

1 NATIONAL CAPITOL CONTRACTING
2 RPTS HALATYN
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4 MARKUP OF H.R. 3892, THE "MUSLIM BROTHERHOOD
5 TERRORIST DESIGNATION ACT OF 2015"
6 Wednesday, February 24, 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 Goodlatte
12 [chairman of the committee] presiding.

13 Present: Representatives Goodlatte, Sensenbrenner,
14 Chabot, Issa, Forbes, Franks, Gohmert, Jordan, Chaffetz,
15 Marino, Gowdy, Farenthold, Collins, DeSantis, Walters,
16 Ratcliffe, Trott, Bishop, Conyers, Lofgren, Jackson Lee,
17 Cohen, Pierluisi, Chu, Gutierrez, Bass, DelBene, and
18 Jeffries.

19 Staff Present: Shelley Husband, Staff Director; Branden
20 Ritchie, Deputy Staff Director/Chief Counsel; Zachary

21 Somers, Parliamentarian & General Counsel; Kelsey Williams,
22 Clerk; George Fishman, Chief Counsel, Subcommittee on
23 Immigration and Border Security; Perry Apelbaum, Minority
24 Chief Counsel and Staff Director; Gary Merson, Minority
25 Chief Immigration Counsel; Micah Bump, Minority Counsel;
26 Danielle Brown, Minority Chief Legislative Counsel; Joe
27 Ehrenkrantz, Minority Legislative Aide; and Rosalind
28 Jackson, Minority Professional Staff.

29 Chairman Goodlatte. Good morning. The Judiciary

30 Committee will come to order, and without objection, the
31 chair is authorized to declare a recess of the committee at
32 any time. Pursuant to notice, I now call up H.R. 3892 for
33 purposes of markup and move that the committee report the
34 bill favorably to the House. The clerk will report the
35 bill.

36 Ms. Williams. H.R. 3892, to require the Secretary of
37 State to submit a report to Congress on the designation of
38 the Muslim Brotherhood as a foreign terrorist organization
39 and for other purposes.

40 [The bill follows:]

41 ***** INSERT 1 *****

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

45 I was troubled to learn that the State Department has
46 never designated the Muslim Brotherhood as a foreign
47 terrorist organization. Since the Muslim Brotherhood formed
48 in Egypt in 1928, it has sought to foster the establishment
49 of a global Islamic state and jihadism in Muslims around the
50 world. The Brotherhood's strategic goal, "In America is a
51 kind of grand jihad in eliminating and destroying the
52 Western civilization from within and sabotaging its
53 miserable house by their hands and the hands of the
54 believers, so that it is eliminated and God's religion is
55 made victorious over all other religions."

56 The Brotherhood and its leaders and affiliates, such as
57 Hamas, have supported Islamist terrorism directly through
58 fundraising and through exhortation. Each of these
59 activities constitutes an act of terrorism under the
60 Immigration and Nationality Act.

61 Under the Act, the Secretary of State has the power to
62 designate groups as foreign terrorist organizations. Such
63 groups must be foreign organizations that engage in
64 terrorist activity or retain the capability and intent to
65 engage in terrorist activity which threatens the security of
66 Americans or the national security of the United States.

67 The effect of such designation is four-fold. First, it
68 is true that aliens are subject to grounds of
69 inadmissibility and deportation for ties to all terrorist
70 organizations, whether or not the groups have been
71 designated by the Secretary of State.

72 However, following designation, this administration
73 would actually have to deny admittance to aliens tied to the
74 Muslim Brotherhood, rather than continue to proclaim to the
75 world that the Brotherhood is a moderate and secular
76 organization.

77 Second, the grounds of inadmissibility and
78 deportability are more expansive for aliens with ties to
79 designated terrorist organizations.

80 In addition, the administration cannot waive the
81 terrorism grounds of inadmissibility with respect to aliens
82 who are members or representatives of designated terrorist
83 organizations, or have received military training from such
84 organizations.

85 Third, persons who provide material support to
86 designated terrorist organizations are subject to federal
87 criminal penalties.

88 Fourth, the Secretary of the Treasury may require U.S.
89 financial institutions possessing or controlling any assets
90 of designated organizations to block all financial
91 transactions involving those assets.

92 H.R. 3892 simply asks the State Department to do what
93 it should have done long ago: recognize the Muslim
94 Brotherhood as a foreign terrorist organization that
95 threatens the United States, and if not, explain why not.

96 I commend Mr. Diaz-Balart for introducing this
97 legislation. It is the right thing to do, and designation
98 will make it less likely that the Muslim Brotherhood will be
99 able to further infiltrate the United States.

100 I urge my colleagues to support this bill. I should
101 also note that I will be offering an amendment in the nature
102 of a substitute that I will describe during its
103 consideration.

104 At this time, it is my pleasure to recognize the
105 ranking member of the Judiciary Committee, the gentleman
106 from Michigan, Mr. Conyers, for his opening statement.

107 [The statement of Chairman Goodlatte follows:]

108 ***** COMMITTEE INSERT *****

109 Mr. Conyers. Thank you, Mr. Chairman. Members of the
110 House Judiciary Committee, for several reasons, I want to
111 urge all of you on both sides of the aisle to join me in
112 opposing H.R. 3892.

113 Most importantly, our committee is marking up this bill
114 without holding a single hearing, and without considering
115 the serious diplomatic and foreign policy ramifications of
116 our actions. Less than a year ago, our committee marked up
117 a bill expressing the sense of Congress, that the Taliban
118 ought to be designated a terrorist organization by the
119 United States Government. At that time, my Democratic
120 colleagues and I appealed to the chairman and to our
121 colleagues on the other side to reconsider. Over our
122 objections and calls for a reasoned consideration of the
123 subject matter, the majority moved to a vote and reported
124 the bill out of the committee.

125 And now, once again, without holding any hearings or
126 even a briefing from the Department of State or the
127 intelligence community, the House Judiciary Committee is
128 today marking up a bill that would have the United States
129 designate a foreign organization as a terrorist
130 organization. And so, it is very worrisome that the

131 majority appears to be making a habit of bringing up
132 measures for consideration that have received no
133 deliberative process whatever.

134 Another concern I have about our committee's process is
135 that it is taking action today without any real
136 consideration of the facts. I want to be clear that my
137 opposition to this measure does not in any way mean that I
138 would hesitate to condemn the Brotherhood's anti-Israel
139 rhetoric. However, since swearing off violence in the
140 1950s, the Brotherhood has become a predominantly non-
141 violent religious political and social service organization.
142 It has become a non-violent religious political and social
143 service organization. Before rushing to conclusions that
144 can lead to unknown or unintended consequences, our
145 committee should weigh and consider the specific facts that
146 pertain to this complex organization.

147 When the Permanent Select Committee on Intelligence
148 held a hearing on the Muslim Brotherhood five years ago,
149 expert witnesses cautioned against taking the kind of action
150 our committee is taking today. Any terrorist designation
151 must be based on facts, not innuendo or supposition. Moving
152 this bill out of our committee today is precisely the kind
153 of provocative action that all five witnesses at that
154 hearing, the Department of State, and every foreign policy
155 expert warns against.

156 Finally, I fear that this bill appeals to our base
157 fears. Islamophobia may be good politics, time will tell,
158 but it certainly is not good policy. It does not serve our
159 national security or foreign policy interests. It will not
160 make us safer.

161 This bill paints with a broad brush all members of the
162 Muslim Brotherhood as terrorists. But we know that in
163 Kuwait and Jordan, members of the Brotherhood served in
164 Parliament and in the Cabinet. The Muslim Brotherhood has
165 supported millions of Egyptians. Hundreds of thousands of
166 Egyptian-Americans who have family in Egypt and other
167 countries in the Middle East would be subject to draconian
168 consequences due to the foreign terrorist designation.

169 So, instead of hastily passing such flawed legislation
170 out of this committee, we could be taking steps to counter
171 the growth in anti-Muslim sentiments, rhetorical attacks,
172 and violence targeted against Muslim, Arab, Sikh, and South
173 Asian-American communities. These efforts will strengthen
174 our Nation's security, and not undermine it, as this poorly
175 and ill-conceived legislation will certainly do. I thank
176 the chairman and yield back the balance of my time.

177 [The statement of Mr. Conyers follows:]

178 ***** COMMITTEE INSERT *****

179 Chairman Goodlatte. The chair thanks the gentleman,
180 and without objection, all other members' opening statements
181 will be made a part of the record. I now recognize myself
182 for the purposes of offering an amendment in the nature of a
183 substitute, and the clerk will report the amendment.

184 Ms. Williams. Amendment in the nature of a substitute
185 to H.R. 3892, offered by Mr. Goodlatte of Virginia, strike
186 all after.

187 [The amendment of Chairman Goodlatte follows:]

188 ***** INSERT 2 *****

189 Chairman Goodlatte. Without objection, the amendment
190 in the nature of a substitute is considered as read, and I
191 will recognize myself to explain the amendment. The bill
192 requires the Secretary of State to provide a report in
193 consultation with the intelligence community to the
194 Judiciary Committee and other appropriate committees that
195 indicates whether the Muslim Brotherhood meets the criteria
196 for designation as a foreign terrorist organization. If the
197 Secretary of State determines that the Muslim Brotherhood
198 does not meet the criteria, the report must include a
199 detailed justification as to which criteria have not been
200 met.

201 My amendment adds a third component to the Secretary's
202 report. If the Secretary determines that the Muslim
203 Brotherhood meets the criteria for designation as a foreign
204 terrorist organization, but still chooses not to designate
205 the organization, the report must include a detailed
206 justification as to why the Secretary has not so designated

207 the Brotherhood.

208 In addition, the amendment makes a number of technical
209 clarifications and streamlines the bill by striking about 20
210 pages of findings which would be more appropriate in
211 legislative history. I urge my colleagues to support this
212 amendment, and recognize the ranking member for his opening
213 statement on the amendment.

214 Mr. Conyers. Thank you, sir. Might I ask unanimous
215 consent to include in the record four items: a statement on
216 the Muslim Brotherhood terrorism and United States policy
217 submitted by John L. Esposito; secondly, a statement from --
218 by the way, he is a university professor of Islamic Studies
219 at Georgetown University School of Foreign Service, the
220 Foreign Service Council on Foreign Relations and
221 International Affairs Fellow -- secondly, a statement from
222 the Council on Foreign Relations International Affairs
223 Fellow on H.R. 3892, the Muslim Brotherhood Terrorist
224 Designation Act of 2015; three, a statement for the record
225 from the organization Human Rights First; and finally, a
226 written statement from the Council on American-Islamic
227 Relations on H.R. 3892, the Muslim Brotherhood Terrorist
228 Designation Act.

229 Chairman Goodlatte. Without objection, those four
230 documents will be made a part of the record.

231 [The information follows:]

232 ***** COMMITTEE INSERT *****

233 Mr. Conyers. I thank the chairman. Now, for my
234 comments about the substitute amendment because it, like the
235 bill as introduced, calls on the Secretary of State to
236 designate the Muslim Brotherhood as a foreign terrorist
237 organization. The main difference is the substitute strips
238 out the findings. All of the rhetoric described in the
239 findings in the bill as introduced is just that. It is
240 rhetoric.

241 For example, the findings included countries that have
242 designated the Muslim Brotherhood as a terrorist
243 organization, including Russia and Syria. I am glad the
244 majority will no longer be citing these countries as a
245 source of our foreign policy approach, but we still have a
246 bill that would complicate our bilateral relationship with
247 Egypt, as well as with our allies in the region.

248 The substitute, like the bill, as introduced, plays
249 into ISIS's hands, picks a fight we do not need, and makes
250 us less safe. I urge that this substitute amendment be
251 rejected, and I return the balance of my time and thank the
252 chairman.

253 [The statement of Mr. Conyers follows:]

254 ***** COMMITTEE INSERT *****

255 Chairman Goodlatte. The chair thanks the gentleman.

256 Mr. DeSantis. Mr. Chairman?

257 Chairman Goodlatte. For what purpose does the
258 gentleman from Florida seek recognition.

259 Mr. DeSantis. Move to strike the last word.

260 Chairman Goodlatte. The gentleman is recognized for
261 five minutes.

262 Mr. DeSantis. Mr. Chairman, I appreciate you bringing
263 this up. I think it is overdue. You recall, a few years
264 ago, James Clapper said that the Muslim Brotherhood was
265 largely secular; and we have seen the Administration's
266 approach to the situation in Egypt tilt in favor of the
267 Brotherhood over people like President el-Sisi. This is a

268 group that is dedicated to the imposition of Sharia and the
269 establishment of an Islamic caliphate. They are dedicated
270 to waging jihad against the United States and against
271 Israel.

272 Hamas is a major component of the Muslim Brotherhood
273 and, of course, as the chairman mentioned in his opening
274 statement, they have sought to implement a grand jihad that
275 will destroy Western civilization from within. They stand
276 for the subjugation of women, hatred of Jews, and
277 hostilities to members of other faiths.

278 So, I think it is important, as we look to defeat the
279 folks that want to do us harm, that we identify the enemies
280 for who they are, and I think this is a common-sense
281 measure. If the State Department is going to say that the
282 Brotherhood is not a terrorist organization, then they need
283 to level with the American people and tell us why they do
284 not believe that. So, I appreciate the chairman offering
285 this, and I yield back the balance of my time.

286 Chairman Goodlatte. Will the gentleman yield?

287 Mr. DeSantis. Yes, I will.

288 Chairman Goodlatte. I thank the gentleman for his
289 comments and for yielding. I just want to take the
290 opportunity to respond to the ranking member, who, in his
291 comments, noted that this could affect our bilateral
292 relations with Egypt. However, Egypt has declared the

293 Muslim Brotherhood to be a terrorist organization. So, I do
294 not think that this would, in any way, jeopardize those
295 relations.

296 I thank the gentleman for yielding. The question
297 occurs on the amendment in the nature of a substitute. What
298 purpose does the gentlewoman from Texas seek recognition?

299 Ms. Jackson Lee. Are there other amendments, Mr.
300 Chairman?

301 Chairman Goodlatte. There are no other amendments at
302 this time that the chair is aware of.

303 Ms. Jackson Lee. Okay. Now, I would like to get --

304 Chairman Goodlatte. The gentlewoman is recognized for
305 five minutes.

306 Ms. Jackson Lee. Mr. Chairman, let me, for the most
307 part, I am going to put my statement into the record and
308 associate myself with some of the comments that Mr. Conyers
309 has made, but again, it looks as if a process that has been
310 appropriately handled by the State Department, with their
311 thorough assessment, as they place entities on the terrorist
312 list, is now a process that is attempting to be usurped.

313 So, I would raise the concern in this climate, when we
314 have presidential candidates blocking Muslims from coming to
315 the country, the interpretation of a committee trying to
316 override or usurp the State Department might be another
317 unfortunate statement about the international interface that

318 we have with the Muslim world, many of whom obviously
319 advocate, as we advocate, against terrorism, stand with us
320 in the fight against terrorism, and are our collaborators
321 against terrorism.

322 So, I did just assess what the amendment was, and all I
323 can indicate is I am not fully -- I am not supportive of the
324 process that we are now engaged in, because I think the
325 process of the administration and the State Department,
326 along with other intelligence community assets, are the
327 appropriate process by which we make these determinations.
328 With that, I yield back.

329 Chairman Goodlatte. The chair thanks the gentlewoman.
330 The question is on the amendment to the amendment in the
331 nature of a substitute.

332 All those in favor, respond by saying aye.

333 Those opposed, no.

334 In the opinion of the chair, the ayes have it and the
335 amendment is agreed to. Are there any other amendments to
336 the amendment?

337 The question is on the amendment in the nature of a
338 substitute. Wait a minute. A reporting quorum being
339 present, the question is on the motion to report the bill
340 H.R. 3892 as amended favorably to the House.

341 Those in favor will say aye.

342 Those opposed, no.

343 The ayes have it and the bill, as amended, is ordered
344 reported favorably.

345 Mr. Sensenbrenner. Roll call, Mr. Chair?

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

348 Ms. Williams. Mr. Goodlatte?

349 Chairman Goodlatte. Aye.

350 Ms. Williams. Mr. Goodlatte votes aye.

351 Mr. Sensenbrenner?

352 Mr. Sensenbrenner. Aye.

353 Ms. Williams. Mr. Sensenbrenner votes aye.

354 Mr. Smith?

355 [No response.]

356 Mr. Chabot?

357 Mr. Chabot. Aye.

358 Ms. Williams. Mr. Chabot votes aye.

359 Mr. Issa?

360 [No response.]

361 Mr. Forbes?

362 [No response.]

363 Mr. King?

364 [No response.]

365 Mr. Franks?

366 Mr. Franks. Aye.

367 Ms. Williams. Mr. Franks votes aye.

368 Mr. Gohmert?
369 [No response.]
370 Mr. Jordan?
371 Mr. Jordan. Yes.
372 Ms. Williams. Mr. Jordan votes yes.
373 Mr. Poe?
374 [No response.]
375 Mr. Chaffetz?
376 Mr. Chaffetz. Yes.
377 Ms. Williams. Mr. Chaffetz votes yes.
378 Mr. Marino?
379 Mr. Marino. Yes.
380 Ms. Williams. Mr. Marino votes yes. Mr. Gowdy?
381 Mr. Gowdy. Yes.
382 Ms. Williams. Mr. Gowdy votes yes.
383 Mr. Labrador?
384 [No response.]
385 Mr. Farenthold?
386 [No response.]
387 Mr. Collins?
388 Mr. Collins. Yes.
389 Ms. Williams. Mr. Collins votes yes.
390 Mr. DeSantis?
391 Mr. DeSantis. Yes.
392 Ms. Williams. Mr. DeSantis votes yes.

393 Ms. Walters?

394 Ms. Walters. Aye.

395 Ms. Williams. Ms. Walters votes aye.

396 Mr. Buck?

397 [No response.]

398 Mr. Ratcliffe?

399 Mr. Ratcliffe. Yes.

400 Ms. Williams. Mr. Ratcliffe votes yes.

401 Mr. Trott?

402 [No response.]

403 Mr. Bishop?

404 Mr. Bishop. Yes.

405 Ms. Williams. Mr. Bishop votes yes.

406 Mr. Conyers?

407 Mr. Conyers. No.

408 Ms. Williams. Mr. Conyers votes no.

409 Mr. Nadler?

410 [No response.]

411 Ms. Lofgren?

412 Ms. Lofgren. No.

413 Ms. Williams. Ms. Lofgren votes no.

414 Ms. Jackson Lee?

415 Ms. Jackson Lee. No.

416 Ms. Williams. Ms. Jackson Lee votes no.

417 Mr. Cohen?

418 [No response.]
419 Mr. Johnson?
420 [No response.]
421 Mr. Pierluisi?
422 [No response.]
423 Ms. Chu?
424 [No response.]
425 Mr. Deutch?
426 [No response.]
427 Mr. Gutierrez?
428 [No response.]
429 Ms. Bass?
430 Ms. Bass. No.
431 Ms. Williams. Ms. Bass votes no.
432 Mr. Richmond?
433 [No response.]
434 Ms. DelBene?
435 [No response.]
436 Mr. Jeffries?
437 [No response.]
438 Mr. Cicilline?
439 [No response.]
440 Mr. Peters?
441 Mr. Peter. No.
442 Chairman Goodlatte. The gentleman from California?

443 Mr. Issa. Yes.

444 Ms. Williams. Mr. Issa votes yes.

445 Chairman Goodlatte. The gentleman from Michigan, Mr.

446 Trott?

447 Mr. Trott. Yes.

448 Ms. Williams. Mr. Trott votes yes.

449 Chairman Goodlatte. The gentleman from Texas, Mr.

450 Gohmert?

451 Mr. Gohmert. Yes.

452 Ms. Williams. Mr. Gohmert votes yes.

453 Chairman Goodlatte. The gentleman from Illinois, Mr.

454 Gutierrez? The gentleman from Illinois, Mr. Gutierrez?

455 Mr. Gutierrez. No.

456 Chairman Goodlatte. Okay.

457 Ms. Williams. Mr. Gutierrez votes no.

458 Chairman Goodlatte. The gentlewoman from California,

459 Ms. Chu?

460 Ms. Chu. No.

461 Ms. Williams. Ms. Chu votes no.

462 Chairman Goodlatte. The gentleman from Tennessee, Mr.

463 Cohen?

464 Mr. Cohen. No.

465 Ms. Williams. Mr. Cohen votes no.

466 Chairman Goodlatte. The gentleman from New York?

467 Mr. Jeffries. No.

468 Ms. Williams. Mr. Jeffries votes no.

469 Chairman Goodlatte. The gentlewoman from Washington?

470 Ms. DelBene. No.

471 Ms. Williams. Ms. DelBene votes no.

472 Chairman Goodlatte. The gentleman from Virginia, Mr.
473 Forbes?

474 Mr. Forbes. Yes.

475 Ms. Williams. Mr. Forbes votes yes.

476 Chairman Goodlatte. The gentleman from Puerto Rico?

477 Mr. Pierluisi. No.

478 Ms. Williams. Mr. Pierluisi votes no.

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

481 Ms. Williams. Mr. Chairman, 17 members voted aye. 10
482 members voted no.

483 Chairman Goodlatte. The ayes have it, and the bill, as
484 amended, is ordered reported favorably to the House.
485 Members will have two days to submit views, and without
486 objection, the bill will be reported as a single amendment
487 in the nature of a substitute, incorporating all adopted
488 amendments, and staff is authorized to make technical and
489 conforming changes.

490 That completes our business for today. I thank all the
491 members for their participation, and the markup is
492 adjourned.

493 [Whereupon, at 10:35 a.m., the committee adjourned
494 subject to the call of the chair.]