballot  
1295 an initiative or referendum or a plebiscite makes -- adds to  
1296 the voice of the people. That is what my amendment does.  
1297 It adds that ability for "we, the people," to have a voice,  
1298 in the event that either the Governor or the State  
1299 legislature refuses to act, for example.

1300           And so, it is very, very simple, from that standpoint.  
1301 It is about returning the power to "we, the people,"  
1302 something that is the underlying theme of the task force  
1303 that was mentioned by Mr. Labrador to restore the Article 1  
1304 authority, but that is really back to "we, the people."

1305           And so, this amendment is very simple. It just says  
1306 that the people will be able to offer a valid initiative,  
1307 referendum, or a plebiscite, in order to comment, in the  
1308 event that their Governor or their State legislature does  
1309 not. It is very simple, and it is something that I would  
1310 think should have universal support, given that we always  
1311 want this Constitution Republic to function with the voice  
1312 of the people in the forefront. So, I would urge adoption  
1313 of my very simple amendment, and I yield back the balance of  
1314 my time.

1315           Chairman Goodlatte. Would the gentleman yield?

1316           Mr. King. I would be happy to yield.

1317           Chairman Goodlatte. I thank the gentleman. I support  
1318 this amendment. The gentleman from Iowa makes a good point  
1319 that when the people take action through a ballot  
1320 initiative, such action should be respected, and I thank the  
1321 gentleman for his work on this, and I am prepared to --

1322           Ms. Lofgren. Mr. Chairman?

1323           Chairman Goodlatte. What purpose does the gentlewoman  
1324 from California seek recognition?

1325 Ms. Lofgren. Strike the last word?

1326 Chairman Goodlatte. The gentlewoman is recognized for  
1327 5 minutes.

1328 Ms. Lofgren. I think this is not a good amendment, and  
1329 I will tell you why. As Mr. King has mentioned, this would  
1330 allow voters to ban refugees through ballot initiative,  
1331 referendum, or plebiscite activity. Aside from the fact  
1332 that whether or not a State allows for plebiscites on that  
1333 measure should be protected by the 10th Amendment, and not  
1334 dictated by the United States Congress.

1335 I think the fact of this bill would be to promote and  
1336 to encourage the idea that refugees are undesirable, who  
1337 pose a danger to and are a drain on society.

1338 I think that this will embolden anti-immigrant  
1339 activities around the country, as people move forward to ban  
1340 refugees, even when a decisive majority of Americans favor  
1341 welcoming refugees. A recent study indicated that 59  
1342 percent of American voters believe that the U.S. should do  
1343 more to help refugees, and only slightly more than one-third  
1344 believe that the U.S. should do less.

1345 Now, in Indiana, our former colleague, Governor Mike  
1346 Pence, issued an order to ban Syrian refugees from his  
1347 State. In a local Indiana organization called Exodus  
1348 Refugee Immigration successfully obtained a preliminary  
1349 injunction, preventing Governor Pence from enacting his ban.

1350           Now, when the Federal judge in that case made his  
1351 ruling, he found that Governor Pence's directive, quote,  
1352 "Clearly discriminates against Syrian refugees based on  
1353 their national origin."

1354           I think it is always a problem when you encourage  
1355 voters to enact measures that are unconstitutional. That  
1356 happened in California, with Proposition 187. An anti-  
1357 immigrant fervor was engendered in the State. The measure  
1358 itself was unconstitutional. It was found unconstitutional,  
1359 and voters were left cynical. They thought they were voting  
1360 for something that could never be enacted because it was  
1361 unconstitutional, and those of us who take an oath when take  
1362 these offices know that the Constitution prevails over mere  
1363 statute, whether or not enacted by voters.

1364           Now, allowing a vote on an exclusionary measure does  
1365 not translate it into acceptable action. You think back,  
1366 historically, to when that happened, for example, allowing  
1367 voters to pick and choose which individuals are permitted to  
1368 reside in their communities makes us recall an era when  
1369 white-only neighborhoods were condoned and widely accepted.

1370           For example, in 1916, the city of St. Louis passed a  
1371 ballot measure that created an ordinance that designated  
1372 some areas as, I quote, "negro blocks," unquote. That  
1373 ballot measure passed with a substantial majority of votes.  
1374 And the practice continued with similar race-based ballot

1375 initiatives in St. Louis and other parts of the country.

1376 We look back on that with some distress, but the result  
1377 was lasting and enduring patterns of segregation that still  
1378 plague our country. I am afraid this amendment takes us  
1379 back to those early days of voter supported segregation, and  
1380 would have a very bad impact on communities for years to  
1381 come, and is not good for America, in my judgment. I would  
1382 urge that we defeat the amendment, and I yield back the  
1383 balance of my time.

1384 Chairman Goodlatte. Question encouraged on the  
1385 amendment offered by the gentleman from Iowa.

1386 All those in favor, respond by saying aye.

1387 Those opposed, no.

1388 Opinion of the chair, the ayes have it.

1389 Ms. Lofgren. May we have a recorded vote, Mr.  
1390 Chairman?

1391 Chairman Goodlatte. A recorded vote is requested, and  
1392 the clerk will call the roll.

1393 Mr. Manning. Chairman Goodlatte?

1394 Chairman Goodlatte. Aye.

1395 Mr. Manning. Chairman Goodlatte votes aye.

1396 Mr. Sensenbrenner?

1397 [No response.]

1398 Mr. Smith?

1399 Mr. Smith. Aye.

1400 Mr. Manning. Mr. Smith votes aye.  
1401 Mr. Chabot?  
1402 [No response.]  
1403 Mr. Issa?  
1404 Mr. Issa. Yes.  
1405 Mr. Manning. Mr. Issa votes yes.  
1406 Mr. Forbes?  
1407 [No response.]  
1408 Mr. King?  
1409 Mr. King. Aye.  
1410 The .Clerk. Mr. King votes aye.  
1411 Mr. Franks?  
1412 [No response.]  
1413 Mr. Gohmert?  
1414 [No response.]  
1415 Mr. Jordan?  
1416 Mr. Jordan. Yes.  
1417 Mr. Manning. Mr. Jordan votes yes.  
1418 Mr. Poe?  
1419 [No response.]  
1420 Mr. Chaffetz?  
1421 [No response.]  
1422 Mr. Marino?  
1423 Mr. Marino. Yes.  
1424 Mr. Manning. Mr. Marino votes yes.



1425 Mr. Gowdy?

1426 Mr. Gowdy. Yes.

1427 Mr. Manning. Mr. Gowdy votes yes.

1428 Mr. Labrador?

1429 Mr. Labrador. Yes.

1430 Mr. Manning. Mr. Labrador votes yes.

1431 Mr. Farenthold.

1432 [No response.]

1433 Mr. Collins?

1434 Mr. Collins. Yes.

1435 Mr. Manning. Mr. Collins votes yes.

1436 Mr. DeSantis?

1437 Mr. DeSantis. Yes.

1438 Mr. Manning. Mr. DeSantis votes yes.

1439 Ms. Walters?

1440 [No response.]

1441 Mr. Buck?

1442 Mr. Buck. Aye.

1443 Mr. Manning. Mr. Buck votes aye.

1444 Mr. Ratcliffe?

1445 Mr. Ratcliffe. Yes.

1446 Mr. Manning. Mr. Ratcliffe votes yes.

1447 Mr. Trott?

1448 Mr. .Trott. Yes.

1449 Mr. Manning. Mr. Trott votes yes.

1450 Mr. Bishop?  
1451 Mr. Bishop. Yes.  
1452 Mr. Manning. Mr. Bishop votes yes.  
1453 Mr. Conyers?  
1454 [No response.]  
1455 Mr. Nadler?  
1456 [No response.]  
1457 Ms. Lofgren?  
1458 Ms. Lofgren. No.  
1459 Mr. Manning. Ms. Lofgren votes no.  
1460 Ms. Jackson Lee?  
1461 [No response.]  
1462 Mr. Cohen?  
1463 Mr. Cohen. No.  
1464 Mr. Manning. Mr. Cohen votes no.  
1465 Mr. Johnson?  
1466 [No response.]  
1467 Mr. Pierluisi?  
1468 [No response.]  
1469 Ms. Chu?  
1470 Ms. Chu. No.  
1471 Mr. Manning. Ms. Chu votes no.  
1472 Mr. Deutch?  
1473 [No response.]  
1474 Mr. Gutierrez?

1475 Mr. Gutierrez. No.

1476 Mr. Manning. Mr. Gutierrez votes no.

1477 Ms. Bass?

1478 [No response.]

1479 Mr. Richmond?

1480 [No response.]

1481 Ms. DelBene?

1482 Ms. DelBene. No.

1483 Mr. Manning. Ms. DelBene votes no.

1484 Mr. Jeffries?

1485 Mr. Jeffries. No.

1486 Mr. Manning. Mr. Jeffries votes no.

1487 Mr. Cicilline?

1488 Mr. Cicilline. No.

1489 Mr. Manning. Mr. Cicilline votes no.

1490 Mr. Peters?

1491 [No response.]

1492 Chairman Goodlatte. Has every member voted who wishes

1493 to vote? The clerk will report. One more. The gentleman

1494 from Texas.

1495 Mr. Gohmert. Yes.

1496 Mr. Manning. Mr. Gohmert votes yes.

1497 Chairman Goodlatte. Clerk will report.

1498 Mr. Manning. Fifteen members voted aye; 7 members

1499 voted no.

1500 Chairman Goodlatte. And the amendment is agreed to.  
1501 Are there further amendments to H.R. 4731? For what purpose  
1502 does the gentlewoman from California, Ms. Chu, seek  
1503 recognition?

1504 Ms. Chu. Mr. Chairman, I have an amendment at the  
1505 desk.

1506 Chairman Goodlatte. The clerk will report the  
1507 amendment.

1508 Mr. Manning. Amendment to H.R. 4731, offered by Ms.  
1509 Chu. Page 5, Line 3 --

1510 Chairman Goodlatte. Without objection, the amendment  
1511 is considered as read, and the gentlewoman is recognized for  
1512 5 minutes on her amendment.

1513 Ms. Chu. Mr. Chairman, the amendment that I offer  
1514 today would create a waiver to enable the Secretary to grant  
1515 refugee status to victims of sex trafficking. Current law  
1516 provides the Secretary broad discretion to waive grounds of  
1517 inadmissibility; however, the bill removes this broad  
1518 discretion, and limits waivers to only health related  
1519 grounds of inadmissibility. If such discretion is limited,  
1520 as it stands in the Republican proposal, refugees forced  
1521 into sex slavery and other persecution related grounds of  
1522 inadmissibility will be ineligible for refugee protection.

1523 Every year, millions of people, men, women, and  
1524 children, are trafficked throughout the world. According to

1525 the United Nation's office on drugs and crime, human  
1526 trafficking is an estimated \$32 billion per year, second  
1527 only to drug traffic as a most profitable transnational  
1528 crime. It is inhumane, and robs victims of their dignity.  
1529 It is a global problem, and as a result, many refugees find  
1530 themselves the victims.

1531 I am introducing this amendment because the bill fails  
1532 to recognize the harsh realities that refugees face when  
1533 fleeing from persecution, violence, terror, sexual slavery,  
1534 and torture. Refugees who have been victims of sex  
1535 trafficking abroad will be statutorily ineligible for  
1536 refugee status in the U.S.

1537 For example, in Lebanon, vulnerable Syrian women are  
1538 trafficked and forced to prostitute themselves, night and  
1539 day, to earn meager funds to send to their families. Their  
1540 traffickers often hold their passports and house them, so  
1541 that these women are entirely reliant, and are essentially  
1542 being held captive by the individuals that are exploiting  
1543 them. Women in forced sexual slavery are in danger of being  
1544 prosecuted if they escape, or if they displease their  
1545 captors.

1546 In fact, in the first half of 2014 alone, 255 people,  
1547 mostly Syrian women, were arrested on prostitution charges,  
1548 more than the 205 arrested during all of 2013. Gender  
1549 disparities are severe in many areas, and are only

1550 intensified in times of emergency and minimal resources.  
1551 Women who are desperate to support themselves and their  
1552 families and have limited options in refugee camps may feel  
1553 forced to turn to the sex trade, or are tricked into it by  
1554 human traffickers. If enacted, the underlying bill would  
1555 upend time honored American values by denying refuge to  
1556 those fleeing violence and disorder.

1557 My amendment would help victims obtain waivers where  
1558 the disqualifying criminal behavior was, through no fault of  
1559 their own. It would do this by restoring the Department of  
1560 Homeland Security's critical authority to waive the grounds  
1561 of inadmissibility for victims of trafficking, giving DHS  
1562 the discretion to evaluate the facts on each individual  
1563 case, and to take into account these serious humanitarian  
1564 issues at play in refugee cases.

1565 Eliminating this authority fundamentally changes the  
1566 refugee program as we know it today. The ability to waive  
1567 grounds of inadmissibility, where appropriate, is critical  
1568 to the functioning of a refugee program that can grant  
1569 protection to those most deserving and in need. I urge my  
1570 colleagues to support this amendment, and I yield back.

1571 Chairman Goodlatte. What purpose does the gentleman  
1572 from Idaho seek recognition?

1573 Mr. Labrador. To move to move to strike the last word,  
1574 Chairman Goodlatte. The gentleman is recognized for 5

1575 minutes.

1576 Mr. Labrador. Mr. Chairman, I oppose this amendment,  
1577 and urge my colleagues to do the same. I agree with the  
1578 good lady from California, the victims of trafficking should  
1579 be protected, but the law already protects victims of  
1580 trafficking. As we all know, such victims can receive a U-  
1581 visa, which is for a victim of a crime that is assisting law  
1582 enforcement, any violation of U.S. law.

1583 We also know that there are other protections, under  
1584 the law. It is interesting, that the U.S. is already doing  
1585 this. And something that I am not sure that the good lady  
1586 understands, but if you look at the amendment, but the  
1587 trafficking amendment only requires that the refugee be an  
1588 applicant for a T-visa. Anyone can file an application for  
1589 a T-visa, even if the application has no merit. So, on its  
1590 face, the amendment is too broad, and I think it should be  
1591 rejected, even if you accept the argument that the amendment  
1592 should be allowed.

1593 But for that and other reasons, I think we already have  
1594 a protection for victims of trafficking. The law already  
1595 protects them, and I think we should continue to protect  
1596 victims of trafficking. So, thank you very much, and I  
1597 yield back.

1598 Chairman Goodlatte. What purpose does the gentleman  
1599 from Illinois seek recognition? Gentleman is recognized for

1600 5 minutes.

1601 Ms. Lofgren. Thank you. I just want to clarify how  
1602 important Ms. Chu's amendment is. First, as I am sure we  
1603 all know, in order to be eligible for the U-visa, you  
1604 actually have to be in the United States, and we are talking  
1605 about refugees who are outside the United States, seeking to  
1606 enter as refugees.

1607 As for the definition referred to, starting on Page 4,  
1608 it is not that you have applied for a T-visa, it is that you  
1609 are a victim, as defined in the Traffic Victims Protection  
1610 Act. So, we are using the standard that the Congress has  
1611 already adopted, in terms of sex crime victims, but it is  
1612 not that you have to actually apply because you would have  
1613 to be present to apply.

1614 I would just like to note that, you know, we all think  
1615 that victims of persecution because of religion should be  
1616 eligible for relief. The difference of opinion is that they  
1617 should be statutorily elevated ahead of all victims, I  
1618 think, is not correct and it is not consistent with American  
1619 values.

1620 For example, in Lebanon, in the first half of 2014  
1621 alone, 255 people, mostly Syrian women, were arrested on  
1622 prostitution charges, and more than 205 arrested during all  
1623 of 2013. Now, these were women who had their passports  
1624 taken from them, and who were forced into sexual slavery,



1625 and they could not escape.

1626 Now, the fact that they were sex trafficking victims  
1627 living -- I cannot even imagine what that must be like for  
1628 these young women, that they should be precluded from making  
1629 an application for refugee status because there are others  
1630 who fear persecution from religion does not make sense to  
1631 me.

1632 Now, the Yazidi people, who fled from their ancestral  
1633 home when ISIS captured it have historically suffered from  
1634 persecution at the hands of minority sects. But now what is  
1635 happening is that the women in the Yazidi sects have been  
1636 made sex slaves. And as we have read in the New York Times,  
1637 ISIS is now forcing birth control on these women so that it  
1638 will not violate the prohibition on raping someone who is  
1639 pregnant. You know, the fact that these individuals would  
1640 be precluded from consideration, I think, is a mistake.

1641 And I think we are creating an argument here where none  
1642 should exist. I think that the amendment is an important  
1643 one, and would allow something that we all abhor, which is  
1644 abuse and rape of women, to be prevented from seeking safe  
1645 haven here in the United States. I commend Congresswoman  
1646 Chu for the amendment. I think it is well crafted, and  
1647 deserves a yes vote, and I yield back the time to Mr.  
1648 Gutierrez.

1649 Chairman Goodlatte. Question occurs on the amendment

1650 offered by the gentlewoman from California.

1651 All those in favor, respond by saying aye.

1652 Those opposed, no.

1653 Opinion of the chair, the noes have it. The amendment  
1654 is not agreed to.

1655 Ms. Chu. Mr. Chairman, I move for a recorded vote.

1656 Chairman Goodlatte. Recorded vote is requested, and  
1657 the clerk will call the roll.

1658 Mr. Manning. Chairman Goodlatte?

1659 Chairman Goodlatte. No.

1660 Mr. Manning. Chairman Goodlatte votes no.

1661 Mr. Sensenbrenner?

1662 [No response.]

1663 Mr. Smith?

1664 Mr. Smith. No.

1665 Mr. Manning. Mr. Smith votes no.

1666 Mr. Chabot?

1667 [No response.]

1668 Mr. Issa?

1669 Mr. Issa. No.

1670 Mr. Manning. Mr. Issa votes no.

1671 Mr. Forbes?

1672 [No response.]

1673 Mr. King?

1674 Mr. King. No.

1675 The .Clerk. Mr. King votes no.  
1676 Mr. Franks?  
1677 Mr. Franks. No.  
1678 Mr. Manning. Mr. Franks votes no.  
1679 Mr. Gohmert?  
1680 Mr. Gohmert. No.  
1681 Mr. Manning. Mr. Gohmert votes no.  
1682 Mr. Jordan?  
1683 [No response.]  
1684 Mr. Poe?  
1685 [No response.]  
1686 Mr. Chaffetz?  
1687 Mr. Chaffetz. No.  
1688 Mr. Manning. Mr. Chaffetz votes no.  
1689 Mr. Marino?  
1690 Mr. Marino. No.  
1691 Mr. Manning. Mr. Marino votes no.  
1692 Mr. Gowdy?  
1693 Mr. Gowdy. No.  
1694 Mr. Manning. Mr. Gowdy votes no.  
1695 Mr. Labrador?  
1696 Mr. Labrador. No.  
1697 Mr. Manning. Mr. Labrador votes no.  
1698 Mr. Farenthold.  
1699 [No response.]

1700 Mr. Collins?  
1701 Mr. Collins. No.  
1702 Mr. Manning. Mr. Collins votes no.  
1703 Mr. DeSantis?  
1704 Mr. DeSantis. No.  
1705 Mr. Manning. Mr. DeSantis votes no.  
1706 Ms. Walters?  
1707 [No response.]  
1708 Mr. Buck?  
1709 Mr. Buck. No.  
1710 Mr. Manning. Mr. Buck votes no.  
1711 Mr. Ratcliffe?  
1712 Mr. Ratcliffe. No.  
1713 Mr. Manning. Mr. Ratcliffe votes no.  
1714 Mr. Trott?  
1715 Mr. .Trott. No.  
1716 Mr. Manning. Mr. Trott votes no.  
1717 Mr. Bishop?  
1718 [No response.]  
1719 Mr. Conyers?  
1720 [No response.]  
1721 Mr. Nadler?  
1722 [No response.]  
1723 Ms. Lofgren?  
1724 Ms. Lofgren. Aye.

1725 Mr. Manning. Ms. Lofgren votes aye.  
1726 Ms. Jackson Lee?  
1727 [No response.]  
1728 Mr. Cohen?  
1729 Mr. Cohen. Aye.  
1730 Mr. Manning. Mr. Cohen votes aye.  
1731 Mr. Johnson?  
1732 [No response.]  
1733 Mr. Pierluisi?  
1734 [No response.]  
1735 Ms. Chu?  
1736 Ms. Chu. Aye.  
1737 Mr. Manning. Ms. Chu votes aye.  
1738 Mr. Deutch?  
1739 [No response.]  
1740 Mr. Gutierrez?  
1741 [No response.]  
1742 Ms. Bass?  
1743 [No response.]  
1744 Mr. Richmond?  
1745 [No response.]  
1746 Ms. DelBene?  
1747 Ms. DelBene. Aye.  
1748 Mr. Manning. Ms. DelBene votes aye.  
1749 Mr. Jeffries?

1750 Mr. Jeffries. Aye.

1751 Mr. Manning. Mr. Jefferies votes aye.

1752 Mr. Cicilline?

1753 Mr. Cicilline. Aye.

1754 Mr. Manning. Mr. Cicilline votes aye.

1755 Mr. Peters?

1756 [No response.]

1757 Chairman Goodlatte. The gentleman from Virginia, Mr.

1758 Forbes.

1759 Mr. Forbes. No.

1760 Mr. Clerk. Mr. Forbes votes no.

1761 Chairman Goodlatte. The gentleman from Colorado.

1762 [No response.]

1763 Chairman Goodlatte. Has every member voted who wishes

1764 to vote? The clerk will report.

1765 Mr. Clerk. Mr. Chairman, 6 members voted aye; 16

1766 members voted no.

1767 Chairman Goodlatte. And the amendment is not agreed

1768 to. For what purpose does the gentleman from Texas, Mr.

1769 Gohmert seek recognition?

1770 Mr. Gohmert. I have an amendment at the desk.

1771 Chairman Goodlatte. The clerk will report the

1772 amendment.

1773 Mr. Clerk. Amendment to HR-4731 authored by Mr.

1774 Gohmert of Texas. Page 7, beginning on line 10.

1775 [The amendment of Mr. Gohmert follows:]

1776 \*\*\*\*\* INSERT 3 \*\*\*\*\*

1777 Chairman .Goodlatte. The gentleman is recognized for 5  
1778 minutes.

1779 Mr. Gohmert. Thank you, Mr. Chairman. Mr. Chairman, I  
1780 thank you for bringing this bill to the floor. I thank this  
1781 committee, the full committee, and I appreciate my friend  
1782 Mr. Labrador pushing this bill forward. I saw something  
1783 that caused me concern, based on years having to review  
1784 words that were brought before me for decisions as a judge  
1785 and chief justice, and on Section 9, Limitation on  
1786 Resettlement, in the proposed bill from when my good friend  
1787 Mr. Labrador, says "Notwithstanding any other provision in  
1788 the section for a fiscal year, this resettlement of any  
1789 refugee may not be provided for: one, in any State where the  
1790 Governor of that State or that State legislature basically  
1791 object and, two, basically any locality, chief executive  
1792 like a Mayor, county judge , they object."

1793 So, basically, this is saying for one fiscal year after  
1794 an objection the Federal Government cannot go ahead and  
1795 force refugees into that State or locality when the  
1796 objection is made by the highest officer of that State or  
1797 locality, and I think that is entirely appropriate, and I

1798 understand that some feel that, gee, you can just keep  
1799 objecting and that would keep extending that one year, but  
1800 if this had been brought before me when I was a judge or  
1801 chief justice I would say, "No, actually you get an  
1802 objection and even if you object, continue objecting for all  
1803 time, you have got one year from when you first object and  
1804 if you have a President, as we currently do, that has shown  
1805 he can be vindictive to an area like Arizona or Texas or  
1806 Louisiana, you object to them settling 300 refugees that  
1807 they have not been able to properly vet from Syria, then if  
1808 this became law he would have to wait for a year and say,  
1809 "And by the way, since you objected to teach all the other  
1810 States a lesson, we are going to San 10,000 unvetted Syrian  
1811 refugees to your State or your community."

1812 And so my amendment simply would make that a four-year  
1813 prohibition instead of a one-year so that there is no  
1814 question that you could get to a second presidential term.  
1815 Maybe the same President gets reelected. Maybe he or she  
1816 does not, but this gets you at least four years because the  
1817 way it is worded, and it seemed pretty clear to me: You get  
1818 one year, one fiscal year, from the date you object, and  
1819 then on the other hand, maybe you find out these are really  
1820 quality refugees or immigrants or perhaps it really is  
1821 appropriate to bring them in. They have been properly  
1822 vetted.



1823 Then nothing either under the current way this bill is  
1824 worded or under my amendment -- you could withdraw your  
1825 objection and then, of course, they could be sent at any  
1826 time -- but this makes certain that you could have at least  
1827 four years where a President cannot double, triple,  
1828 quadruple the number as punishment and send them to you.  
1829 You have got a shot at the next President once you have  
1830 objected. And again, appreciate the chairman bringing this  
1831 bill to the full committee and I appreciate my friend Mr.  
1832 Labrador bringing the bill because I understand the  
1833 intentions that drove the production of this bill. I yield  
1834 back.

1835 Chairman Goodlatte. What purpose does the gentlewoman  
1836 from California seek recognition?

1837 Ms. Lofgren. To strike the last word.

1838 Chairman Goodlatte. Gentlewoman is recognized for 5  
1839 minutes.

1840 Ms. Lofgren. The Section 9, as I have previously  
1841 discussed, is problematic in the extreme. This amendment  
1842 makes those problems more extreme. Clearly, we are setting  
1843 up a situation where conflict and anti-immigrant fervor that  
1844 is already a problem in the country and is going to be  
1845 exacerbated. This amendment takes it to the next level by  
1846 giving State and local governments the ability to create a  
1847 blanket ban on refugees, which would be binding for up to

1848 four years.

1849 Now I heard Mr. Gohmert say that it could be rescinded  
1850 but, actually, that is not included in his amendment. It  
1851 would be simply a period of four years, beginning on that  
1852 date. So I think you could have a situation that, no matter  
1853 what a subsequent government or voting public decided,  
1854 refugee resettlement would be banned for up to four years.

1855 I think this amendment leaves no room for changes of  
1856 opinion at the State or local level, and I think it would  
1857 have a pernicious effect of emboldening those, and I think  
1858 they are a minority in our country, but those who want to  
1859 engage in race baiting and anti-immigrant demonstrations. I  
1860 think, although I am sure Mr. Gohmert does not have this as  
1861 an intention, I think it would create danger situations  
1862 around the country. I think the amendment should be  
1863 defeated and I yield back the balance of my time.

1864 Chairman Goodlatte. What purpose does the gentleman  
1865 from Idaho seek recognition?

1866 Mr. Labrador. Mr. Chairman, I move to strike the last  
1867 word.

1868 Chairman Goodlatte. Gentleman is recognized for 5  
1869 minutes.

1870 Mr. Labrador. I understand the intent of the amendment  
1871 but, at this time, I will oppose it, and my main concern is  
1872 that this amendment actually takes away the flexibility that

1873 I believe we are trying to give the different States in  
1874 making these decisions, and so they might want to make those  
1875 decisions on a yearly basis. Maybe an intent of a community  
1876 is that they want to observe what is happening with refugee  
1877 resettlement in other States and they want to see how it  
1878 affects them before they accept it in their community. So I  
1879 want to give them that flexibility. Nothing in the current  
1880 bill precludes a State or locality from exercising their  
1881 power for multiple years.

1882 And I also do agree, even though I disagree with the  
1883 gentlelady from California about her comments about the  
1884 intent and purpose of this bill and the effect of this bill,  
1885 I do think the language itself is unclear whether it can be  
1886 withdrawn during that four-year period. So, for all those  
1887 reasons, I will oppose it, but I understand the purpose and  
1888 I believe that the communities will have the opportunity to  
1889 do this, as long as they want.

1890 Chairman Goodlatte. For what purpose does the  
1891 gentleman from Texas, Mr. Poe, seek recognition?

1892 Mr. Poe. Move to strike the last word.

1893 Chairman Goodlatte. The gentleman is recognized for 5  
1894 minutes.

1895 Mr. Poe. Then I yield to the gentleman from Texas, Mr.  
1896 Gohmert.

1897 Mr. Gohmert. Thank you my friend, a former judge from

1898 Texas, and I appreciate my friend from California saying you  
1899 understand, it is not my intention to be anti-immigrant, but  
1900 we are concerned that this plays into anti-immigrant, anti-  
1901 refugee. I do not see that at all. In fact, one of the  
1902 problems that is stirring anti-immigrant, anti-refugee  
1903 feelings as such has been the lack of vetting by this  
1904 administration before people are brought in; the lack of  
1905 enforcement of our laws as people have come in illegally,  
1906 and in this very room the head of the FBI has testified: We  
1907 have ISIS elements being investigated in every single State  
1908 in the Union, and we have had testimony in this very room  
1909 that they do not have adequate information to vet refugees  
1910 allegedly coming from Syria; to even know if they are coming  
1911 from Syria.

1912 They have got no database from Syria to work with like  
1913 we do from some countries, and we have got nothing. So,  
1914 yes, they say we will vet them, but we have nothing with  
1915 which to ensure that they are not coming in to do damage.

1916 On the other hand, we have absolute evidence,  
1917 testimony, from ISIS leaders themselves that they are  
1918 putting their best warriors into the midst of refugees that  
1919 they are sending. So this bill, rather than being anti-  
1920 refugee or anti-immigrant, and my amendment actually is  
1921 trying to protect the refugee program and a legal  
1922 immigration program so that people cannot fear that if

1923 people in positions of power in a State or a locale who --  
1924 like in the current situation -- would know from all the  
1925 evidence that the President is not protecting our best  
1926 interests by ensuring that no warriors of ISIS are being  
1927 sent to their State or county. They can object, so do not  
1928 try to stop the refugee or the immigration programs because  
1929 it is okay. You can object, and this President cannot  
1930 double or triple down on you after you object a year from  
1931 the time you object.

1932       You have got four years. You have got a chance for  
1933 another President who will not put your locale at risk, and  
1934 let me also say to those who may be tempted to vote against  
1935 this, you may salve your conscience and say, "Well, this  
1936 bill is not ever going to be signed into law by President  
1937 Obama," and I would just remind my friends that, having been  
1938 here 11 years, I have seen repeatedly a bill come through  
1939 that passes and people are told, "Oh, do not worry. This  
1940 cannot get signed into legislation and be signed into law  
1941 this time," and so they do not make the objections.

1942       They do not vote for the appropriate amendments, and  
1943 then in the next Congress or when the next President comes  
1944 in or a different majority, it is brought back up and  
1945 everyone is told, "Look, there were no amendments that were  
1946 added to this. Everybody was comfortable with it," and it  
1947 gets passed and it becomes law. And when this ever becomes

1948 law, when a President signs it into effect, and people who  
1949 are not properly vetted are sent to a State or county a year  
1950 after the objection is made by the Governor, county judge,  
1951 or mayor, and they look back and see who voted against  
1952 giving them a full year reprieve, they are not going to be  
1953 happy with whoever voted against giving them a four year  
1954 reprieve to save them from retribution by the current  
1955 President.

1956 And, with that, I yield back my time to my dear friend  
1957 from Texas.

1958 Mr. Poe. I yield back my time, Mr. Chairman.

1959 Chairman Goodlatte. Actually, would the gentleman from  
1960 Texas yield?

1961 Mr. Poe. Yes.

1962 Chairman Goodlatte. I will direct the question to the  
1963 other gentleman from Texas. I agree with the concerns  
1964 raised by the gentleman from Idaho, Mr. Labrador, regarding  
1965 the flexibility that we want to provide and, therefore, I  
1966 cannot support this amendment. But if the gentleman is  
1967 interested in withdrawing the amendment I understand the  
1968 gentleman's concern. You want to make sure that they do,  
1969 indeed, have the flexibility that Mr. Labrador intends they  
1970 have in his bill. If he would like to withdraw the  
1971 amendment, we would be happy to work with him to make sure  
1972 that that language is clear to accomplish that goal.

1973 Mr. Gohmert. Is the chair saying that we would work to  
1974 get language in that makes clear that a Governor or a  
1975 locality executive can continue to object?

1976 Chairman Goodlatte. Yes.

1977 Mr. Gohmert.. That is the language you are talking we  
1978 would get into the bill?

1979 Chairman Goodlatte. Yes.

1980 Mr. Gohmert.. Because if that is in there that you can  
1981 continue to object and still have a year after that, then  
1982 that would, obviously, eliminate the need for my amendment.  
1983 With that assurance from the chairman, I will withdraw my  
1984 amendment.

1985 Chairman Goodlatte. That is the assurance that I can  
1986 give the gentleman. We will work for that goal, and I  
1987 believe that the gentleman from Idaho, Mr. Labrador, concurs  
1988 in that objective as well.

1989 So, without objection, the gentleman's amendment is  
1990 withdrawn. Are there further amendments? For what purpose  
1991 does the gentlewoman from Washington seek recognition?

1992 Ms. DelBene. I have an amendment at the desk.

1993 Chairman Goodlatte. The clerk will report the  
1994 amendment.

1995 Mr. Clerk. Amendment to H.R. 4731, offered by Ms.  
1996 DelBene. Page 5, strike Line 8 and all that follows through  
1997 Line 22.

1998 [The amendment of Ms. DelBene follows:]

1999 \*\*\*\*\* INSERT 4 \*\*\*\*\*

2000 Chairman Goodlatte. Without objection the amendment is  
2001 considered as read. Actually, the amendment has been read,  
2002 and the gentlewoman is recognized for 5 minutes on her  
2003 amendment.

2004 Ms. DelBene. Thank you, Mr. Chair. I am extremely  
2005 disappointed that we are taking up a bill that will treat  
2006 refugees like criminals, re-victimizing people who have  
2007 already suffered unthinkable atrocities. Many of these  
2008 refugees are women and children who are fleeing violent  
2009 situations, and they are simply looking for a safe place to  
2010 go.

2011 My amendment would strike the provisions that, taken  
2012 together, provide for three years of unfettered surveillance



2013 on admitted refugees because, as written, this legislation  
2014 would really unleash the power to conduct unlimited  
2015 surveillance on admitted refugees. The bill text contains  
2016 no limiting factors, no reasonable triggers at all, and it  
2017 is not only a waste of limited resources, limited  
2018 enforcement resources, but also opens the door to systemic  
2019 targeting of individuals simply based on their membership of  
2020 a particular group; in this case, being refugees.

2021 This is so disappointing because it flies in the face  
2022 of our constitutional traditions and our American values,  
2023 and history will not look kindly on us if we adopt the  
2024 stance that all refugees should be subject to unfettered  
2025 surveillance just because they belong to a certain class of  
2026 people.

2027 During the 1950s the FBI engaged in widespread  
2028 surveillance of citizens from the gay community. It placed  
2029 a watch on gay bars and infiltrated civil society groups.  
2030 During World War II U.S. Intelligence conducted widespread  
2031 surveillance on Japanese-Americans. Intelligence reports  
2032 were exculpatory but they were kept secret from the American  
2033 public. So, despite the evidence, the public was  
2034 conditioned to mistrust and we ended up with a dark chapter  
2035 in our history that eventually put innocent Americans into  
2036 internment camps, and it continued to build that mistrust  
2037 and rhetoric that definitely played on people's fears.

2038           So I urge my colleagues to support this amendment which  
2039 strikes the sections that support three years of unlimited  
2040 surveillance on admitted refugees to ensure that we do not  
2041 let history repeat itself. Thank you Mr. Chair, and I yield  
2042 back.

2043           Chairman Goodlatte. Thank you. For what purpose does  
2044 the gentleman from Idaho seek recognition?

2045           Mr. Labrador. Move to strike the last word.

2046           Chairman Goodlatte. The gentleman is recognized for 5  
2047 minutes.

2048           Mr. Labrador. I oppose this amendment and urge my  
2049 colleagues to do the same. There are two separate issues  
2050 that are being addressed in these amendments. First let's  
2051 discuss the vetting issue. This commonsense provision  
2052 ensures that the Department of Homeland Security has the  
2053 ability to engage in recurrent security checks of admitted  
2054 refugees when necessary. Such checks will help ensure that  
2055 if a refugee commits criminal acts or suspect activity the  
2056 Federal Government is aware of that and can initiate refugee  
2057 status termination without having to wait until the refugee  
2058 presents himself or herself for adjustment.

2059           The inability of multiple administration officials,  
2060 including FBI Director James Comey, to assure this committee  
2061 that no bad actors are being admitted to the U.S. as part of  
2062 the refugee program was chilling, especially it was chilling

2063 because I am the one who asked him the question, and I asked  
2064 him if he could ensure my communities in Idaho that they  
2065 would be safe and he said that he could not.

2066 Well, Federal law enforcement has the authority to  
2067 investigate possible threats to national security. There is  
2068 not presently any statutory mechanism to subject admitted  
2069 refugees to recurrent security checks as needed. This  
2070 provision does not require such checks but does grant the  
2071 authority and serves to provide another level to the  
2072 existing refugee security process.

2073 Now on the second issue that is also being addressed is  
2074 the adjustment after three years. Current law provides that  
2075 refugees present themselves for adjustment one year after  
2076 admission to the United States. This provision changes that  
2077 waiting period to three years. The lengthier physical  
2078 presence requirement provides refugees with the time to get  
2079 fully acclimated to their new surroundings and more time to  
2080 get established before beginning the process of applying for  
2081 permanent resident status.

2082 Let's remember that refugee status is a status. It is  
2083 actually you are here legally as a refugee. There is no  
2084 such thing as being in limbo in refugee status.

2085 This also serves that important national security  
2086 function as it provides additional time for the Department  
2087 of Homeland Security to conduct recurrent security checks to

2088 fully ensure that the refugees admitted are, in fact, who  
2089 they claim to be and are not abusing the program. And that  
2090 is all we are trying to do. We are trying to protect our  
2091 citizens and the United States from people who are abusing a  
2092 very good program that has been used for many years in the  
2093 United States.

2094 This provision does not effectively change the position  
2095 of the refugee in terms of any benefits that they may  
2096 receive or in terms of any work authorization. As I  
2097 indicated, they are in a legal status that is protected by  
2098 the law and, with all that, I yield back.

2099 Chairman Goodlatte. The chair thanks the gentleman. A  
2100 question occurs on the amendment offered by the gentlewoman  
2101 from Washington, Ms. DelBene.

2102 Those in favor will respond by saying aye.

2103 Those opposed, no.

2104 Opinion of the chair, the noes have it.

2105 Ms. DelBene. Ask for a recorded vote.

2106 Chairman Goodlatte. A recorded vote is requested, and  
2107 the clerk will call the roll.

2108 Mr. Manning. Chairman Goodlatte.

2109 Chairman Goodlatte. No.

2110 Mr. Manning. Chairman Goodlatte votes no.

2111 Mr. Sensenbrenner?

2112 [No response.]

2113 Mr. Smith?  
2114 [No response.]  
2115 Mr. Chabot?  
2116 [No response.]  
2117 Mr. Issa?  
2118 Mr. Issa. No.  
2119 Mr. Manning. Mr. Issa votes no.  
2120 Mr. Forbes?  
2121 [No response.]  
2122 Mr. King?  
2123 Mr. King. No.  
2124 Mr. Manning. Mr. King votes no.  
2125 Mr. Franks?  
2126 Mr. Franks. No.  
2127 Mr. Manning. Mr. Franks votes no.  
2128 Mr. Gohmert?  
2129 Mr. Gohmert. No.  
2130 Mr. Manning. Mr. Gohmert votes no.  
2131 Mr. Jordon?  
2132 Mr. Jordan. No.  
2133 Mr. Manning. Mr. Jordon votes no.  
2134 Mr. Poe?  
2135 Mr. Poe. No.  
2136 Mr. Manning. Mr. Poe votes no.  
2137 Mr. Chaffetz?

2138 [No response.]

2139 Mr. Marino.

2140 Mr. Marino. No.

2141 Mr. Manning. Mr. Marino votes no.

2142 Mr. Gowdy?

2143 Mr. Gowdy. No.

2144 Mr. Manning. Mr. Gowdy votes no.

2145 Mr. Labrador?

2146 Mr. Labrador. No.

2147 Mr. Manning. Mr. Labrador votes no.

2148 Mr. Farenthold?

2149 [No response.]

2150 Mr. Collins?

2151 Mr. Collins. No.

2152 Mr. Manning. Mr. Collins votes no.

2153 Mr. DeSantis?

2154 [No response.]

2155 Ms. Walters?

2156 [No response.]

2157 Mr. Buck?

2158 [No response.]

2159 Mr. Radcliffe?

2160 [No response.]

2161 Mr. Trott?

2162 Mr. Trott. No.

2163 Mr. Manning. Mr. Trott votes no.  
2164 Mr. Bishop?  
2165 [No response.]  
2166 Mr. Conyers?  
2167 Mr. Conyers. Aye.  
2168 Mr. Manning. Mr. Conyers votes aye.  
2169 Mr. Nadler?  
2170 [No response.]  
2171 Ms. Lofgren?  
2172 Ms. Lofgren. Aye.  
2173 Mr. Manning. Ms. Lofgren votes aye.  
2174 Ms. Jackson Lee?  
2175 [No response.]  
2176 Mr. Cohen?  
2177 Mr. Cohen. Aye.  
2178 Mr. Manning. Mr. Cohen votes aye.  
2179 Mr. Johnson?  
2180 [No response.]  
2181 Mr. Pierluisi?  
2182 [No response.]  
2183 Ms. Chu?  
2184 [No response.]  
2185 Mr. Deutch?  
2186 [No response.]  
2187 Mr. Gutierrez?

2188 [No response.]

2189 Ms. Bass?

2190 [No response.]

2191 Mr. Richmond?

2192 [No response.]

2193 Ms. DelBene?

2194 Ms. DelBene. Aye.

2195 Mr. Manning. Ms. DelBene votes aye.

2196 Mr. Jeffries?

2197 Mr. Jeffries. Aye.

2198 Mr. Manning. Mr. Jeffries votes aye.

2199 Mr. Cicilline?

2200 Mr. Cicilline. Aye.

2201 Mr. Manning. Mr. Cicilline votes aye.

2202 Mr. Peters?

2203 [No response.]

2204 Chairman Goodlatte. Has every member voted who wishes

2205 to vote? Clerk will report.

2206 Mr. Manning. Mr. Chairman, 6 members voted yes; 12

2207 members voted no.

2208 Chairman Goodlatte. And the amendment is not agreed

2209 to.

2210 Voice. Mr. Chairman

2211 Chairman Goodlatte. What purpose does the gentlewoman

2212 from California seek recognition?



2213 Ms. Lofgren. I would ask unanimous consent to place in  
2214 the record 15 statements, including from the Lutheran  
2215 Immigration Refugee Service and Disciples Home Missions in  
2216 opposition to the bill.

2217 Chairman .Goodlatte. Without objections, it will be  
2218 made a part of the record.

2219 [The information follows:]

2220 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2221 Chairman Goodlatte. For what purpose does the  
2222 gentlemen from New York seek recognition?

2223 Mr. Jeffries. I have an amendment at the desk.

2224 Chairman Goodlatte. Clerk will report the amendment.

2225 Mr. Manning. Amendment to H.R. 4731 offered by Mr.  
2226 Jeffries. Page 7 --

2227 Chairman Goodlatte. Without objection, the amendment  
2228 is considered as read, and the gentlemen is recognized for 5  
2229 minutes on his amendment.

2230 Mr. Jeffries. Mr. Chairman, this amendment would  
2231 ensure that legal counsel is appointed for refugees subject  
2232 to in-person interviews under Section 8 of this bill.  
2233 Section 8 would bar refugees from obtaining lawful permanent  
2234 residence unless they are able to reprove their refugee  
2235 status using a burdensome, clear, and convincing standard  
2236 during an in-person interview with a government official.

2237 Section 8 then forces those individuals who do not meet  
2238 this new requirement to be returned to the custody of DHS  
2239 every five years for inspection and examination for  
2240 admission. These are onerous provisions that require, at  
2241 minimum, appointed legal counsel for provisions requiring  
2242 adjudication and examination.

2243 Our Nation, of course, was founded by immigrants that  
2244 came to America in search of freedom, prosperity, education,  
2245 and a better life for their families while contributing to  
2246 the economic and cultural fabric of this great Nation.

2247 The famous poem "New Colossus" which is memorialized on  
2248 the Statue of Liberty says, "Give me your tired, your poor,  
2249 your huddled masses yearning to breathe free." This poetic  
2250 call for refugees represents fundamental American values and  
2251 our national character is and should continue to be defined  
2252 by how we treat the most vulnerable.

2253 Section 8's requirement of mandatory reexamination of  
2254 refugee status will endanger the ability of qualified

2255 refugees to remain safe in the United States and will likely  
2256 bar refugees from obtaining permanent residence. Forcing  
2257 refugees to return to a country of persecution would impose  
2258 an onerous burden on refugees that no other applicant for  
2259 lawful, permanent residence is required to undertake.

2260         Moreover, requiring refugees, often extremely  
2261 vulnerable individuals, to meet the arduous standards in  
2262 this bill without legal representation is wrong. The bill  
2263 undermines the fundamental principle of a meaningful  
2264 opportunity to be heard in the context of an adversarial  
2265 proceeding.

2266         This committee should continue to improve upon the  
2267 Supreme Court's long-held precedent in the Gideon v.  
2268 Wainwright and expand the right to counsel through this  
2269 amendment. Appointment of counsel will ensure that the  
2270 substantive and procedural due process rights of refugees  
2271 who are in this country are upheld and that no individual is  
2272 sent to their possible doom when there is a bona fide fear  
2273 of persecution in the country of origin.

2274         The horrors experienced by refugees and the years of  
2275 trauma they endure detrimentally impacts their recollection  
2276 and capacity often to comprehensively advocate on their  
2277 behalf. Failing to require counsel only makes a perilous  
2278 situation much worse, I therefore ask all of my colleagues  
2279 to strongly consider supporting this amendment and I yield

2280 back the balance of my time.

2281 Chairman Goodlatte. The chair thanks the gentlemen.

2282 For what purpose does the gentleman from Idaho seek

2283 recognition? Gentlemen's recognized for 5 minutes.

2284 Mr. Labrador. Thank you, Mr. Chairman. And I should

2285 say that maybe I should be in favor of this amendment

2286 because this is the Immigration Lawyers Full Employment Act,

2287 but I am opposed to this amendment.

2288 The INA prohibits providing counsel for these types of

2289 applications and for removal proceedings. It has been the

2290 law of the United States since its inception. And the law

2291 is pretty clear that it cannot be at taxpayers' expense.

2292 These individuals can and have hired attorneys including pro

2293 bono attorneys on their own and I think they should continue

2294 to do so and for those reasons I oppose this amendment. And

2295 I yield back.

2296 Chairman Goodlatte. Motion occurs on the amendment

2297 offered by the gentleman from New York.

2298 All those in favor respond by saying aye.

2299 Those opposed, no.

2300 In the opinion of the chair, the noes have it.

2301 Mr. Jeffries. Mr. Chairman, I ask for a recorded vote.

2302 Chairman Goodlatte. Recorded vote is requested. And

2303 the clerk will call the roll.

2304 Mr. Manning. Chairman Goodlatte.

2305 Chairman Goodlatte. No.

2306 Mr. Manning. Chairman Goodlatte votes no.

2307 Mr. Sensenbrenner?

2308 [No response.]

2309 Mr. Smith?

2310 [No response.]

2311 Mr. Chabot?

2312 [No response.]

2313 Mr. Issa?

2314 Mr. Issa. No.

2315 Mr. Manning. Mr. Issa votes no.

2316 Mr. Forbes?

2317 [No response.]

2318 Mr. King?

2319 Mr. King. No.

2320 Mr. Manning. Mr. King votes no.

2321 Mr. Franks?

2322 Mr. Franks. No.

2323 Mr. Manning. Mr. Franks votes no.

2324 Mr. Gohmert?

2325 Mr. Gohmert. No.

2326 Mr. Manning. Mr. Gohmert votes no.

2327 Mr. Jordon?

2328 Mr. Jordan. No.

2329 Mr. Manning. Mr. Jordon votes no.

2330 Mr. Poe?

2331 [No response.]

2332 Mr. Chaffetz?

2333 [No response.]

2334 Mr. Marino.

2335 Mr. Marino. No.

2336 Mr. Manning. Mr. Marino votes no.

2337 Mr. Gowdy?

2338 Mr. Gowdy. No.

2339 Mr. Manning. Mr. Gowdy votes no.

2340 Mr. Labrador?

2341 Mr. Labrador. No.

2342 Mr. Manning. Mr. Labrador votes no.

2343 Mr. Farenthold?

2344 [No response.]

2345 Mr. Collins?

2346 Mr. Collins. No.

2347 Mr. Manning. Mr. Collins votes no.

2348 Mr. DeSantis?

2349 [No response.]

2350 Ms. Walters?

2351 [No response.]

2352 Mr. Buck?

2353 [No response.]

2354 Mr. Radcliffe?

2355 [No response.]

2356 Mr. Trott?

2357 Mr. Trott. No.

2358 Mr. Manning. Mr. Trott votes no.

2359 Mr. Bishop?

2360 [No response.]

2361 Mr. Conyers?

2362 Mr. Conyers. Aye.

2363 Mr. Manning. Mr. Conyers votes aye.

2364 Mr. Nadler?

2365 [No response.]

2366 Ms. Lofgren?

2367 Ms. Lofgren. Aye.

2368 Mr. Manning. Ms. Lofgren votes aye.

2369 Ms. Jackson Lee?

2370 [No response.]

2371 Mr. Cohen?

2372 [No response.]

2373 Mr. Johnson?

2374 [No response.]

2375 Mr. Pierluisi?

2376 [No response.]

2377 Ms. Chu?

2378 [No response.]

2379 Mr. Deutch?

2380 [No response.]

2381 Mr. Gutierrez?

2382 [No response.]

2383 Ms. Bass?

2384 [No response.]

2385 Mr. Richmond?

2386 [No response.]

2387 Ms. DelBene?

2388 Ms. DelBene. Aye.

2389 Mr. Manning. Ms. DelBene votes aye.

2390 Mr. Jeffries?

2391 Mr. Jeffries. Aye.

2392 Mr. Manning. Mr. Jeffries votes aye.

2393 Mr. Cicilline?

2394 Mr. Cicilline. Aye.

2395 Mr. Manning. Mr. Cicilline votes aye.

2396 Mr. Peters?

2397 [No response.]

2398 Chairman Goodlatte. The gentleman from Michigan.

2399 Mr. Bishop. No.

2400 Mr. Manning. Mr. Bishop votes no.

2401 Chairman Goodlatte. Clerk will report.

2402 Mr. Manning. Mr. Chairman, 5 members voted aye; 12

2403 members voted no.

2404 Chairman Goodlatte. And the amendment is not agreed



2405 to. What purpose does the gentleman from Michigan seek  
2406 recognition?

2407 Mr. Conyers. Mr. Chairman I have an amendment at the  
2408 desk.

2409 Chairman Goodlatte. The clerk will report the  
2410 amendment.

2411 Mr. Manning. Amendment to H.R. 4731 offered my Mr.  
2412 Conyers. Page 7 --

2413 [The amendment of Mr. Conyers follows:]

2414 \*\*\*\*\* INSERT 5 \*\*\*\*\*

2415 Chairman Goodlatte. Without objection, the amendment  
2416 is considered as read and the gentlemen is recognized for 5  
2417 minutes.

2418 Mr. Conyers. Thank you. My colleagues. This  
2419 amendment would strike the provision of H.R. 4731 that  
2420 empowers State and local governments to prohibit the  
2421 resettlement of refugees in their communities.

2422 Specifically, Section 9 of this bill states that, "No  
2423 refugee may be placed in the community where a Governor,  
2424 State legislature, local chief executive, or local  
2425 legislator takes any action formally disapproving refugee  
2426 resettlement. This Section panders in my view to the  
2427 xenophobic notion that refugees are undesirable; a danger  
2428 and a drain on our society. However, of course, nothing  
2429 could be further from the truth.

2430 Refugees make significant, positive contributions in  
2431 our society. A recent study by the City of Columbus, Ohio,  
2432 found that refugees have contributed \$1.6 billion to the  
2433 economy and were twice as likely to own a business as the  
2434 general population.

2435 In February 2016, Bloomberg News published an article  
2436 on my city titled, "Detroit's Comeback Has an Arabic  
2437 Accent." According to this article, foreign-born residents  
2438 make up about 9 percent of the Detroit areas population and  
2439 have contributed significantly to our economic output  
2440 indeed. Refugees have been American leaders in science, the  
2441 arts, public service, and business. They include such  
2442 luminaries as Albert Einstein, Miriam MaKeba, Madeleine  
2443 Albright, and Sergey Brin co-founder of Google.

2444 The Governors of a few States including Indiana,  
2445 Michigan, New Jersey, and Texas have taken steps to block  
2446 resettlement of refugees. I am pleased that many have

2447 either backtracked or alternatively their efforts were  
2448 struck down in the courts. Section 9 of H.R. 4731 does not  
2449 reflect the values of a majority of Americans. Tellingly, a  
2450 November 2015 study by Lake Research Partners found that 59  
2451 percent of American voters believe that the United States  
2452 should do more to help refugees or that it should continue  
2453 to offer its current level of help.

2454         Nevertheless this provision would empower local  
2455 officials to wall off entire communities from refugees  
2456 forcing local refugee organizations to close and faith-based  
2457 organizations that view refugee resettlement as central to  
2458 their mission to move. Many refugees have lived in  
2459 temporary status for years prior to entry and we should be  
2460 building bridges to help them succeed in our county instead  
2461 of erecting walls.

2462         And so, my colleagues, I urge support of this amendment  
2463 and yield back the balance of my time. I thank the  
2464 chairman.

2465         Chairman Goodlatte. The chair thanks gentleman. What  
2466 purpose does the gentleman from Idaho seek recognition?

2467         Mr. Labrador. I move to strike the last word.

2468         Chairman Goodlatte. Gentleman is recognized for 5  
2469 minutes.

2470         Mr. Labrador. Mr. Chairman I oppose this amendment and  
2471 urge my colleagues to do the same. The United States

2472 continues to be the most generous immigration country in the  
2473 world. We accept the largest number of refugees and we are  
2474 very excited about the refugee program. What we seek to do  
2475 is to improve the refugee program.

2476 During the past several years, communities and States  
2477 including New Hampshire, Tennessee, Indiana, Idaho, South  
2478 Carolina, and Texas have expressed concerns about refugee  
2479 resettlement. Current law requires resettlement agencies to  
2480 regularly meet with representatives of State and local  
2481 governments to plan and coordinate the placement of  
2482 refugees. But the extent to which such consultation occurs  
2483 varies widely depending on the resettlement agency, the  
2484 State, and the locality. And this administration has made  
2485 clear that States have little, if any, recourse if they  
2486 express the will of their residents that they do not want to  
2487 resettle refugees.

2488 In fact, last November, Assistant Secretary for  
2489 Population Refugees and Migration, Anne Richard told the  
2490 Immigration Subcommittee that the Federal Government has the  
2491 right to resettle refugees all across America.

2492 Assistant Secretary Richard noted that, "The refugee  
2493 program only works with the support of the American people  
2494 very much at the level of communities and societies and  
2495 towns to come forward and help these refugees; help them get  
2496 jobs and help them move on."

2497 But, she refused to say that if a community does not  
2498 want to resettle refugees, the government will not resettle  
2499 them in that community. And she repeatedly referred to  
2500 communities that expressed concerns as hostile. But such  
2501 communities can have legitimate concerns about things such  
2502 as security, employment opportunities, and even the cost  
2503 associated with refugee resettlement.

2504 In 2011, Manchester, New Hampshire, requested a  
2505 moratorium on refugee resettlement after concerns that the  
2506 community was becoming saturated with refugees and that the  
2507 NGO charged with resettlement duties was not meeting the  
2508 required standards for resettlement. Instead of taking the  
2509 concern seriously, and allowing such a moratorium, the  
2510 administration decided to continue with the resettlement of  
2511 200 refugees down from the 300 initially proposed for  
2512 resettlement.

2513 And some residents in South Carolina writes concerns  
2514 about proposed refugee resettlement last year stating that  
2515 the local government was not properly consulted. While the  
2516 State Department acknowledged that the non-governmental  
2517 agency did not properly follow guidance on consultation, the  
2518 NGO was still allowed to resettle these refugees.

2519 States and localities should be able to determine  
2520 whether refugee resettlement is best for their community,  
2521 H.R. 4731 allows that. This provision is not

2522 constitutionally problematic since the Congress, the Federal  
2523 Government, is empowering the States or localities with the  
2524 ability to prevent refugee resettlement. And for those  
2525 reasons, I oppose this amendment. And I yield back.

2526 Chairman Goodlatte. Chair thanks the gentleman. The  
2527 question occurs on the amendment offered by the gentleman  
2528 from Michigan, Mr. Conyers.

2529 All those in favor, respond by saying aye.

2530 Those opposed, no.

2531 In the opinion of the chair, the noes have it and the  
2532 amendment is not agreed to.

2533 Mr. Conyers. Mr. Chairman, could I have a recorded  
2534 vote on that.

2535 Chairman Goodlatte. Two gentlemen have requested a  
2536 recorded vote; of course we will. The clerk will call the  
2537 roll.

2538 Mr. Manning. Chairman Goodlatte.

2539 Chairman Goodlatte. No.

2540 Mr. Manning. Chairman Goodlatte votes no.

2541 Mr. Sensenbrenner?

2542 [No response.]

2543 Mr. Smith?

2544 [No response.]

2545 Mr. Chabot?

2546 [No response.]

2547 Mr. Issa?  
2548 Mr. Issa. No.  
2549 Mr. Manning. Mr. Issa votes no.  
2550 Mr. Forbes?  
2551 [No response.]  
2552 Mr. King?  
2553 Mr. King. No.  
2554 Mr. Manning. Mr. King votes no.  
2555 Mr. Franks?  
2556 Mr. Franks. No.  
2557 Mr. Manning. Mr. Franks votes no.  
2558 Mr. Gohmert?  
2559 Mr. Gohmert. No.  
2560 Mr. Manning. Mr. Gohmert votes no.  
2561 Mr. Jordon?  
2562 Mr. Jordan. No.  
2563 Mr. Manning. Mr. Jordon votes no.  
2564 Mr. Poe?  
2565 [No response.]  
2566 Mr. Chaffetz?  
2567 [No response.]  
2568 Mr. Marino.  
2569 Mr. Marino. No.  
2570 Mr. Manning. Mr. Marino votes no.  
2571 Mr. Gowdy?

2572 Mr. Gowdy. No.

2573 Mr. Manning. Mr. Gowdy votes no.

2574 Mr. Labrador?

2575 Mr. Labrador. No.

2576 Mr. Manning. Mr. Labrador votes no.

2577 Mr. Farenthold?

2578 [No response.]

2579 Mr. Collins?

2580 Mr. Collins. No.

2581 Mr. Manning. Mr. Collins votes no.

2582 Mr. DeSantis?

2583 [No response.]

2584 Ms. Walters?

2585 [No response.]

2586 Mr. Buck?

2587 [No response.]

2588 Mr. Radcliffe?

2589 [No response.]

2590 Mr. Trott?

2591 Mr. Trott. No.

2592 Mr. Manning. Mr. Trott votes no.

2593 Mr. Bishop?

2594 Mr. Bishop. No.

2595 Mr. Manning. Mr. Bishop votes no.

2596 Mr. Conyers?



2597 Mr. Conyers. Yes.

2598 Mr. Manning. Mr. Conyers votes yes.

2599 Mr. Nadler?

2600 [No response.]

2601 Ms. Lofgren?

2602 Ms. Lofgren. Yes.

2603 Mr. Manning. Ms. Lofgren votes yes.

2604 Ms. Jackson Lee?

2605 [No response.]

2606 Mr. Cohen?

2607 [No response.]

2608 Mr. Johnson?

2609 [No response.]

2610 Mr. Pierluisi?

2611 [No response.]

2612 Ms. Chu?

2613 [No response.]

2614 Mr. Deutch?

2615 [No response.]

2616 Mr. Gutierrez?

2617 [No response.]

2618 Ms. Bass?

2619 [No response.]

2620 Mr. Richmond?

2621 [No response.]

2622 Ms. DelBene?

2623 Ms. DelBene. Aye.

2624 Mr. Manning. Ms. DelBene votes aye.

2625 Mr. Jeffries?

2626 Mr. Jeffries. Aye.

2627 Mr. Manning. Mr. Jefferies votes aye.

2628 Mr. Cicilline?

2629 Mr. Cicilline. Aye.

2630 Mr. Manning. Mr. Cicilline votes aye.

2631 Mr. Peters?

2632 Mr. Peters. Aye.

2633 Mr. Manning. Mr. Peters votes aye.

2634 Chairman Goodlatte. Has every member voted who wishes

2635 to vote? The clerk will report.

2636 Mr. Manning. Mr. Chairman 5 members voted yes; 12

2637 members voted no.

2638 Chairman Goodlatte. And the amendment is not agreed

2639 to.

2640 Mr. Issa. Mr. Chairman. Mr. Chairman a point of

2641 inquiry. Pursuant to the committee rules, are we able to

2642 roll votes in order to take them all in time specific? Is

2643 that within the committee rules?

2644 Chairman Goodlatte. It is, but the chair would note

2645 that there are to the chair's knowledge only one or two

2646 amendments remaining and --

2647 Mr. Issa. I look forward to it Mr. Chairman.

2648 Chairman Goodlatte. The chair recognizes that  
2649 gentleman from Rhode Island.

2650 Mr. Cicilline. I will try not to disappoint you Mr.  
2651 Issa. Mr. Chairman I have an amendment at the desk.

2652 Chairman Goodlatte. Clerk will report the amendment.

2653 Mr. Manning. Amendment to H.R. 4731 offered my Mr.  
2654 Cicilline. Page 10 strike line 10 --

2655 Chairman Goodlatte. Without objection, the amendment  
2656 is considered as read and the gentleman is recognized for 5  
2657 minutes on his amendment.

2658 Mr. Cicilline. Thank you Mr. Chairman. Mr. Chairman,  
2659 my amendment would strike the entirety of Section 13 from  
2660 this legislation which fundamentally changes and severely  
2661 narrows the legal definition of a refugee. More  
2662 specifically, this Section would amend the current  
2663 definition to exclude individuals who have been displaced  
2664 due to violence that has not been specifically directed at  
2665 the individual. It would also exclude the victims of  
2666 directed violence if the act is not motivated by the  
2667 victim's race, religion, nationality, membership in a  
2668 particular social group, or political opinion.

2669 In summary, this section effectively requires a person  
2670 to be singled out for persecution to qualify as a refugee.  
2671 This is a radical change in refugee policy and will make the

2672 United States an outlier in refugee resettlement rather than  
2673 honor our proud tradition as a country that welcomes those  
2674 who are fleeing unspeakable violence.

2675         We are in the midst of a world-wide refugee crisis.  
2676 There are currently more refugees, asylum seekers, and  
2677 internally displaced persons than at any time since World  
2678 War II. And this change in policy represents a cruel and  
2679 unnecessary rejection of the development of 70 years of  
2680 refugee law and policy, a policy that, by the way, has  
2681 served the American people and reflects our values.

2682         It narrows the definition that has been the cornerstone  
2683 of international and U.S. refugee policy since World War II,  
2684 and has allowed the United States to offer protection to  
2685 more than 3 million of the world's most persecuted people  
2686 since the enactment of the Refugee Act of 1980.

2687         Under these long-standing, well establish principles, a  
2688 refugee must present a particularized claim of persecution,  
2689 or a well-founded claim of persecution on account of race,  
2690 religion, nationality, political opinion, or membership in a  
2691 particular social group.

2692         The United States has adopted the international  
2693 definition of refugee. It is codified in the Immigration  
2694 Nationality Act, with the express intention of incorporating  
2695 international definitions.

2696         International law has never required refugees to prove

2697 that they would be singled out for persecution. The UNHCR  
2698 handbook on procedures and criteria for determining refugee  
2699 status under the 1951 Convention and the 1967 protocol  
2700 explains that, quote, "While refugee status must normally be  
2701 determined on an individual basis, situations have also  
2702 arisen in which entire groups have been displaced under  
2703 circumstances indicating that members of the group could be  
2704 considered individually as refugees."

2705 Moreover, this provision would deny status to  
2706 individuals who are recognized under current law as  
2707 "quintessential refugees," as those fleeing their home  
2708 countries often face grave threats before being specifically  
2709 targeted for violence.

2710 For instance, a German Jew during the Nazi era would  
2711 have a compelling reason to flee Germany regardless of  
2712 whether he or she was specifically targeted for violence.  
2713 In fact, the standard for determining refugee status has  
2714 always been linked to a fear of persecution rather than  
2715 individualized acts of violence. And while violence can be  
2716 considered a form of persecution, refugees often realize  
2717 real and legitimate reasons to abandon their home and their  
2718 country before they face gunfire or mortar shells.

2719 Current U.S. law recognizes this reality, defining  
2720 persecution as, "a threat to the life or freedom of, or the  
2721 infliction of suffering or harm upon those who differ in a

2722 way regarded as offensive." Persecution does not need to be  
2723 violent, nor should a refugee have to demonstrate targeted  
2724 violence in order to qualify as a refugee.

2725       Ultimately, this provision will lead to cruel and  
2726 really nonsensical results, needlessly adding bureaucratic  
2727 layers to create the illusion of greater security. For  
2728 example, a Syrian family, fleeing a chemical attack directed  
2729 against their entire community by the government could have  
2730 a particularized claim of persecution under current law on  
2731 account of their imputed political opinions.

2732       But under Section 13 in this current piece of  
2733 legislation, each member of the family would be required to  
2734 show that the stated violence was directed specifically at  
2735 him or her, as if the soldiers took the time to consider  
2736 them as individuals. Such a requirement will never be met.

2737       This provision, and this legislation stands in direct  
2738 conflict with our nation's legacy as a shelter and safe  
2739 haven for the vulnerable and the oppressed. I ask my  
2740 colleagues to support my amendment --

2741       Ms. Lofgren. Would the gentleman yield?

2742       Mr. Cicilline. -- to strike this section of the bill,  
2743 and I yield the balance of my time to the gentlelady from  
2744 California.

2745       Ms. Lofgren. I would just like to thank the gentleman  
2746 for offering this important amendment. And as he has noted,

2747 unless this provision is amended, we are going to end up  
2748 with ridiculous results or perhaps they are intended; and I  
2749 will give you an example.

2750 In Syria, we have barrel bombs being unloaded onto  
2751 Christian villages. And under the act as written, unless  
2752 you could prove that the barrel bomb was aimed at me, you  
2753 could not actually qualify as a refugee. That cannot  
2754 possibly be what we intend to do with our refugee program.  
2755 Or perhaps it is. We will see when we find out whether Mr.  
2756 Cicilline's amendment is approved. And I thank the  
2757 gentleman for yielding and yield back.

2758 Chairman Goodlatte. For what purpose does the  
2759 gentleman from Idaho see direct mission?

2760 Mr. Labrador. Mr. Chairman, I move to strike the last  
2761 word. I agree that this is radical. It is a radical  
2762 restatement of the law. And it is amazing that apparently  
2763 some people have not understood what refugee law is about,  
2764 and more amazing that they are trying to change what refugee  
2765 law is about by bringing issues that are not in play. This  
2766 provision is necessary to guard against Executive overreach,  
2767 in which the President designates in mass groups of  
2768 individuals that are not otherwise eligible for refugee  
2769 status.

2770 As we have witnessed over the past seven years, the  
2771 current administration has routinely acted in contravention

2772 of existing law and has exploited every loophole to advance  
2773 its agenda. Perhaps nowhere is this more apparent than in  
2774 the immigration context. Administration officials routinely  
2775 discuss admitting to the U.S. as refugees individuals who  
2776 flee violence in their home countries. They have made such  
2777 statements in the context of the Syrian conflict, as well as  
2778 in countries like El Salvador, Honduras, and Guatemala.

2779 But just because someone flees violence in their home  
2780 country does not mean that the person qualifies for refugee  
2781 admission to the U.S. In other words, fleeing violence does  
2782 not mean the same thing as persecution or fear of  
2783 persecution on account of race, religion, nationality,  
2784 membership in a particular social group, or political  
2785 opinion, and this amendment simply makes that clear.

2786 This provision does not change the definition of what  
2787 constitutes a refugee, nor does it impair the President from  
2788 performing any duty pursuant to Section 101(a)42B, of  
2789 designating as a refugee any person who is persecuted, or  
2790 who has a well-founded fear of persecution on account of a  
2791 protected ground. It merely restates -- and, apparently, we  
2792 are restating it radically -- and codifies existing case  
2793 law, which states that a general oppressive condition, and  
2794 violence in country, while relevant, is not alone sufficient  
2795 to meet the burden that an individual has a well-founded  
2796 future persecution on account of a protected ground.



2797 For instance, the Board of Immigration Appeals held in  
2798 Matter of M-E-V-G- in 2014 that harsh conditions shared by  
2799 many, or general civil strife or anarchy, are generally not  
2800 considered persecution. And the 9th Circuit held in Mengstu  
2801 v. Holder that a group of people that is in grave danger, or  
2802 has a fear based on a specific realm is not negated simply  
2803 because there is general violence and disorder.

2804 Provided that the President follows the letter and  
2805 spirit of the provision, there really should be no  
2806 disagreement that this provision will not affect any  
2807 legitimate refugee from being designated by the  
2808 administration. The fact that there is an objection to this  
2809 section leads us to believe that there is a purpose and an  
2810 intent in trying to change refugee law.

2811 Case law protects those who are in danger or in fear on  
2812 account of a protected ground, even if they are not  
2813 specifically targeted yet. Again, in Mengstu, in the 9th  
2814 Circuit, the court held that a group of people in grave  
2815 danger, or who have a fear based on a specific ground would  
2816 not have their claims negated simply because there is  
2817 general violence and disorder. And for all these reasons I  
2818 oppose the amendment and I yield back.

2819 Chairman Goodlatte. For what purpose does the  
2820 gentleman from New York seek recognition?

2821 Mr. Nadler. I would like to ask if Mr. Labrador, do

2822 you yield for a question?

2823 Mr. Labrador. I will.

2824 Mr. Nadler. My understanding, and tell me why I am  
2825 wrong, is that during the 1930s, a German Jew fleeing the  
2826 Nazis would not be considered a refugee under your  
2827 amendment, but would be under current law. Would you tell  
2828 me why I am wrong?

2829 Mr. Labrador. If you would want to ask my Jewish  
2830 staffer, who --

2831 Mr. Nadler. I do not care about that. I am asking a  
2832 question about the 1930s.

2833 Mr. Labrador. You are completely wrong.

2834 Mr. Nadler. Because?

2835 Mr. Labrador. And this amendment would not -- would  
2836 not --

2837 Mr. Nadler. And why, given what you just said?

2838 Mr. Labrador. It just would not. I think you are  
2839 bringing something up that my amendment does not do.

2840 Mr. Nadler. Well, a German Jew, during the Nazi era,  
2841 would have had a compelling reason to flee Germany,  
2842 regardless of whether he or she was specifically targeted  
2843 for violence. Under your amendment, as I understand it, it  
2844 would have had to say that, "The Nazis have it in,  
2845 particularly, for me, not just for Jews generally. And I am  
2846 fleeing for my life because I am Jewish." Am I incorrect?

2847 Mr. Labrador. No.

2848 Mr. Nadler. Well, my understanding is that I am  
2849 correct, and that is one of the problems with this  
2850 amendment, is that it contradicts 70 years of established  
2851 law, and if someone can show that he is part of a group that  
2852 is subject to violence, should not have to show that he is  
2853 subject to particularized violence individually.

2854 Chairman Goodlatte. Would the gentleman further yield?

2855 Mr. Labrador. I will. But just a second. Every Jew  
2856 in Germany would have been persecuted, and would have -- so,  
2857 I think you guys are --

2858 Mr. Nadler. No. Every Jew in Germany would have been  
2859 subject to persecution, and eventually would have been.

2860 Mr. Labrador. Well, which is what the law protects.

2861 Mr. Nadler. No. Which is what the current law  
2862 protects.

2863 Mr. Labrador. And all we are doing is we are restating  
2864 the law.

2865 Chairman Goodlatte. Would the gentleman further yield?

2866 Mr. Labrador. Again --

2867 Mr. Nadler. Reclaiming my time --

2868 Chairman Goodlatte. The gentleman from New York has  
2869 the time.

2870 Mr. Nadler. Reclaiming my time, the UNHCR handbook on  
2871 procedures and criteria for determining refugee status under

2872 the 1951 convention, 1967 protocol, explains that, "While  
2873 refugee status must normally be determined on an individual  
2874 basis, situations have also arisen in which entire groups  
2875 have been displaced under circumstances indicating that  
2876 members of the group can be considered individually as  
2877 refugees." Close quote. That is the current law, and that  
2878 law would be overturned by this amendment. And that is why  
2879 this amendment is obnoxious in the extreme. I yield back.

2880 Mr. Issa. Mr. Chairman?

2881 Chairman Goodlatte. For what purpose does the  
2882 gentleman from California --

2883 Mr. Issa. Strike the last word.

2884 Chairman Goodlatte. The gentleman is recognized for 5  
2885 minutes.

2886 Mr. Issa. Mr. Chairman, I personally object to the  
2887 premise that Mr. Nadler has placed here, and I am shocked  
2888 that he would go there. I read this, and I read this very  
2889 clearly on a piece of history in which this country did  
2890 ignore the plight of Jews who were in fact being placed  
2891 systematically into ghettos/concentration camps, in which  
2892 the Roosevelt Administration was aware there was a plan to  
2893 exterminate, in which violence had been perpetrated on one  
2894 after another people within that group specifically because  
2895 they were in that group, and they were targeted at large.

2896 We have no similar comparison today that we are

2897 planning to, or in any way this bill would exclude. If  
2898 there were a similar situation, then in fact they would be  
2899 potentially eligible.

2900         However, I want to make it very clear in looking at the  
2901 abuses of this administration, as one Arab American who grew  
2902 up in a predominately Jewish neighborhood, the Arabs that  
2903 have come here recently have been Sunni Arabs. They have  
2904 been disproportionately people who, as far as I could tell,  
2905 would have to demonstrate -- not based on their religion or  
2906 their location, but based on some specific targeting of  
2907 them, would cause them to be at risk. And it should be so.

2908         And, as an Arab Christian, I constantly see the adverse  
2909 conditions that Christians in the Arab world live under, and  
2910 I could not be more sympathetic to the fact that, as a  
2911 group, they rightfully so would look for a better place.  
2912 And we allow 1.2 million people, in various ways, to apply  
2913 for and come to the United States under various other  
2914 categories. But this category is exclusively at the  
2915 discretion of the President, authorized by the Congress.  
2916 The gentleman from Idaho is right. There has been a  
2917 temptation to abuse this, and all we are doing is saying  
2918 that this one category needs to show the immediate and  
2919 actual risk.

2920         And having said that -- and I am going to yield back  
2921 the remainder of my time -- this is the Committee of

2922 Jurisdiction, and if Republicans and Democrats truly agree  
2923 on the power of this branch, there is nothing wrong with a  
2924 President coming to us next year, this year, or any year,  
2925 with a case for an increase in numbers of tens or twenties  
2926 or fifties or hundreds of thousands.

2927         The only question is, would we write a blank check for  
2928 future administrations, or will we in fact set a number that  
2929 the President may fill without coming back to Congress for  
2930 more numbers? And I will tell you -- and I am going to  
2931 yield back as I said -- I will tell you that I have watched  
2932 this administration not be able to make up their mind on a  
2933 number between the time that we did not know the number, the  
2934 time we as a committee were told the number, and a matter of  
2935 minutes, practically later, when they came up with yet  
2936 another number.

2937         So, the idea that there should be a concept and a real  
2938 set of teeth, and if we want to amend this bill let's amend  
2939 it without citing, to the extreme the idea that this bill  
2940 will not cover those who are genuinely at risk of peril  
2941 because of their religion, and other --

2942         Chairman Goodlatte. Will the gentleman yield for  
2943 agreement?

2944         Mr. Issa. I yield.

2945         Mr. Nadler. Thank you. I just want to say that I  
2946 agree in part with what you say, and I want to point out --

2947 Mr. Issa. That is the part I am yielding for.

2948 Mr. Nadler. Yes. And I want to say that the -- I  
2949 think you will agree the second part of my one sentence.  
2950 And I want to point out the only place in the Middle East  
2951 where Arab Christians are not persecuted is Israel. I yield  
2952 back.

2953 Chairman Goodlatte. Question --

2954 Mr. Issa. I thank the gentleman for yield back. I  
2955 would say that, under the Assisi government in Egypt, they  
2956 are genuinely at the table. And it should be a good model  
2957 as we look, also, to Lebanon and other countries for  
2958 Christians to have a fair seat at the table, and it is one  
2959 of the reasons that our policy cannot be to wholesale allow  
2960 groups to leave a country, but rather for a foreign policy  
2961 to enforce a sense of fairness, entitlement, and of course  
2962 push back hard on the atrocities that can occur, and are  
2963 occurring in some places. And I thank the gentleman for his  
2964 agreement, and I yield back.

2965 Ms. DelBene. Mr. Chair, I move to strike the last  
2966 word.

2967 Chairman Goodlatte. The gentlewoman from Washington is  
2968 recognized for 5 minutes.

2969 Ms. DelBene. Thank you, Mr. Chair. I yield to Mr.  
2970 Cicilline.

2971 Mr. Cicilline. I thank the gentlelady for yielding. I

2972 just want to clarify the gentleman from Idaho's assertion  
2973 that this is just a restating of the law. This is a change  
2974 in the law. If you look at the existing language in Section  
2975 13, "For purposes of this paragraph, a person may not be  
2976 considered a refugee solely or in part because the person is  
2977 displaced due to or fleeing from violence in the country of  
2978 such person's nationality or, in the case of a person having  
2979 no nationality, the country in which such person has last  
2980 habitually resided, if that violence is not specifically  
2981 directed at the person."

2982 This is a new requirement that it be specifically  
2983 directed at the individual. So, I do think it is a radical  
2984 change in law, in that it is not the fear of persecution,  
2985 but it is evidence of it being directed at the person. That  
2986 is the exact language of this Section 13.

2987 So, unless we remove that, the case that Mr. Nadler  
2988 raised of general fear of persecution because you belong to  
2989 a particular class, is in fact not covered for refugee  
2990 status, which it has been for 70 years, which it has made  
2991 the United States a beacon of hope around the world as a  
2992 place you come to when you fear persecution or harm. But  
2993 this notion of now requiring refugees to establish that  
2994 they, as an individual, in fact, that the violence is  
2995 targeted to them, as a person, is a brand new requirement,  
2996 which I think will do violence, frankly, to our position in



2997 the world as a place that welcomes refugees and, at the very  
2998 least, it is a very significant change in the law. It is  
2999 not simply a restatement.

3000 And, with that, I yield back and urge my colleagues to  
3001 support my amendment.

3002 Chairman Goodlatte. And the question occurs on the  
3003 amendment offered by the gentleman from Rhode Island.

3004 All those in favor respond by saying aye.

3005 Those opposed, no.

3006 Opinion of the chair, the noes have it.

3007 A recorded vote is requested, and the clerk will call  
3008 the role.

3009 Mr. Manning. Chairman Goodlatte?

3010 Chairman Goodlatte. No.

3011 Mr. Manning. Mr. Goodlatte votes no.

3012 Mr. Sensenbrenner?

3013 [No response.]

3014 Mr. Smith?

3015 [No response.]

3016 Mr. Chabot?

3017 [No response.]

3018 Mr. Issa?

3019 Mr. Issa. No.

3020 Mr. Manning. Mr. Issa votes no.

3021 Mr. Forbes?

3022 [No response.]

3023 Mr. King?

3024 Mr. King. No.

3025 Mr. Manning. Mr. King votes no.

3026 Mr. Franks?

3027 Mr. Franks. No.

3028 Mr. Manning. Mr. Franks votes no.

3029 Mr. Gohmert?

3030 Mr. Gohmert. No.

3031 Mr. Manning. Mr. Gohmert votes no.

3032 Mr. Jordan?

3033 Mr. Jordan. No.

3034 Mr. Manning. Mr. Jordan votes no.

3035 Mr. Poe?

3036 [No response.]

3037 Mr. Chaffetz?

3038 Mr. Chaffetz. No.

3039 Mr. Manning. Mr. Chaffetz votes no.

3040 Mr. Marino?

3041 Mr. Marino. No.

3042 Mr. Manning. Mr. Marino votes no.

3043 Mr. Gowdy?

3044 Mr. Gowdy. No.

3045 Mr. Manning. Mr. Gowdy votes no.

3046 Mr. Labrador?

3047 Mr. Labrador. No.

3048 Mr. Manning. Mr. Labrador votes no.

3049 Mr. Farenthold.

3050 Mr. Farenthold. No.

3051 Mr. Manning. Mr. Farenthold votes no.

3052 Mr. Collins?

3053 Mr. Collins. No.

3054 Mr. Manning. Mr. Collins votes no.

3055 Mr. DeSantis?

3056 Mr. DeSantis. No.

3057 Mr. Manning. Mr. DeSantis votes no.

3058 Ms. Walters?

3059 [No response.]

3060 Mr. Buck?

3061 [No response.]

3062 Mr. Ratcliffe?

3063 [No response.]

3064 Mr. Trott?

3065 Mr. .Trott. No.

3066 Mr. Manning. Mr. Trott votes no.

3067 Mr. Bishop?

3068 Mr. Bishop. No.

3069 Mr. Manning. Mr. Bishop votes no.

3070 Mr. Conyers?

3071 Mr. Conyers. Aye.

3072 Mr. Manning. Mr. Conyers votes aye.

3073 Mr. Nadler?

3074 Mr. Nadler. Aye.

3075 Mr. Manning. Mr. Nadler votes aye.

3076 Ms. Lofgren?

3077 Ms. Lofgren. Yes.

3078 Mr. Manning. Ms. Lofgren votes yes.

3079 Ms. Jackson Lee?

3080 [No response.]

3081 Mr. Cohen?

3082 [No response.]

3083 Mr. Johnson?

3084 [No response.]

3085 Mr. Pierluisi?

3086 [No response.]

3087 Ms. Chu?

3088 Ms. Chu. Aye.

3089 Mr. Manning. Ms. Chu votes aye.

3090 Mr. Deutch?

3091 [No response.]

3092 Mr. Gutierrez?

3093 Mr. Gutierrez. Aye.

3094 Mr. Manning. Mr. Gutierrez votes aye.

3095 Ms. Bass?

3096 [No response.]

3097 Mr. Richmond?

3098 [No response.]

3099 Ms. DelBene?

3100 Ms. DelBene. Aye.

3101 Mr. Manning. Ms. DelBene votes aye.

3102 Mr. Jeffries?

3103 [No response.]

3104 Mr. Cicilline?

3105 Mr. Cicilline. Aye.

3106 Mr. Manning. Mr. Cicilline votes aye.

3107 Mr. Peters?

3108 Mr. Peters. Aye.

3109 Mr. Manning. Mr. Peters votes aye.

3110 Chairman Goodlatte. Has every member voted who wishes

3111 to vote? The clerk will report.

3112 Mr. Manning. Mr. Chairman, 8 members voted aye; 14

3113 members voted no.

3114 Chairman Goodlatte. And the amendment is not agreed

3115 to. For what purpose does the gentleman from New York seek

3116 recognition?

3117 Mr. Nadler. Mr. Chairman, I have an amendment at the

3118 desk.

3119 Chairman Goodlatte. The clerk will report the

3120 amendment.

3121 Mr. Manning. Amendment to H.R. 4731, offered by Mr.

3122 Nadler. Page 2, strike Lines 1 --

3123 Chairman Goodlatte. Without objection, the amendment  
3124 is considered as read, and the gentleman is recognized for 5  
3125 minutes on his amendment.

3126 Mr. Nadler. Thank you. Mr. Chairman, my amendment  
3127 would address just one of the many mean-spirited, and  
3128 irresponsible provisions in this bill. The amendment would  
3129 remove the bill's hard cap on refugees who may be admitted  
3130 into the United States each year, and would preserve the  
3131 President's discretion to set an annual cap and to respond  
3132 to emergency situations.

3133 Under current law, the President determines the annual  
3134 cap on refugees, which stands at 85,000 today. Many people  
3135 believe this figure is already too low given the  
3136 humanitarian crises unfolding in Syria and in Central  
3137 America. But this legislation would further reduce the cap  
3138 by almost a third to just 60,000 refugees a year. It would  
3139 also remove the discretion and flexibility the President  
3140 currently has to adjust the cap as circumstances warrant.  
3141 It would fix into law the 60,000 person cap regardless of  
3142 international events, regardless of any crises that would  
3143 occur, and would allow the President merely to recommend an  
3144 increase to Congress, provided it is done at least six  
3145 months before the start of the fiscal year.

3146 Should an emergency refugee situation arise, current

3147 law provides the President flexibility to respond to the  
3148 crisis. But under this legislation, even if there is an  
3149 emergency, the President's hands would be tied, and he or  
3150 she could only recommend an increase to Congress, and only  
3151 if he anticipated the crisis six months before the beginning  
3152 of the fiscal year. If the crisis did not have the good  
3153 manners to wait until the proper part of the fiscal year,  
3154 the President could not respond to it.

3155 Furthermore, the bill provides no process for Congress  
3156 to act on the President's recommendations, or even to  
3157 guarantee that it will ever act or vote at all. This  
3158 amendment would strike these harsh and unnecessary  
3159 provisions from the bill and would retain current law.

3160 The United States has always been, and should always  
3161 be, a place of refuge. Across the globe people are fleeing  
3162 unspeakable violence, persecution, terrorists, sexual  
3163 slavery, and torture. There are as many as 60 million  
3164 refugees worldwide today, more than at any time since World  
3165 War II, but this bill would have us shrink our commitment to  
3166 those most in need. What sort of example would we set for  
3167 the world where nations with much smaller populations are  
3168 taking in hundreds of thousands of refugees while we slash  
3169 our assistance? The unspoken assumption behind this bill is  
3170 that refugees are a danger and a drain on our society,  
3171 despite clear evidence to the contrary.

3172           We have been down this path before, Mr. Chairman. In  
3173 1924 a racist, xenophobic, and anti-Semitic Congress passed  
3174 legislation slamming the door shut on Jewish, Italian,  
3175 Greek, and Eastern European immigrants.

3176           The Almanac of American Politics has said that if it  
3177 were not for the 1924 Immigration Act, perhaps 2 million of  
3178 the 6 million Jews who were murdered in the Holocaust would  
3179 have been living safely in the United States instead. We  
3180 should not revisit the shameful policies of the past and we  
3181 must not be guided by irrational fear.

3182           We should not fall for demagogues who would have us  
3183 build a wall and shut our doors to immigrants. I would  
3184 remind some people that America is already great, and one  
3185 reason it is great is that we extend a hand to those most in  
3186 need. We have a moral obligation to help the most desperate  
3187 among us, but this legislation would force us to turn our  
3188 backs on those who need our protection.

3189           Throughout the world millions of innocent people are  
3190 being subjected to violence, slavery, sexual abuse, and  
3191 persecution, conditions we cannot imagine in our worst  
3192 nightmares. They seek the safety of our shores so that they  
3193 can build a new life for themselves and for their families.

3194           If anything, we should be welcoming more refugees to  
3195 our country rather than reducing the cap, as this bill would  
3196 do. In 1948, we passed legislation in the aftermath of



3197 World War II to admit an immediate quarter of a million  
3198 refugees. Now, we are talking that 85,000, which is what  
3199 the President currently says, is too much. We want to put a  
3200 statutory bar of 60,000. For shame.

3201 This amendment would at least preserve the status quo.  
3202 I urge its adoption, and I yield back the balance of my  
3203 time.

3204 Mr. Goodlatte. The Chair thanks the gentleman. For  
3205 what purpose does the gentleman from Idaho seek recognition?

3206 Mr. Labrador. I move to strike the last word.

3207 Mr. Goodlatte. The gentleman is recognized for 5  
3208 minutes.

3209 Mr. Labrador. Thank you, Mr. Chairman, and thank you  
3210 all for the discussion that we have had here today. I  
3211 oppose this amendment, and urge my colleagues to do the  
3212 same. It is interesting, in the comments that we just  
3213 heard, that Congress was able to pass legislation to bring  
3214 250,000 refugees in the 1940s, and I believe that we can do  
3215 it again if we have that kind of storm that happens to the  
3216 world, and if we have those events that happen to the world,  
3217 and I believe that this Congress would do it. But at the  
3218 same time, we are here to protect the United States, and to  
3219 protect the Refugee Resettlement Program that I think we all  
3220 want to participate in, and we world to always understand  
3221 that we are welcoming of all peoples to the United States.

3222           The Refugee Act of 1980 set the refugee ceiling at  
3223 50,000 for the first three years after enactment. But for  
3224 subsequent years, the act required that the President set  
3225 the annual refugee ceiling after appropriate consultation  
3226 with Congress. Unfortunately, that appropriate consultation  
3227 has become simply a September meeting between the Secretary  
3228 of State and certain members of the House and Senate  
3229 Judiciary Committees, at which the Secretary tells us how  
3230 many refugees the President has decided can be admitted  
3231 during the next fiscal year. So Congress really has no real  
3232 say in the numerical limit. And last year, even when the  
3233 Secretary did specify a ceiling number during the  
3234 consultation, the final fiscal year 2016 determination by  
3235 the President was 10,000 more than what Secretary Kerry had  
3236 indicated just days before.

3237           H.R. 4731 brings the Refugee Program in line with every  
3238 other immigration programs that have an annual limit so that  
3239 Congress, as opposed to the President, sets that limit. The  
3240 United States consistently resettles many times more UNHCR  
3241 referred refugees than any other country.

3242           For instance, the nearly 49,000 refugees resettled by  
3243 the U.S. during calendar year 2014 was seven times more than  
3244 Canada, the country with the next highest number of  
3245 resettled UNHCR referred refugees.

3246           Some of my colleagues have called on the U.S. to admit

3247 as many as 200,000 by the end of 2016, and others have  
3248 called for a moratorium on refugee resettlement. H.R. 4731  
3249 takes a middle of the road approach, setting the annual  
3250 refugee ceiling at 60,000 and calling on the President to  
3251 make a recommendation to increase the number if he sees fit,  
3252 and I believe that this Congress, if it is necessary can  
3253 change that number. Congress can then choose to act on that  
3254 recommendation. Congress created the Refugee Program and  
3255 should have the responsibility for setting the number that  
3256 can be admitted each year. A six-month lead time on the  
3257 Presidential recommendation is not problematic.

3258 Currently, the President submits his budget to Congress  
3259 in early February, in which funding is requested for a  
3260 certain number of refugees for the next fiscal year. For  
3261 instance, the President's most recent budget requested  
3262 funding to cover resettlement of 100,000 refugees. This  
3263 provision is not unconstitutional. It does not direct the  
3264 President to take any action. It simply states that the  
3265 President may take action. And with that --

3266 Mr. Issa. Would the gentleman yield for just a moment?

3267 Mr. Labrador. I will.

3268 Mr. Issa. I just want to make the short point that,  
3269 from what I can discover, the gentleman, in his referring to  
3270 the 1948 Act, was talking about Displaced Persons Act, which  
3271 is not in fact exclusively, by any means, people fleeing

3272 persecution. But rather, it was an economic decision about  
3273 people who were displaced and potentially dragging down the  
3274 ability of a recovery in those countries. So, do I think  
3275 that is an appropriate thing for someone to consider at some  
3276 point? Of course. But it bears very little on today's  
3277 discussion. And, for that reason, I would certainly oppose  
3278 this amendment.

3279 Chairman Goodlatte. The question occurs on the  
3280 amendment offered by the gentleman from New York.

3281 All those in favor respond by saying aye.

3282 Those opposed, no.

3283 Opinion of the chair, the noes have it.

3284 The amendment is not agreed to. A recorded vote is  
3285 requested, and the clerk will call the role.

3286 Mr. Manning. Chairman Goodlatte?

3287 Chairman Goodlatte. No.

3288 Mr. Manning. Mr. Goodlatte votes no.

3289 Mr. Sensenbrenner?

3290 [No response.]

3291 Mr. Smith?

3292 [No response.]

3293 Mr. Chabot?

3294 [No response.]

3295 Mr. Issa?

3296 Mr. Issa. No.

3297 Mr. Manning. Mr. Issa votes no.  
3298 Mr. Forbes?  
3299 [No response.]  
3300 Mr. King?  
3301 Mr. King. No.  
3302 The .Clerk. Mr. King votes no.  
3303 Mr. Franks?  
3304 Mr. Franks. No.  
3305 Mr. Manning. Mr. Franks votes no.  
3306 Mr. Gohmert?  
3307 Mr. Gohmert. No.  
3308 Mr. Manning. Mr. Gohmert votes no.  
3309 Mr. Jordan?  
3310 Mr. Jordan. No.  
3311 Mr. Manning. Mr. Jordan votes no.  
3312 Mr. Poe?  
3313 Mr. Poe. No.  
3314 Mr. Manning. Mr. Poe votes no.  
3315 Mr. Chaffetz?  
3316 [No response.]  
3317 Mr. Marino?  
3318 Mr. Marino. No.  
3319 Mr. Manning. Mr. Marino votes no.  
3320 Mr. Gowdy?  
3321 Mr. Gowdy. No.

3322 Mr. Manning. Mr. Gowdy votes no.  
3323 Mr. Labrador?  
3324 Mr. Labrador. No.  
3325 Mr. Manning. Mr. Labrador votes no.  
3326 Mr. Farenthold.  
3327 Mr. Farenthold. No.  
3328 Mr. Manning. Mr. Farenthold votes no.  
3329 Mr. Collins?  
3330 Mr. Collins. No.  
3331 Mr. Manning. Mr. Collins votes no.  
3332 Mr. DeSantis?  
3333 Mr. DeSantis. No.  
3334 Mr. Manning. Mr. DeSantis votes no.  
3335 Ms. Walters?  
3336 [No response.]  
3337 Mr. Buck?  
3338 [No response.]  
3339 Mr. Ratcliffe?  
3340 [No response.]  
3341 Mr. Trott?  
3342 Mr. .Trott. No.  
3343 Mr. Manning. Mr. Trott votes no.  
3344 Mr. Bishop?  
3345 Mr. Bishop. No.  
3346 Mr. Manning. Mr. Bishop votes no.

3347 Mr. Conyers?

3348 Mr. Conyers. Aye.

3349 Mr. Manning. Mr. Conyers votes aye.

3350 Mr. Nadler?

3351 Mr. Nadler. Aye.

3352 Mr. Manning. Mr. Nadler votes aye.

3353 Ms. Lofgren?

3354 Ms. Lofgren. Yes.

3355 Mr. Manning. Ms. Lofgren votes yes.

3356 Ms. Jackson Lee?

3357 [No response.]

3358 Mr. Cohen?

3359 [No response.]

3360 Mr. Johnson?

3361 [No response.]

3362 Mr. Pierluisi?

3363 [No response.]

3364 Ms. Chu?

3365 Ms. Chu. Aye.

3366 Mr. Manning. Ms. Chu votes aye.

3367 Mr. Deutch?

3368 [No response.]

3369 Mr. Gutierrez?

3370 Mr. Gutierrez. Aye.

3371 Mr. Manning. Mr. Gutierrez votes aye.

3372 Ms. Bass?

3373 [No response.]

3374 Mr. Richmond?

3375 [No response.]

3376 Ms. DelBene?

3377 Ms. DelBene. Aye.

3378 Mr. Manning. Ms. DelBene votes aye.

3379 Mr. Jeffries?

3380 [No response.]

3381 Mr. Cicilline?

3382 Mr. Cicilline. Aye.

3383 Mr. Manning. Mr. Cicilline votes aye.

3384 Mr. Peters?

3385 Mr. Peters. Aye.

3386 Mr. Manning. Mr. Peters votes aye.

3387 Chairman Goodlatte. The gentleman from Puerto Rico.

3388 Mr. Pierluisi. Aye.

3389 Mr. Manning. Mr. Pierluisi votes aye.

3390 Chairman Goodlatte. Has every member voted who wishes

3391 to vote? The clerk will report.

3392 Mr. Manning. Mr. Chairman, 9 members voted aye; 15

3393 members voted no.

3394 Chairman Goodlatte. And the amendment is not agreed

3395 to. Are there further amendments to H.R. 4731? A reporting

3396 quorum being present, the question is on the motion to



3397 report the bill H.R. 4731 as amended favorably to the House.

3398 Those in favor will say aye.

3399 Those opposed, no.

3400 The ayes have it and the bill is ordered reported  
3401 favorably.

3402 A recorded vote is requested and the clerk will call  
3403 the roll.

3404 Mr. Manning. Chairman Goodlatte?

3405 Chairman Goodlatte. Aye.

3406 Mr. Manning. Mr. Goodlatte votes aye.

3407 Mr. Sensenbrenner?

3408 [No response.]

3409 Mr. Smith?

3410 [No response.]

3411 Mr. Chabot?

3412 [No response.]

3413 Mr. Issa?

3414 Mr. Issa. Aye.

3415 Mr. Manning. Mr. Issa votes aye.

3416 Mr. Forbes?

3417 [No response.]

3418 Mr. King?

3419 Mr. King. Aye.

3420 The .Clerk. Mr. King votes aye.

3421 Mr. Franks?

3422 Mr. Franks. Aye.

3423 Mr. Manning. Mr. Franks votes aye.

3424 Mr. Gohmert?

3425 Mr. Gohmert. Aye.

3426 Mr. Manning. Mr. Gohmert votes aye.

3427 Mr. Jordan?

3428 Mr. Jordan. Yes.

3429 Mr. Manning. Mr. Jordan votes yes.

3430 Mr. Poe?

3431 Mr. Poe. Yes.

3432 Mr. Manning. Mr. Poe votes yes.

3433 Mr. Chaffetz?

3434 [No response.]

3435 Mr. Marino?

3436 Mr. Marino. Yes.

3437 Mr. Manning. Mr. Marino votes yes.

3438 Mr. Gowdy?

3439 Mr. Gowdy. Yes.

3440 Mr. Manning. Mr. Gowdy votes yes.

3441 Mr. Labrador?

3442 Mr. Labrador. Yes.

3443 Mr. Manning. Mr. Labrador votes yes.

3444 Mr. Farenthold.

3445 Mr. Farenthold. Yes.

3446 Mr. Manning. Mr. Farenthold votes yes.

3447 Mr. Collins?  
3448 Mr. Collins. Yes.  
3449 Mr. Manning. Mr. Collins votes yes.  
3450 Mr. DeSantis?  
3451 [No response.]  
3452 Ms. Walters?  
3453 [No response.]  
3454 Mr. Buck?  
3455 [No response.]  
3456 Mr. Ratcliffe?  
3457 [No response.]  
3458 Mr. Trott?  
3459 Mr. .Trott. Yes.  
3460 Mr. Manning. Mr. Trott votes yes.  
3461 Mr. Bishop?  
3462 Mr. Bishop. Yes.  
3463 Mr. Manning. Mr. Bishop votes yes.  
3464 Mr. Conyers?  
3465 Mr. Conyers. No.  
3466 Mr. Manning. Mr. Conyers votes no.  
3467 Mr. Nadler?  
3468 Mr. Nadler. No.  
3469 Mr. Manning. Mr. Nadler votes no.  
3470 Ms. Lofgren?  
3471 Ms. Lofgren. No.

3472 Mr. Manning. Ms. Lofgren votes no.  
3473 Ms. Jackson Lee?  
3474 [No response.]  
3475 Mr. Cohen?  
3476 [No response.]  
3477 Mr. Johnson?  
3478 [No response.]  
3479 Mr. Pierluisi?  
3480 Mr. Pierluisi. No.  
3481 Mr. Manning. Mr. Pierluisi votes no.  
3482 Ms. Chu?  
3483 Ms. Chu. No.  
3484 Mr. Manning. Ms. Chu votes no.  
3485 Mr. Deutch?  
3486 [No response.]  
3487 Mr. Gutierrez?  
3488 Mr. Gutierrez. No.  
3489 Mr. Manning. Mr. Gutierrez votes no.  
3490 Ms. Bass?  
3491 [No response.]  
3492 Mr. Richmond?  
3493 [No response.]  
3494 Ms. DelBene?  
3495 Ms. DelBene. No.  
3496 Mr. Manning. Ms. DelBene votes no.

3497 Mr. Jeffries?  
3498 [No response.]  
3499 Mr. Cicilline?  
3500 Mr. Cicilline. No.  
3501 Mr. Manning. Mr. Cicilline votes no.  
3502 Mr. Peters?  
3503 Mr. Peters. No.  
3504 Mr. Manning. Mr. Peters votes no.  
3505 Chairman Goodlatte. The gentleman from Utah, Mr.  
3506 Chaffetz?  
3507 Mr. Chaffetz. Aye.  
3508 Mr. Manning. Mr. Chaffetz votes aye.  
3509 Chairman Goodlatte. Gentleman from Texas.  
3510 Mr. Ratcliffe. Yes.  
3511 Mr. Manning. Mr. Ratcliffe votes yes.  
3512 Chairman .Goodlatte. The gentleman from Virginia, Mr.  
3513 Forbes.  
3514 Mr. Forbes. Yes.  
3515 Mr. Manning. Mr. Forbes votes yes.  
3516 Chairman Goodlatte. The gentleman from Florida, Mr.  
3517 DeSantis.  
3518 Mr. DeSantis. Yes.  
3519 Mr. Manning. Mr. DeSantis votes yes.  
3520 Chairman Goodlatte. Has every member voted who wishes  
3521 to vote? The clerk will report.

3522 Mr. Manning. Mr. Chairman, 18 members voted yes; 9  
3523 members voted no.

3524 Chairman Goodlatte. The ayes have it and the bill is  
3525 ordered reported as amended favorably to the House. Members  
3526 will have two days to submit views.

3527 Without objection the bill will be reported as a single  
3528 amendment in the nature of a substitute incorporating all  
3529 adopted amendments, and staff is authorized to make  
3530 technical and conforming changes.

3531 This concludes our business for today. Thanks to  
3532 everyone for their great work, and the markup is adjourned.

3533 [Whereupon, at 1:04 p.m., the committee adjourned  
3534 subject to the call of the chair.]