

1 NATIONAL CAPITOL CONTRACTING  
2 RPTS DAVIES  
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4 H.R. 5203, THE "VISA INTEGRITY AND SECURITY  
5 ACT OF 2016"; H.R. 3636, THE "O-VISA ACT";  
6 H.R. 5283, THE "DUE PROCESS ACT"  
7 Wednesday, May 25, 2016  
8 House of Representatives,  
9 Committee on the Judiciary,  
10 Washington, D.C.

11 The committee met, pursuant to call, at 10:15 a.m., in  
12 Room 2141, Rayburn House Office Building, Hon. Bob  
13 Goodlatte, [chairman of the committee] presiding.

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

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

22 Somers, Parliamentarian & General Counsel; Andrea Loving,  
23 Counsel, Subcommittee on Immigration and Border Security;  
24 George Fishman, Counsel, Subcommittee on Immigration and  
25 Border Security; Chris Grieco, Counsel, Subcommittee on  
26 Crime, Terrorism, Homeland Security, and Investigations;  
27 Alley Adcock, Clerk; Minority Chief Counsel, Chief of Staff,  
28 Staff Director; Danielle Brown, Minority Parliamentarian and  
29 Chief Legislative Counsel; Arron Hiller, Minority Chief  
30 Oversight Counsel; Joe Graupensperger, Minority Chief  
31 Counsel, Subcommittee on Crime, Terrorism, Homeland Security  
32 and Investigations; and Veronica Eligan, Minority  
33 Professional Staff.

34 Chairman Goodlatte. The committee will come to order.  
35 And without objection, the chair is authorized to declare a  
36 recess of the committee at any time. Pursuant to notice --  
37 well, as soon as we have a clerk.

38 Pursuant to notice, I now call up H.R. 5203 for purposes  
39 of markup, and move that the committee report the bill  
40 favorably to the House. The clerk will report the bill.

41 Ms. Adcock. H.R. 5203, to amend the Immigration and  
42 Nationality Act, to provide for new procedures pertaining to  
43 the processing of petitions and applications for immigrant or  
44 non-immigrant visas, for the immigration benefits, and for  
45 other purposes.

46 [The bill follows:]

47 \*\*\*\*\* INSERT 1 \*\*\*\*\*

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

51 During a Judiciary Committee hearing late last year, a  
52 State Department assistant secretary testified that applicants  
53 to the U.S. Refugee Admissions Program are currently subject  
54 to the highest level of security checks of any category of  
55 traveler to the United States. And while that is good to know,  
56 it begs the question as to why -- especially in this age, when  
57 terrorist threats are growing exponentially -- we are not  
58 vetting all foreign nationals seeking to enter the United  
59 States using "the highest level of security checks possible."

60 I am sure that in response to such a question, the  
61 administration would likely say that they have to balance the  
62 potential risk with the potential rewards, and that given the  
63 limited number of resources available to them, combined with  
64 the enormous volume of people seeking entry to the United  
65 States, they must use those resources in any way so as to not  
66 unnecessarily delay those seeking entry to the United States  
67 for legitimate purposes.

68 But Congress has an obligation to the American people to  
69 help make sure that the administration is doing its best to  
70 properly vet those seeking entry to the U.S. And over the  
71 years, it seems that this administration has been seeking  
72 shortcuts rather than security. Of course, the 9/11 hijackers

73 are the preeminent example of fraud perpetrated during the  
74 immigration process, fraud that allowed them to murder over  
75 3,000 Americans.

76 After the September 11, 2001 attacks, we tightened visa  
77 processing. Congress created the visa security program,  
78 starting with DHS units in the U.S. embassy and consulate in  
79 Jeddah and Riyadh, Saudi Arabia. We put in place the in-  
80 person interview requirement with a consular officer, for the  
81 vast majority of individuals seeking entry to the United  
82 States. Over the years, we have continued to use our oversight  
83 role to keep tabs on how the Federal Government is handling  
84 visa processing.

85 It is in that vein that as chairman of the Judiciary  
86 Committee, I have requested numerous alien files from the  
87 administration during the past few years. My staff and I  
88 review them to see how applications are adjudicated and whether  
89 we believe they are approved correctly. The most notorious  
90 such alien file, of course, was that of Tashfeen Malik, who,  
91 together with her husband, murdered 14 Americans and seriously  
92 injured 22 more in a terrorist attack at the husband's place  
93 of employment in San Bernardino, California last December.

94 U.S. Citizenship and Immigration Services approved Malik  
95 for a fiancée visa. She used that visa to enter the United  
96 States, where she married her U.S. citizen fiancé and  
97 subsequently became a conditional lawful permanent resident.

98 We learned from her alien file that U.S.C.I.S. did not even  
99 follow its own protocol set out in current regulations in  
100 approving Malik's visa.

101 I congratulate the gentleman from Virginia, Mr. Forbes,  
102 for introducing H.R. 5203, The Visa Integrity and Security  
103 Act. Some of its provisions are a direct result of lessons  
104 learned from Malik's case. For instance, despite the fact  
105 that current regulations require a certified English  
106 translation to accompany any document containing a foreign  
107 language submitted as part of an immigration benefit  
108 application, Malik's file contained no such translation. Yet,  
109 the visa was still approved. And DHS admitted, after initial  
110 reports that Malik may have made terrorist-related posts to  
111 social media websites, that DHS prevents their adjudicators  
112 from conducting a simple search for publicly-available posts  
113 by those who seek U.S. visas.

114 So, this bill requires DHS to take that common-sense step  
115 as well. H.R. 5203 contains many other much-needed reforms to  
116 strengthen our security measures for processing visas. There  
117 is no doubt that many foreign nationals want to do us harm,  
118 and there is no doubt that many will continue to seek to  
119 exploit our immigration process in order to do so. We must be  
120 vigilant. We must have common-sense practices and procedures  
121 in place to protect ourselves from harm. H.R. 5203 requires  
122 such procedures, and I urge my colleagues to support the bill.

123           It is now my pleasure to recognize the ranking member of  
124 the committee, the gentleman from Michigan, Mr. Conyers, for  
125 his opening statement.

126           [The statement of Chairman Goodlatte follows:]

127 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

128 Mr. Conyers. Thank you, Chairman Goodlatte. Members of  
129 the committee, strengthening the security of the immigration  
130 and visa issuance process is critical for all Americans. As  
131 one who believes, as I think most of us do, our Nation should  
132 be a beacon of freedom and liberty. I very much appreciate  
133 the need to effectively combat terrorism while maintaining our  
134 commitment to core values. Unfortunately, H.R. 5203, The Visa  
135 Integrity and Security Act, fails to honor those core values.

136 This failing can largely be attributed to the fact that  
137 the bill reflects absolutely no input from Democratic members  
138 of the committee, nor has this measure been the subject of any  
139 legislative hearing. Bereft of informed testimony and expert  
140 analysis, we have essentially no information about the bill's  
141 potential costs, both fiscal and social. Yet, even a  
142 superficial review of H.R. 5203 reveals its many flaws.

143 To begin with, without any exception for age or any other  
144 factor, the bill singles out every national of Iran, Syria,  
145 Iraq, Libya, Somalia, Sudan, and Yemen by requiring the  
146 Department of State complete individualized security opinions  
147 for visa applicants from these countries. And as a result,  
148 vast amounts of agency time and resources would be dedicated  
149 to completing security advisory reports -- for example, on  
150 infants, toddlers, and others who clearly pose no security  
151 risk.

152 An even more troublesome aspect of this provision is that

153 it singles out a handful of majority Muslim countries, thereby  
154 dehumanizing entire populations by treating all of their  
155 nationals as potential terrorists. Clearly, the more we  
156 dehumanize entire populations based on religion, the less  
157 likely they will become our allies against the real threat,  
158 namely, terrorists who seek to do our Nation harm.

159 History has shown that arbitrary, across-the-board  
160 judgments based on broad characteristics, such as nationality,  
161 do nothing to enhance our security, and only cast a cloud of  
162 suspicion over entire communities here in our country. Another  
163 critical flaw of this bill is the serious privacy concerns it  
164 presents.

165 Although H.R. 5203 mandates DNA testing for biological,  
166 family-based immigration applications, the bill has no  
167 provisions safeguarding this massive new database of DNA that  
168 would include the DNA of potentially millions of non-criminals  
169 and American citizens.

170 And finally, this bill would require significant costs to  
171 implement, yet no comprehensive fix to our broken immigration  
172 system.

173 Just one provision of this bill, the visa security  
174 program, would come at the cost of \$120 million without  
175 meaningfully targeting law enforcement and intelligence  
176 resources on actual threats. An immigration reform bill such  
177 as the measure that passed the Senate in 2013, or the bill

178 that had 201 House co-sponsors in the last Congress, would  
179 allow law abiding immigrants to come out of the shadows and  
180 get right with the law.

181 Measures such as those would make us safer by enabling  
182 law enforcement and intelligence agencies to focus resources  
183 on the most pressing cases. Rather than rushing to consider  
184 legislation absolutely devoid of deliberative process, we  
185 should devote our efforts to developing meaningful and  
186 informed solutions. And so, I respectfully urge my colleagues  
187 on both sides of the aisle to oppose H.R. 5203. And Mr.  
188 Chairman, I thank you and yield back the balance of my time.

189 [The statement of Mr. Conyers follows:]

190 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

191 Chairman Goodlatte. Thank you, Mr. Conyers. It is now  
192 my pleasure to recognize the sponsor of the bill, the gentleman  
193 from Virginia, Mr. Forbes, for his opening statement.

194 Mr. Forbes. Mr. Chairman, thank you. Mr. Chairman, I  
195 being by saying Mohammed Atta, a September 11th hijacker and  
196 pilot of American Airlines Flight 11, who murdered over 2,600  
197 people in and around the World Trade Center; Ziad Jarrah, a  
198 September 11th hijacker and pilot of United Airlines Flight  
199 93, who murdered 40 innocent people; Tashfeen Malik, murderer  
200 of 14 Americans in San Bernardino, California on December 2nd,  
201 2015; Quazi Nafis, who planned to bomb the Federal Reserve  
202 Bank building in New York; Khalid Alim Ad-Asari, who planned  
203 to bomb dam reservoirs and other high-profile targets around  
204 the United States.

205 What do all these individuals have in common? They all  
206 weaponized U.S. visas. They all planned terrorist attacks to  
207 murder Americans on U.S. soil. In some cases, they were  
208 successful, and the death toll is in the thousands.

209 Thankfully, in some cases, they were detected and  
210 arrested before they could follow through with their plot. Of  
211 course, the list I mentioned is not comprehensive. And as we  
212 sit here today, aspiring terrorists across the world continue  
213 to plot to exploit U.S. immigration policy in order to gain  
214 entry to the United States. However, as you all know, Congress  
215 has a duty to the American people to make necessary yet

216 commonsense changes that help improve the security of the visa  
217 screening process and bring it into the 21st century.

218 I have introduced H.R. 5203, The Visa Integrity and  
219 Security Act, to make such changes. Although this bill will  
220 not fix all of our vulnerabilities in the visa screening  
221 process, it will make common-sense changes to help combat  
222 fraudulent applications, strengthen the background checks  
223 screening process, and enhance our national security.

224 The VISA Act requires immigration officials to check  
225 publicly-available Internet postings of immigration benefit  
226 applicants, including their postings on social media. Such  
227 postings are not necessarily dispositive of visa eligibility,  
228 but should be used as additional evidence to support or deny  
229 visa eligibility or issuance.

230 The bill requires an applicant to submit DNA test results  
231 in instances where an immigration benefit is predicated on a  
232 biological relationship. This is one additional step that we  
233 can take in order to help ensure that those who claim a  
234 biological relationship in order to gain access to the United  
235 States are, in fact, biologically related.

236 The VISA Act also requires security advisory opinions for  
237 nationals of certain countries that are hotbeds of terrorist  
238 activity, such as Iraq, Iran, Syria, Libya, Sudan, and Yemen,  
239 as well as any other country that would be determined by the  
240 Secretary of State. Such a requirement is already in place

241 for applicants from some countries through administrative  
242 policy, but this bill would ensure that the requirement cannot  
243 be removed without Congressional approval.

244 The VISA Act also raises the burden of proof for visa  
245 applicants and aliens seeking other immigration benefits so  
246 that they must prove by clear and convincing evidence that  
247 they are eligible for the visa or immigration benefits and  
248 admission to the U.S.

249 I know that there is concern over this heightened  
250 standard, but in the face of an ever-increasing terrorism risk,  
251 and an administration whose motto seems oftentimes to be to  
252 get to "Yes" for immigration benefits, it is time for a change.  
253 Evidence makes clear that the current standard, which amounts  
254 to the preponderance of the evidence, is not working to prevent  
255 fraud.

256 The VISA Act also forces U.S. Citizenship and Immigration  
257 Services to start utilized advanced analytic software to  
258 prospectively identify patterns of fraud in immigration  
259 applications. The administration staff has already admitted  
260 to the committee that they can currently only identify fraud  
261 patterns after benefits have been approved, but it is  
262 commonsense to use tools to identify fraud before benefits are  
263 issued.

264 As I previously stated, the bill is not the final action  
265 that Congress will have to take on the issue of visa security.

266 And to that point, the bill contains a requirement that the  
267 Government Accountability Office conduct a review of the visa  
268 process and report to Congress on their findings and  
269 recommendations.

270 Terrorists use travel documents as weapons. The bill  
271 strengthens our visa screening security with common-sense  
272 provisions to enhance national security and the integrity of  
273 our immigration system. I want to thank Chairman Goodlatte  
274 and Subcommittee Chairman Gowdy for their commitment to the  
275 challenges we face within our visa screening process, and their  
276 support in drafting this bill with me. I urge my colleagues  
277 here today to support H.R. 5203.

278 Mr. Chairman, I would like to request unanimous consent  
279 to insert in the record a letter from the Federation for  
280 American Immigration Reform in support of this bill. And with  
281 that, I yield back the balance of my time.

282 [The statement of Mr. Forbes follows:]

283 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

284 Chairman Goodlatte. Without objection, the letter will  
285 be made a part of the record, and I thank the gentleman.

286 And it is now my pleasure to recognize the ranking member  
287 of the Subcommittee on Immigration and Border Security, the  
288 gentlewoman from California, Ms. Lofgren, for her opening  
289 statement.

290 Ms. Lofgren. Thank you, Mr. Chairman. Integrity and  
291 security in the immigration and visa issuance process are  
292 important goals that we all share. And the Republican bill we  
293 are considering today may appear on its face like a reasonable  
294 proposal. In fact, the bill would add multiple new, onerous,  
295 and ineffective requirements, causing months or years' long  
296 delay on top of already lengthy processing times, and wreak  
297 havoc on the U.S. immigration system.

298 This bill treats all immigrants and visa applicants as if  
299 they are criminals, notwithstanding whether the individual is  
300 the parent or child of a U.S. citizen, the spouse of a soldier  
301 serving in the U.S. armed forces, or a skilled worker who has  
302 been legally studying and living in the United States with no  
303 criminal record for over a decade.

304 The so-called Visa Integrity and Security Act of 2016  
305 would do what nativists and anti-immigration interests have  
306 been trying to do for years, bring legal immigration,  
307 effectively, to a halt. Far from making our country safer,  
308 this bill would divert agency resources and attention from

309 cases that present real threats.

310       The bill requires DNA testing at the expense of the  
311 immigrant family, for all applications and petitions  
312 predicated on a biological relationship. It does this even  
313 when there is no indication of fraud or other questions about  
314 the family relationship. Nursing mothers would be required to  
315 undergo DNA testing for their babies. And presumably, adopted  
316 children would be excluded? This provision would result in  
317 significant additional costs, prohibitive costs, for low-  
318 income families, for each family-based immigration applicant.

319       And the Federal Government essentially will be collecting  
320 and presumably holding DNA for millions of people, including  
321 U.S. citizens who are petitioning for family members abroad,  
322 and non-citizens with no criminal records. There are no  
323 provisions in the bill for safeguarding this massive new DNA  
324 collection.

325       The bill, as introduced, requires an in-person interview  
326 for nearly all applications and petitions, with a waiver only  
327 for children who would be 10 years of age or younger at the  
328 time of interview. Even with the manager's amendment, this  
329 would be a huge new burden on the Immigration Service and cost  
330 untold millions.

331       For Republicans who claim to be in favor of small  
332 government, this would mean hundreds of thousands, if not  
333 millions, of new interview -- and hiring possibly thousands or

334 hundreds of thousands of new immigration officers. It would  
335 apply in cases where, for example, the applicant has already  
336 been interviewed at a consular post abroad, screened by CBP at  
337 the point of entry, and interviewed multiple times previously  
338 by U.S.C.I.S.

339         The bill requires interviews even when the individual has  
340 lived legally in the U.S. with no criminal record for 10 or 20  
341 years as a student, temporary visa holder, or is a pending  
342 applicant waiting in years' long visa backlog lines. And the  
343 bill gives no credence to this kind of proven track record.

344         And let's consider for a moment the U.S. technology and  
345 ag sectors. Other than both having a significant presence in  
346 my district, what do these two disparate industries have in  
347 common? They both need foreign workers. And they are also  
348 two sectors in which time is of the essence. Growers need to  
349 hire and deploy workers to keep fruits and vegetables from  
350 rotting on the vine. Technology workers bring their ingenuity  
351 to new employers and new ventures as fast as you can send an  
352 encrypted text message.

353         The Republican bill is a blunt hammer with a host of new  
354 requirements that will cause further processing delays, and  
355 thereby endanger U.S. leadership in these key economic  
356 sectors. The proposal significantly raises the burden of proof  
357 from preponderance of the evidence, a standard in almost all  
358 civil proceedings, to a much higher "clear and convincing

359 evidence" standard.

360 This may result in asylum seekers and refugees who fled  
361 with no documents, and thus cannot meet this higher standard,  
362 from being denied refuge in America. Foreign students in their  
363 early 20s coming to pursue degrees at U.S. universities may be  
364 denied because they cannot show by clear and convincing  
365 evidence the required intent to return to their home countries.  
366 Businesses, already frustrated by inconsistent adjudications  
367 for categories that have vague legal standards, such as  
368 specialized knowledge and extraordinary ability, would find it  
369 harder to transfer or bring on-board international talent  
370 because of this change in the standard of proof.

371 The bill also includes a discriminatory section requiring  
372 the Department of State to complete individualized security  
373 advisory opinions on every visa applicant who is a national of  
374 Iraq, Iran, Libya, Somalia, Syria, Sudan, or Yemen. This  
375 arbitrary across-the-board requirement casts a cloud of  
376 suspicion over entire communities.

377 As an Iranian-American organization wrote in a statement  
378 in opposition to this bill, this provision is counter-  
379 intuitive to U.S. policy interests in engaging Muslim  
380 Americans and supporting their democratic aspirations. I  
381 would note also that several members have cited the 9/11  
382 terrorist attacks as a rationale for this provision. All 19  
383 of those hijackers were Saudi Arabians, but Saudi Arabia is

384 not included on this list.

385       The bill is a heavy-handed, expensive, big government  
386 plan that likely would cost hundreds of millions -- 120 for 2  
387 years for just one provision -- and DHS has informed me that  
388 -- a fraction of what is needed, again, just for this one  
389 provision.     It does nothing to target law enforcement  
390 intelligence resources on actual threats or otherwise fix our  
391 broken immigration system.   There is no proof, or study, or  
392 verifiable claim that any of these provisions would make us  
393 safer.

394       Finally, the bill sadly fails to take into account the  
395 enormous benefits to the economy and our society, from travel,  
396 trade, family reunification, providing refuge to those fleeing  
397 persecution, and attracting foreign students and talent, that  
398 give us a competitive edge in the global economy.   This  
399 proposal jeopardizes all of that.   I urge my colleagues to  
400 oppose the bill and I thank the chairman and yield back the  
401 balance of my time.

402       [The statement of Ms. Lofgren follows:]

403 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

404 Chairman Goodlatte. Thank you, Ms. Lofgren. And without  
405 objection, all the members' opening statements will be made a  
406 part of the record.

407 [The statement of Ms. Lofgren follows:]

408 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

409 Chairman Goodlatte. Are there any amendments to H.R.  
410 5203? For what purpose does the gentleman from Virginia seek  
411 recognition?

412 Mr. Forbes. Mr. Chairman, I have a manager's amendment  
413 at the desk.

414 Chairman Goodlatte. The clerk will report the manager's  
415 amendment.

416 Ms. Adcock. Amendment to H.R. 5203 offered by Mr. Forbes  
417 of Virginia. Page 2, line 15 --

418 [The amendment of Mr. Forbes follows:]

419 \*\*\*\*\* INSERT 2 \*\*\*\*\*

420 Chairman Goodlatte. Without objection, the amendment  
421 will be considered as read and the gentleman is recognized for  
422 5 minutes on his amendment.

423 Mr. Forbes. Thank you, Mr. Chairman. This amendment  
424 makes technical changes to the bill text and clarifies text to  
425 match the original intent of the bill. Specifically, it  
426 ensures that as we move into an age of electronic filing of  
427 immigration applications, the signature of the applicant can  
428 be provided in electronic form. And the amendment clarifies  
429 that if a document requested by a U.S.C.I.S. adjudicator was  
430 previously provided to the adjudicator, it should not have to  
431 be provided for a second time.

432 The amendment also requires reasonably-established  
433 deadlines for responses to requests for evidence. And lastly,  
434 the amendment provides that the in-person interview is only  
435 required for the initial application or petition, but a  
436 subsequent interview can be required in certain circumstances.  
437 The changes bring the bill in line with its initial intent,  
438 and I urge my colleagues to support it, and I yield back the  
439 balance of my time.

440 Chairman Goodlatte. Will the gentleman yield?

441 Mr. Forbes. I would yield.

442 Chairman Goodlatte. I thank the gentleman for yielding.  
443 I just want to clarify something that was referenced by both  
444 the gentleman from Michigan and the gentlewoman from

445 California, with regard to DNA testing, and their statements  
446 are not accurate in that regard. Both made reference to a DNA  
447 data base.

448 There is no provision whatsoever anywhere in this  
449 legislation for a DNA data base. In fact, the DNA material  
450 that is required with DNA testing would not even be submitted  
451 to the immigration service. Only the results of such test --  
452 and I am reading from the bill -- the results of such tests  
453 are submitted as part of the petition or application. That is  
454 it. There is no DNA data base. Thank you for yielding to me,  
455 I just want to make that clear.

456 Mr. Forbess. Mr. Chairman I would obviously agree with  
457 your references, but there are a lot of things that were stated  
458 in the opening remarks that are not accurate. And I think we  
459 will get in those in the debate, including the fact of whether  
460 or not this bill is a protection of the core values of this  
461 country and where we are. And I think those core values are  
462 exactly what is at stake and I look forward to debating that  
463 as we talk about the bill. And with that I yield back.

464 Chairman Goodlatte. The chair thanks the gentleman.

465 Mr. Conyers. Mr. Chairman.

466 Chairman Goodlatte. For what purposes does the gentleman  
467 seek recognition?

468 Mr. Conyers. May I strike the last word?

469 Chairman Goodlatte. The gentleman is recognized for 5

470 minutes.

471 Mr. Conyers. Thank you very much. Mr. Chairman and  
472 members of the committee, I have no objection to the amendment.  
473 However, the minor revisions to H.R. 5203 that would effectuate  
474 do almost nothing to address the profound problems, indeed the  
475 paralysis, that this bill would cause in our visa and  
476 immigration system.

477 H.R. 5203 would still discriminate against people who are  
478 citizens of certain Middle Eastern predominately Muslim  
479 countries such as Iraq and Iran, harming international efforts  
480 to fight terrorism and law enforcement collaborations with  
481 Muslim American communities here at home.

482 New across the board requirements including mandatory DNA  
483 testing, required interviews, and an unreasonably high  
484 standard of proof would continue to apply to almost all visa  
485 and immigration applications. And the cost would be  
486 astronomical.

487 Ultimately, H.R. 5203 is a blunt instrument and a poorly  
488 considered measure that harms our national security and would  
489 wreak havoc on our immigration system. Unfortunately, this  
490 amendment that we are now considering does nothing to  
491 fundamentally change that. And so I thank the chair and yield  
492 back the balance of my time.

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

495 Ms. Lofgren. To strike the last word.

496 Chairman Goodlatte. The gentlewoman is recognized for 5  
497 minutes.

498 Ms. Lofgren. I appreciate the chairman's clarification  
499 on the DNA. I was surprised at your comment, but I think to  
500 the extent that the courts look at the record and we know from  
501 our private meeting with the Supreme Court Justices; maybe  
502 they do not give much credence to our proceedings. Those  
503 comments will be very important because I do not think either  
504 side of the aisle wants to compile a large DNA data base. I  
505 also wanted to note, and ask unanimous consent to put into the  
506 record, opposition to this bill from the United States Chamber  
507 of Commerce.

508 In their letter, they note that although they are pleased  
509 with the committee's willingness to address some of their  
510 concerns in the manager's amendment, the Chamber remains  
511 concerned of some of the provisions of the bill and they oppose  
512 the bill. They oppose the higher burden of proof because it  
513 is a top-down, one size fits all approach and they do not  
514 believe that it would really focus on potential threats. They  
515 are continued to be concerned about the in-person interview  
516 provisions.

517 Although accommodations were made, they acknowledge, in  
518 the manager's amendment to initial petitions alone, it would  
519 still require a massive increase in personal interviews,

520 increase costs, dramatic delays really for no increase in  
521 security, and what they say is a -- injects in another element  
522 of uncertainty for members of the Chamber of Commerce and their  
523 employees. They further object to the DNA testing  
524 requirements, and I will not summarize their letter, but merely  
525 ask for unanimous consent to place it into the record.

526 Mr. Forbes. Would the gentlelady yield?

527 Ms. Lofgren. Yes.

528 Mr. Forbes. And I am certainly not going to object  
529 because I think the letter should go in the record, but I do  
530 question your characters at -- where did they say that they  
531 opposed the bill? They say they have concerns about the bill,  
532 but this letter is not an opposition to the bill, it is  
533 expressing concerns with provisions in the bill. Is that not  
534 correct?

535 Ms. Lofgren. Yes.

536 Mr. Forbes. And the Chamber was very specific that this  
537 is not an opposition to the bill, it is expressing concerns  
538 with provisions in the bill, which quite often happens. So I  
539 have no objection to putting the letter in because the letter  
540 will speak for itself.

541 Ms. Lofgren. Well I took their concerns as objection,  
542 but I do not want to mischaracterize their letter.

543 Mr. Forbes. Thank you, that is all I ask.

544 Ms. Lofgren. Let us put the entire letter into the record

545 because they do object to the various provisions of the bill.

546 I would like to also ask unanimous --

547 Chairman Goodlatte. Without objection the letter will be

548 made a part of the record.

549 [The information follows:]

550 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

551           Ms. Lofgren. I would also like to put into the record  
552 and ask unanimous consent a letter from the ACOU that outlines  
553 their concerns about the bill. And also a letter from the  
554 U.S. Travel Association, their statement on the bill and --  
555 expressing tremendous concern. Appreciation, obviously, for  
556 Mr. Forbes, Goodlatte, and Gowdy for their interest and  
557 commitment to keeping travelers safe, but raising a whole host  
558 of questions about the bill itself. And I would ask unanimous  
559 consent to place that letter, as well, into the record.

560           Chairman Goodlatte. Without objection it will be made a  
561 part of the record.

562           [The information follows:]

563 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

564 Ms. Lofgren. As I say, I do not object to the manager's  
565 amendment, but I do not believe that it actually fixes the  
566 various problems that remain and we will attempt to do that  
567 through the amendment process. And with that, I would yield  
568 back.

569 Chairman Goodlatte. The question occurs on the amendment  
570 offered by the gentleman from Virginia, Mr. Forbes.

571 All those in favor, respond by saying aye.

572 Those opposed, no.

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

575 Mr. Johnson. Mr. Chairman, I have an amendment at the  
576 desk.

577 Chairman Goodlatte. The clerk will report the amendment.

578 Mr. Conyers. Mr. Chairman.

579 Chairman Goodlatte. We do not seem to have your amendment  
580 Mr. Johnson.

581 Mr. Johnson. Then I will yield to the next available --

582 Chairman Goodlatte. I will turn to the gentleman from  
583 Michigan. For what purpose does --

584 Mr. Conyers. Mr. Chairman, I have an amendment labeled,  
585 "Conyers/Lofgren."

586 Chairman Goodlatte. The clerk will report the amendment.

587 Ms. Adcock. Amendment to H.R. 5203 offered by Mr. Conyers  
588 of Michigan. Page 4, line 17 --

589

[The amendment of Mr. Conyers follows:]

590

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

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

594 Mr. Conyers. Mr. Chairman, my distinguished colleague  
595 from California, Ms. Lofgren and I have put this amendment in  
596 because it would strike the provision in the bill that  
597 prohibits visas from being issued to citizens of certain  
598 countries without a particular security investigation known as  
599 a State Department Security Advisory Opinion.

600 I would replace this provision with a requirement that  
601 the Security Advisory Opinions be conducted for those who pose  
602 a threat to national security and in other cases as determined  
603 by the Department of State. Under H.R. 5203, this requirement  
604 would apply to all citizens of Iraq, Iran, Syria, Somalia,  
605 Yemen, Sudan, or Libya. It would apply even to infants and  
606 young children, as well as others who pose absolutely no  
607 security risk. All of these countries have majority Muslim  
608 populations.

609 By subjecting only nationals of these seven countries to  
610 the new requirement, our country sends that wrong message to  
611 the world, that we have set aside our core commitment to  
612 religious freedom and now view all Muslims as terrorists or  
613 potential terrorists. This assertion may win votes, but it is  
614 simply not true.

615 In fact, the victims of terrorist attacks are

616 overwhelmingly Muslim. Muslim American communities and the  
617 residents of the countries named in this bill are among our  
618 most critical national security allies. If we embrace this  
619 discriminatory provision, we will not only burden the children  
620 and the families who seek to study, work, reunite or find  
621 protection on our shores, but we will have lost a tremendous  
622 opportunity to share American values and freedoms abroad, and  
623 to protect our own citizens.

624 And so for this reason, and because the bill would drain  
625 resources from the strong and careful security measures that  
626 our agencies already employ, I urge my colleagues to support  
627 our amendment. And I yield back the balance of my time, unless  
628 the gentlelady wants me to yield.

629 Ms. Lofgren. I appreciate it if the gentleman would  
630 yield.

631 Mr. Conyers. I would be very pleased to yield, and thank  
632 you for co-sponsoring this with me.

633 Ms. Lofgren. I think this is an important amendment, and  
634 unfortunately the Security Advisory Opinion, although  
635 important if triggered by fraud, does add delay and extra time  
636 to all applications. This requirement would be applied across  
637 the board whether or not the visa applicant was an Iranian  
638 democratic activist, an Iraqi who fought side-by-side with  
639 U.S. forces, or a baby as Mr. Conyers has said. It would  
640 undermine efforts to support Democratic reforms in Iran and

641 other countries by targeting human rights activists and others  
642 working to improve their own governments, and would create  
643 enormous costs and delay. It would hurt families and refugees  
644 and businesses.

645 Now the State Department and Department of Homeland  
646 Security already conduct extensive background security checks  
647 including SAOs when appropriate. This requirement is a  
648 duplicative of the State Department's targeted use of national  
649 security resources.

650 And, in fact, I think the concert officer and U.S.C.I.S.  
651 employees are required to check inner-agency national security  
652 data bases when reviewing visa applications and immigration  
653 benefit applications. If any national security concerns arise  
654 in the U.S.C.I.S. adjudication process based on background  
655 checks or other sources, the U.S.C.I.S. conducts additional  
656 reviews through the Controlled Application Review and  
657 Resolution program.

658 Now this proposed new requirement, although I am sure  
659 intended to make us safe, I think would make us less safe. It  
660 would spread thin. The DHS and DOS and other government  
661 intelligence national security and law enforcement resources  
662 diverting focus away from true national security concerns.  
663 The static list of countries is both under and over inclusive.  
664 It would include Iranian nationals who oppose their  
665 authoritarian regime, but as I mentioned in my opening

666 statement, does not include Saudi Arabia, the country where  
667 the 9/11 hijackers came from.

668 By casting a cloud of suspicion over nationals of entire  
669 countries, it harms our government's ability to work with  
670 countries in the Middle East and by alienating immigrants from  
671 the U.S. from these countries and Africa with immigrant  
672 communities in the U.S., it impairs our ability to fight  
673 terrorism.

674 I would note that we have letters of opposition from the  
675 Public Affairs Alliance of Iranian Americans and the National  
676 Iranian-American Council. And I would ask unanimous consent  
677 to place those letters in the record, Mr. Chairman and yield  
678 back.

679 Chairman Goodlatte. The time of the gentlewoman has  
680 expired, and without objection the letters will be made a part  
681 of the record.

682 [The information follows:]

683 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

684 Chairman Goodlatte. For what purpose does the gentleman  
685 from Virginia seek recognition?

686 Mr. Forbes. To strike the last word.

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

689 Mr. Forbes. Mr. Chairman, I oppose this amendment and  
690 urge my colleagues to do the same. And let's walk through  
691 some of the clarifications of what have been brought forward.

692 First of all, gentlelady from California says this would  
693 be duplicative. This would not be duplicative, it would be  
694 codification of many of the things that are already done.  
695 Security advisory opinions are deep dive checks performed by  
696 law enforcement and other agencies into the background of a  
697 visa applicant.

698 If, in fact, these are a bad idea and these would make it  
699 more difficult to -- that a potential people coming to the  
700 country, then the administration has been misrepresenting  
701 this, because one of the reasons that the administration claims  
702 that the Syrian refugees received the highest possible  
703 security checks is precisely because such refugees get the  
704 SAOs.

705 The second thing is, we have heard this argument about  
706 listing these countries, gentlelady from California did  
707 support H.R. 158. While it is true the ranking member was one  
708 of 17 members in Congress who objected to that bill. And the

709 Visa Waiver Program that we passed, the countries listed in  
710 that bill, specifically, were the State Department's list of  
711 state sponsors of terrorism.

712 But it gave the Secretary of Department of Homeland  
713 Security the ability to come back and indicated to other  
714 countries, "These are the countries that were brought back  
715 pursuant to that provision and actually added on there."

716 The bottom line is, when you look at core values, coming  
717 to this country -- whether we like it or not -- is still a  
718 privilege; it is an important privilege; nevertheless, it is  
719 a privilege. Being secure in this country is a core value  
720 that we have to have. I think these SAOs go a long way to  
721 making sure that that actually happens.

722 I think it is a right the American people are entitled  
723 to. And I hope that we will reject this amendment. Mr.  
724 Chairman, I yield.

725 Chairman Goodlatte. I thank the gentleman for yielding.  
726 I just want to, again, point out an inaccurate statement by  
727 the gentlewoman from California when she referred to how  
728 inappropriate it would be to subject Iraqis who fight with us,  
729 who help us in our efforts in Iraq, to the SAO, to the Security  
730 Advisory Opinion.

731 In point of fact, all Iraqi SIVs and Afghan SIVs right  
732 now, today, are subjected to the Security Advisory Opinion,  
733 the SAO. Now, these are the people who I would say, of all

734 these people in all these countries, they have done the most  
735 for us. And if they are subjected to this, there is absolutely  
736 nothing wrong with subjecting others to this from these same  
737 countries in other --

738 Mr. Forbes. And, Mr. Chairman, you correctly state the  
739 SAOs are currently required by the administration for visa  
740 applicants or nationals of certain countries. The provision  
741 simply codifies that practice to ensure the nationals of  
742 countries that are hotbeds of terrorist activity are subject  
743 to a heightened level of scrutiny during the visa issuance  
744 process.

745 And, Mr. Chairman, this is just a common sense measure  
746 that we think gives another layer of protection for security  
747 of the American people. And with that I yield back.

748 Chairman Goodlatte. I thank the gentleman.

749 Ms. Lofgren. Mr. Chairman?

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

752 Ms. Lofgren. To strike the last word.

753 Chairman Goodlatte. The gentlewoman is recognized for 5  
754 minutes.

755 Ms. Lofgren. I just wanted to comment further on the  
756 list in the bill on Page 4. I think it is a mistake to codify  
757 this list and probably it was a mistake to do so in the bill  
758 that we previously so widely supported. I do think that in

759 the case of the visa waiver bill, we were able to proceed  
760 because of the very ample waiver provisions provided to the  
761 executive branch, which have been used since the passage of  
762 that bill.

763 And it was with that in mind that we were able to proceed.  
764 I would note that since the passage of that bill, certain other  
765 complications have become more apparent to all of us.

766 One is the issue of so-called "dual nationals." Now, it  
767 is, I think, the position of United States -- and obvious it  
768 should be -- that if we have an American citizen, the mere  
769 fact that some other country claims that they are a citizen of  
770 that other country is immaterial to us. But there are certain  
771 countries that claim Americans as their citizens, whether or  
772 not the American agrees.

773 For example, it is not on this list, but in Greece, if  
774 you are of eligible age for the army, you can be drafted if  
775 you are an American, even though you do not think you are  
776 Greek. Iran is another situation, and I mention that because  
777 it is on the list.

778 We have Americans of Iranian descent who left Iran when  
779 the Shah was deposed by the radicals. Iran considers those  
780 Americans Iranians, even though those Americans do not  
781 consider them that. It is because the State Department, I  
782 think, has been slow in issuing its guidance on this matter.  
783 The status of so-called dual nationals remains ambiguous,

784 perhaps to some. And that itself is a problem.

785 For example, I talked to a terrific engineer in California  
786 who was born in the United States, whose parents were Iranians.  
787 And he was having trouble in a job interview that required  
788 travel because of the question of how Iran looked at him.

789 And I think this compounds that problem, especially in  
790 the absence of guidance from the Department of State on the  
791 issue of dual nationals. And without the kind of robust  
792 waiver, I do not see it here -- the robust waiver provisions  
793 that were present in the visa waiver program.

794 I would note that there is a further issue on the so-  
795 called dual nationals, which is American citizens who need to  
796 get to certain countries -- and I will use Iran again as an  
797 example -- and the only way to get in is to have an Iranian  
798 passport in addition to American passport. To throw these  
799 Americans under the bus, you know, I think is problematic.  
800 And I think it is aggravated, to some extent, by this bill.  
801 At least it is unclear --

802 Chairman Goodlatte. Would the gentlewoman yield?

803 Ms. Lofgren. Yes. Certainly. I think --

804 Chairman Goodlatte. I thank the gentlewoman for  
805 yielding.

806 Ms. Lofgren. I would like to make sure that --

807 Chairman Goodlatte. Americans do not need visas to come  
808 to America.

809 Ms. Lofgren. No, they do not.

810 Chairman Goodlatte. If you are a joint American-Iranian  
811 citizen, you do not need a visa to come to the United States.

812 Ms. Lofgren. No, you do not. But if you have a family  
813 member who is, for example, a French citizen, but also of  
814 Iranian descent, I think you have that kind of situation that  
815 is brought to the fore here, because who is considering --  
816 does the U.S. consider the French person an Iranian national  
817 because Iran does? Or what is our policy? And that is why I  
818 say "the State Department guidance," which is lagging, would  
819 be very helpful.

820 Chairman Goodlatte. Well, to answer your question, if  
821 the individual -- it has both a claim of citizenship with Iran  
822 and France, they would fall under the dual citizenship  
823 requirement that they apply for a visa. It does not prohibit  
824 them from coming to the U.S. It just says, "You have got to  
825 apply for a visa."

826 Ms. Lofgren. No, but the question is here, let's say  
827 that I am -- your daughter is or my daughter is -- well, she  
828 is already married, but we have an American citizen -- one of  
829 our offspring -- who falls in love and wants to get married  
830 with a citizen of France who is an Iranian of Iranian descent.  
831 The Iranians consider that French person an Iranian. I think  
832 the U.S. considers that person French. But under this, they  
833 would have to go through an extraordinary review --

834 Chairman Goodlatte. If the gentlewoman yields.

835 Ms. Lofgren. I would be happy to yield.

836 Chairman Goodlatte. The answer would be the same. And  
837 until that spouse of the U.S. citizen avails themselves of the  
838 opportunity to become a citizen of the United States, which  
839 they can through their spouse, they would be required to get  
840 a visa to enter the United States. It would certainly not be  
841 a prohibition on their entering the U.S.

842 Ms. Lofgren. That is not the question. The question is,  
843 are they subject to the extraordinary security advisory  
844 opinion that is required? And I think, under the bill, they  
845 are. And I think that is unreasonable.

846 Chairman Goodlatte. Much like Tashfeen Malik should have  
847 been subject to that, as --

848 Ms. Lofgren. Well, she is not --

849 Chairman Goodlatte. -- the respective spouse of a  
850 permanent resident of the United States, I think -- someone  
851 who is coming here who is married to a United States citizen.

852 Ms. Lofgren. Well, that is --

853 Chairman Goodlatte. But from a country that has been the  
854 source of terrorist activity should be subject to that higher  
855 scrutiny.

856 Ms. Lofgren. I think that misses the point that I was  
857 making, but I see that my time has expired and I would just  
858 close by saying, this is considerably more complicated than

859 has -- it has been held out to be.

860 Chairman Goodlatte. Okay. Thank you.

861 Ms. Lofgren. And also, I would note, she was Pakistani.

862 She would not be on this list.

863 Chairman Goodlatte. The chair recognizes the gentleman  
864 from Iowa, Mr. King, for 5 minutes.

865 Mr. King. Mr. Chair, I move to strike the last word.  
866 Thank you, Mr. Chairman.

867 First I would say that it is has been my position for  
868 some time that our ability to thoroughly vet refugees coming  
869 into this country applying for asylum, especially the ones we  
870 have received most recently, is really very limited. Our  
871 ability to be able to heighten that, though, is improved by  
872 the Forbes legislation.

873 So, even though I am skeptical that we can bring --  
874 protect Americans by vetting the refugees that come in with  
875 some level of thoroughness, I also am not skeptical that the  
876 Forbes bill improves that security. And I would like to yield  
877 to the gentleman from Virginia.

878 Mr. Forbes. Mr. Chairman, I thank the gentleman for  
879 yielding. And you know, it is okay to suggest that this bill  
880 does not do everything, but the problem you cannot continue to  
881 do is blend apples and oranges. We started out by saying that  
882 you could not designate countries that you should not be doing  
883 that. But yet, we did it in the visa waiver program, and

884 seemed to have no problem with that.

885       The second thing is we say, "Oh, but this is not a  
886 bipartisan bill," when the visa waiver program, it was  
887 overwhelmingly bipartisan, except still the ranking member  
888 joined 16 other individuals to vote against that bill. And  
889 then we say, after we point both of those things out, "Well,  
890 maybe we made a mistake in the visa waiver program that was  
891 overwhelmingly bipartisan." I do not think we did.

892       And then to be able to look and come back and to say that  
893 the -- we need not to do this because the administration has  
894 been slow on getting some of the stuff -- that is the exact  
895 reason why we need to do this, Mr. Chairman, because we need  
896 to make sure we are codifying this and make sure that we are  
897 enforcing some of these protections.

898       And coming back to what my friend from Iowa said, this  
899 bill does not stop everything. This bill is simply another  
900 layering to give us some protections. And when we talk about  
901 the burden that we may put on a few situations as we sit here  
902 and try to think of every hypothetical in the world, I come  
903 back, Mr. Chairman, to what you just said. What about the  
904 burden of the 14 Americans that died because we did not do  
905 everything we could do to try to protect them? That is a  
906 pretty big burden, Mr. Chairman. That is a burden that we  
907 hope to try to protect a little bit about with this bill. And  
908 with that, I yield back.

909           Mr. King. I am reclaiming my time, and I thank the  
910 gentleman from Virginia. I would add to this that, you know,  
911 we should be asking the question, when we are establishing  
912 immigration policy, expanding visas, or whatever the agenda  
913 might be around here, how does this category of people that  
914 are defined in any particular visa category -- how do they  
915 help the United States of America? What is the upside for our  
916 country?

917           And there seems to be an idea that if you cannot live in  
918 America, somehow you have suffered some kind of an eternal  
919 curse if you cannot live in America. Well, there are a lot of  
920 places in the world that people can be happy. But we know  
921 this: that if everybody in the world lived in America, none of  
922 us would be happy. We would be so overloaded with people.

923           And so, I would suggest this, that this committee, this  
924 judiciary committee, and the Immigration Subcommittee, go to  
925 work to set about an immigration policy that is designed to  
926 enhance the economic, the social, and the cultural well-being  
927 of the United States of America. And realize, we do want to  
928 help people.

929           Exporting our values helps people a lot more than  
930 importing their problems. And for the money that we spend  
931 here in this country to bring some relief to a refugee, and  
932 nearly every one of these cases, you can find some merit. If  
933 you want to dig deep enough, you will find some merit in nearly

934 everyone. But eventually, some of them will come and kill us.  
935 It is cheaper for us to help them in their own country than it  
936 is to bring them here. And somebody put out a number the other  
937 day, around -- we could help 12 people in the Middle East for  
938 every one that we would bring here.

939 And I make my trips over there. In the Nineveh Plains  
940 region, we need to provide an international safe zone so that  
941 people who have lived there since antiquity can continue to  
942 live there and re-establish their culture and their  
943 civilization same from ISIS. And in doing so, we can promote  
944 American values there and establish and grow allies in that  
945 part of the world.

946 So, I just think that sometimes we get our priorities  
947 upside down here. But improving the vetting process is what  
948 the Forbes bill does, and I support it and I encourage the  
949 gentleman for bringing this before this committee. And I would  
950 urge its adoption.

951 I will yield back the balance of my time.

952 Mr. Nadler. Mr. Chairman?

953 Chairman Goodlatte. For what purpose does the gentleman  
954 from New York seek recognition?

955 Mr. Nadler. Strike the last word.

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

958 Mr. Nadler. Thank you. I yield my time to the gentlelady

959 from California.

960 Ms. Lofgren. Thank you, Mr. Nadler. I just wanted to  
961 make a couple of points. First, the comparison to the visa  
962 waiver program that we did -- almost all of us -- vote for, I  
963 think, is flawed because of a key element that is missing in  
964 this bill, which is a robust waiver for the executive branch.

965 Knowing that common-sense could be added into the  
966 provisions through the waiver provision was a key element for  
967 agreeing to that bill. And in fact, we have exempted  
968 humanitarian workers and certain others because of the waiver  
969 provision. I looked in vain -- maybe I have missed it. I do  
970 not see a waiver provision in this bill.

971 Secondly, I think it is a mistake to suggest that we are  
972 always doing a favor to someone else who is coming in to help  
973 build our economy and country. And I will just use Iranian-  
974 Americans as an example, because Iranian-Americans in the  
975 Silicon Valley have played a substantial, positive role in the  
976 creation of technology companies, in the venture capital  
977 world. I mean, it is really -- to think that our country has  
978 not greatly benefited from that community would be a huge  
979 mistake. I mean, just --

980 Mr. Conyers. Will the --

981 Ms. Lofgren. -- a huge mistake.

982 Mr. Conyers. Would the gentlelady yield?

983 Ms. Lofgren. I would be happy to yield.

984 Mr. Conyers. I think she is on the right track, because  
985 I think that the gentleman from Virginia, Mr. Forbes, for  
986 noting my opposition to H.R. 158 -- and I continue to oppose  
987 these types of discriminatory provisions under analysis  
988 because they are antithetical to our interests. We lose  
989 friends and create enemies. And I thank the gentlelady for  
990 yielding.

991 Ms. Lofgren. I am happy to. Actually, it is Mr. Nadler's  
992 time. Thank Mr. Nadler --

993 Mr. Conyers. Oh, excuse me.

994 Ms. Lofgren. -- allowing the yielding. Yeah. I would  
995 note other -- the rigidity of this list. It is Iran, Iraq,  
996 Libya, Somalia, Syria, Sudan, or Yemen. As has been mentioned  
997 earlier, you know, the terrorist in San Bernardino was  
998 Pakistani. Pakistan is not on this list. The 9/11 terrorists  
999 were mainly Saudi Arabians. They -- Saudi Arabia is not --

1000 Mr. Forbes. Will the gentlelady yield?

1001 Ms. Lofgren. Let me finish, and then I will let -- see  
1002 -- if Mr. Nadler wishes to yield. I am not saying that a  
1003 security advisory opinion should not, in some cases, be  
1004 selected. What I am saying is that there ought to be a reason  
1005 to do that, that there ought to be a trigger, that there ought  
1006 to be some reason to go through that process.

1007 This is a very -- it is a lot of work, and it ought to be  
1008 targeted towards those who would do us harm, as it is done

1009 now. And, you know, it may be that we want to have a workshop  
1010 with the State Department to go through -- we do not want to  
1011 do that in public, because we certainly do not want potential  
1012 terrorists to know what the triggers might be -- but to have  
1013 a better understanding of what indicators would initiate an  
1014 SAO.

1015 And it may be that there should be improvements made  
1016 administratively in that, but that should not be codified  
1017 because we need to be nimble and flexible, as we deal with the  
1018 terrorist threat. We cannot put something in a code and expect  
1019 that, you know, 15 years from now, as the terrorist threat  
1020 morphs, it is going to be the same.

1021 I will just note, as we mentioned the other day, an  
1022 oversight -- executive oversight hearing, I had occasion to go  
1023 back recently and re-read section 1201 of the Digital  
1024 Millennium Copyright Act.

1025 And at the end of the statute, there is an extensive  
1026 provision about piracy, which we all oppose. And it talked  
1027 about Betamax, and VCRs, and magnetic strips, and the different  
1028 kinds of magnetics. We put that into code. I mean, that looks  
1029 ridiculous. And we need to set principles and then have the  
1030 administration fulfill those principles. The drafting of this  
1031 falls short of that general policy, and I think, is defective  
1032 because of that.

1033 And so, I would yield to Mr. Nadler and thank him for

1034 yielding me the time.

1035 Mr. Nadler. And if I have any time left, I will yield to  
1036 the gentleman from --

1037 Chairman Goodlatte. Without objection, the gentleman  
1038 from New York is recognized for an additional minute, for the  
1039 purpose of yielding to the gentleman from Virginia.

1040 Mr. Forbes. And I thank my friend for yielding. I just  
1041 wanted to clarify that if additional countries need to be put  
1042 on here, we do the same thing we did with the visa waiver  
1043 program. The Secretary of State can add those programs on the  
1044 -- or those additional States on there. So, that is just a  
1045 misreading of the bill, that they did not have that  
1046 flexibility. I thank the gentleman for yielding.

1047 Mr. Nadler. You are quite welcome. Just reclaiming my  
1048 time, I simply want to say -- this whole provision makes  
1049 mandatory a very burdensome and costly provision, where it  
1050 should be discretionary on cause. It is discretionary on cause  
1051 now.

1052 As the gentlelady from California said, maybe we should  
1053 hold some talks with the State Department, the Department of  
1054 Homeland Security, about changing some of the guidelines. But  
1055 to block -- to waste huge amounts of money and time by making  
1056 this mandatory across the board makes no sense at all. I  
1057 oppose it and I therefore yield back.

1058 Chairman Goodlatte. For what purpose does the gentleman

1059 from Tennessee seek recognition?

1060 Mr. Cohen. Thank you. To strike the last word.

1061 Chairman Goodlatte. The gentleman is recognized for 5  
1062 minutes.

1063 Mr. Cohen. One concern I have had -- and there are many  
1064 -- I am concerned about the bill in general, but I did vote  
1065 for the bill we passed earlier. And I was -- thought about it  
1066 later -- which is a bad time to think about it -- and why we  
1067 did not have Saudi Arabia in it. And would Mr. Forbes yield  
1068 and explain to me why Saudi Arabia -- where all of the 9/11  
1069 murderers came from -- is not included here?

1070 Mr. Forbes. I would be happy to. First of all, as we  
1071 pointed out, the same process we use in the visa waiver  
1072 program, that we allow the Secretary -- the Secretary of State  
1073 could designate additional states in here if they deem that  
1074 appropriate to do. And so, we have allowed that flexibility  
1075 that was in here.

1076 If you think Saudi Arabia should be in here, you certainly  
1077 can offer an amendment to put Saudi Arabia in here. If you do  
1078 not want to do that, you can allow the Secretary of State to  
1079 add that if he thinks that is appropriate to put in there.

1080 Mr. Cohen. Well, I understand the Secretary of State  
1081 could add, and that is good, but the Secretary of State would  
1082 not probably have any of these countries. So, I mean, to say  
1083 they could add is --

1084 Mr. Forbes. Well, if you look at the visa waiver program,  
1085 we started out with some -- and many of these countries were  
1086 added in by the Secretary at a later point in time. So, I  
1087 would disagree with you. In fact, I think you will find that  
1088 many of these SAOs are already being conducted in these  
1089 countries right -- today, as we speak. And there has been an  
1090 argument, the gentleman from New York just pointed it out,  
1091 about the additional cost and whether or not we should not  
1092 have huge latitude with the administration not to do that.

1093 The very reason we need to do this is because the  
1094 administration took that latitude when it came in and said it  
1095 did not have to enforce existing immigration laws because of  
1096 prosecutorial discretion. We think these are commonsense  
1097 things that we need to do and they should be codified.

1098 Mr. Cohen. When would you foresee this bill going into  
1099 effect, if it was passed in a rather expeditious fashion?

1100 Mr. Forbes. Well, I take it you are asking me?

1101 Mr. Cohen. Yes, sir.

1102 Mr. Forbes. As the gentleman knows, this committee can  
1103 only control when we pass it out of here. I have no idea when  
1104 it will come to the floor, whether it passes the Senate. And  
1105 I certainly do not know if or when the President would sign it  
1106 into law. But that does not mean that I do not think it is  
1107 the right thing to do, and I hope that it will pass out of  
1108 this committee today.

1109 Mr. Cohen. Well, I understand that. It just seems that  
1110 it -- I know it takes a while, and the Senate would have to  
1111 pass it, and the President would veto it -- we come back --  
1112 but it would take a long time. And it presupposes, I guess,  
1113 Mr. Trump is not going to be President, because he is not going  
1114 to let any of these folks in unless they can prove they are  
1115 Christians or Jews.

1116 Mr. Forbes. Well, if the gentleman has spoken to Mr.  
1117 Trump about this bill, he has done more than I have. I have  
1118 only worked on the bill for this committee because I think  
1119 this is the right thing for this committee to do.

1120 Mr. Cohen. But he is not --

1121 Mr. Forbes. I hope we get it passed today.

1122 Mr. Cohen. -- he is not going to let any Muslims in the  
1123 country. And most of these people are Muslim -- unless they  
1124 are Christians or Jews. They could convert and they could  
1125 come over, you know, and show that they are Christians or Jews.  
1126 But if not, they are not going to get in the country. So we  
1127 --

1128 Mr. Forbes. I do not think when these -- many of these  
1129 countries were designated in the visa waiver program, that  
1130 anybody was looking at getting either Secretary Clinton's  
1131 approval, or Mr. Trump's approval, or Mr. Sanders' approval  
1132 for that bill. We did it because we thought it was the right  
1133 thing to do. It was done on an overwhelming bipartisan basis

1134 because it was the right thing to do. I believe this is the  
1135 right thing to do, and hopefully we will have a bipartisan  
1136 vote for it.

1137 Mr. Cohen. Thank you. I would just like to comment on  
1138 one other thing. Mr. King, my friend Mr. King said something  
1139 about "these people bring us their troubles and problems."  
1140 And sometimes they do. They are refugees. But you know,  
1141 Einstein -- and I think Jonas Salk -- and quite a few other  
1142 people that brought a lot of great things to this country were  
1143 immigrants. And so, sometimes immigrants bring us that  
1144 resources that -- put together with American ingenuity and  
1145 opportunity -- can create vaccines, and theories, and -- for  
1146 the benefit of mankind, and it was wonderful to have him here  
1147 sometimes. Thank you.

1148 Chairman Goodlatte. Will the gentleman yield?

1149 Mr. Cohen. Yeah. I will.

1150 Mr. Chabot. Thank you.

1151 Chairman Goodlatte. Mr. Chabot. You are welcome.

1152 Mr. Chabot. I was just contemplating what you were saying  
1153 about the next President not allowing certain groups into the  
1154 country, and I just hope that our next President, whether it  
1155 is a Republican or a Democrat, understands that they are in  
1156 the executive branch of the government, and there is a  
1157 legislative branch, and we are an equal branch in power -- and  
1158 the judicial branch as well.

1159           And the President should not be, and I think,  
1160 constitutionally cannot make a lot of the decisions that this  
1161 President has made. So, when it comes to who comes into this  
1162 country and who does not come into this country, I would hope  
1163 that maybe the next President includes the elected  
1164 representatives of the American people to be involved in that  
1165 decision. And I thank the gentleman for yielding.

1166           Mr. Cohen. And I do not disagree with you, and I know  
1167 Mr. King has got a committee and I am ranking, and there are  
1168 some things there that are valid that need to be looked at. I  
1169 understand. Thank you. I yield back.

1170           Chairman Goodlatte. The question occurs on the amendment  
1171 offered by the gentleman from Michigan and the gentlewoman  
1172 from California.

1173           All those in favor, respond by saying aye.

1174           Those opposed, no.

1175           Opinion of the Chair, the noes have it and the amendment  
1176 is not agreed to.

1177           A recorded vote is requested, and the clerk will call the  
1178 roll.

1179           Ms. Adcock. Mr. Goodlatte?

1180           Chairman Goodlatte. No.

1181           Ms. Adcock. Mr. Goodlatte votes no.

1182           Mr. Sensenbrenner?

1183           Mr. Sensenbrenner. No.

1184 Ms. Adcock. Mr. Sensenbrenner votes no.  
1185 Mr. Smith?  
1186 [No response.]  
1187 Mr. Chabot?  
1188 Mr. Chabot. No.  
1189 Ms. Adcock. Mr. Chabot votes no.  
1190 Mr. Issa?  
1191 Mr. Issa. No.  
1192 Ms. Adcock. Mr. Issa votes no.  
1193 Mr. Forbes?  
1194 Mr. Forbes. No.  
1195 Ms. Adcock. Mr. Forbes votes no.  
1196 Mr. King?  
1197 Mr. King. No.  
1198 Ms. Adcock. Mr. King votes no.  
1199 Mr. Franks?  
1200 [No response.]  
1201 Mr. Gohmert?  
1202 [No response.]  
1203 Mr. Jordan?  
1204 [No response.]  
1205 Mr. Poe?  
1206 Mr. Poe. No.  
1207 Ms. Adcock. Mr. Poe votes no.  
1208 Mr. Chaffetz?

1209 [No response.]  
1210 Mr. Marino?  
1211 [No response.]  
1212 Mr. Gowdy?  
1213 [No response.]  
1214 Mr. Labrador?  
1215 [No response.]  
1216 Mr. Farenthold?  
1217 [No response.]  
1218 Mr. Collins?  
1219 [No response.]  
1220 Mr. DeSantis?  
1221 [No response.]  
1222 Ms. Walters?  
1223 [No response.]  
1224 Mr. Buck?  
1225 Mr. Buck. No.  
1226 Ms. Adcock. Mr. Buck votes no.  
1227 Mr. Ratcliffe?  
1228 Mr. Ratcliffe. No.  
1229 Ms. Adcock. Mr. Ratcliffe votes no.  
1230 Mr. Trott?  
1231 Mr. Trott. No.  
1232 Ms. Adcock. Mr. Trott votes no.  
1233 Mr. Bishop?

1234 Mr. Bishop. No.

1235 Ms. Adcock. Mr. Bishop votes no.

1236 Mr. Conyers?

1237 Mr. Conyers. Aye.

1238 Ms. Adcock. Mr. Conyers votes aye.

1239 Mr. Nadler?

1240 Mr. Nadler. Aye.

1241 Ms. Adcock. Mr. Nadler votes aye.

1242 Ms. Lofgren?

1243 Ms. Lofgren. Aye.

1244 Ms. Adcock. Ms. Lofgren votes aye.

1245 Ms. Jackson Lee?

1246 [No response.]

1247 Mr. Cohen?

1248 Mr. Cohen. Aye.

1249 Ms. Adcock. Mr. Cohen votes aye.

1250 Mr. Johnson?

1251 Mr. Johnson. Aye.

1252 Ms. Adcock. Mr. Johnson votes aye.

1253 Mr. Pierluisi?

1254 [No response.]

1255 Ms. Chu?

1256 Ms. Chu. Aye.

1257 Ms. Adcock. Ms. Chu votes aye.

1258 Mr. Deutch?

1259 [No response.]

1260 Mr. Gutierrez?

1261 [No response.]

1262 Ms. Bass?

1263 [No response.]

1264 Mr. Richmond?

1265 [No response.]

1266 Ms. DelBene?

1267 Ms. DelBene. Aye.

1268 Ms. Adcock. Ms. DelBene votes aye.

1269 Mr. Jeffries?

1270 [No response.]

1271 Mr. Cicilline?

1272 [No response.]

1273 Mr. Peters?

1274 [No response.]

1275 Chairman Goodlatte. The gentleman from Arizona, Mr.

1276 Franks.

1277 Mr. Franks. No.

1278 Ms. Adcock. Mr. Franks votes no.

1279 Chairman Goodlatte. The gentleman from Florida, Mr.

1280 DeSantis.

1281 Mr. DeSantis. No.

1282 Ms. Adcock. Mr. DeSantis votes no.

1283 Chairman Goodlatte. The gentleman from Utah, Mr.

1284 Chaffetz.

1285 Mr. Chaffetz. No.

1286 Ms. Adcock. Mr. Chaffetz votes no.

1287 Chairman Goodlatte. The gentleman from Pennsylvania.

1288 Mr. Marino. No.

1289 Ms. Adcock. Mr. Marino votes no.

1290 Chairman Goodlatte. Has every member voted who wishes to  
1291 vote? The clerk will report.

1292 Ms. Adcock. Mr. Chairman, 7 members voted aye, 15 members  
1293 voted no.

1294 Chairman Goodlatte. And the amendment is not agreed to.

1295 Are there other amendments? For what purpose does the  
1296 gentleman from New York seek recognition?

1297 Mr. Nadler. Mr. Chairman, I have an amendment at the  
1298 desk.

1299 Chairman Goodlatte. The clerk will report the amendment.

1300 Ms. Adcock. Amendment to H.R. 5203, offered by Mr.  
1301 Nadler, Page 12, strike line 18 and all that follows --

1302 [The amendment of Mr. Nadler follows:]

1303 \*\*\*\*\* INSERT 4 \*\*\*\*\*

1304 Chairman Goodlatte. Without objection, the amendment  
1305 will be considered as read and the gentleman is recognized for  
1306 5 minutes on his amendment.

1307 Mr. Nadler. Thank you, Mr. Chairman. My amendment would  
1308 strike section 5 of the bill, an unnecessary provision that  
1309 requires all visa and immigration applicants to meet a much  
1310 higher burden of proof than is required under current law. It  
1311 is just one more in a long line of provisions advanced by the  
1312 majority that would essentially grind the immigration system  
1313 to a halt and reverse our proud history of welcoming immigrants  
1314 to our shores.

1315 Under current law, any person applying to enter the United  
1316 States has the burden of showing to the satisfaction of the  
1317 consular officer -- that is the statutory language -- reviewing  
1318 their case that he or she is eligible to receive a visa or  
1319 other document required for entry.

1320 Under well-established case law, Immigration Service  
1321 officers make decisions on applications and petitions using  
1322 the preponderance of the evidence standard, which is generally  
1323 understood to mean that a fact "is more likely than not."

1324 This is the standard used in nearly all civil proceedings,  
1325 and calls for an applicant to bring forth relevant, probative,  
1326 and credible evidence. We then trust the highly-trained and  
1327 dedicated men and women of the State Department and the  
1328 Department of Homeland Security, who serve as consular and

1329 immigration officers, to reach a reasonable conclusion about  
1330 the application before them. This bill, however, would  
1331 significantly increase the burden of proof that an applicant  
1332 must meet to the much more restrictive standard of clear and  
1333 convincing evidence.

1334 By elevating the burden of proof across the board so  
1335 dramatically, this bill will lead consular and immigration  
1336 officers to deny legitimate applications, even when there are  
1337 no security concerns, and even when, based on the officer's  
1338 expertise, experience, and judgment, they have concluded that  
1339 the application should be approved. As the Niskanen Center  
1340 notes in its statement for the record on today's markup, this  
1341 will injure U.S. citizen sponsors and impose significant costs  
1342 on the U.S. economy.

1343 Consular and Immigration Service officers do not take  
1344 their jobs lightly. They apply their current standard  
1345 rigorously and they already deny thousands of applications  
1346 every year. But this bill offers no guidance as to how they  
1347 should apply this new higher standard, which will inevitably  
1348 lead to endless litigation and confusion.

1349 We all appreciate the need to keep Americans safe and to  
1350 carefully screen anyone who wishes to enter this country. But  
1351 rather than taking a targeted approach to enhance our security,  
1352 this provision is overly broad and will have serious  
1353 consequences across the immigration system.

1354           For example, asylum seekers and refugees forced to flee  
1355 their home countries under the most extreme circumstances  
1356 would face an almost impossible task. They most likely have  
1357 fled with little or no documentation in their possession and  
1358 no ability to access such documents once they arrive here.  
1359 This bill would now ask them to prove with clear and convincing  
1360 evidence that they have a legitimate claim. Well, all the  
1361 documents that might be used for such proof are not available.  
1362 That is nothing more than an invitation to be denied and sent  
1363 back to the horrific conditions they so desperately tried to  
1364 escape.

1365           Meanwhile, this legislation would dilute the talent pool  
1366 in higher education and in the workforce by requiring foreign  
1367 students and potential employees to overcome this needlessly  
1368 elevated burden of proof. Foreign students who wish to attend  
1369 our elite universities would somehow, at age 18 or 19, need to  
1370 demonstrate with clear and convincing evidence that they  
1371 intend to return to their home countries. How could that be  
1372 done?

1373           So would the millions of foreign tourists who visit the  
1374 United States each year, generating billions of dollars for  
1375 our economy. They would have to prove by clear and convincing  
1376 evidence that they intend to return. How could that be done?  
1377 And employers who wish to sponsor exceptional talent to work  
1378 in their company would have to prove with clear and convincing

1379 evidence that potential employees satisfy what are already  
1380 amorphous legal standards, like "specialized knowledge" and  
1381 "extraordinary ability."

1382 This heightened standard would only serve to make us less  
1383 competitive in the global economy. I do not think that this  
1384 is the intention of the bill's sponsors. I hope their  
1385 intention is not simply to make it so difficult to enter this  
1386 country that the entire flow of immigrants will be reduced to  
1387 a trickle.

1388 But I fear that this may be the case, considering the  
1389 other measures they have brought forward, which treat all  
1390 immigrants as criminals, as threats to our national security,  
1391 and as a drain on our nation's resources, instead of the boon  
1392 to our economy and our society that many are.

1393 We should defeat the underlying legislation. But I  
1394 particularly urge my colleagues to support this amendment, to  
1395 strike from this bill this misguided provision increasing the  
1396 burden of proof to what in many cases are impossible levels  
1397 for no good reason. I yield back.

1398 Mr. Conyers. Will the gentleman yield?

1399 Ms. Lofgren. Will the gentleman yield?

1400 Mr. Nadler. I will yield to the gentleman from Michigan.

1401 Mr. Conyers. I just wanted to concur with the gentleman  
1402 and I am going to submit some remarks in support of your  
1403 position. I think you are absolutely correct.

1404 Mr. Nadler. I thank the gentleman. I yield to the  
1405 gentlelady from California.

1406 Ms. Lofgren. I just want to speak briefly in support of  
1407 the amendment. This higher evidentiary standard would be on  
1408 -- for everything, and it really has nothing to do with  
1409 terrorism. It would -- I think it is the reason why the  
1410 National Association of International Educators has come out  
1411 in opposition to this.

1412 I would like to ask unanimous consent to place in the  
1413 record letters from the Refugee Council, the Church World  
1414 Services, the Christian Reform Church, the NAFSA, the  
1415 Association of International Educators, along with the  
1416 Niskanen Center and the American Immigration Lawyers  
1417 Association, all of whom are concerned about the bill, but  
1418 also this provision, which, as the gentleman from New York has  
1419 pointed out, would, in effect, likely prevent or at least  
1420 greatly confuse the capacity of 18-year-old hotshots who have  
1421 been admitted to Stanford to study physics.

1422 At 18, you are not going to be able to meet this  
1423 evidentiary standard that you are going to be able to return  
1424 home. There is no dual intent provision for students as there  
1425 is for H1B visa applicants.

1426 I think it is really not a good idea, and I support the  
1427 gentleman's amendment.

1428 Mr. Issa. Mr. Chairman --

1429 Mr. Nadler. I am reclaiming my time. I want to make one  
1430 further comment. And that is --

1431 Chairman Goodlatte. The gentleman's time has expired.  
1432 Without objection, the gentleman is recognized for an  
1433 additional minute.

1434 Mr. Nadler. I thank the Chairman. I just point out that  
1435 as the gentlelady pointed out, this is not restricted to  
1436 possible security cases. This is in every case, and that means  
1437 that you have to prove by clear and convincing evidence, if  
1438 you are coming for a wedding, if you are coming as a student,  
1439 if you are coming as a whatever, clear and convincing evidence  
1440 and that you intend to return home.

1441 This is almost an impossible burden of proof and will  
1442 really shut a lot of visas that ought not to be shut, for no  
1443 benefit at all to our security. I thank the gentleman. I  
1444 yield back.

1445 Mr. Issa. Mr. Chairman?

1446 Chairman Goodlatte. For what purpose does the gentleman  
1447 from California seek recognition?

1448 Mr. Issa. I rise in opposition to the -- move to strike  
1449 the last word.

1450 Chairman Goodlatte. The gentleman is recognized for 5  
1451 minutes.

1452 Mr. Issa. Mr. Chairman, I am pleased and honored to also  
1453 serve on the Foreign Affairs Committee. And in that capacity,

1454 I remember the late Henry Hyde preserving the State  
1455 Department's ability to have the consular section. And when  
1456 we preserved it, we preserved it knowing that consulars are  
1457 almost always in their first term, their first overseas  
1458 assignment. They are the most junior of State Department  
1459 personnel. And they do a wonderful job, but they do so only  
1460 with the tools we provide them.

1461 The tools include the ability to say "No" when they have  
1462 a feeling something is not right. Often, they lack the tools  
1463 to say no, even though they know this is going to be fraud.  
1464 They deny whenever possible when they believe it is fraud and  
1465 they have grounds for it. And I think there are two things  
1466 that we need to bear in mind.

1467 First of all, those elite students: One of those elite  
1468 students said he was coming here to go to school and he was a  
1469 9/11 hijacker and murderer. Schools are not all the University  
1470 of California at San Diego or Berkeley. Schools include podunk  
1471 junior college in Nowheresville, Ohio, as an Ohioan. The fact  
1472 is, these are not all elite schools. And 40 percent of all  
1473 undocumented persons in this country came here under visas.  
1474 They did not all come here to hurt us, but they did come here  
1475 and they overstayed.

1476 So, whether it is a wedding -- and I am blessed to have  
1477 simply just recently had my son get married to a woman whose  
1478 family came from Edinburgh, and from Africa, and from around

1479 the world, including Canada also -- and they went through this  
1480 process, and they demonstrated through clear and convincing  
1481 evidence, although not required, that they had permanent  
1482 contacts in their home country and that they had a likelihood  
1483 of return.

1484 So, I want to speak very much in opposition to the  
1485 gentleman's intent to, in fact, weaken this bill so as to deny  
1486 the tools to these mostly young men and women who are standing  
1487 there, have a few moments to evaluate somebody, and in fact,  
1488 often lack the tools to say no.

1489 Now, having said that, this committee has the ability --  
1490 if, for any reason, these tools are found to actually limit  
1491 the capability of getting students through in an expeditious  
1492 fashion -- we have the ability to act again. But I think to  
1493 not act when we see the threat and the result throughout Europe  
1494 and even to the United States, of people slipping through a  
1495 system, is in fact simply wrong.

1496 Ms. Lofgren. Well --

1497 Mr. Issa. Lastly, and I will yield in a moment, lastly,  
1498 "clear and convincing" is not all, as was said, all in the  
1499 hands of the applicant. If there had been atrocities, if there  
1500 are in fact direct harm to individuals, that can be documented  
1501 by the State Department and other NGOs. They do not rely  
1502 exclusively on the individual to carry those documents.

1503 But as we all know, on both sides of the dais, claiming

1504 asylum, or claiming refugee status, or claiming fear of return  
1505 to their home is often -- very often -- a fraudulent claim  
1506 that the applicant is coached to use. This is not a surprise  
1507 to any of us that that happens.

1508       And I think, for that reason, we need to have the tools  
1509 necessary for State Department junior personnel working under  
1510 the consular section to be able to say, "No." There is an  
1511 appeal process. There is additional information. People can  
1512 come back. The fact is, no one is stopped from coming back  
1513 with additional information, and they often do, and they make  
1514 their case.

1515       So, I thank the chair. Obviously, I will be speaking in  
1516 opposition, and I will yield to the lady, while reminding  
1517 people that what I heard said was, "I urge you to vote for  
1518 this amendment and then vote down the final bill."

1519       Ms. Lofgren. Will the gentleman --

1520       Mr. Issa. An amendment that does not make the bill  
1521 passable would seem to serve very little purpose. I yield to  
1522 my colleague from California.

1523       Ms. Lofgren. Just for clarification purposes, the  
1524 decisions of the consular officers are unreviewable. I mean,  
1525 they are not justiciable. No court can overturn them.

1526       Mr. Issa. It is not about a court. And reclaiming my  
1527 time, let us remember one thing. There is no right to come to  
1528 America. It is a privilege to come to America.

1529 Ms. Lofgren. That is correct.

1530 Mr. Issa. The rights are ours. The privilege is those  
1531 we allow in our country, just as it is when we travel to other  
1532 countries.

1533 Ms. Lofgren. If I just may further --

1534 Mr. Issa. Of course.

1535 Ms. Lofgren. The point is that consular officers are  
1536 free to turn down applicants today, and they do often. Now,  
1537 I am sure all of us in our offices sometimes get called by  
1538 constituents, where you have a situation that appears to be  
1539 very unreasonable where the officer may have made mistake. In  
1540 many, many cases, the officer is unwilling to consider  
1541 additional information.

1542 Chairman Goodlatte. The time of the gentleman has  
1543 expired.

1544 Ms. Lofgren. Then I --

1545 Mr. Issa. I thank the gentlelady.

1546 Ms. Lofgren. I would ask to strike the last word.

1547 Chairman Goodlatte. For what purpose does the  
1548 gentlewoman from California seek recognition?

1549 Ms. Lofgren. To strike the last word.

1550 Chairman Goodlatte. The gentlewoman is recognized for 5  
1551 minutes.

1552 Ms. Lofgren. I just think that for those of us who have  
1553 dealt with this -- and I assume most of us have -- the consular

1554 officers basically are completely free to do what they think  
1555 is right. And certainly, when the issue is security, but also  
1556 for any other reason. And the point here is that in the  
1557 Immigration Act, an F-1 applicant, which is for a student visa,  
1558 has to have an intent to return to their home country. It has  
1559 nothing to do with terrorism. It has nothing to do with  
1560 security. It has to do with their intent. They cannot intend  
1561 to want to become an American.

1562         So, right now, there is a preponderance of the evidence.  
1563 And you can interview an 18-year-old kid. His parents are  
1564 sending him and paying a large amount of money to go to the  
1565 University of California and study engineering, and you can  
1566 make that judgment on a preponderance of evidence, "more likely  
1567 than not" standard.

1568         If you have a clear and convincing standard, it is going  
1569 to be very tough for that 18-year-old to prove. He does not  
1570 own a home. He does not have a, you know, a spouse or children.  
1571 He does not own a business. He does not have ties. How is he  
1572 going to meet that standard? And I think if the consular  
1573 officers are required to apply that standard to students, they  
1574 are going to find it very difficult to admit students who are  
1575 legitimate students. And I think that is problematic and I  
1576 think it is unnecessary.

1577         Chairman Goodlatte. Will the gentlewoman yield?

1578         Ms. Lofgren. I certainly would be happy to yield to the

1579 chairman and the --

1580 Chairman Goodlatte. I wonder if the lack of that standard  
1581 would be the reason why we have 35 to 40 percent visa overstays  
1582 and people who are illegally in the country, many of whom came  
1583 here on F-1 visas and simply never bothered to go home.

1584 Ms. Lofgren. Reclaiming my time, it would have been great  
1585 to have had a hearing on this bill to examine that very issue.  
1586 But I do know that our country is greatly enriched by those  
1587 who study in our universities. And I would note also the  
1588 salutatory impact of the leaders of other countries who have  
1589 studied in the United States. Last year, a number of us  
1590 accompanied the chairman to a very interesting visit to the  
1591 Middle East.

1592 And we discovered that, really, the leaders of democracy  
1593 that we met had all been educated in the United States. They  
1594 love the United States. And it is really very important to  
1595 have people from other countries educated here. And I think  
1596 that this provision will provide a barrier that is unnecessary  
1597 and really does nothing to enhance security.

1598 And for that reason, among many others, I would urge  
1599 support of the amendment. And I would yield back.

1600 Chairman Goodlatte. The chair thanks the gentlewoman.  
1601 For what purpose does the gentleman from Virginia seek  
1602 recognition?

1603 Mr. Forbes. Strike the last word, Mr. Chairman.

1604 Chairman Goodlatte. The gentleman is recognized for 5  
1605 minutes.

1606 Mr. Forbes. Mr. Chairman, I obviously oppose this  
1607 amendment and urge my colleagues to do the same. Once again,  
1608 we are seeing apples and oranges. We are seeing things written  
1609 in that are not there that treats immigrants as criminals.  
1610 That is your language, not ours. To say that immigrants, that  
1611 we are doing them a favor to come into this country, it is  
1612 your language, not ours.

1613 Let me be specific on what our language is. It is what  
1614 the gentleman from California said, which is this. Coming  
1615 into this country is a privilege. Being secure in this country  
1616 is a right. When the two of those are in the balance, this  
1617 bill says, "We side on the part of that equation that protects  
1618 American lives." When we look at this, the reality is that  
1619 fraud does enable terrorism.

1620 When we look at this, the gentleman from New York said  
1621 that these were not even possible security cases. That is the  
1622 whole issue. We do not know which ones are possible security  
1623 cases. That is why we cannot afford to have the fraud.

1624 Then, when we say that in the face of an ever-increasing  
1625 terrorism risk, an administration whose motto is, "Let's just  
1626 get the yes for immigration benefits," it is clear it is time  
1627 for a change. Let's walk through what this current standard  
1628 has done for us. This current standard granted visas to 19

1629 men who hijacked four airplanes and murdered close to 3,000  
1630 innocent people on 9/11.

1631         This current standard granted a K-visa and conditional  
1632 lawful permanent resident status to a Pakistani national, who,  
1633 together with her U.S. citizen husband, murdered 14 innocent  
1634 Americans and seriously injured 22 more. Under this current  
1635 standard, we granted a student visa to a Bangladesh national  
1636 who planned to bomb the Federal Reserve Bank building in New  
1637 York.

1638         Under the current standard, we granted temporary visas to  
1639 hundreds of thousands of subsequent visa overstayers. Under  
1640 the current standard, we have granted scores of visa and  
1641 immigration benefits to individuals who turned out to be  
1642 criminals.

1643         Yet, we have done nothing to raise the burden of proof.  
1644 In fact, even a statement by an applicant can be clear and  
1645 convincing evidence. It is not unreasonable to require someone  
1646 seeking a visa or immigrant benefit to prove that it is  
1647 substantially more probable than not that a fact they assert  
1648 in support of their applications actually exist. What this  
1649 bill does, what this amendment would strike out, is to strike  
1650 a balance between the privilege to come into this country and  
1651 the right to be secure in this country. I am very comfortable  
1652 we have struck the right balance and we hope that we will  
1653 oppose this amendment.

1654 And with that, I yield back, Mr. Chairman.

1655 Chairman Goodlatte. For what purpose does the  
1656 gentlewoman from California seek recognition?

1657 Ms. Bass. Mr. Chair, I would move to strike the last  
1658 word.

1659 Chairman Goodlatte. The gentlewoman is recognized for 5  
1660 minutes.

1661 Ms. Bass. I would like to yield now to the gentleman  
1662 from New York, Mr. Nadler.

1663 Mr. Nadler. I thank the gentlelady for yielding. Mr.  
1664 Chairman, we grant millions and millions of visas every year.  
1665 Millions of people come to this country. Our economy is  
1666 dependent on it. Our tourism is dependent on it. Lots of our  
1667 economy is dependent on it. Our educational system is  
1668 dependent on it.

1669 Do we sometimes admit people who turn out to be mistakes?  
1670 Yes. Can you cite a few score? Yes. That is human inability  
1671 to be perfect. But to raise the standard as this bill would  
1672 do, as this provision would do, would essentially say almost  
1673 nobody would be admitted as a student. Almost nobody. Because  
1674 how are you going to show by clear and convincing evidence the  
1675 intent to return when you are 18 years old or 19 years old,  
1676 you live your family, you have no independent source of income,  
1677 you have gone to school, you have no employment history, you  
1678 have no ties, other than your family lives there. How are you

1679 going to show by clear and convincing evidence the intent to  
1680 return?

1681         The gentleman from California said that his relatives who  
1682 came to the wedding met the standard of clear and convincing  
1683 evidence. No, they did not. They met the preponderance of  
1684 evidence standard. That is the standard used now. Now, the  
1685 consular officer, if he has any grounds for suspicion, may  
1686 even, on the standard that is the law now may say, "No," and  
1687 that is an unreviewable decision. You cannot appeal.

1688         If your application for a visa is denied because the  
1689 consul did not like the glint in your eye, or thought there  
1690 was something suspicious, you cannot appeal to anybody. There  
1691 is no appeal to court. The consular official, his word is  
1692 final. You can call your Congressman, and maybe the  
1693 Congressman can persuade the consular official. But that is  
1694 the extent of it. There is no appeal. So, we have the  
1695 safeguards needed. But to apply a higher standard, to say he  
1696 may not admit someone for whom there is no reason to suspect  
1697 anything, who wants to be a student or is to be admitted  
1698 because he has a special engineering skill or whatever, but  
1699 cannot meet the clear and convincing standard which is very  
1700 difficult to meet, especially on the return home provision,  
1701 will cut the visas to a small trickle.

1702         It does not serve security because any suspicion on  
1703 security now, you can already deny. Any suspicion. So, this

1704 is a provision that does not help security, will hurt us  
1705 economically, will hurt us in terms of education, and will  
1706 hurt us in many, many ways. It makes no sense, and I urge the  
1707 adoption of the amendment. And I thank the gentlelady for  
1708 yielding to me, and I yield back to her.

1709 Chairman Goodlatte. The question occurs on the amendment  
1710 offered by the gentleman from New York.

1711 All those in favor, respond by saying aye.

1712 Those opposed, no.

1713 Opinion of the chair, the noes have it and the amendment  
1714 is not agreed to.

1715 A recorded vote is requested, and the clerk will call the  
1716 roll.

1717 Ms. Adcock. Mr. Goodlatte?

1718 Chairman Goodlatte. No.

1719 Ms. Adcock. Mr. Goodlatte votes no.

1720 Mr. Sensenbrenner?

1721 [No response.]

1722 Mr. Smith?

1723 [No response.]

1724 Mr. Chabot?

1725 Mr. Chabot. No.

1726 Ms. Adcock. Mr. Chabot votes no.

1727 Mr. Issa?

1728 Mr. Issa. No.

1729 Ms. Adcock. Mr. Issa votes no.  
1730 Mr. Forbes?  
1731 Mr. Forbes. No.  
1732 Ms. Adcock. Mr. Forbes votes no.  
1733 Mr. King?  
1734 Mr. King. No.  
1735 Ms. Adcock. Mr. King votes no.  
1736 Mr. Franks?  
1737 Mr. Franks. No.  
1738 Ms. Adcock. Mr. Franks votes no.  
1739 Mr. Gohmert?  
1740 [No response.]  
1741 Mr. Jordan?  
1742 [No response.]  
1743 Mr. Poe?  
1744 Mr. Poe. No.  
1745 Ms. Adcock. Mr. Poe votes no.  
1746 Mr. Chaffetz?  
1747 [No response.]  
1748 Mr. Marino?  
1749 Mr. Marino. No.  
1750 Ms. Adcock. Mr. Marino votes no.  
1751 Mr. Gowdy?  
1752 [No response.]  
1753 Mr. Labrador?

1754 [No response.]  
1755 Mr. Farenthold?  
1756 [No response.]  
1757 Mr. Collins?  
1758 [No response.]  
1759 Mr. DeSantis?  
1760 [No response.]  
1761 Ms. Walters?  
1762 Ms. Walters. No.  
1763 Ms. Adcock. Ms. Walters votes no.  
1764 Mr. Buck?  
1765 Mr. Buck. No.  
1766 Ms. Adcock. Mr. Buck votes no.  
1767 Mr. Ratcliffe?  
1768 [No response.]  
1769 Mr. Trott?  
1770 Mr. Trott. No.  
1771 Ms. Adcock. Mr. Trott votes no.  
1772 Mr. Bishop?  
1773 Mr. Bishop. No.  
1774 Ms. Adcock. Mr. Bishop votes no.  
1775 Mr. Conyers?  
1776 [No response.]  
1777 Mr. Nadler?  
1778 Mr. Nadler. Aye.

1779 Ms. Adcock. Mr. Nadler votes aye.  
1780 Ms. Lofgren?  
1781 Ms. Lofgren. Aye.  
1782 Ms. Adcock. Ms. Lofgren votes aye.  
1783 Ms. Jackson Lee?  
1784 Ms. Jackson Lee. Aye.  
1785 Ms. Adcock. Ms. Jackson Lee votes aye.  
1786 Mr. Cohen?  
1787 [No response.]  
1788 Mr. Johnson?  
1789 Mr. Johnson. Aye.  
1790 Ms. Adcock. Mr. Johnson votes aye.  
1791 Mr. Pierluisi?  
1792 [No response.]  
1793 Ms. Chu?  
1794 Ms. Chu. Aye.  
1795 Ms. Adcock. Ms. Chu votes aye.  
1796 Mr. Deutch?  
1797 [No response.]  
1798 Mr. Gutierrez?  
1799 Mr. Gutierrez. Aye.  
1800 Ms. Adcock. Mr. Gutierrez votes aye.  
1801 Ms. Bass?  
1802 Ms. Bass. Aye.  
1803 Ms. Adcock. Ms. Bass votes aye.

1804 Mr. Richmond?

1805 [No response.]

1806 Ms. DelBene?

1807 Ms. DelBene. Aye.

1808 Ms. Adcock. Ms. DelBene votes aye.

1809 Mr. Jeffries?

1810 [No response.]

1811 Mr. Cicilline?

1812 Mr. Cicilline. Aye.

1813 Ms. Adcock. Mr. Cicilline votes aye.

1814 Mr. Peters?

1815 [No response.]

1816 Chairman Goodlatte. The gentleman from Wisconsin.

1817 Mr. Sensenbrenner. No.

1818 Ms. Adcock. Mr. Sensenbrenner votes no.

1819 Mr. Chaffetz. Mr. Chairman?

1820 Chairman Goodlatte. The gentleman from Utah.

1821 Mr. Chaffetz. No.

1822 Ms. Adcock. Mr. Chaffetz votes no.

1823 Chairman Goodlatte. Has every member voted who wishes to

1824 vote? The clerk will report. The gentleman from Tennessee.

1825 Mr. Cohen. Aye.

1826 Ms. Adcock. Mr. Cohen votes aye.

1827 Chairman Goodlatte. The clerk will report.

1828 Ms. Adcock. Mr. Chairman, 10 members voted aye, 14

1829 members voted no.

1830 Chairman Goodlatte. And the amendment is not agreed to.

1831 Are there further amendments? For what purpose does the

1832 gentlewoman from Texas seek recognition?

1833 Ms. Jackson Lee. Mr. Chairman, I have a few amendments

1834 at the dais. I would like to do them quickly but separately.

1835 Amendment Number 6, please.

1836 Chairman Goodlatte. The clerk --

1837 Mr. Forbes. Mr. Chairman, I reserve a point of order.

1838 Chairman Goodlatte. The clerk will report. Point of

1839 order is noted.

1840 Ms. Adcock. Amendment to H.R. 5203, offered by Ms.

1841 Jackson Lee. Page 6, line 8.

1842 [The amendment of Ms. Jackson Lee follows:]

1843 \*\*\*\*\* INSERT 5 \*\*\*\*\*

1844 Chairman Goodlatte. Without objection, the amendment is  
1845 considered as read, and the gentlewoman is recognized on her  
1846 amendment for 5 minutes. The gentlewoman is recognized.

1847 Ms. Jackson Lee. Mr. Chairman, thank you very much -- to  
1848 the ranking member. Let me indicate that we all want the  
1849 Nation to be secure, and we certainly want the visa program,  
1850 which is a legal way of accessing the nation. But I would  
1851 make the argument that we are not moving in the right  
1852 direction.

1853 My amendment would strike mandatory DNA testing  
1854 requirement in section 2 of H.R. 5203 and replace it with a  
1855 requirement that DNA testing be conducted only in those cases  
1856 where there are fraud triggers or otherwise, where the consular  
1857 or Immigration Service officer determines it is warranted.

1858 Under current law, the Department of State and U.S.C.I.S.  
1859 may accept DNA test results as evidence of biological  
1860 relationship, but generally do not have the authority to  
1861 require it. H.R. 5203 does not just permit U.S.C.I.S. to  
1862 require DNA testing where appropriate, but rather requires it  
1863 even where there are no indications of fraud, or other  
1864 questions about the family relationship, or a terrorist  
1865 situation.

1866 This proposal will result in enormous costs, prohibitive  
1867 costs for low-income families, for each family-based immigrant  
1868 applicant, and months added on already lengthy processing.

1869 Without this amendment, U.S.C.I.S. will be required to do DNA  
1870 testing for nursing mothers, for the family of those serving  
1871 in the U.S. armed forces. H.R. 5203 absurdly would require  
1872 DNA testing in sibling-to-sibling cases, where the testing  
1873 technology is simply unable to show the required relationship,  
1874 and there is a risk of false negative test results that would  
1875 lead to the denial of some visa petitions.

1876 I am not sure what the DNA testing would do with respect  
1877 to the tragedy and terrorist acts that occurred in San  
1878 Bernardino.

1879 The Jackson Lee Amendment would provide the State  
1880 Department and U.S.C.I.S. with the authority to require DNA  
1881 testing, but only in circumstances where it is warranted due  
1882 to fraud triggers; otherwise, as determined by the consular or  
1883 Immigration Service. Rather than the Federal Government  
1884 collecting and presumably holding DNA for thousands of non-  
1885 criminals, including U.S. citizens who are petitioning for  
1886 family members abroad, this amendment would target the use of  
1887 DNA testing.

1888 DNA is highly intrusive personal medical information.  
1889 But more importantly, what is the ultimate results that we  
1890 want? We want to stop terrorists, and there are many other  
1891 ways that have been successful in doing that.

1892 I ask my colleagues to support this amendment. I reserve  
1893 for --

1894 Ms. Lofgren. Would you yield for a second?

1895 Ms. Jackson Lee. I would be happy to yield.

1896 Ms. Lofgren. I do have one technical question, and  
1897 perhaps the author could answer it. I know someone who  
1898 recently had a child. She and her husband, because of  
1899 fertility problems, had a donor egg. And so, while this woman  
1900 gave birth to the child, you would not see a DNA link because  
1901 of the donor egg. We also know of situations where there is  
1902 fertility problems on the part of the husband and there is a  
1903 donation. But even though it is a family relationship, you  
1904 would not see it in a DNA test. How would that work, here?

1905 Mr. Forbes. I would say to the gentlelady that this  
1906 references only a biological relationship. In your situation,  
1907 it is more like an adoption situation. It would not --

1908 Ms. Lofgren. No. The woman has given birth, but the egg  
1909 was donated.

1910 Mr. Forbes. Yeah. But I think, in that particular  
1911 situation, it would not be classified as a biological  
1912 relationship.

1913 Ms. Lofgren. But the DNA would not show it.

1914 Mr. Forbes. I do not think it would be. Yeah.

1915 Ms. Lofgren. Well, it is a biological relationship if  
1916 you give birth to a baby.

1917 Mr. Forbes. I do not believe it would be covered under  
1918 this provision, but certainly, I am happy, as we move forward,

1919 if there is clarification we need to do of the language. But  
1920 I do not think that situation would be covered under the  
1921 provision in here, because this is predicated on a biological  
1922 relationship between the two of them. So I do not think that  
1923 would be covered under this particular provision.

1924 Ms. Lofgren. I do not --

1925 Mr. Forbes. Yeah. That is the same language that we are  
1926 currently using for the programs that are requiring DNA by the  
1927 administration right now. And I am happy to go into those and  
1928 just --

1929 Ms. Lofgren. Well, if I may, I thank the gentleman for  
1930 yielding. We have gone into DNA testing in the refugee program  
1931 because of fraud potential. And I agree with that. But I  
1932 will say that the likelihood that a penniless refugee in a  
1933 refugee camp has been the recipient of an egg donor is remote,  
1934 probably nonexistent. So, this is a Western European or U.S.  
1935 type of issue for advanced economies, where people get in.  
1936 And I do not want to belabor it, but it is a real issue, and  
1937 it really happens. And the question is, if you give birth but  
1938 you have had assistance with your fertility, you are going to  
1939 flunk the DNA test, but it is, in fact, a biological  
1940 relationship.

1941 Ms. Jackson Lee. I am reclaiming my time.

1942 Ms. Lofgren. I yield back to the --

1943 Ms. Jackson Lee. Just in closing, because my time is --

1944 just in closing, the inquiry that Congresswoman Lofgren has  
1945 raised is exactly the confusion that I think will be generated,  
1946 and I ask my colleagues -- and maybe we can go back to the  
1947 drawing board on this particular provision, to be clear.

1948 I would ask my colleagues to support the Jackson Lee  
1949 Amendment. And Mr. Chairman, I would like to put into the  
1950 record, I ask unanimous consent, a letter from NIAC Action,  
1951 fearful about the legislation targeting certain groups --

1952 Chairman Goodlatte. Without objection, the letter will  
1953 be made a part of the record.

1954 [The information follows:]

1955 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1956 Ms. Jackson Lee. I ask that my colleagues to support  
1957 Jackson Lee Number 6. Thank you.

1958 Chairman Goodlatte. The question occurs on the amendment  
1959 offered by the gentlewoman from Texas.

1960 All those in favor, respond by saying aye.

1961 Those opposed, no.

1962 Being the Chair, the noes have it and the amendment is  
1963 not agreed to.

1964 Ms. Jackson Lee. I would like to call up Jackson Lee  
1965 Amendment Number 17.

1966 Mr. Forbes. Mr. Chairman, I reserve a point of order on  
1967 this.

1968 Chairman Goodlatte. The clerk will report the amendment.

1969 Ms. Adcock. Amendment to H.R. 5203 offered by Ms. Jackson  
1970 Lee, Page 6, line 18, strike --

1971 [The amendment of Ms. Jackson Lee follows:]

1972 \*\*\*\*\* INSERT 6 \*\*\*\*\*

1973 Chairman Goodlatte. Without objection, the amendment is  
1974 considered as read and the gentlewoman is recognized for 5  
1975 minutes on her amendment.

1976 Ms. Jackson Lee. Mr. Chairman, I also urge the adoption  
1977 of Jackson Lee Amendment 17, which will require the Department  
1978 of the Treasury to establish fee guidelines for any expenses  
1979 associated with genetic testing, in consideration of the  
1980 ability of the individual petitioner or applicant to pay. H.R.  
1981 5203 does nothing to account for the enormous costs of DNA  
1982 testing for low-income families. Currently, DNA testing may  
1983 cost more than \$500 per test per individual.

1984 This cost will have to be assumed by many low-income  
1985 families, including members of the United States armed forces,  
1986 refugees, asylees, and survivors of domestic violence and  
1987 trafficking who are already struggling to make ends meet.

1988 In addition to the test costs, families living in remote  
1989 locations will have the added burden or ancillary travel costs  
1990 required to complete genetic testing obligation. We are here  
1991 committed, all of our colleagues, all of the committee --  
1992 Judiciary, of which I have the privilege of sitting -- and as  
1993 well, Homeland Security, in securing and protecting this  
1994 country.

1995 However, this is a burdensome and probably with little  
1996 results requirement. By having the Department of the Treasury  
1997 establish guidelines for DNA testing fees, which will take

1998 into consideration an applicant's ability to pay, the  
1999 financial burden of this amendment will be ameliorated and  
2000 will not disproportionately burden low-income families.

2001       Accordingly, I urge my colleagues to support both the  
2002 Jackson Lee amendment Number 17, and I ask unanimous consent  
2003 to put into the record "Families Under Siege: The Hidden Costs  
2004 of Refugee Crisis," which are not terrorists. This is a proven  
2005 burden that slows the process down and does not stop the  
2006 terrorists of whom one would like to block. Should my  
2007 colleagues know that terrorist do not usually come without the  
2008 resources provided by their outside groups, and I do not  
2009 imagine any terrorist would have any inability to pay the  
2010 costs.

2011       Chairman Goodlatte. Without objection, the document will  
2012 be made a part of the record.

2013       [The information follows:]

2014       \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2015 Ms. Jackson Lee. Thank you.

2016 Chairman Goodlatte. Does the gentleman from Virginia  
2017 insist upon his point of order?

2018 Mr. Forbes. I do, Mr. Chairman.

2019 Chairman Goodlatte. The gentleman is recognized.

2020 Mr. Forbes. Mr. Chairman, this amendment is not germane  
2021 because it specifically requires the Secretary of the Treasury  
2022 shall establish fee guidelines for any expenses associated  
2023 herewith. We have no referral. This is the Judiciary  
2024 Committee. The proper jurisdiction of that would be the  
2025 Financial Services Committee. And with that, I hope that the  
2026 chairman will find that the amendment is not in order.

2027 Ms. Jackson Lee. Will the gentleman yield?

2028 Mr. Forbes. I will be happy to --

2029 Chairman Goodlatte. Well, the gentlewoman will be  
2030 recognized.

2031 Ms. Jackson Lee. All right. Thank you, Mr. Chairman.

2032 Chairman Goodlatte. Does the gentlewoman wish to be  
2033 recognized in response to the point of order?

2034 Ms. Jackson Lee. I do, Mr. Chairman.

2035 Chairman Goodlatte. The gentlewoman is recognized.

2036 Ms. Jackson Lee. The gentleman may have a point. I would  
2037 like to offer a friendly amendment to amend it to DHS or  
2038 Financial Services. I think DHS has dual jurisdiction because  
2039 it is visa. And that would certainly be an appropriate

2040 assessment of the fees, because they understand the fee  
2041 process.

2042 Chairman Goodlatte. I do not believe we can change which  
2043 agency opposes the fee, and therefore the jurisdiction of which  
2044 committee --

2045 Ms. Jackson Lee. I am suggesting DHS because they have  
2046 a direct corollary relationship. The gentleman suggested  
2047 Financial Services, and the Treasury is under Financial  
2048 Services, so --

2049 Chairman Goodlatte. Right. So, no matter who is  
2050 collecting the fee, Financial Services is going to have  
2051 jurisdiction over waiving the fee or adjusting the fee --

2052 Ms. Jackson Lee. Adjusting the fee --

2053 Chairman Goodlatte. -- as the gentlewoman's amendment  
2054 provides and therefore, it is not germane.

2055 Ms. Jackson Lee. So, my -- there -- my argument is two-  
2056 pronged. Treasury comes under Financial Services to accept a  
2057 friendly amendment to have the language such that the Financial  
2058 or Department of Homeland Security Committee --

2059 Chairman Goodlatte. The chair is prepared to rule. It  
2060 is the opinion of the chair that the amendment is not germane.  
2061 If the gentlewoman crafts an amendment that is germane, the  
2062 committee can consider that at a later time.

2063 The committee will stand in recess until 1:00 p.m.

2064 [Recess.]

2065 Chairman Goodlatte. The committee will come to order.  
2066 When the committee recessed, we were considering amendments to  
2067 H.R. 5203. Are there other amendments to H.R. 5203? For what  
2068 purpose does the gentleman from Georgia seek recognition?

2069 Mr. Johnson. I have an amendment at the desk, 005.

2070 Chairman Goodlatte. The clerk will report the amendment

2071 Ms. Adcock. Amendment to H.R. 5203 officered by Mr.  
2072 Johnson, Page 6, strike line 8 and all that follows through  
2073 line 19, and redesignates the seating provisions accordingly.

2074 Chairman Goodlatte. The gentleman is recognized for 5  
2075 minutes on his amendment.

2076 Mr. Johnson. Thank you Mr. Chairman. This bill hearkens  
2077 me back to the day that Donald Trump rode the elevator down to  
2078 make the announcement that he was running for President of the  
2079 United States and he took that occasion to whip up public  
2080 sentiment against Hispanic immigrants. And later he took every  
2081 opportunity he could to whip up public sentiment against  
2082 Muslims. And this bill as currently drafted represents the  
2083 current Republican agenda that uses the same Trump-style  
2084 tactic of vilifying immigrants. This bill requires sweeping  
2085 DNA collection, even when familial relationships are not in  
2086 question, such as with nursing mothers. And in cases when DNA  
2087 has been proven to give false readings, such as with sibling  
2088 to sibling cases.

2089 To make matters worse, we will be expecting these families

2090 to pay for the cost of the testing, which can run into the  
2091 thousands of dollars. By forcing U.S.C.I.S. to require DNA  
2092 testing, even when there is no question of familial  
2093 relationship, fraud, or national security concerns, subjects  
2094 innocent immigrants and U.S. citizens to unfair and onerous  
2095 collection requirements.

2096 If we are to require mandatory DNA collection, we must  
2097 insist on appropriate data security protocols like we do with  
2098 personal medical records. How the DNA is collected, preserved,  
2099 stored, and eventually destroyed must be addressed.  
2100 U.S.C.I.S. needs the funding to sustain such security  
2101 protocols.

2102 We cannot just pawn the cost off onto those who seek our  
2103 shores in search of freedom and a better life, including  
2104 refugees. There is also a broader privacy issue at stake.  
2105 Under this legislation, the Federal Government will have to  
2106 store millions of individual private -- millions of  
2107 individual's private information.

2108 Similar to personal medical records, information as  
2109 private and personal as our DNA must have the necessary  
2110 safeguards in place to make sure it is not stolen or misused.  
2111 The bill not only sacrifices the privacy of the immigrants,  
2112 but also of any American citizen or legal alien who  
2113 participates in the visa process.

2114 My amendment would strike the DNA requirements in section

2115 2, until we can create a framework that addresses these  
2116 concerns, so as not to violate the dignity, privacy, and  
2117 constitutional rights of legal aliens, current and future  
2118 citizens, and to put further burdens on the already burdened  
2119 and underfunded agency hurt by sequestration.

2120 Even members of our armed services would be required to  
2121 provide a DNA sample as part of their visa application process.  
2122 The U.S. leads the world in foreign born military personnel,  
2123 with more than 65,000 immigrants servicing active duty in our  
2124 Armed Forces. Some of these individuals become full citizens  
2125 and others remain permanent, legal residents. As a member of  
2126 the Armed Services Committee, I want to ensure we take care of  
2127 those who serve. Unfortunately, this bill is a disservice to  
2128 those individuals, and puts them at risk of deportation.

2129 My amendment will strike the DNA collection provision,  
2130 that will make U.S. citizenship unfairly cost prohibitive and  
2131 invasive. We should not be creating such insurmountable  
2132 barriers for people such as refugees, lawfully seeking entry  
2133 into this country, often to escape persecution and death in  
2134 their home countries. Thank you, Mr. Chairman, and I yield  
2135 back.

2136 Chairman Goodlatte. The chair thanks gentleman. For  
2137 what purpose does gentleman from Virginia seek recognition?

2138 Mr. Forbes. Move to strike the last word.

2139 Chairman Goodlatte. Gentleman is recognized for 5

2140 minutes.

2141 Mr. Forbes. Mr. Chairman, I hope we will oppose this  
2142 amendment and I urge my colleagues to do the same. Once again,  
2143 if we could just stick to the bill instead of trying to write  
2144 other bills, I think we could have a much clearer debate. The  
2145 gentleman from Georgia talks about needing all of these  
2146 collection processes that we need, and how we store data.

2147 There is nothing in this bill that talks about collection  
2148 of DNA data. It talks about simply the result. The gentleman  
2149 wants to deal with these databases. He needs to write a bill  
2150 that actually stores or collects the data, because this bill  
2151 does not do it. When he talks about Armed Forces special  
2152 immigrants, this is table one from the State Department, and  
2153 it shows how many of those are in existence and the number  
2154 zero is all across the tables. And we will put that into the  
2155 record. I want to also talk about --

2156 Chairman Goodlatte. Without objection it will be made a  
2157 part of the record.

2158 [The information follows:]

2159 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2160 Mr. Forbes. The gentleman talking about how this is a  
2161 Republican agenda to somehow push the presidential races. The  
2162 current administration, which I believe still is President  
2163 Obama, requires DNA testing in its Central America Minor CAM  
2164 Program. Under the CAM Program, DNA relationship testing must  
2165 occur between the qualifying parent in the U.S., and his or  
2166 her biological children for whom the parent files for relief.

2167 The other point I would make, Mr. Chairman, is that this  
2168 is not the only indicator. It is one indicator. When we talk  
2169 about DNA not being accurate, it is simply one of the elements  
2170 that go into proving, but a pretty substantial one.

2171 And let me tell you why that is the case. This is not a  
2172 new idea, for DNA testing, requiring that a DNA test as part  
2173 of an application for immigration benefits, is not a new idea.  
2174 In fact, DHS has started requiring such evidence in at least  
2175 two immigration programs during the current administration. I  
2176 mentioned one of them, the Central American Minors Program.

2177 But let me mention another one. The Priority 3 Family  
2178 Reunification Refugee Category, the Bush Administration found  
2179 overwhelming evidence of fraud in the program, meaning that  
2180 individuals were claiming people were not relatives, as  
2181 relatives on immigration applications. Specifically, they  
2182 started DNA testing as part of the program, and based on that,  
2183 were able to confirm all biological relationships in fewer  
2184 than 20 percent of family unit cases that they had previously

2185 been doing. So they temporarily halted the program.

2186 And when the Obama Administration restarted the program  
2187 a couple years later, it was with the requirement that DNA  
2188 testing results be submitted, along with an application in  
2189 order to help verify family relationship claims. So there is  
2190 precedent for the use of DNA testing, when an immigration  
2191 benefit is predicated on a biological relationship. It is a  
2192 smart, common sense requirement that helps create an extra  
2193 layer of security and prevents fraud.

2194 The idea that we should wait to close a potential fraud  
2195 avenue until someone successfully abuses that loophole in  
2196 order to bring over a terrorist, is ludicrous. Congress has  
2197 the duty to close such loopholes in the process. This helps  
2198 to do that. Once again, this test is not dispositive. It is  
2199 simply another assurance, given to an adjudicator, that the  
2200 adjudicator can use to help determine eligibility for the  
2201 immigration benefit. So with that, Mr. Chairman --

2202 Chairman Goodlatte. Would the gentleman yield?

2203 Mr. Forbes. I am happy to yield.

2204 Chairman Goodlatte. I thank him for yielding. I just  
2205 went online and I found DNA testing for \$79, so I think the  
2206 claims of the vast cost of this is not relative. Prices are  
2207 dropping precipitously, and this is a very reasonable thing to  
2208 include. I thank the gentleman.

2209 Mr. Forbes. But Ms. Chairman, I would also say that it

2210 is, I think it is a very reasonable thing. But look,  
2211 reasonable people can disagree. And I think the question is  
2212 the balance of risk between the enormous damage to American  
2213 lives and things that can happen in the United States if we  
2214 are not addressing the potential fraud that is there. And  
2215 with that, I am happy to yield to my friend from Georgia.

2216 Mr. Johnson. Thank you. And I appreciate the gentleman's  
2217 rebuttal comments. It is one thing to have a program that is  
2218 suited for a particular need versus an across-the-board  
2219 requirement of DNA testing. That opens up a totally different  
2220 can of worms. And, you know, \$79 for DNA testing, I do not  
2221 know how sufficient that would be for Federal testing purposes.

2222 But I would assume that the cost would be much more, as  
2223 opposed to going through some fly by night internet-based  
2224 testing firm. And the fact that we do not provide for data  
2225 storage in this bill is something that necessitates my  
2226 amendment. We need to look at how we are going to store the  
2227 data.

2228 Mr. Forbes. Mr. Chairman, I reclaim my time, since I do  
2229 not have much left. You cannot have it both ways. You cannot  
2230 say I am worried about data collection and storage and then  
2231 all of a sudden say, "Oh my gosh, now that I find out you do  
2232 not have data collection storage, we need to do something to  
2233 have data collection and storage." You know, this is a pretty  
2234 simple process. You know, somebody says "I am connected on a

2235 biological reason; I need to get these benefits." You get a  
2236 DNA test.

2237 The cost, fair argument, you say the taxpayers of the  
2238 United States maybe should pay it. We say it is fair to ask  
2239 the people who want to come here to pay it, that is a fair  
2240 debate. But basically you walk in here and you say, "Here is  
2241 the DNA test." And if it cuts down the fraud the way we  
2242 believe it will cut down the fraud, if it is good for these  
2243 other programs, we think it would be good for these programs.  
2244 And with that, Mr. Chairman, I yield back.

2245 Ms. Lofgren. Mr. Chair?

2246 Chairman Goodlatte. For what purpose does the gentleman  
2247 from California seek recognition?

2248 Ms. Lofgren. Move to strike the last word.

2249 Chairman Goodlatte. Gentlewoman is recognized.

2250 Ms. Lofgren. I support the gentleman from Georgia's  
2251 amendment, for the following reason. Not because it is always  
2252 wrong to have DNA testing when fraud is suspected. In fact,  
2253 as I mentioned earlier, I think the whole committee was  
2254 concerned about fraud, when it came to the refugee program in  
2255 Africa. The refugee admissions were suspended as a  
2256 consequence. DNA testing was initiated, and the fraud problem  
2257 disappeared. And so that is an example of a, you know, smart  
2258 use of technology, when there is a fraud concern.

2259 For the Central American refugee children, I understand

2260 that the interest, because of the disorder in Honduras,  
2261 Guatemala, and El Salvador, is to make sure that with so many  
2262 people fleeing for their lives, that these children are in  
2263 fact connected with the people who are their parents. And  
2264 here is the issue.

2265 You know, I met with the Department of State on this  
2266 question. And the DNA tests are running about \$1,000 a test.  
2267 So that is the dollar amount. And I think it is why the  
2268 Chamber of Commerce and others express concern about the  
2269 increased costs across the board.

2270 That is not to say that there are not specific times when  
2271 it is necessary. In fact I think reasonable people would agree  
2272 when there is an indication of fraud, we should use technology.  
2273 But not in every case, because fraud is not present in every  
2274 case.

2275 And just a final point, this is pretty much unrelated to  
2276 terrorism. If you are trying to prove a family relationship  
2277 between a mother and her 12 year old, it really does not have  
2278 anything to do with terrorism. And I think it is really  
2279 misplaced in this bill if the rationale for the bill is safety  
2280 and security. This has nothing to do with it. So I think Mr.  
2281 Johnson's amendment is a sound one. It would not preclude the  
2282 use of DNA when there are indicators of fraud. That is  
2283 possible today. But it would make sure that we do not incur  
2284 this expense and delay when there is no good reason to do it.

2285 And with that, I would be happy to yield to Mr. Johnson.

2286 Mr. Johnson. Thank you. I would also point out that for  
2287 all of the farm workers to do temporary worker, they would  
2288 have to go through this process and incur a \$1,000 expense,  
2289 just to be able to come into this country and pick the produce  
2290 that we all enjoy for dinner every day. It is going to hurt  
2291 our farmers. It is going to hurt business people, and that is  
2292 another reason why we should stop and take a close look at  
2293 this one size fits all approach that is sought to be applied  
2294 to persons coming in, seeking visas to enter this country  
2295 lawfully; not unlawfully, but lawfully.

2296 Ms. Lofgren. I reclaim my time and yield back, Mr.  
2297 Chairman.

2298 Chairman Goodlatte. The question occurs on the amendment  
2299 offered by the gentleman from Georgia. All those in favor,  
2300 respond by saying aye.

2301 Those opposed, no.

2302 In the opinion of the chair, the noes have it. Amendment  
2303 is not agreed to. A recorded vote is requested, and the clerk  
2304 will call the role.

2305 Ms. Adcock. Mr. Goodlatte?

2306 Chairman Goodlatte. No.

2307 Ms. Adcock. Mr. Goodlatte votes no.

2308 Mr. Sensenbrenner?

2309 Mr. Sensenbrenner. No.

2310 Ms. Adcock. Mr. Sensenbrenner votes no.  
2311 Mr. Smith?  
2312 [No response.]  
2313 Mr. Chabot?  
2314 [No response.]  
2315 Mr. Issa?  
2316 [No response.]  
2317 Mr. Forbes?  
2318 Mr. Forbes. No.  
2319 Ms. Adcock. Mr. Forbes votes no.  
2320 Mr. King?  
2321 [No response.]  
2322 Mr. Franks?  
2323 [No response.]  
2324 Mr. Gohmert?  
2325 [No response.]  
2326 Mr. Jordan?  
2327 [No response.]  
2328 Mr. Poe?  
2329 [No response.]  
2330 Mr. Chaffetz?  
2331 [No response.]  
2332 Mr. Marino?  
2333 Mr. Marino. No.  
2334 Ms. Adcock. Mr. Marino votes no.

2335 Mr. Gowdy?  
2336 [No response.]  
2337 Mr. Labrador?  
2338 Mr. Labrador. No.  
2339 Ms. Adcock. Mr. Labrador votes no.  
2340 Mr. Farenthold?  
2341 [No response.]  
2342 Mr. Collins?  
2343 [No response.]  
2344 Mr. DeSantis?  
2345 [No response.]  
2346 Ms. Walters?  
2347 Ms. Walters. No.  
2348 Ms. Adcock. Ms. Walters votes no.  
2349 Mr. Buck?  
2350 Mr. Buck. No.  
2351 Ms. Adcock. Mr. Buck votes no.  
2352 Mr. Ratcliffe?  
2353 Mr. Ratcliffe. No.  
2354 Ms. Adcock. Mr. Ratcliffe votes no.  
2355 Mr. Trott?  
2356 Mr. Trott. No.  
2357 Ms. Adcock. Mr. Trott votes no.  
2358 Mr. Bishop?  
2359 Mr. Bishop. No.

2360 Ms. Adcock. Mr. Bishop votes no.  
2361 Mr. Conyers?  
2362 [No response.]  
2363 Mr. Nadler?  
2364 Mr. Nadler. Aye.  
2365 Ms. Adcock. Mr. Nadler votes aye.  
2366 Ms. Lofgren?  
2367 Ms. Lofgren. Aye.  
2368 Ms. Adcock. Ms. Lofgren votes aye.  
2369 Ms. Jackson Lee?  
2370 [No response.]  
2371 Mr. Cohen?  
2372 [No response.]  
2373 Mr. Johnson?  
2374 Mr. Johnson. Aye.  
2375 Ms. Adcock. Mr. Johnson votes aye.  
2376 Mr. Pierluisi?  
2377 [No response.]  
2378 Ms. Chu?  
2379 [No response.]  
2380 Mr. Deutch?  
2381 [No response.]  
2382 Mr. Gutierrez?  
2383 Mr. Gutierrez. Aye  
2384 Ms. Adcock. Mr. Gutierrez votes aye.

2385 Ms. Bass?

2386 Mr. Richmond?

2387 [No response.]

2388 Ms. DelBene?

2389 Ms. DelBene. Aye.

2390 Ms. Adcock. Ms. DelBene votes aye.

2391 Mr. Jeffries?

2392 Mr. Jeffries. Aye.

2393 Ms. Adcock. Mr. Jeffries votes aye.

2394 Mr. Cicilline?

2395 Mr. Cicilline. Aye.

2396 Ms. Adcock. Mr. Cicilline votes aye.

2397 Mr. Peters?

2398 [No response.]

2399 Chairman Goodlatte. The gentleman from California, Mr.

2400 Issa.

2401 Mr. Issa. No.

2402 Ms. Adcock. Mr. Issa votes no.

2403 Chairman Goodlatte. The gentleman from Michigan?

2404 Mr. Conyers. Aye.

2405 Ms. Adcock. Mr. Conyers votes aye.

2406 Chairman Goodlatte. Has every member votes who wishes to

2407 vote? The clerk will report. The gentleman from Ohio?

2408 Mr. Chabot. No.

2409 Ms. Adcock. Mr. Chabot votes no.

2410 Chairman Goodlatte. The clerk will report.

2411 Ms. Adcock. Mr. Chairman, 8 members vote aye, 12 members  
2412 votes no.

2413 Chairman Goodlatte. And the amendment is not agreed to.  
2414 Are there further amendments to H.R. 5203?

2415 Mr. Johnson. Mr. Chairman, there is another amendment at  
2416 the desk.

2417 Chairman Goodlatte. The clerk will report the amendment.

2418 Ms. Adcock. Amendment to H.R. 5203, offered by Mr.  
2419 Johnson. Page 6, line --

2420 [The amendment of Mr. Johnson follows:]

2421 \*\*\*\*\* INSERT 7 \*\*\*\*\*

2422 Chairman Goodlatte. Without objection, the amendment is  
2423 considered as read, and the gentleman is recognized for 5  
2424 minutes on his amendment.

2425 Mr. Johnson. Thank you, Mr. Chairman. In its current  
2426 form, H.R. 5203 requires the Department of Homeland Security  
2427 to engage in in-depth social media screening for every  
2428 immigration application. While this is a seemingly  
2429 understandable response, especially in light of the San  
2430 Bernardino shootings, as drafted, it is a waste of valuable  
2431 DHS resources that will undermine our broader national  
2432 security efforts.

2433 This bill requires DHS staff to vet individually the  
2434 social media presence of any applicant, including legal  
2435 aliens, US citizens, and members of our military. This will  
2436 generate a nearly insurmountable volume of information for the  
2437 agency to shift through and decipher. Imagine having to  
2438 individually Google every visa applicant that came to your  
2439 desk; that is not practical, nor is it remotely feasible.

2440 DHS does not have the physical manpower or the tools in  
2441 place to analyze this plethora of data without using an  
2442 automatic tool that would help avoid common problems, such as  
2443 flagging individuals with common names. Unfortunately, at  
2444 this time, DHS staff can only vet every applicant by manually  
2445 reviewing the data. All this new social media process will do  
2446 is further delay an already overburdened immigration system

2447 and unnecessarily target innocent parties.

2448       Finally, and perhaps most profoundly, the bill does not  
2449 address the critical issue of social media activity in a  
2450 foreign language, or in password-protected forums; an arena of  
2451 concern with the San Bernardino shootings. Rather than  
2452 providing funding so that DHS may hire trained translators,  
2453 the agency will be forced to divert its limited number of  
2454 linguists to vet the social media accounts for millions of  
2455 applicants. I would much rather these highly skilled, highly  
2456 valued translators focus their talents on analyzing more  
2457 pressing homeland security threats.

2458       Unfortunately, we have, with this section of the bill,  
2459 another section that creates more barriers to immigration and  
2460 US citizenship. My amendment looks to alleviate some of the  
2461 burden on DHS by requiring social media screening only upon  
2462 fraud or national security triggers, or an agency  
2463 determination.

2464       This allows DHS to prioritize its screenings, so as to  
2465 ensure Homeland Security concerns are met without burying the  
2466 immigration process in even more delays. If this Congress  
2467 wishes to reform the social media vetting process, we should  
2468 call in the DHS officials in charge of the agency pilot  
2469 programs that explored social media vetting options. We should  
2470 actually seek the opinion of the very individuals who will  
2471 have to do the work, identify the best practices, and then

2472 move forward with legislation. Sweeping mandates interfering  
2473 with DHS discretion will add to the immigration backlog and  
2474 interfere with our national security priorities. So, I would  
2475 ask the members to support my amendment, and with that, I will  
2476 yield back.

2477 Mr. Forbes. Mr. Chairman?

2478 Chairman Goodlatte. For what purpose does the gentleman  
2479 from Virginia seek recognition?

2480 Mr. Forbes. Move to strike the last word, Mr. Chair.

2481 Chairman Goodlatte. The gentleman is recognized for 5  
2482 minutes.

2483 Mr. Forbes. Mr. Chairman, this is about as common sense  
2484 as you can get. The databases that we are checking on  
2485 currently will show if these individuals have done something  
2486 in the past. But there are no predictors of what they may do  
2487 in the future.

2488 One of the best ways for us to do that is simply to check  
2489 social media; what every employer would do if they were hiring  
2490 an employee and doing it with due diligence. It is a common  
2491 practice in today's world that when employers look to hire new  
2492 employees, they type that person's name into a search engine  
2493 to see if that person has an internet footprint.

2494 It is also common practice in today's world for people to  
2495 air their opinions on social media or other websites. So, the  
2496 American people were more than surprised to learn after the

2497 San Bernardino terrorist attacks that neither DHS nor the State  
2498 Department require even a cursory check of social media or  
2499 other publically available websites to learn about the person  
2500 applying for a visa or other immigrant immigration benefit.

2501 Not every terrorist is going to make public postings to  
2502 social media. But many do. And at the very least, the  
2503 Administration should be checking for such posts prior to  
2504 proving and issuing visas and other immigration benefits. I  
2505 know that DHS has conducted a few pilot programs requiring  
2506 social media checks, and they have concluded that the benefits  
2507 do not outweigh the costs.

2508 But even if one terrorist is denied entry into the United  
2509 States because of a suspicious social media post, that alerts  
2510 a judicator of potential mal-intent, then, the benefit far  
2511 exceeds any cost. If you do not believe that, ask the families  
2512 of the 14 people who were murdered in San Bernardino whether  
2513 or not this is a common sense thing that we need to do. With  
2514 that, Mr. Chairman, I yield to my friend from California.

2515 Mr. Issa. And I just want to support the member's wise  
2516 objection to this amendment. It is amazing that, in the  
2517 private sector, we would never consider hiring individuals and  
2518 considering a background check complete without utilizing the  
2519 tools available.

2520 And I just want to share with my collogue from Georgia  
2521 one thing -- the first time that I visited General Petraeus in

2522 theater, he very proudly took me to his open-source facility  
2523 that he had developed there, a few feet from his headquarters,  
2524 where he had, basically, two dozen desks and computers. And  
2525 he was scanning the Internet to learn what he needed to know  
2526 to make us safe.

2527 He did so because, in fact, he was saving lives and he  
2528 was protecting them. So, it is no surprise that when we say  
2529 -- and you use the word "social media," and I appreciate it -  
2530 - but broadly, the internet contains a vast amount of  
2531 information that shows lies, that shows people's statements  
2532 that they have done one thing; they have not done another.  
2533 They have been one place; they have not been another.

2534 You know, the fact is, it may not always be a terrorist.  
2535 It might just be somebody who says, "I am coming for vacation.  
2536 I intend to return." And then, you see their wedding site for  
2537 their upcoming wedding the day they arrive in the United  
2538 States. And you go, "Oh, you are not applying for the right  
2539 visa."

2540 So, are all the tools terrorism? No. But is it important  
2541 that we enable them to have the tools? Yes. And as Congressman  
2542 Forbes said, we would have saved 14 lives if we had been able  
2543 to look and see that we had a terrorist plot underway by people  
2544 who clearly were radicalized. We did not see it because we  
2545 did not look.

2546 And so, I thank the gentleman from Virginia for yielding,

2547 and I thank him for his thoughtful bill that is so important  
2548 for American security.

2549 Mr. Johnson. Would the gentleman yield?

2550 Mr. Forbes. It is my time, and I am happy to yield.

2551 Mr. Johnson. Well, thank the gentleman. You know,  
2552 certainly every employer employs a search of social media to  
2553 determine whether or not their potential employee measures up  
2554 to standards. And that is certainly not something that is  
2555 useless. I think it is very useful.

2556 But the fact is there is no employer that I know of that  
2557 has to screen for -- 16 million visas, I think, were applied  
2558 for in 2015; perhaps more so during this fiscal year. That is  
2559 a whole lot of social media or internet searches -- whatever  
2560 you want to call it. It is certainly quite a few. And we are  
2561 not providing one iota of -- not even a pin head's worth of  
2562 funding in this --

2563 Mr. Forbes. Well, people disagree. I think my friend is  
2564 a reasonable person, and the question here is this -- whether  
2565 or not the American people have the right to think that we  
2566 should at least check social media so that we can get an idea  
2567 before people come in here as to whether or not they intend to  
2568 harm and hurt Americans. We think that is a very reasonable,  
2569 common sense approach; gentleman disagrees. But that is why  
2570 I hope we will reject his amendment and keep this very common  
2571 sense, very reasonable, very balanced approach in this bill.

2572 And with that, Mr. Chairman, I yield back.

2573 Chairman Goodlatte. Question occurs on the amendment  
2574 offered by the gentleman from Georgia.

2575 All those in favor, respond by saying aye.

2576 Those opposed, no.

2577 In the opinion of the chair, the noes have it. The  
2578 amendment is not agreed to.

2579 Mr. Johnson. Mr. Chairman, I ask for a recorded vote.

2580 Chairman Goodlatte. Recorded vote is requested. The  
2581 clerk will call the roll.

2582 Ms. Adcock. Mr. Goodlatte?

2583 Chairman Goodlatte. No.

2584 Ms. Adcock. Mr. Goodlatte votes no.

2585 Mr. Sensenbrenner?

2586 Mr. Sensenbrenner. No.

2587 Ms. Adcock. Mr. Sensenbrenner votes no.

2588 Mr. Smith?

2589 [No response.]

2590 Mr. Chabot?

2591 Mr. Chabot. No.

2592 Ms. Adcock. Mr. Chabot votes no.

2593 Mr. Issa?

2594 Mr. Issa. No.

2595 Ms. Adcock. Mr. Issa votes no.

2596 Mr. Forbes?

2597 Mr. Forbes. No.

2598 Ms. Adcock. Mr. Forbes votes no.

2599 Mr. King?

2600 [No response.]

2601 Mr. Franks?

2602 Mr. Franks. No.

2603 Ms. Adcock. Mr. Franks votes no.

2604 Mr. Gohmert?

2605 Mr. Gohmert. No.

2606 Ms. Adcock. Mr. Gohmert votes no.

2607 Mr. Jordan?

2608 [No response.]

2609 Mr. Poe?

2610 [No response.]

2611 Mr. Chaffetz?

2612 [No response].

2613 Mr. Marino?

2614 Mr. Marino. No.

2615 Ms. Adcock. Mr. Marino votes no.

2616 Mr. Gowdy?

2617 [No response.]

2618 Mr. Labrador?

2619 [No response.]

2620 Mr. Farenthold?

2621 [No response.]

2622 Mr. Collins?  
2623 [No response.]  
2624 Mr. DeSantis?  
2625 [No response.]  
2626 Ms. Walters?  
2627 Ms. Walters. No.  
2628 Ms. Adcock. Ms. Walters votes no.  
2629 Mr. Buck?  
2630 Mr. Buck. No.  
2631 Ms. Adcock. Mr. Buck votes no.  
2632 Mr. Ratcliffe?  
2633 [No response.]  
2634 Mr. Trott?  
2635 Mr. Trott. No.  
2636 Ms. Adcock. Mr. Trott votes no.  
2637 Mr. Bishop?  
2638 Mr. Bishop. No.  
2639 Ms. Adcock. Mr. Bishop votes no.  
2640 Mr. Conyers?  
2641 Mr. Conyers. Aye.  
2642 Mr. Conyers votes aye. Mr. Nadler?  
2643 Mr. Nadler. Aye.  
2644 Ms. Adcock. Mr. Nadler votes aye.  
2645 Ms. Lofgren?  
2646 [No response.]

2647 Ms. Jackson Lee?  
2648 [No response.]  
2649 Mr. Cohen?  
2650 [No response.]  
2651 Mr. Johnson?  
2652 Mr. Johnson. Aye.  
2653 Ms. Adcock. Mr. Johnson votes aye.  
2654 Mr. Pierluisi?  
2655 [No response.]  
2656 Ms. Chu?  
2657 [No response.]  
2658 Mr. Deutch?  
2659 [No response.]  
2660 Mr. Gutierrez?  
2661 Mr. Gutierrez. Aye  
2662 Ms. Adcock. Mr. Gutierrez votes aye.  
2663 Ms. Bass?  
2664 [No response.]  
2665 Mr. Richmond?  
2666 [No response.]  
2667 Ms. DelBene?  
2668 Ms. DelBene. Aye.  
2669 Ms. Adcock. Ms. DelBene votes aye.  
2670 Mr. Jeffries?  
2671 [No response.]

2672 Mr. Cicilline?

2673 Mr. Cicilline. Aye.

2674 Ms. Adcock. Mr. Cicilline votes aye. Oh, Mr. Jeffries

2675 votes aye. Mr. Cicilline?

2676 Mr. Cicilline. Aye

2677 Ms. Adcock. Mr. Cicilline votes aye.

2678 Mr. Peters?

2679 [No response.]

2680 Chairman Goodlatte. The gentleman from Idaho.

2681 Ms. Adcock. Mr. Labrador votes no.

2682 Chairman Goodlatte. Has every member voted who wishes to

2683 vote? The clerk will report.

2684 Ms. Adcock. Mr. Chairman, 7 members voted aye, and 13

2685 members voted no.

2686 Chairman Goodlatte. And the amendment is not agreed to.

2687 Are there further amendments to H.R. 5203?

2688 Mr. Gutierrez. Speaker, I have an amendment.

2689 Chairman Goodlatte. The Clerk will report the amendment.

2690 Ms. Adcock. Amendment to H.R. 5203 offered by Mr.

2691 Gutierrez, Page 6, line 20 --

2692 [The amendment of Mr. Gutierrez follows:]

2693 \*\*\*\*\* INSERT 8 \*\*\*\*\*

2694 Chairman Goodlatte. Without objection, the amendment is  
2695 considered as read, and the gentleman is recognized for 5  
2696 minutes on his amendment.

2697 Mr. Gutierrez. My amendment would strike the requirement  
2698 in section 2 of the Republican bill, that no immigration  
2699 application or petition filed with DHS can be approved without  
2700 an interview. It would replace it with a requirement that  
2701 interviews be required in cases where there are foreign or  
2702 national security triggers and upon agency determination, and  
2703 it preserves the waiver only for children who would be 10 years  
2704 of age or younger at the time of the interview, and an  
2705 exception to the interview requirement for work authorization.

2706 Under current law, when the interview is conducted is  
2707 dependent on the type of application. Some applications, such  
2708 as family-based green card applications and asylum  
2709 application, require in-person interviews. Others, such as an  
2710 employment-based non-immigrant petitions are adjudicated at  
2711 U.S.C.I.S. Service Processing Center without an interview.

2712 These cases, U.S.C.I.S. adjudicators review applications  
2713 along with submitted written documentation, and the  
2714 beneficiary generally interview before arrival in the U.S. by  
2715 the Department of State counselor offices at a post abroad.  
2716 The interview requirement in the Republican bill would apply  
2717 in cases where, for example, the applicant has already been  
2718 interviewed at the counselor post aboard; screened by CBB at

2719 the port of entry, and multiple times previously by U.S.C.I.S.  
2720 This would be a huge new burden on DHS and cost untold  
2721 millions.

2722 We know what is going on here. The majority who have  
2723 been obsessed with illegal immigration are now turning their  
2724 sites to legal immigration. Your son's fiancé, your mom's  
2725 doctor, your neighbor's nanny, your grocery store's janitorial  
2726 crew; if they are coming legally, the majority wants to stop  
2727 it, slow it down, make it cost a lot more. The party of Trump  
2728 has launched an all-out radical assault on legal immigration,  
2729 in hopes that everybody is so scared of the rapey Mexicans or  
2730 the sex-crazed Italians, or the Vietnamese immigrants with  
2731 Ebola on the one hand, and Zika flies on the other hand, or  
2732 whatever it is that the main governor is scared of at the time  
2733 of immigrants.

2734 Remember a couple of years ago when the Republican  
2735 majority said that the kids from Central America, the refugees,  
2736 where carrying the Ebola? This is all the same stuff; no  
2737 Ebola, but we still have this. Lockdown the whole system.  
2738 Lady Liberty, lower your lamp; cover up your palm, and take a  
2739 seat, because terrorists got in once, which is enough to keep  
2740 everyone out, from the computer programmer to the ski  
2741 instructor to the refugee fleeing systematic violence.

2742 The new steps and routines in this bill, U.S.C.I.S.  
2743 estimates, will require millions of new interviews.

2744 Interviews could be required for routine adjudication, such as  
2745 a change of status from student to an employment-based, non-  
2746 immigrant category, or temporary protected status. There are  
2747 300,000 people who have temporary protective status in the  
2748 United States, and they must reapply routinely every year. To  
2749 do 300,000 more a year, it would require U.S.C.I.S. to hire  
2750 thousands of new officers. You think the TSA is bad? Wait  
2751 until you hear from your pals at the Chamber of Commerce when  
2752 it comes to their complaint about immigrations for their  
2753 employees. Your bill would add months, if not years, on top  
2754 of already lengthy processing delays. According to U.S.C.I.S.  
2755 website, the current processing time for a naturalization  
2756 application at New York, Chicago, Washington D.C., is  
2757 approximately 8 to 9 months.

2758         We cannot add another 6 months so that someone can become  
2759 a citizen of the United States. Like Mr. Trump, the Republican  
2760 nominee, this bill treats all immigrants and visa applicants  
2761 with suspicion, like they are criminals or rapists. This  
2762 amendment, by requiring U.S.C.I.S. to conduct interviews in  
2763 cases where there are foreign or national security triggers,  
2764 or otherwise where the agency determines it necessary, would  
2765 ensure that resources are targeted. We need risk-based  
2766 approaches to national security immigration vetting, but the  
2767 interview requirement in this bill, as introduced, is a blunt  
2768 hammer. It could result in agency resources and attention

2769 being diverted from cases where real threats to our Nation are  
2770 being presented.

2771 Chairman Goodlatte. I think you are yielding back, but  
2772 the gentleman from Virginia, for what purpose do you seek  
2773 recognition?

2774 Mr. Forbes. I move to strike the last word.

2775 Chairman Goodlatte. Gentleman is recognized for 5  
2776 minutes.

2777 Mr. Forbes. Mr. Chairman, I oppose the amendment and  
2778 urge my colleagues to do the same, and I want to try to  
2779 distinguish from the political rant that we just heard to  
2780 actually looking at what the bill said. Then I --

2781 Mr. Gutierrez. [inaudible]

2782 Mr. Nadler. Well, Chairman, regular order --

2783 Chairman Goodlatte. The gentleman from Virginia has the  
2784 time. The gentleman can characterize statements.

2785 Mr. Gutierrez. I want that on the record.

2786 Mr. Nadler. Mr. Chairman, I call for the regular order.

2787 The gentleman from Illinois is out of order.

2788 Chairman Goodlatte. No, no. No.

2789 Mr. Gutierrez. Regular order.

2790 Chairman Goodlatte. No, I am not. No, I am not. The  
2791 gentleman -- the gentleman will be in order.

2792 Mr. Gutierrez. I will be in order when you're in order.

2793 Chairman Goodlatte. I am in order.

2794 Mr. Gutierrez. Okay, then I'll be in order. I object.  
2795 Chairman Goodlatte. I hear your objection. Your  
2796 objection is overruled. The gentleman may continue.  
2797 Mr. Gutierrez. I object. I object.  
2798 Mr. Nadler. Mr. Chairman?  
2799 Chairman Goodlatte. I did not say you could not object.  
2800 Mr. Nadler Mr. Chairman?  
2801 Chairman Goodlatte. For what purpose the gentleman from  
2802 New York seek recognition?  
2803 Mr. Nadler. I think the proper procedural motion is to  
2804 take down the gentleman's words.  
2805 Chairman Goodlatte. That motion has not been made.  
2806 Mr. Gutierrez. I move to take down the gentleman's words.  
2807 Chairman Goodlatte. The motion is not timely. The  
2808 gentleman is out of order. The gentleman from Virginia may  
2809 proceed.  
2810 Mr. Forbes. Chairman, thank you. What we are going to  
2811 do is try to look at the actual facts that are in here. What  
2812 the gentleman has said is that we want to do in person  
2813 interviews when we already know what could have been determined  
2814 by the in person interviews that we did not do. Because  
2815 basically a highly-trained counselor officer can often note  
2816 discrepancies in the interview that would open a line of  
2817 inquiry and lead to the denial of the visa. But what the  
2818 gentleman is arguing is that we should only do them when we

2819 actually know there is fraud. When it became apparent that  
2820 the State Department Bureau of Counselor Affairs did not  
2821 exercise their discretion to conduct in person interviews with  
2822 the 9/11 terrorists prior to issuing them visas, Congress  
2823 required such interviews for the vast majority of visa  
2824 applicants. We did so because as any law enforcement official  
2825 will tell you, a face-to-face interview is perhaps the best  
2826 way to determine mal intent on the part of a person being  
2827 interviewed. Even Counselor Affairs officials have noted the  
2828 immense importance of an in person interview in the visa  
2829 issuance process.

2830 In 2011, then then-acting Deputy Assistant Secretary of  
2831 Counselor Affairs noted in Congressional testimony that  
2832 despite a fraudulent document being submitted a highly-trained  
2833 counselor officer can often note discrepancies in the  
2834 interview that would open a line of inquiry and lead to the  
2835 denial of a visa. While U.S.C.I.S. does require in person  
2836 interviews in order to obtain some immigration benefits, it  
2837 does not do so for all such benefits. But rampant fraud and  
2838 national security concerns necessitate that the in person  
2839 interview requirement to which we subject visa applicant at  
2840 the State Department level also be applied at the immigration  
2841 benefit level. Once again, Mr. Chairman, as I have said all  
2842 throughout this process, reasonable people can disagree; we  
2843 think this is a balanced, common sense approach to simply say

2844 we want someone actually doing the interview. And let me also  
2845 point out we are only talking about the initial application  
2846 process. This is not as the gentleman mentioned every single  
2847 application along the way. And with that, Mr. Chairman, I  
2848 yield back the balance of my time.

2849 Chairman Goodlatte. The question occurs on the amendment  
2850 offered by the gentleman from Illinois.

2851 All those in favor respond by saying aye.

2852 Those opposed no.

2853 In the opinion of the chair, the noes have it. The  
2854 amendment is not agreed to.

2855 Mr. Gutierrez. May I ask for a recorded vote?

2856 Chairman Goodlatte. A record of vote is requested. The  
2857 clerk will call the roll.

2858 Ms. Adcock. Mr. Goodlatte.

2859 Chairman Goodlatte. No.

2860 Ms. Adcock. Mr. Goodlatte votes no. Mr. Sensenbrenner.

2861 Mr. Sensenbrenner. No.

2862 Ms. Adcock. Mr. Sensenbrenner votes no.

2863 Mr. Smith.

2864 [No response.]

2865 Mr. Chabot.

2866 Mr. Chabot. No.

2867 Ms. Adcock. Mr. Chabot votes no.

2868 Mr. Issa?

2869 [No response.]  
2870 Mr. Forbes?  
2871 Mr. Forbes. No.  
2872 Ms. Adcock. Mr. Forbes votes no.  
2873 Mr. King?  
2874 [No response.]  
2875 Mr. Franks?  
2876 [No response.]  
2877 Mr. Gohmert.  
2878 Mr. Gohmert. No.  
2879 Ms. Adcock. Mr. Gohmert votes no.  
2880 Mr. Jordan.  
2881 [No response.]  
2882 Mr. Poe.  
2883 [No response.]  
2884 Mr. Chaffetz.  
2885 [No response.]  
2886 Mr. Marino.  
2887 Mr. Marino. No.  
2888 Ms. Adcock. Mr. Marino votes no.  
2889 Mr. Gowdy.  
2890 [No response.]  
2891 Mr. Labrador.  
2892 Mr. Labrador. No.  
2893 Ms. Adcock. Mr. Labrador votes no.

2894 Mr. Farenthold.  
2895 [No response.]  
2896 Mr. Collins.  
2897 [No response.]  
2898 Mr. DeSantis.  
2899 [No response.]  
2900 Ms. Walters.  
2901 Ms. Walters. No.  
2902 Ms. Adcock. Ms. Walters votes no.  
2903 Mr. Buck.  
2904 Mr. Buck. No.  
2905 Ms. Adcock. Mr. Buck votes no.  
2906 Mr. Ratcliffe.  
2907 [No response.]  
2908 Mr. Trott.  
2909 Mr. Trott. No.  
2910 Ms. Adcock. Mr. Trott votes no.  
2911 Mr. Bishop?  
2912 Mr. Bishop. No.  
2913 Ms. Adcock. Mr. Bishop votes no.  
2914 Mr. Conyers.  
2915 Mr. Conyers. Aye.  
2916 Ms. Adcock. Mr. Conyers votes aye.  
2917 Mr. Nadler.  
2918 Mr. Nadler. Aye.

2919 Ms. Adcock. Mr. Nadler votes aye.  
2920 Ms. Lofgren.  
2921 [No response.]  
2922 Ms. Jackson Lee.  
2923 Ms. Jackson Lee. Aye.  
2924 Ms. Adcock. Ms. Jackson Lee votes aye.  
2925 Mr. Cohen.  
2926 [No response.]  
2927 Mr. Johnson.  
2928 Mr. Johnson. Aye.  
2929 Ms. Adcock. Mr. Johnson votes aye.  
2930 Mr. Pierluisi.  
2931 [No response.]  
2932 Ms. Chu.  
2933 Ms. Chu. Aye.  
2934 Ms. Adcock. Ms. Chu votes aye.  
2935 Mr. Deutch.  
2936 [No response.]  
2937 Mr. Gutierrez.  
2938 Mr. Gutierrez. Aye.  
2939 Ms. Adcock. Mr. Gutierrez votes aye.  
2940 Ms. Bass.  
2941 [No response.]  
2942 Mr. Richmond.  
2943 [No response.]

2944 Ms. DelBene.

2945 Ms. DelBene. Aye.

2946 Ms. Adcock. Ms. DelBene votes aye.

2947 Mr. Jeffries.

2948 Mr. Jeffries. Aye.

2949 Ms. Adcock. Mr. Jeffries votes aye.

2950 Mr. Cicilline.

2951 Mr. Cicilline. Aye.

2952 Ms. Adcock. Mr. Cicilline votes aye.

2953 Mr. Peters.

2954 [No response.]

2955 Chairman Goodlatte. The gentleman from Arizona.

2956 Mr. Franks. No.

2957 Ms. Adcock. Mr. Franks votes no.

2958 Chairman Goodlatte. Has every member voted who wishes to

2959 vote? Clerk will report.

2960 Ms. Adcock. Mr. Chairman, nine members voted aye. 12

2961 members voted no.

2962 Chairman Goodlatte. And the amendment is not agreed to.

2963 Are there further amendments to H.R. 5203?

2964 Ms. Jackson Lee. Mr. Chairman?

2965 Chairman Goodlatte. What purpose does the gentlewoman

2966 from Texas seek recognition?

2967 Ms. Jackson Lee. Chairman, I have an amendment. It is

2968 amendment number 17. We had unfinished business before the

2969 break. I believe that we have reached an agreement on the  
2970 structure of the amendment.

2971 Chairman Goodlatte. Clerk will report the amendment.

2972 Ms. Adcock. Amendment to H.R. 5203 offered by Ms. Jackson  
2973 Lee of Texas. Page 6, line 18, strike any such and all that  
2974 follows through line 19 --

2975 [The amendment of Mr. Gutierrez follows:]

2976 \*\*\*\*\* INSERT 9 \*\*\*\*\*

2977 Chairman Goodlatte. Without objection, the amendment is  
2978 considered as read. The gentlewoman is recognized for 5  
2979 minutes on her amendment.

2980 Ms. Jackson Lee. I thank you, Mr. Chairman. I have  
2981 raised concerns about the underlying bill, but I recognize  
2982 that if the bill is to be structurally sound, we can have a  
2983 backlog and a clog of unparalleled amounts if we are depending  
2984 on individuals of economic means that would not be able to  
2985 match and pay for this genetic testing.

2986 So my amendment would require the Department of Homeland  
2987 Security establish fee guidelines for any expenses associated  
2988 with genetic testing taking into consideration the ability of  
2989 the petitioner or applicant to pay. Many of these individuals  
2990 may be refugees. We have taken in refugees for decades. We  
2991 have taken them in safely and securely.

2992 They have later become statused onward to citizenship. I  
2993 have seen their emotional statements and been with them as  
2994 they have finally taken the oath of office as a citizen. Some  
2995 of them may go onto the United States military. They love  
2996 this country.

2997 But this structure of this bill now would effectively  
2998 treat all immigrants, temporary visa applicants, as if they  
2999 are criminals even if the individual is an immediate relative  
3000 of a U.S. citizen, a spouse of a member of the U.S. Armed  
3001 Forces, or a skilled worker who has been legally studying and

3002 living in the United States, of which I have heard many  
3003 Republicans say we want them to stay here. All of those who  
3004 are now building huge companies in Silicon Valley. And living  
3005 in the United States with no criminal record for over a decade.

3006 My amendments would alleviate significant concerns with  
3007 this bill; notably, the requirement's previous amendment on  
3008 DNA testing at the expense of the petitioner for all  
3009 applications and petitions predicated on biological  
3010 relationship.

3011 I also on the 17 -- I was just reviewing my previous  
3012 amendment -- would require the Department of Homeland Security  
3013 to establish a fee guideline for any expenses associated with  
3014 the genetic testing part of this legislation taking into  
3015 consideration the ability of the petitioner or applicant to  
3016 pay. H.R. 5203 does nothing to account for the enormous cost  
3017 of DNA testing for those low-income individuals who again are  
3018 coming from very serious circumstances.

3019 Currently, DNA testing may cause more than \$500 test per  
3020 person. This cost will have to be assumed by many low-income  
3021 families including members of the U.S. Armed Forces, refugees,  
3022 asylees, and survivors of domestic violence and trafficking  
3023 who are already struggling to make ends meet.

3024 In addition to the test cost, families living in remote  
3025 locations will have the additional burden of ensuing a travel  
3026 cost required to complete the genetic testing obligation. By

3027 having the Department of Homeland Security establish  
3028 guidelines for DNA testing fees which would take into  
3029 consideration the applicant's ability to pay, the financial  
3030 burden of this amendment will be ameliorated and will not be  
3031 disproportionately a burden on low-income families.

3032 I, again, say we do not want to see any more San  
3033 Bernardinos, but we want bills that are going to respond to  
3034 that particular crisis among others. Now that we have this  
3035 bill in place, I do think my amendment on the DHS is an  
3036 important contribution, and I have asked my colleagues to  
3037 support this amendment. I yield back.

3038 Chairman Goodlatte. The chair thanks gentlewoman. What  
3039 purpose does the gentleman from Virginia seek recognition?

3040 Mr. Forbes. I move to strike the last word.

3041 Chairman Goodlatte. Gentleman is recognized for 5  
3042 minutes.

3043 Mr. Forbes. Thank you, Mr. Chairman. Mr. Chairman, I  
3044 oppose this amendment. And first of all I want to address the  
3045 fact that DNA treats people as if they are criminals. If we  
3046 took that position, then the current administration  
3047 requirement that DNA testing be used in essential American  
3048 Minors Program would be treating those individuals as  
3049 criminals, and I certainly do not think that that is what the  
3050 administration is doing, or that is the effect of their DNA  
3051 testing.

3052           The second thing is if you look at the way this amendment  
3053 is worded, I do not really understand totally what it means,  
3054 but I secondly do not understand how it could be enforced. It  
3055 says the Secretary of Homeland Security shall establish fee  
3056 guidelines for any expenses associated with the genetic test  
3057 taking into consideration the ability of the petitioner or  
3058 applicant to pay.

3059           Well, how is the Secretary of Homeland Security going to  
3060 force guidelines -- fee guidelines -- on private entities that  
3061 may be doing these testing or other countries that may be doing  
3062 this kind of testing? They could not do it. Secondly, how  
3063 would the fee structure even work based on the ability of the  
3064 petitioner or the applicant to pay? Department of Homeland  
3065 Security does not have that right to impose that burden on  
3066 other entities that would be doing this testing. So with all  
3067 of that said, Mr. Chairman, I hope that we will --

3068           Ms. Jackson Lee. Will the gentleman yield?

3069           Mr. Forbes. I will be happy to yield.

3070           Ms. Jackson Lee. I appreciate the gentleman's inquiry.  
3071 I think those are important inquiries. As I understand it,  
3072 they would be testing on the basis of meeting Federal  
3073 requirements or requirements dealing with a visa. And so as  
3074 other private entities who have to operate under code of law  
3075 or Federal law, though they may be a contractor, then they  
3076 would simply follow the fee guidelines that would be given by

3077 the DHS dealing with these under the criteria of the ability  
3078 of the petitioner to pay.

3079 If the petitioner had 10 family members, I mean, that is  
3080 obviously an extreme. They would be able to deal with that.  
3081 If the petitioner came recently from a refugee camp and was  
3082 still in the status of seeking an asylum and was not able to  
3083 meet those tests, the DHS is at most position to be able to  
3084 assess that.

3085 Mr. Forbes. But would the gentlelady -- I do not want to  
3086 cut her off.

3087 Ms. Jackson Lee. I will just finish my sentence then  
3088 yield back to you. And so I think that would be an easy fix  
3089 to -- an easy process for the DHS to abide that to whoever the  
3090 contractor is dealing with the testing because they are doing  
3091 it under code of Federal law. I yield back.

3092 Mr. Forbes. Thank you. I thank the gentlelady for her  
3093 response, but the reality is that many of these tests would be  
3094 done in other countries, not in the United States. The testing  
3095 would not be taking place here. The Secretary of Homeland  
3096 Security would not have the ability to impose those guidelines  
3097 because it is not something the Federal government is paying  
3098 for or authorizing. It is something these individuals are  
3099 acquiring and paying for outside of those parameters, so it  
3100 would be a totally different situation.

3101 Again, I do not know how the Secretary of Homeland

3102 Security would have the authority or the ability to impose  
3103 these kind of fees on other entities. And then I would say it  
3104 would be more problematic because what would happen then --  
3105 what happens if they have to pay more and they bring that DNA  
3106 test to get their visa application? Does the individual that  
3107 is doing the interview then say I cannot accept it because  
3108 this is outside the fee arrangement? So I think with all of  
3109 that once again, Mr. Chairman, I hope we will reject this  
3110 amendment and stick with the underlying bill. And with that  
3111 I yield. I yield back.

3112 Chairman Goodlatte. What purpose does the gentleman from  
3113 Georgia seek recognition?

3114 Mr. Johnson. Move to strike the last word.

3115 Chairman Goodlatte. Gentleman is recognized for 5  
3116 minutes.

3117 Mr. Johnson. Mr. Chairman, I yield to the gentlelady  
3118 from Texas.

3119 Ms. Jackson Lee. Thank you. To the gentleman's point,  
3120 there are family members here in the United States that are  
3121 going to be required to have the DNA testing, so I guess the  
3122 underlying bill needs to have a modification of which this  
3123 amendment offers to ensure that there is some recognition of  
3124 the potential exorbitant cost that will have to be addressed  
3125 and to set the kinds of fee guidelines that can both be  
3126 guidance for DNA testing here and be guidance for DNA testing

3127 elsewhere.

3128 I can assure most persons that if these individuals are  
3129 testing overseas in certain jurisdictions, they will probably  
3130 be going to one entity because that is what happens with  
3131 business. When they see an opportunity, there is probably  
3132 going to be just like passport picture taking people, and they  
3133 can be -- they can fall under the guidelines. There could be  
3134 guidance that could be because that is what this amendment  
3135 says. That will be helpful to not eliminate people simply  
3136 because of the cost issue. So I ask my colleagues to support  
3137 the Jackson Lee amendment. I yield. I yield back to the  
3138 gentleman.

3139 Chairman Goodlatte. The chair thanks the gentlewoman and  
3140 the gentleman.

3141 The question occurs on the amendment offered by the  
3142 gentlewoman from Texas.

3143 All those in favor respond by saying aye.

3144 Those opposed no.

3145 In the opinion of the chair, the noes have it. A roll  
3146 call vote is requested, and the clerk will call the role.

3147 Ms. Adcock. Mr. Goodlatte?

3148 Chairman Goodlatte. No.

3149 Ms. Adcock. Mr. Goodlatte votes no.

3150 Mr. Sensenbrenner?

3151 Mr. Sensenbrenner. No.

3152 Ms. Adcock. Mr. Sensenbrenner votes no.  
3153 Mr. Smith?  
3154 [No response.]  
3155 Mr. Chabot?  
3156 Mr. Chabot. No.  
3157 Ms. Adcock. Mr. Chabot votes no.  
3158 Mr. Issa?  
3159 [No response.]  
3160 Mr. Forbes?  
3161 Mr. Forbes. No.  
3162 Ms. Adcock. Mr. Forbes votes no.  
3163 Mr. King?  
3164 [No response.]  
3165 Mr. Franks?  
3166 [No response.]  
3167 Mr. Gohmert?  
3168 [No response.]  
3169 Mr. Jordan?  
3170 [No response.]  
3171 Mr. Poe?  
3172 [No response.]  
3173 Mr. Chaffetz?  
3174 [No response.]  
3175 Mr. Marino?  
3176 [No response.]

3177 Mr. Gowdy?  
3178 [No response.]  
3179 Mr. Labrador?  
3180 Mr. Labrador. No.  
3181 Ms. Adcock. Mr. Labrador votes no.  
3182 Mr. Farenthold?  
3183 [No response.]  
3184 Mr. Collins?  
3185 [No response.]  
3186 Mr. DeSantis?  
3187 [No response.]  
3188 Ms. Walters?  
3189 Ms. Walters. No.  
3190 Ms. Adcock. Ms. Walters votes no.  
3191 Mr. Buck?  
3192 Mr. Buck. No.  
3193 Ms. Adcock. Mr. Buck votes no.  
3194 Mr. Ratcliffe?  
3195 [No response.]  
3196 Mr. Trott?  
3197 Mr. Trott. No.  
3198 Ms. Adcock. Mr. Trott votes no.  
3199 Mr. Bishop?  
3200 Mr. Bishop. No.  
3201 Ms. Adcock. Mr. Bishop votes no.

3202 Mr. Conyers?

3203 Mr. Conyers. Aye.

3204 Ms. Adcock. Mr. Conyers votes aye.

3205 Mr. Nadler?

3206 Mr. Nadler. Aye.

3207 Ms. Adcock. Mr. Nadler votes aye.

3208 Ms. Lofgren?

3209 Ms. Lofgren. Aye.

3210 Ms. Adcock. Ms. Lofgren votes aye.

3211 Ms. Jackson Lee?

3212 Ms. Jackson Lee. Aye.

3213 Ms. Adcock. Ms. Jackson Lee votes aye.

3214 Mr. Cohen?

3215 [No response.]

3216 Mr. Johnson?

3217 Mr. Johnson. Aye.

3218 Ms. Adcock. Mr. Johnson votes aye.

3219 Mr. Pierluisi?

3220 [No response.]

3221 Ms. Chu?

3222 Ms. Chu. Aye.

3223 Ms. Adcock. Ms. Chu votes aye.

3224 Mr. Deutch?

3225 [No response.]

3226 Mr. Gutierrez?

3227 [No response.]

3228 Ms. Bass?

3229 [No response.]

3230 Mr. Richmond?

3231 [No response.]

3232 Ms. DelBene?

3233 Ms. DelBene. Aye.

3234 Ms. Adcock. Ms. DelBene votes aye.

3235 Mr. Jeffries?

3236 Mr. Jeffries. Aye.

3237 Ms. Adcock. Mr. Jeffries votes aye.

3238 Mr. Cicilline?

3239 Mr. Cicilline. Aye.

3240 Ms. Adcock. Mr. Cicilline votes aye.

3241 Mr. Peters?

3242 [No response.]

3243 Mr. Issa. No.

3244 Ms. Adcock. Mr. Issa votes no.

3245 Chairman Goodlatte. Gentleman from Pennsylvania.

3246 Mr. Marino. No.

3247 Chairman Goodlatte. Gentleman from Texas.

3248 Mr. Gohmert. No.

3249 Ms. Adcock. Mr. Gohmert votes no.

3250 Chairman Goodlatte. Gentleman from Arizona.

3251 Mr. Franks. No.

3252 Ms. Adcock. Mr. Franks votes no.

3253 Chairman Goodlatte. Has every member voted who wishes to  
3254 vote?

3255 Ms. Jackson Lee. Mr. Chairman?

3256 Chairman Goodlatte. For what purpose does the  
3257 gentlewoman from Texas seek --

3258 Ms. Jackson Lee. Could I have mine recorded?

3259 Ms. Adcock. Aye.

3260 Ms. Jackson Lee. Thank you.

3261 Chairman Goodlatte. The clerk will report.

3262 Ms. Adcock. Mr. Chairman, 9 members voted aye, 13 members  
3263 voted no.

3264 Chairman Goodlatte. And the amendment is not agreed to.

3265 Are there further amendments to H.R. 5203?

3266 Ms. Chu. Mr. Chairman, I have an amendment at the desk.

3267 Chairman Goodlatte. The clerk will report the amendment  
3268 of Ms. Chu.

3269 Ms. Adcock. Amendment to H.R. 5203 offered by Ms. Chu of  
3270 California. Page 6, line 7, insert after the period the  
3271 following --

3272 [The amendment follows:]

3273 \*\*\*\*\* INSERT 10 \*\*\*\*\*

3274 Chairman Goodlatte. Without objection, the amendment is  
3275 considered as read and the gentlewoman is recognized for 5  
3276 minutes on her amendment.

3277 Ms. Chu. Mr. Chairman, the amendment that I offer today  
3278 would require the Department of Homeland Security to establish  
3279 procedural safeguards to protect victims of domestic abuse  
3280 prior to conducting social media screenings in the immigration  
3281 process. I am introducing this amendment because these  
3282 safeguards are necessary to prevent abusers using social media  
3283 to deny victims the opportunity to obtain the humanitarian  
3284 immigration relief that they otherwise deserve.

3285 While reviewing social media postings should be a part of  
3286 every immigration and visa education, social media has opened  
3287 the door to new ways for abusers to keep control over the  
3288 victims. Abusers routinely use social networks to stalk,  
3289 harass, and gain information about their victims. Unbeknownst  
3290 to victims, abusers can post information about them, including  
3291 information on their friends, family, including children and  
3292 current and former partners, employers, churches, and  
3293 community groups, schools, government, and others.  
3294 Unbelievably, this bill does nothing to prevent this type of  
3295 abuse from infiltrating the visa review process.

3296 Personal information is increasingly ending up online.  
3297 While many of us have concerns over security and privacy and  
3298 social media, victims of domestic violence, sexual violence,

3299 and stalking have even more complex safety risks and concerns  
3300 when their personal information ends up on the internet. The  
3301 underlying bill does nothing to deal with situations where an  
3302 abuser may impersonate a victim with a new social media profile  
3303 or hijack a victim's existing social media profile.

3304 In the social media age, where images and posts are  
3305 increasingly scrutinized, perpetrators can devastate their  
3306 victims, often partners or ex-partners psychologically,  
3307 socially, and financially while remaining cloaked in anonymity  
3308 from cyberspace. We should not give this type of abuse free  
3309 reign in the visa process. Research conducted by the U.S.  
3310 Department of Justice found that more than one in four stalking  
3311 victims reported suffering some form of cyber stalking. The  
3312 majority of these victims identify the online stalker as a  
3313 former intimate partner.

3314 This threat is real, and if not dealt with properly,  
3315 deserving immigrants may be denied their visas and, worse,  
3316 remain vulnerable to their abusers. My amendment would ensure  
3317 that victims of domestic abuse are not further victimized by  
3318 this well-intentioned but ill-conceived legislation. I urge  
3319 my colleagues to support this amendment. I yield back.

3320 Chairman Goodlatte. The chair thanks the gentlewoman.  
3321 For what purpose does the gentleman from Virginia seek  
3322 recognition?

3323 Mr. Forbes. Move to strike the last word.

3324 Chairman Goodlatte. The gentleman is recognized for 5  
3325 minutes.

3326 Mr. Forbes. Chairman, I hope we will oppose this  
3327 amendment, and I urge my colleagues to do so. First of all,  
3328 anything that is within this bill, the so-called stalkers or  
3329 anybody else could get access to anyway because it is all  
3330 publicly available. There is no additional information that  
3331 these interviewers are going to be able to get than anybody  
3332 who wanted to get that publicly could already get.

3333 Anything found by these interviewers would go into the  
3334 application and that application is included under the Privacy  
3335 Act and, therefore, inaccessible to anybody else or anybody in  
3336 the public. So, this amendment is totally unnecessary because  
3337 it tries to deal with a problem that does not exist, and with  
3338 that Ms. Chairman, I yield back.

3339 Ms. Jackson Lee. Mr. Chairman?

3340 Chairman Goodlatte. For what purpose does the  
3341 gentlewoman from Texas seek recognition?

3342 Ms. Jackson Lee. Mr. Chairman, I have served on this  
3343 committee for a very long time, and that means I have a  
3344 historical perspective. I am remembering in the early days of  
3345 the Violence Against Women Act, and the enormity of domestic  
3346 violence, domestic abuse -- sometimes men, many times women,  
3347 and the sense of urgency to try to protect those victims who  
3348 in years past, had no place to go.

3349           Even today, we are hearing stories over and over again  
3350 regarding women who have no place to go or whose protection  
3351 order is ignored and they wind up dead. Many of those cases  
3352 are in our respected districts. Certainly, they are in my  
3353 district. When an individual came and killed a husband and  
3354 wife, of course, the wife had been in his life and five  
3355 children.

3356           Another incident with a boyfriend or ex-partner of a woman  
3357 came and killed, again, the husband and wife and all the  
3358 children except one. I think it was four or five. This is  
3359 about life and death, and information going out on domestic  
3360 violence or seeping out on domestic violence puts the  
3361 individual in jeopardy.

3362           I rise to support the gentlelady's amendment because in  
3363 every committee that I have been on, we have taken the issue  
3364 of domestic abuse, domestic violence very, very, very  
3365 seriously, and if this amendment can simply add to the security  
3366 of those who are most vulnerable, including that individual's  
3367 children, in many instances, are also vulnerable to that  
3368 information being released, then I think this committee can do  
3369 nothing less and follow in the tradition of what we have had  
3370 in the past and pass this amendment. This is not a partisan  
3371 amendment. I would be happy to yield to the gentlelady if she  
3372 desires.

3373           Mr. Forbes. Would the gentlelady yield to me if you do

3374 not have any additional response or?

3375 Ms. Jackson Lee. Yeah. Let me finish, and I will be  
3376 happy to yield to the gentleman. So, I think this is not an  
3377 undermining of the bill. I think this should be a bipartisan  
3378 amendment, and I would hope my colleagues on both sides of the  
3379 aisle would support the amendment of this gentlelady from  
3380 California, Ms. Chu, and I will be happy to yield to the  
3381 gentleman while reserving my time. I am happy to yield to the  
3382 gentleman.

3383 Mr. Forbes. And I would just ask the gentlelady if you  
3384 could help me understand what information this bill is putting  
3385 out there that would not already exist and why you need that  
3386 kind of privacy protection because there is no information  
3387 that is being put out there that would not already be out in  
3388 the public domain.

3389 Ms. Jackson Lee. And to reclaim my time, I would be happy  
3390 to answer the gentleman from just the perspective of being a  
3391 practicing lawyer as the gentleman may be. I am not sure, but  
3392 to say to you what can go wrong would go wrong. What this  
3393 bill is -- what this amendment is, this amendment is an armor,  
3394 because in all of our laws, you are dealing with individuals  
3395 who may be domestically abused who have suffered violence, who  
3396 are seeking asylum, they are an immigrant. We have done some  
3397 laws dealing with protecting immigrants, that they can leave  
3398 the home of the status person so they can be protected.

3399           We have done that in human trafficking so that they can  
3400 be protected, and they are not statused, because information  
3401 can seep out and these individuals will be in jeopardy. What  
3402 I am saying to you, any manner of scenarios, we have looked at  
3403 in bills that have been passed by this committee to protect  
3404 those who might be vulnerable and subject to domestic violence,  
3405 so I am saying to you that this is a simple provision to ensure  
3406 that we will not have that kind of leak of information in the  
3407 asylum process.

3408           All of this information that we are now requesting,  
3409 information getting out that might jeopardize immigrants,  
3410 asylum seekers, refugees, and others that may be subjected to  
3411 this new form by them seeking visas to be statused and, of  
3412 course, this is a legal process. Let's have all the legal  
3413 protections that we possibly can. Why would this hurt the  
3414 bill? I ask my colleagues to support the bill, and I yield  
3415 back.

3416           Chairman Goodlatte. For what purpose does the gentleman  
3417 from Georgia seek recognition?

3418           Mr. Johnson. I move to strike the last word.

3419           Chairman Goodlatte. The gentleman is recognized for 5  
3420 minutes.

3421           Mr. Johnson. I yield to the gentlelady from California.

3422           Ms. Chu. The problem is that the abuser could use this  
3423 as a tool, could impersonate somebody and post something on

3424 the social media to harass and to ruin the visa opportunities  
3425 of the domestic violence victims, and that is why there has to  
3426 be extra safeguards for the domestic violence victim.

3427 Mr. Forbes. Would the gentleman yield, I believe it is  
3428 still his time, the gentleman from Georgia, if the gentlelady  
3429 has completed her thoughts?

3430 Mr. Johnson. I will.

3431 Mr. Forbes. And I would appreciate at least  
3432 understanding, at least I guess the direction -- as I  
3433 understand it, what you are saying is that somebody may be  
3434 putting fraudulent material out that would then be utilized.  
3435 It is important to note that any information found would not  
3436 be determinative for adjudication, and they could always show  
3437 that that was dispositive of it and was not accurate  
3438 information.

3439 So, the fact that it is out there would not be conclusive.  
3440 It would simply be that you are looking to see what evidence  
3441 is out there. And with that, I thank the gentleman for  
3442 yielding me time and certainly yield back to him.

3443 Ms. Jackson Lee. Would you yield to me?

3444 Mr. Johnson. I yield to the gentlelady from Texas.

3445 Ms. Jackson Lee. I respect the gentleman's broad depth  
3446 of trust and confidence. We will not be everywhere these  
3447 applicants are coming. We will not be able to be supervising  
3448 all of the reviewers and assessors looking at information and

3449 determining that this information looks wrong or fraudulent or  
3450 this should not be analyzed or should not utilized.

3451 I simply make a plea for the gentlelady's amendment. It  
3452 is not a harmful amendment. It gives added protection to the  
3453 most vulnerable, and you just have to sit down with domestic  
3454 violence victims to understand that many times they are without  
3455 help. And if any of the abusers can take any advantage of  
3456 this process, why would we not want to give an extra framework  
3457 of defense, if you will, to this?

3458 I would encourage the gentlelady's amendment to be  
3459 accepted, or if she wants to engage in any reframing, but I am  
3460 supporting the gentlelady's amendment because I do not think  
3461 it has any undermining of this -- of the underlying bill, and  
3462 it is, it is a crucial amendment because you cannot be in place  
3463 when this process of which you are putting in place, this new  
3464 structure, you are not there -- when the interviews are being  
3465 taking place, where the information has been disseminated,  
3466 when information is coming forward, when the process is being  
3467 reviewed, we are not there. We do not know what is going to  
3468 be presented against the abused victim of domestic violence.  
3469 I ask my colleagues to support the Chu amendment. I yield  
3470 back.

3471 Chairman Goodlatte. The question occurs on the amendment  
3472 offered by the gentlewoman from California.

3473 All those in favor respond by saying aye.

3474 Those oppose no.

3475 In the opinion of the chair, the noes have it. The  
3476 amendment is not agreed to.

3477 Ms. Chu. Ask for a recorded vote.

3478 Chairman Goodlatte. A recorded vote is requested, and  
3479 the clerk will call the role.

3480 Ms. Adcock. Mr. Goodlatte.

3481 Chairman Goodlatte. No.

3482 Ms. Adcock. Mr. Goodlatte votes no.

3483 Mr. Sensenbrenner?

3484 Mr. Sensenbrenner. No.

3485 Ms. Adcock. Mr. Sensenbrenner votes no.

3486 Mr. Smith?

3487 [No response.]

3488 Mr. Chabot?

3489 Mr. Chabot. No.

3490 Ms. Adcock. Mr. Chabot votes no.

3491 Mr. Issa?

3492 [No response.]

3493 Mr. Forbes?

3494 Mr. Forbes. No.

3495 Ms. Adcock. Mr. Forbes votes no.

3496 Mr. King?

3497 [No response.]

3498 Mr. Franks?

3499 Mr. Franks. No.

3500 Ms. Adcock. Mr. Franks votes no.

3501 Mr. Gohmert?

3502 Mr. Gohmert. No.

3503 Ms. Adcock. Mr. Gohmert votes no.

3504 Mr. Jordan?

3505 [No response.]

3506 Mr. Poe?

3507 [No response.]

3508 Mr. Chaffetz?

3509 [No response.]

3510 Mr. Marino?

3511 Mr. Marino. No.

3512 Ms. Adcock. Mr. Marino votes no.

3513 Mr. Gowdy?

3514 [No response.]

3515 Mr. Labrador?

3516 Mr. Labrador. No.

3517 Ms. Adcock. Mr. Labrador votes no.

3518 Mr. Farenthold?

3519 [No response.]

3520 Mr. Collins?

3521 [No response.]

3522 Mr. DeSantis?

3523 Mr. DeSantis. No.

3524 Ms. Adcock. Mr. DeSantis votes no.  
3525 Ms. Walters?  
3526 Ms. Walter. No.  
3527 Ms. Adcock. Ms. Walters votes no.  
3528 Mr. Buck?  
3529 Mr. Buck. No.  
3530 Ms. Adcock. Mr. Buck votes no.  
3531 Mr. Ratcliffe?  
3532 Mr. Ratcliffe. No.  
3533 Ms. Adcock. Mr. Ratcliffe votes no.  
3534 Mr. Trott?  
3535 Mr. Trott. No.  
3536 Ms. Adcock. Mr. Trott votes no.  
3537 Mr. Bishop?  
3538 [No response.]  
3539 Mr. Conyers?  
3540 Mr. Conyers. Aye.  
3541 Ms. Adcock. Mr. Conyers votes aye.  
3542 Mr. Nadler?  
3543 [No response.]  
3544 Ms. Lofgren?  
3545 [No response.]  
3546 Ms. Jackson Lee?  
3547 Ms. Jackson Lee. Aye.  
3548 Ms. Adcock. Ms. Jackson Lee votes aye.

3549 Mr. Cohen?  
3550 [No response.]  
3551 Mr. Johnson?  
3552 Mr. Johnson. Aye.  
3553 Ms. Adcock. Mr. Johnson votes aye.  
3554 Mr. Pierluisi?  
3555 [No response.]  
3556 Ms. Chu?  
3557 Ms. Chu. Aye.  
3558 Ms. Adcock. Ms. Chu votes aye.  
3559 Mr. Deutch?  
3560 [No response.]  
3561 Mr. Gutierrez?  
3562 [No response.]  
3563 Ms. Bass?  
3564 [No response.]  
3565 Mr. Richmond?  
3566 Ms. DelBene?  
3567 Ms. DelBene. Aye.  
3568 Ms. Adcock. Ms. DelBene votes aye.  
3569 Mr. Jeffries?  
3570 Mr. Jeffries. Aye.  
3571 Ms. Adcock. Mr. Cicilline?  
3572 Mr. Cicilline. Aye.  
3573 Ms. Adcock. Mr. Cicilline votes aye.

3574 Mr. Peters?

3575 [No response.]

3576 Chairman Goodlatte. The gentleman from New York?

3577 Mr. Nadler. Aye.

3578 Ms. Adcock. Mr. Nadler votes aye.

3579 Chairman Goodlatte. The gentleman from Michigan?

3580 Mr. Bishop. No.

3581 Ms. Adcock. Mr. Bishop votes no.

3582 Chairman Goodlatte. Has every member voted who wishes to  
3583 vote? Clerk will report.

3584 Ms. Adcock. Mr. Chairman, 8 members voted aye, 14 members  
3585 voted no.

3586 Chairman Goodlatte. Are there further amendments to H.R.  
3587 5203? For the purpose of gentlewoman from Washington seek  
3588 recognition?

3589 Ms. DelBene. I have an amendment at the desk.

3590 Chairman Goodlatte. The clerk will report the amendment.

3591 Ms. Adcock. Amendment to H.R. 5203, offered by Ms.  
3592 DelBene, Page 6, strike paragraph 3.

3593 [The amendment of Ms. DelBene follows:]

3594 \*\*\*\*\* INSERT 11 \*\*\*\*\*

3595 Chairman Goodlatte. Without objection, the amendment is  
3596 considered as read, and the gentlewoman is recognized for 5  
3597 minutes on her amendment.

3598 Ms. DelBene. Thank you, Mr. Chair. My amendment would  
3599 strike the social media screening provision of the bill, and  
3600 replace it with a requirement that not later than 180 days  
3601 after enactment, the Department of Justice would do two things  
3602 -- one, complete a study on the methods and policies for  
3603 reviewing social media, and two, establish a method and a  
3604 policy for conducting social media reviews, in conjunction  
3605 with the Secretary of Homeland Security.

3606 This is very important because right now, the bill  
3607 provides no guidance on the scope or process for new social  
3608 media vetting requirements, other than specifying that it is  
3609 combined to publicly available interactions. And without  
3610 adequate direction on both the process and the scope of the  
3611 social media review requirement, agency resources would most  
3612 likely be poorly spent as adjudicators would struggle to  
3613 effectively review the vast amounts of public data that are  
3614 now available on various social media platforms.

3615 The Department of Homeland Security has also indicated  
3616 that the cost and time for manual social media vetting would  
3617 be astronomical. So, without proper guidance based on a  
3618 thorough study of the methods, policies, and best practices  
3619 for social media review, this bill risks denying visas to

3620 individuals who are also -- would, in fact, be eligible to  
3621 receive them.

3622       The bill also does not specifically contemplate  
3623 automation of social media screening. My amendment would  
3624 require that the Department of Justice and the Department of  
3625 Homeland Security collaborate to create a method and a policy,  
3626 in other words, a tool, to effectively screen social media.  
3627 So, without a screening tool, the bill would require the  
3628 agencies to deconflict common names, which may have to be done  
3629 manually or through a comparison of IP addresses and other  
3630 technical information.

3631       The tool could also help address translation challenges,  
3632 and social media searches right now produce large quantities  
3633 of data that have to be sifted through and resolved, and common  
3634 names could greatly prolong this process. So, developing  
3635 technologies that help that search be more efficient so that  
3636 agency resources are not wasted, and prevent immigration  
3637 backlogs from further bringing our immigration system would be  
3638 incredibly important.

3639       Also, the bill is silent on the recourse that individuals  
3640 will have in case there is incorrect social media conclusions  
3641 that are reached by the Department of Homeland Security or the  
3642 Department of State. So, for instance, what is the appellate  
3643 process? What will be available to applicants who would like  
3644 to contest agency findings on social media? What if someone

3645 happens to confuse two people who are not the same person but  
3646 might have the same name? Or if someone is using a nickname  
3647 that is similar? What is done when the social media  
3648 conclusions are completed? Are they retained? Is that  
3649 information retained in a government database? Will it be  
3650 passed onto other agencies for use in other investigations? I  
3651 think it is very, very important that we answer these questions  
3652 and that we make sure again that we have an effective and  
3653 efficient screening process. I think this is a very reasonable  
3654 amendment to help do that to make sure we are using resources  
3655 wisely and that we are making sure that we have an effective  
3656 process. So, I would ask for support for this amendment, and  
3657 I yield back.

3658 Chairman Goodlatte. The chair thanks to the gentlewoman.  
3659 For purposes of gentleman from Virginia seek recognition?

3660 Mr. Forbes. Mr. Chairman, I move to strike the last word.

3661 Chairman Goodlatte. The gentleman is recognized for 5  
3662 minutes.

3663 Mr. Forbes. Mr. Chairman, I oppose this amendment. I  
3664 urge my colleagues to do the same. As I have stated all day  
3665 today, reasonable people can disagree. I am sure the lady is  
3666 very reasonable in her approach. And I understand that  
3667 approach. Basically, what it comes down to is this -- should  
3668 we allow the interviewers to look at social media now to get  
3669 these projections of what could happen, or should we not?

3670           And what we do around here oftentimes is say we are going  
3671 to do a study which basically means we are waiting 6 more  
3672 months. Six more months we could have the risk that we missed  
3673 something that is incredibly important to the security of  
3674 Americans, to the security of our families here at home. And  
3675 while I appreciate the gentleladies wanting to do that, I do  
3676 not believe we should wait 6 months. I think we should go  
3677 ahead and do that now.

3678           The second thing, Mr. Chairman, I would say, and  
3679 gentlelady, is right to realize that the U.S.C.I.S.  
3680 interviewers could be wrong, but that could be wrong on a  
3681 number of different things. It is not just social media. It  
3682 is all kinds of conclusions they reach, and I do not think we  
3683 are putting into a process now where we want to have some kind  
3684 of appellate review of all of those things to say we are simply  
3685 going to have some review over what they see on social media  
3686 would not make sense, because that is part of the totality of  
3687 information that they are getting.

3688           So, Mr. Chairman, I think we have waited long enough to  
3689 get this implemented. I think it is important that we give  
3690 them the same opportunity to look at the same social media.  
3691 In fact, maybe even less than what employers do when they hire  
3692 individuals in the United States for employment and with that,  
3693 I hope that we will oppose the amendment and

3694           Ms. DelBene. Would the gentleman yield?

3695 Mr. Forbes. I would be happy to yield.

3696 Ms. DelBene. One, I just want to clarify, this would be  
3697 a requirement that we complete a study and come up with a  
3698 method and a policy for conducting social media reviews. It  
3699 is not an optional activity in the amendment. I also want to  
3700 say you could end up wasting 6 months by ineffectively  
3701 reviewing social media and having huge backlogs, versus being  
3702 able to expedite a process and creating an efficient process  
3703 that works and provides more correct data, as well as reducing  
3704 the number of inconsistencies that might happen. So I think  
3705 it is very, very important that this is about efficiency and  
3706 getting accurate information.

3707 Mr. Forbes. And I absolutely agree it is important to  
3708 get accurate information. I think that, on the one hand, that  
3709 we have heard today that many people saying that we do not  
3710 need to put these additional requirements on the interviewers  
3711 and mandate them because they do a good job, then we are saying  
3712 but now we are saying but now we are concerned that they are  
3713 not doing a good job with the information that they have.

3714 Again, I think it is important that we begin to use the  
3715 social media connection that we have the opportunities to do  
3716 that. And Mr. Chairman, while I respect the gentlelady and  
3717 her position, I hope we will oppose the amendment and stay  
3718 with the underlying language.

3719 Chairman Goodlatte. The question occurs on the amendment

3720 offered by the gentle woman from Washington.

3721 All those in favor respond by saying aye.

3722 All those opposed, no.

3723 In the opinion of the chair, the noes have it.

3724 Ms. DelBene. Can I have a recorded vote?

3725 Chairman Goodlatte. A recorded vote is requested, and

3726 the cleric will call roll.

3727 Ms. Adcock. Mr. Goodlatte?

3728 Mr. Goodlatte. No.

3729 Ms. Adcock. Mr. Goodlatte votes no.

3730 Mr. Sensenbrenner?

3731 Mr. Sensenbrenner. No.

3732 Ms. Adcock. Mr. Sensenbrenner votes no.

3733 Mr. Smith?

3734 [No response.]

3735 Mr. Chabot?

3736 Mr. Chabot. No.

3737 Ms. Adcock. Mr. Chabot votes no.

3738 Mr. Issa?

3739 Mr. Issa. No.

3740 Ms. Adcock. Mr. Issa votes no.

3741 Mr. Forbes?

3742 Mr. Forbes. No.

3743 Ms. Adcock. Mr. Forbes votes no.

3744 Mr. King?

3745 [No response.]  
3746 Mr. Franks?  
3747 [No response.]  
3748 Mr. Gohmert?  
3749 [No response.]  
3750 Mr. Jordan?  
3751 [No response.]  
3752 Mr. Poe?  
3753 [No response.]  
3754 Mr. Chaffetz?  
3755 [No response.]  
3756 Mr. Marino?  
3757 Mr. Marino. No.  
3758 Ms. Adcock. Mr. Marino votes no.  
3759 Mr. Gaudy?  
3760 [No response.]  
3761 Mr. Labrador?  
3762 Mr. Labrador. No.  
3763 Ms. Adcock. Mr. Labrador votes no.  
3764 Mr. Farenthold?  
3765 [No response.]  
3766 Mr. Collins?  
3767 [No response.]  
3768 Mr. DeSantis?  
3769 [No response.]

3770 Ms. Walters?

3771 Ms. Walters. No.

3772 Ms. Adcock. Ms. Walters votes no.

3773 Mr. Buck?

3774 Mr. Buck. No.

3775 Ms. Adcock. Mr. Buck votes no.

3776 Mr. Ratcliffe?

3777 Mr. Ratcliffe. No.

3778 Ms. Adcock. Mr. Ratcliffe votes no.

3779 Mr. Trott?

3780 Mr. Trott. No.

3781 Ms. Adcock. Mr. Trott votes no.

3782 Mr. Bishop?

3783 Mr. Bishop. No.

3784 Ms. Adcock. Mr. Bishop votes no.

3785 Mr. Conyers?

3786 Mr. Conyers. Aye.

3787 Ms. Adcock. Mr. Conyers votes aye.

3788 Mr. Nadler?

3789 Mr. Nadler. Aye.

3790 Ms. Adcock. Mr. Nadler votes aye.

3791 Ms. Lofgren?

3792 [No response.]

3793 Ms. Jackson Lee?

3794 Ms. Jackson Lee. Aye.

3795 Ms. Adcock. Ms. Jackson Lee votes aye.  
3796 Mr. Cohen?  
3797 [No response.]  
3798 Mr. Johnson?  
3799 Mr. Johnson. Aye.  
3800 Ms. Adcock. Mr. Johnson votes aye.  
3801 Mr. Pierluisi?  
3802 [No response.]  
3803 Ms. Chu?  
3804 [No response.]  
3805 Mr. Deutch?  
3806 [No response.]  
3807 Mr. Gutierrez?  
3808 [No response.]  
3809 Ms. Bass?  
3810 [No response.]  
3811 Mr. Richmond?  
3812 [No response.]  
3813 Ms. DelBene?  
3814 Ms. DelBene. Aye.  
3815 Ms. Adcock. Ms. DelBene votes aye.  
3816 Mr. Jeffries?  
3817 Mr. Jeffries. Aye.  
3818 Ms. Adcock. Mr. Jeffries votes aye.  
3819 Mr. Cicilline?

3820 Mr. Cicilline. Aye.

3821 Ms. Adcock. Mr. Cicilline votes aye.

3822 Mr. Peters?

3823 [No response.]

3824 Chairman Goodlatte. The gentleman from Arizona?

3825 Mr. Franks. No.

3826 Ms. Adcock. Mr. Franks votes no.

3827 Chairman Goodlatte. Gentleman from Texas?

3828 Mr. Gohmert. No.

3829 Ms. Adcock. Mr. Gohmert votes no.

3830 Chairman Goodlatte. Gentleman from Florida?

3831 Mr. DeSantis. No.

3832 Ms. Adcock. Mr. DeSantis votes no.

3833 Chairman Goodlatte. Has everybody voted who wishes to

3834 vote? The clerk will report. The gentlewoman from California?

3835 Ms. Chu. Aye.

3836 Ms. Adcock. Ms. Chu votes aye.

3837 Mr. Chairman, 8 members voted aye, 15 members voted no.

3838 Chairman Goodlatte. And the amendment is not agreed to.

3839 Are there further amendments to H.R. 5203? For what purpose

3840 does the gentlemen from Rhode Island seek recognition?

3841 Mr. Cicilline. Mr. Chairman, I have an amendment at the

3842 desk. The core report of the amendment.

3843 Ms. Adcock. Amendment to H.R. 5203, offered by Mr.

3844 Cicilline -- Page 6, line 18, strike any --

3845 [The amendment follows:]

3846 \*\*\*\*\* INSERT 12 \*\*\*\*\*

3847 Chairman Goodlatte. Without objection, the amendment is  
3848 considered as read, and the gentlemen has recognized for 5  
3849 minutes.

3850 Mr. Cicilline. Mr. Chairman, if I may ask, I actually  
3851 have two amendments, and if I may ask if the first amendment  
3852 be the one that begins on Page 6, line 18 -- I am sorry, I am  
3853 sorry, I apologize: Page 6 line 8.

3854 Chairman Goodlatte. I think that is the one we --

3855 Mr. Cicilline. Okay, terrific, thank you.

3856 Chairman Goodlatte. Gentleman is recognized for 5  
3857 minutes.

3858 Mr. Cicilline. Thank you Mr. Chairman. My amendment  
3859 would exempt family members of those serving in the United  
3860 States Armed Forces, refugees, asylees and victims of domestic  
3861 abuse, trafficking and other crimes for the mandatory DNA  
3862 testing requirement under section 2 of this legislation.

3863 Under section 2, DNA testing would be required at the  
3864 expense of the petitioner or applicant for all of these  
3865 applications predicated on a biological relationship. This  
3866 bill would not limit the use of DNA testing where most  
3867 appropriate, and preserve scarce resources and focus on  
3868 instances of real concern, but would require its use even when  
3869 there is no indication of fraud or other questions about the  
3870 family relationship.

3871 Particularly with respect to the men and women who serve

3872 in our military, there is no study or report that suggests  
3873 that there is endemic problem with fraud among the members of  
3874 the armed services petitioning for their spouses, parents,  
3875 children, or other family members. In short, this is a  
3876 solution in search of a problem.

3877 Members of our military, refugees, asylees, and victims  
3878 are already subject to extensive background checks as part of  
3879 their military service, or the immigrations screening process.  
3880 And in the context of those who serve in the military, they  
3881 are already aware that submitting a fraudulent petition for a  
3882 family member jeopardizes their ability to serve and risks  
3883 dishonorable discharge. Requiring them to take DNA tests  
3884 defense those who have served our country and risk their lives  
3885 on our behalf.

3886 This amendment will result -- this proposal rather will  
3887 result in unnecessary and excessive cost for each family based  
3888 immigration applicant and greater delays in visa processing.  
3889 In many instances, veterans and certainly members of  
3890 vulnerable populations lack the resources to pay for DNA  
3891 testing for each family member which may cost sometimes more  
3892 than \$500 per test.

3893 And I know that there was reference to a \$79 exam, but  
3894 that is a take home test, and we are talking about a test in  
3895 an accredited lab. For family members living in remote  
3896 locations abroad, travel to or access to a lab that conducts

3897 DNA testing may be prohibitively expensive.

3898       Ultimately, even within the more specific context of  
3899 family-based visa applications and petitions, section 2 of  
3900 this legislation is overly broad. It would impose significant  
3901 costs upon those who have already given so much to our country,  
3902 and those who can least afford it, those facing war, famine or  
3903 other kinds of persecution. So I urge my colleges to support  
3904 my amendment, and ease the burden of our veterans and members  
3905 of very vulnerable populations.

3906       Chairman Goodlatte. The chair thanks the gentleman. For  
3907 what purpose does the gentleman from Virginia seek  
3908 recognition?

3909       Mr. Forbes. I move to strike the last word.

3910       Chairman Goodlatte. The gentleman is recognized for 5  
3911 minutes.

3912       Mr. Forbes. Mr. Chairman, I oppose this amendment and  
3913 urge my colleges to do the same. If you believe, as I believe,  
3914 that DNA is a reasonable request to make sure that we do not  
3915 have fraud, then we should be able to use DNA across the board.

3916       Terrorists will use any method that they can, and we have  
3917 basically looked at this situation. When you talk about  
3918 refugees, we would be stopping programs that the  
3919 administration is currently requiring DNA on. And that would  
3920 be, I think, very counterproductive. I believe this is a  
3921 reasonable request, it is a reasonable thing for us to do to

3922 make sure we are defending and protecting the United States of  
3923 America. With that, I hope we will reject the amendment, I  
3924 yield back, Mr. Chairman.

3925 Chairman Goodlatte. The question occurs on the amendment  
3926 offered by the gentlemen from Rhode Island.

3927 All those in favor respond by saying aye.

3928 Those opposed, no.

3929 In the opinion of the chair, the noes have it, and the  
3930 amendment is not --

3931 Mr. Cicilline. Mr. Chairman, I would ask for a recorded  
3932 vote.

3933 Chairman Goodlatte. A recorded vote is requested, and  
3934 the clerk will call the roll.

3935 Ms. Adcock. Mr. Goodlatte?

3936 Chairman Goodlatte. No.

3937 Ms. Adcock. Mr. Goodlatte votes no.

3938 Mr. Sensenbrenner?

3939 Mr. Sensenbrenner. No.

3940 Ms. Adcock. Mr. Sensenbrenner votes no.

3941 Mr. Smith?

3942 [No response.]

3943 Mr. Chabot?

3944 Mr. Chabot. No.

3945 Ms. Adcock. Mr. Chabot votes no.

3946 Mr. Issa?

3947 [No response.]  
3948 Mr. Forbes?  
3949 Mr. Forbes. No.  
3950 Ms. Adcock. Mr. Forbes votes no.  
3951 Mr. King?  
3952 [No response.]  
3953 Mr. Franks?  
3954 Mr. Franks. No.  
3955 Ms. Adcock. Mr. Franks votes no.  
3956 Mr. Gohmert?  
3957 Mr. Gohmert. No.  
3958 Ms. Adcock. Mr. Gohmert votes no.  
3959 Mr. Jordan?  
3960 [No response.]  
3961 Mr. Poe?  
3962 [No response.]  
3963 Mr. Chaffetz?  
3964 [No response.]  
3965 Mr. Marino?  
3966 [No response.]  
3967 Mr. Gowdy?  
3968 [No response.]  
3969 Mr. Labrador?  
3970 Mr. Labrador. No.  
3971 Ms. Adcock. Mr. Labrador votes no.

3972 Mr. Farenthold?  
3973 [No response.]  
3974 Mr. Collins?  
3975 [No response.]  
3976 Mr. DeSantis?  
3977 Mr. DeSantis. No.  
3978 Ms. Adcock. Mr. DeSantis votes no.  
3979 Ms. Walters?  
3980 Ms. Walters. No.  
3981 Ms. Adcock. Ms. Walters votes no.  
3982 Mr. Buck?  
3983 Mr. Buck. No.  
3984 Ms. Adcock. Mr. Buck votes no.  
3985 Mr. Ratcliffe?  
3986 Mr. Ratcliffe. No.  
3987 Ms. Adcock. Mr. Ratcliffe votes no.  
3988 Mr. Trott?  
3989 Mr. Trott. No.  
3990 Ms. Adcock. Mr. Trott votes no.  
3991 Mr. Bishop?  
3992 Mr. Bishop. No.  
3993 Ms. Adcock. Mr. Bishop votes no.  
3994 Mr. Conyers?  
3995 [No response.]  
3996 Mr. Nadler?

3997 Mr. Nadler. Aye.

3998 Ms. Adcock. Mr. Nadler votes aye.

3999 Ms. Lofgren?

4000 Ms. Lofgren. Aye.

4001 Ms. Adcock. Ms. Lofgren votes aye.

4002 Ms. Jackson Lee?

4003 [No response.]

4004 Mr. Cohen?

4005 [No response.]

4006 Mr. Johnson?

4007 Mr. Johnson. Aye.

4008 Ms. Adcock. Mr. Johnson votes aye.

4009 Ms. Jackson Lee?

4010 Ms. Jackson Lee. Aye.

4011 Ms. Adcock. Ms. Jackson Lee votes aye.

4012 Mr. Pierluisi?

4013 [No response.]

4014 Ms. Chu?

4015 Ms. Chu. Aye.

4016 Ms. Adcock. Ms. Chu votes aye.

4017 Mr. Deutch?

4018 [No response.]

4019 Mr. Gutierrez?

4020 [No response.]

4021 Ms. Bass?

4022 [No response.]

4023 Mr. Richmond?

4024 [No response.]

4025 Ms. DelBene?

4026 Ms. DelBene. Aye.

4027 Ms. Adcock. Ms. DelBene votes aye.

4028 Mr. Jeffries?

4029 Mr. Jeffries. Aye.

4030 Ms. Adcock. Mr. Jeffries votes aye.

4031 Mr. Cicilline?

4032 Mr. Cicilline. Aye.

4033 Ms. Adcock. Mr. Cicilline votes aye.

4034 Mr. Peters?

4035 [No response.]

4036 Chairman Goodlatte. The gentlemen from California.

4037 Mr. Issa. No.

4038 Ms. Adcock. Mr. Issa votes no.

4039 Chairman Goodlatte. Has every member voted who wishes to

4040 vote? The clerk will report.

4041 Ms. Adcock. Mr. Chairman, 8 members voted aye, 14 members

4042 voted no.

4043 Chairman Goodlatte. And the amendment is not agreed to.

4044 For what purpose does the gentleman from Rhode Island seek

4045 recognition?

4046 Mr. Cicilline. Mr. Chairman, I have a second amendment

4047 at the desk.

4048 Chairman Goodlatte. The clerk will report the amendment.

4049 Ms. Adcock. Amendment to H.R. 5203 offered by Mr.

4050 Cicilline, Page 6 line --

4051 [The amendment follows:]

4052 \*\*\*\*\* INSERT 13 \*\*\*\*\*

4053 Chairman Goodlatte. Without objection, the amendment is  
4054 considered as read, and the gentleman is recognized for 5  
4055 minutes on his amendment.

4056 Mr. Cicilline. Thank you Mr. Chairman. Mr. Chairman,  
4057 this second amendment would provide a fee exemption for family  
4058 members of those serving in United States Armed Forces;  
4059 refugees, asylees, and victims of domestic abuse, trafficking  
4060 and other crimes for the mandatory DNA testing required by  
4061 section 2 of this legislation.

4062 Unfortunately, because the last amendment I offered was  
4063 defeated, those categories of individuals are still subjected  
4064 to mandatory DNA testing. And while I appreciate my  
4065 colleague's arguments on the other side about the importance  
4066 of these, if we impose this requirement on everyone who applies  
4067 for a Visa based on a biological relationship, there will be  
4068 certainly many deserving applicants who will not be in a  
4069 position to afford this DNA test, or who should not be asked  
4070 to bear the cost of the test based on their service to our  
4071 country.

4072 My amendment takes those concerns into consideration. It  
4073 would not exempt anyone from the mandatory DNA testing under  
4074 the bill; instead it would provide a fee waiver to individuals  
4075 who have served this country in the military, expose themselves  
4076 to tremendous danger on our behalf, keeping us safe all over  
4077 the world, who have served in our military forces, as well as

4078 individuals who are part of very vulnerable populations, who  
4079 are fleeing very often unspeakable war and violence or famine  
4080 or other kinds of persecution, who are very often not in a  
4081 position to pay several hundred dollars per family member for  
4082 consideration of their asylee, asylum application.

4083         So, I think this is a common sense way to at least respond  
4084 to two groups that deserve consideration, and I am asking my  
4085 colleagues to support this amendment, which simply waves the  
4086 fees for these two categories of individuals so we can get to  
4087 the merits of their claim, and that we will not be shutting  
4088 the door on so many qualified people who are entitled to either  
4089 asylum or refugee status in our country, or who have served  
4090 our country honorably in the armed forces. And with that I  
4091 yield back.

4092         Chairman Goodlatte. The chair thanks the gentleman. For  
4093 what purpose does the gentleman from Virginia seek  
4094 recognition?

4095         Mr. Forbes. Mr. Chairman, I oppose the amendment and  
4096 urge my colleagues to do the same, and I move to strike the  
4097 last word.

4098         Chairman Goodlatte. The gentleman is recognized for 5  
4099 minutes.

4100         Mr. Forbes. And I oppose this amendment and I urge my  
4101 colleagues to do so. If you look at this amendment and where  
4102 it was placed, which would be line 18 on Page 6, this is the

4103 DNA testing. Basically, what the gentleman is saying is he is  
4104 going to waive the fees of the companies of the companies that  
4105 are doing the DNA testing.

4106 We do not have the ability to waive the fees for the  
4107 companies for the companies that are doing the DNA testing.  
4108 Many situations, these are private companies, and we do not  
4109 have the ability to do that under this bill. So based upon  
4110 that, Mr. Chairman, I hope that we will oppose this amendment,  
4111 and I yield back the balance of my time.

4112 Chairman Goodlatte. The question occurs on the amendment  
4113 offered by the gentleman from Rhode Island.

4114 All those in favor respond by saying aye.

4115 Those opposed, no.

4116 In the opinion of the chair, the noes have it, and the  
4117 amendment is not agreed to.

4118 Mr. Cicilline. Mr. Chairman, I ask for a recorded vote.

4119 Chairman Goodlatte. A recorded vote is requested, and  
4120 the clerk will call the roll.

4121 Ms. Adcock. Mr. Goodlatte?

4122 Chairman Goodlatte. No.

4123 Ms. Adcock. Mr. Goodlatte votes no.

4124 Mr. Sensenbrenner?

4125 Mr. Sensenbrenner. No.

4126 Ms. Adcock. Mr. Sensenbrenner votes no.

4127 Mr. Smith?

4128 [No response.]

4129 Mr. Chabot?

4130 Mr. Chabot. No.

4131 Ms. Adcock. Mr. Chabot votes no.

4132 Mr. Issa?

4133 Mr. Issa. No.

4134 Ms. Adcock. Mr. Issa votes no.

4135 Mr. Forbes?

4136 Mr. Forbes. No.

4137 Ms. Adcock. Mr. Forbes votes no.

4138 Mr. King?

4139 [No response.]

4140 Mr. Franks?

4141 Mr. Franks. No.

4142 Ms. Adcock. Mr. Franks votes no.

4143 Mr. Gohmert?

4144 Mr. Gohmert. No.

4145 Ms. Adcock. Mr. Gohmert votes no.

4146 Mr. Jordan?

4147 [No response.]

4148 Mr. Poe?

4149 [No response.]

4150 Mr. Chaffetz?

4151 [No response.]

4152 Mr. Marino?

4153 [No response.]

4154 Mr. Gowdy?

4155 [No response.]

4156 Mr. Labrador?

4157 Mr. Labrador. No.

4158 Ms. Adcock. Mr. Labrador votes no.

4159 Mr. Farenthold?

4160 [No response.]

4161 Mr. Collins?

4162 [No response.]

4163 Mr. DeSantis?

4164 Mr. DeSantis. No.

4165 Ms. Adcock. Mr. DeSantis votes no.

4166 Ms. Walters?

4167 Ms. Walters. No.

4168 Ms. Adcock. Ms. Walters votes no.

4169 Mr. Buck?

4170 [No response.]

4171 Mr. Ratcliffe?

4172 Mr. Ratcliffe. No.

4173 Ms. Adcock. Mr. Ratcliffe votes no.

4174 Mr. Trott?

4175 Mr. Trott. No.

4176 Ms. Adcock. Mr. Trott votes no.

4177 Mr. Bishop?

4178 Mr. Bishop. No.

4179 Ms. Adcock. Mr. Bishop votes no.

4180 Mr. Conyers?

4181 [No response.]

4182 Mr. Nadler?

4183 Mr. Nadler. Aye.

4184 Ms. Adcock. Mr. Nadler votes aye.

4185 Ms. Lofgren?

4186 Ms. Lofgren. Aye.

4187 Ms. Adcock. Ms. Lofgren votes aye.

4188 Ms. Jackson Lee?

4189 Ms. Jackson Lee. Aye.

4190 Ms. Adcock. Ms. Jackson Lee votes aye.

4191 Mr. Cohen?

4192 Mr. Cohen. Aye.

4193 Ms. Adcock. Mr. Cohen votes aye.

4194 Mr. Johnson?

4195 Mr. Johnson. Aye.

4196 Ms. Adcock. Mr. Johnson votes aye.

4197 Mr. Pierluisi?

4198 [No response.]

4199 Ms. Chu?

4200 Ms. Chu. Aye.

4201 Ms. Adcock. Ms. Chu votes aye.

4202 Mr. Deutch?

4203 [No response.]

4204 Mr. Gutierrez?

4205 [No response.]

4206 Ms. Bass?

4207 [No response.]

4208 Mr. Richmond?

4209 [No response.]

4210 Ms. DelBene?

4211 Ms. DelBene. Aye.

4212 Ms. Adcock. Ms. DelBene votes aye.

4213 Mr. Jeffries?

4214 Mr. Jeffries. Aye.

4215 Ms. Adcock. Mr. Jeffries votes aye.

4216 Mr. Cicilline?

4217 Mr. Cicilline. Aye.

4218 Ms. Adcock. Mr. Cicilline votes aye.

4219 Mr. Peters?

4220 Mr. Peters. Aye.

4221 Ms. Adcock. Mr. Peters votes aye.

4222 Chairman Goodlatte. The gentleman from Texas? The

4223 gentleman from Florida? Has every member who wishes to vote?

4224 The clerk will report.

4225 Ms. Adcock. Mr. Chairman, 10 members voted aye, 13

4226 members voted no.

4227 Chairman Goodlatte. And the amendment is not agreed to.

4228 Are there any other amendments to H.R. 5203?

4229 A reporting quorum being present, the question is on the  
4230 motion to report the bill H.R. 5203 as amended favorably to  
4231 the House.

4232 Those in favor will respond by saying aye.

4233 Those opposed no.

4234 The Ayes have it, and the bill as amended is ordered  
4235 reported favorably to the House. A recorded vote is requested  
4236 and the clerk will call the roll.

4237 Ms. Adcock. Mr. Goodlatte?

4238 Chairman Goodlatte. Aye.

4239 Ms. Adcock. Mr. Goodlatte votes aye.

4240 Mr. Sensenbrenner?

4241 Mr. Sensenbrenner. Aye.

4242 Ms. Adcock. Mr. Sensenbrenner votes Aye.

4243 Mr. Smith?

4244 [No response.]

4245 Mr. Chabot?

4246 [No response.]

4247 Mr. Chabot. Aye.

4248 Ms. Adcock. Mr. Chabot votes aye.

4249 Mr. Issa?

4250 Mr. Issa. Aye.

4251 Ms. Adcock. Mr. Issa votes aye.

4252 Mr. Forbes?

4253 Mr. Forbes. Aye.

4254 Ms. Adcock. Mr. Forbes votes aye.

4255 Mr. King?

4256 [No response.]

4257 Mr. Franks?

4258 Mr. Franks. Aye.

4259 Ms. Adcock. Mr. Franks votes aye.

4260 Mr. Gohmert?

4261 Mr. Gohmert. Aye.

4262 Ms. Adcock. Mr. Gohmert votes aye.

4263 Mr. Jordan?

4264 [No response.]

4265 Mr. Poe?

4266 [No response.]

4267 Mr. Chaffetz?

4268 [No response.]

4269 Mr. Marino?

4270 [No response.]

4271 Mr. Gowdy?

4272 [No response.]

4273 Mr. Labrador?

4274 Mr. Labrador. Yes.

4275 Ms. Adcock. Mr. Labrador votes yes.

4276 Mr. Farenthold?

4277 [No response.]

4278 Mr. Collins?  
4279 [No response.]  
4280 Mr. DeSantis?  
4281 Mr. DeSantis. Yes.  
4282 Ms. Adcock. Mr. DeSantis votes yes.  
4283 Ms. Walters?  
4284 Ms. Walters. Aye.  
4285 Ms. Adcock. Ms. Walters votes aye.  
4286 Mr. Buck?  
4287 [No response.]  
4288 Mr. Ratcliffe?  
4289 Mr. Ratcliffe. Yes.  
4290 Ms. Adcock. Mr. Ratcliffe votes yes.  
4291 Mr. Trott?  
4292 Mr. Trott. Yes.  
4293 Ms. Adcock. Mr. Trott votes yes.  
4294 Mr. Bishop?  
4295 Mr. Bishop. Yes.  
4296 Ms. Adcock. Mr. Bishop votes yes.  
4297 Mr. Conyers?  
4298 [No response.]  
4299 Mr. Nadler?  
4300 Mr. Nadler. No.  
4301 Ms. Adcock. Mr. Nadler votes no.  
4302 Ms. Lofgren?

4303 Ms. Lofgren. No.

4304 Ms. Adcock. Ms. Lofgren votes no.

4305 Ms. Jackson Lee?

4306 Ms. Jackson Lee. No.

4307 Ms. Adcock. Ms. Jackson Lee votes no.

4308 Mr. Cohen?

4309 Mr. Cohen. No.

4310 Ms. Adcock. Mr. Cohen votes no.

4311 Mr. Johnson?

4312 Mr. Johnson. No.

4313 Ms. Adcock. Mr. Johnson votes no.

4314 Mr. Pierluisi?

4315 [No response.]

4316 Ms. Chu?

4317 Ms. Chu. No.

4318 Ms. Adcock. Ms. Chu votes no.

4319 Mr. Deutch?

4320 [No response.]

4321 Mr. Gutierrez?

4322 [No response.]

4323 Ms. Bass?

4324 Mr. Richmond?

4325 [No response.]

4326 Ms. DelBene?

4327 Ms. DelBene. No.

4328 Ms. Adcock. Ms. DelBene votes no.  
4329 Mr. Jeffries?  
4330 Mr. Jeffries. No.  
4331 Ms. Adcock. Mr. Jeffries votes no.  
4332 Mr. Cicilline?  
4333 Mr. Cicilline. No.  
4334 Ms. Adcock. Mr. Cicilline votes no.  
4335 Mr. Peters?  
4336 Mr. Peters. No.  
4337 Ms. Adcock. Mr. Peters votes no.  
4338 Chairman Goodlatte. The gentleman from Colorado?  
4339 Mr. Buck. Yes  
4340 Ms. Adcock. Mr. Buck votes yes.  
4341 Chairman Goodlatte. Has every member voted who wishes to  
4342 vote? The clerk will report.  
4343 Ms. Adcock. Mr. Chairman, 14 members voted aye, 10 member  
4344 voted no.  
4345 Chairman Goodlatte. The ayes have it, and the bill as  
4346 amended is ordered reported favorably to the House.  
4347 Members will have 2 days to submit views, and with that  
4348 objection the bill will be reported as a single amendment in  
4349 the nature of a substitute, incorporating all adopted  
4350 amendments and staff is authorized to make technical and  
4351 conforming changes.  
4352 Pursuant to notice, I now call up H.R. 3636 for purposes

4353 of mark-up and move that the committee report the bill  
4354 favorably to the House. The clerk will report the bill.

4355 Ms. Adcock. H.R. 3636, to amend the Immigration and  
4356 Nationality Act to allow labor organizations and management  
4357 organizations to receive the results of use of petitions about  
4358 which such organizations have submitted advisory opinions and  
4359 for other purposes.

4360 [The bill follows:]

4361 \*\*\*\*\* INSERT 14 \*\*\*\*\*

4362 Chairman Goodlatte. Without objection, the bill will be  
4363 considered as read and open for amendment at any point, and  
4364 the manager's amendment in the nature of a substitute which  
4365 the members have before them will be considered as read,  
4366 considered as the original text for purposes of the amendment,  
4367 and open for amendment at any point. And I will begin by  
4368 recognizing myself for an opening statement.

4369 H.R. 3636, the Overseas Visa Integrity with Stakeholder's  
4370 Advisories Act introduced by Congresswoman Mimi Walters makes  
4371 a valuable improvement to the O-VISA program. It will provide  
4372 needed transparency, while helping to combat fraud. An O-VISA  
4373 is a temporary visa for an alien who has extraordinary ability  
4374 in the sciences, arts, education, business, or athletics, and  
4375 seeks to enter the United States to continue work in the area  
4376 of extraordinary ability. An O-2 visa is a temporary visa for  
4377 an alien who seeks to enter the United States to accompany and  
4378 assist in the performance by an alien on an O-1 visa. An O-2  
4379 alien must be an integral part of such performance, and have  
4380 critical skills and experience.

4381 Employers seeking O-VISAs must satisfy a consultation  
4382 requirement designed to protect American workers. When filing  
4383 O-1 petitions, they must include a written advisory opinion,  
4384 generally from a peer group or labor organization with  
4385 expertise in the specific field. Advisory opinions are, in a  
4386 word, advisory to U.S. Citizenship and Immigration Services.

4387 U.S.C.I.S. regulation provide that if the advisory  
4388 opinion is favorable, it should describe the alien's ability  
4389 and achievements in the field of endeavor, describe the nature  
4390 of the duties to be performed, and state whether the position  
4391 requires the services of an alien of extraordinary ability.  
4392 The consulting organization may instead submit a letter of no  
4393 objection.

4394 If the advisory opinion is not favorable, it must set  
4395 forth a specific statement of facts which supports the  
4396 conclusion reached. U.S.C.I.S. has told me and Mr. Conyers  
4397 that consultations are only once piece of evidence reviewed in  
4398 the totality of all the information provided. A petition with  
4399 a negative consultation could still be approved, and a positive  
4400 consultation may not necessarily lead to approval of the  
4401 petition. U.S.C.I.S. approves almost all the O-VISA petitions  
4402 it receives.

4403 As to how many petitions contain negative advisory  
4404 opinions and are approved anyway, U.S.C.I.S. told me and Mr.  
4405 Conyers that "our database does not capture the information."  
4406 Further, U.S.C.I.S. does not provide notice as to the outcome  
4407 of adjudications to the organizations that provide advisory  
4408 opinions, believing that to do so would be a violation of the  
4409 Privacy Act. This lack of transparency has apparently  
4410 encouraged fraud. The Directors Guild of America, which  
4411 submits many advisory opinions, has reported of instances

4412 where petitioners who receive an objection from one labor  
4413 organization seek an advisory opinion from a different  
4414 organization, or remove or revise the evidence in their  
4415 petition to omit the basis for DGA's objection before  
4416 submitting the petition to U.S.C.I.S. It has also reported of  
4417 petitioners who physically altered DGA letters to change their  
4418 content or draft fabricated letters and forge DGA signatures.

4419       There is a simple way to combat such fraud. If  
4420 organizations providing advisory opinions could see the actual  
4421 decisions issued by U.S.C.I.S. in the cases they were asked to  
4422 opine on, including the advisory opinions as submitted to the  
4423 government by the employers, they could self-police for fraud,  
4424 and they would also learn of those instances where U.S.C.I.S.  
4425 has approved petitions over their objections. They and  
4426 Congress could better ascertain whether U.S.C.I.S. is being  
4427 judicious in its determinations and protecting American  
4428 workers from foreign workers who do not meet the standards for  
4429 the O-VISA program.

4430       I can think of no reasonable policy argument against such  
4431 transparency. Legitimate privacy considerations do not come  
4432 into play; after all, it was the petitioners themselves who  
4433 first approached outside organizations and asked them to  
4434 review the merits of their proposed O-VISA recipients. H.R.  
4435 3636 takes this common-sense step. It provides that DHS shall  
4436 provide a copy of a decision on an O-VISA petition involving

4437 a motion picture or television production to the organization  
4438 that provided an advisory opinion. I commend Ms. Walters for  
4439 introducing this needed legislation, and I urge my colleagues  
4440 to support it.

4441 I would like to make an additional point. There are other  
4442 forms of the O-VISA program that the committee should consider  
4443 at an appropriate time to facilitate its use by truly  
4444 extraordinary individuals. Among those would be H-1B-like  
4445 portability, in which O-VISA holders could begin working for  
4446 new employers upon the new employers' filing of appropriate  
4447 petitions, and expanding a current measure that allows O-VISA  
4448 petitions to be filed for certain aliens without advisory  
4449 opinions, if the aliens had previously received O-VISAs, had  
4450 received advisory opinions within the last 2 years, and seek  
4451 to perform similar services.

4452 In the meantime, I encourage my colleagues to support  
4453 this bill. And it is now my pleasure to recognize the  
4454 gentlewoman from California, the ranking member of the  
4455 Subcommittee on Immigration and Border Security for her  
4456 opening statement.

4457 [The statement of Chairman Goodlatte follows:]

4458 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4459 Ms. Lofgren. Thank you, Mr. Chairman. I am pleased to  
4460 support the Oversee Visa Integrity with Stakeholders Advisory  
4461 Act. It is a narrow, bipartisan bill. As you mentioned, the  
4462 O-VISA Act requires that U.S. Citizenship and Immigration  
4463 Services provide a copy of the decision to the labor union  
4464 that was consulted as part of the O-1B petition process for an  
4465 individual seeking to work in motion picture or television. I  
4466 think this bill will ensure that union consultation is a  
4467 meaningful part of the agency adjudication as required under  
4468 current law, and it will also bring transparency for employers,  
4469 workers, and the organizations that represent them, which is  
4470 always a good thing.

4471 I do believe that we could be doing more in this area,  
4472 and as the chairman has referenced, the portability issue for  
4473 O-1 visa holders is important. If you are able to move between  
4474 jobs, it not only helps employers, but it also ensures that  
4475 foreign workers are not trapped in positions or used to  
4476 undercut the wages of U.S. workers. So I hope that we can  
4477 work together to improve that.

4478 I would note also that an issue that has been brought to  
4479 my attention is that of O-2s, individuals who accompany an O-  
4480 1B artist. O-2s must be an integral part of the O-1A's  
4481 activity, and for the O-2's assistance must be essential to the  
4482 completion of the O-1V's protection. Now, the O-2 workers are  
4483 supposed to have critical skills and experience with the O-1,

4484 and the O-1B cannot successfully perform without the O-2s.  
4485 Concern has been expressed to me that there may be abuse, in  
4486 terms of large numbers of O-2s accompanying the O-1Bs. It  
4487 would probably be useful to have a hearing on that to explore  
4488 that, because that would be something we would not to happen.

4489 But with that, this bill is a good one, and as we know,  
4490 we have enormous problems in the whole range of immigration.  
4491 We need to fix them. We need to fixes on behalf of families,  
4492 refugees, employers in a range of industries, including  
4493 agriculture and high-skilled, but over the years, I have worked  
4494 hard to try and come to a resolution on an overall reform.

4495 We have so far failed to do that, but that should not  
4496 stop us from enacting this narrow bill that does improve the  
4497 situation. And I want to commend the authors and my colleague,  
4498 Mr. Nadler, who is the principal co-sponsor of the bill. And  
4499 with that, I would -- do you want me to yield with you? I  
4500 will yield back the balance of my time.

4501 [The statement of Ms. Lofgren follows:]

4502 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4503 Ms. Lofgren. Oh, I would also ask unanimous consent to  
4504 put the statement of Mr. Conyers into the record.

4505 Chairman Goodlatte. Without objection, the statement of  
4506 the ranking member will be placed on the record.

4507 [The statement of Mr. Conyers follows:]

4508 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4509 Chairman Goodlatte. The chair thanks the gentlewoman and  
4510 appreciates her suggestions with regard to other areas of  
4511 improvement with O-VISAs. And at this time, it is my pleasure  
4512 to recognize the sponsor of this bill, the gentlewoman from  
4513 California, Ms. Walters, for her opening statement.

4514 Ms. Walters. I thank the Chairman, Mr. Nadler, and all  
4515 other co-sponsors in helping to advance H.R. 3636. The Overseas  
4516 Visa Integrity with Stakeholders Advisory Act, otherwise  
4517 referred to as the O-VISA Act. Congress established the O-  
4518 VISA program to allow non-immigrants with extraordinary  
4519 abilities to be employed in the sciences, arts, education,  
4520 business, or athletics.

4521 In recognition of the unique nature of the motion picture  
4522 and television industry, Congress established special  
4523 evidentiary criteria for O-1 and O-2 visas for artists working  
4524 in the industry.

4525 One requirement mandates that U.S.C.I.S. consult with the  
4526 appropriate labor and management organizations for each visa  
4527 petition. The reason for this is very simple. Those  
4528 organizations are best suited to evaluate whether a visa  
4529 applicant has demonstrated extraordinary achievement, the  
4530 standard for O-1 and O-2 visa petitioners. These consulting  
4531 organizations dedicate substantial resources to advise  
4532 U.S.C.I.S. on the merits of visa petitions. They are essential  
4533 to identifying fraud, as well as protecting U.S. workers

4534 capable of filling those jobs.

4535           Unfortunately, these organizations are never notified of  
4536 the U.S.C.I.S.' final petition decision. Consulting  
4537 organizations should be notified of these decisions, so they  
4538 may better assist U.S.C.I.S. in determining fraud and properly  
4539 implement the O-VISA standards. There have been serious  
4540 indications of fraud in O-1 and O-2 visa petitions, including  
4541 outright forgery of advisory opinions, shell productions  
4542 companies, and sponsoring employers without any connection to  
4543 the motion picture and television industry.

4544           These concerns led Chairman Goodlatte and Ranking Member  
4545 Conyers to sign a letter to U.S.C.I.S. in 2014, which stated,  
4546 and I quote, "It seems that, at the very least, U.S.C.I.S.  
4547 should be notifying these organizations when it approves  
4548 petitions over their objections. However, we are told that  
4549 such organizations are rarely, if ever, notified regarding the  
4550 outcome of petitions to which they object. Ensuring  
4551 transparency in the adjudication process for any visa program  
4552 is essential to a secure and effective immigration policy, and  
4553 therefore, we are concerned about the reported potential fraud  
4554 in O-1 and O-2 visa petitions," end quote.

4555           It is important to note that there are no indications of  
4556 abuse by the major studios, such as members of the MPAA. In  
4557 fact, it is my understanding that the Labor and Management  
4558 Consulting Organizations concur with the vast majority of O-

4559 VISA petitions submitted by the major studios. Simply put,  
4560 the major studios are not the problem. The O-VISA Act, which  
4561 Mr. Nadler and I have put forth, is a narrow provision that  
4562 injects transparency into the visa petition process. It  
4563 requires the Secretary of Homeland Security to provide a copy  
4564 of the U.S.C.I.S. visa petition decision to the consulting  
4565 organization that was required to provide the advisory opinion  
4566 for that specific petition.

4567       Essentially, the organization will be copied on the  
4568 agency's decision. Congress wisely recognized that the  
4569 opinions of these private stakeholders deserve proper  
4570 consideration due to their unique expertise in the industry.  
4571 Congress should further utilize the expertise by authorizing  
4572 U.S.C.I.S. to copy these organizations, because this will  
4573 assist in identifying fraud and protecting American jobs.

4574       I am fully aware that there are other issues regarding O-  
4575 VISAs that must be addressed. In particular, there are serious  
4576 concerns that U.S.C.I.S.' decision-making process moves far  
4577 too slowly. This lack of efficiency means that film and  
4578 television face considerable delays and unnecessary costs. I  
4579 am committed to working with the committee and the industry to  
4580 address these issues in the future. I encourage my colleagues  
4581 to support H.R. 3636, the O-VISA Act, and I yield back.

4582       [The statement of Ms. Walters follows:]

4583

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

4584 Chairman Goodlatte. The chair thanks the gentlewoman.

4585 Are there any amendments?

4586 Mr. Nadler. Mr. Chairman?

4587 Chairman Goodlatte. For what purpose does the gentleman  
4588 from New York seek recognition?

4589 Mr. Nadler. Strike the last word, please.

4590 Chairman Goodlatte. The gentleman is recognized for 5  
4591 minutes.

4592 Mr. Nadler. Thank you, Mr. Chairman. I rise in strong  
4593 support of H.R. 3636, the O-VISA Act, and I appreciate your  
4594 bringing it forward for mark-up today. As the lead Democratic  
4595 co-sponsor, I also want to thank the gentlewoman from  
4596 California, Ms. Walters, for introducing this legislation,  
4597 which will bring some needed transparency to the O-VISA  
4598 application process. O-VISAs are reserved for individuals  
4599 with extraordinary ability in the sciences, arts, education,  
4600 business, or athletics, to perform temporary work in their  
4601 field here in the United States.

4602 For those seeking O-VISAs specifically to work on a motion  
4603 or television production, the law requires that an individual  
4604 have a demonstrated record of extraordinary achievement, which  
4605 must be recognized in the field through extensive  
4606 documentation.

4607 Through our unique provision of the law, an applicant for  
4608 an O-VISA seeking to work on a film or television production

4609 must first obtain an opinion from the relevant labor  
4610 organization in their field. For example, a director must  
4611 seek an opinion from the Director's Guild of America, and the  
4612 set designer must consult with the International Alliance of  
4613 Theatrical Stage employees. As experts in their fields, these  
4614 organizations are in the best position to determine an  
4615 applicant's special qualifications. This process is intended  
4616 to ensure that only the most extraordinary and accomplished  
4617 individuals, those who are so unique that they could not be  
4618 replaced by an American worker, are granted an O-VISA.

4619       Unfortunately, in recent years, several unions have  
4620 expressed deep concerns that a significant number of  
4621 applicants, for whom they have recommended denial, have been  
4622 admitted into the United States nonetheless. In some  
4623 instances, the unions have documented fraud on the part of the  
4624 applicant, while in some instances, the government simply  
4625 reached a different conclusion.

4626       But because the consulting union is never informed by the  
4627 government whether a particular application was approved or  
4628 denied, it is impossible to know the extent of this problem.  
4629 The O-VISA Act before us would bring needed transparency to  
4630 this process by requiring U.S.C.I.S. to provide a copy of any  
4631 final determination to the consulting union. This is a narrow  
4632 but critically-important provision. Although the unions have  
4633 expended a great deal of resources to discover the outcome of

4634 their advisory opinions, they are in the dark about the vast  
4635 majority of cases.

4636         Although they could serve as a partner to U.S.C.I.S. in  
4637 rooting out fraud and abuse, they lack the information they  
4638 need to follow up on suspicious cases. I should point out  
4639 that the unions have assured me that their concerns about fraud  
4640 do not stem from any applications by the major studios.

4641         The problems occur with certain unscrupulous independent  
4642 companies that abuse the process in a variety of ways. Of  
4643 course, there need not be any fraud for U.S.C.I.S. to reach a  
4644 different conclusion about the merits of a particular  
4645 applicant. But, if this is occurring in a significant number  
4646 of cases, it may signify a systemic problem in how the agency  
4647 is considering applications, or a lack of understanding by the  
4648 union of how cases should be evaluated.

4649         In either case, it is only fair that the unions have  
4650 sufficient knowledge of how petitions are decided, so they can  
4651 have a meaningful discussion with U.S.C.I.S. about any  
4652 concerns that they may have. The O-VISA Act would provide the  
4653 transparency necessary to undertake this process, and I urge  
4654 my colleagues to support it.

4655         I want to note that since this bill simply requires that  
4656 U.S.C.I.S. provide a copy of any final decision to the  
4657 consulting organization, it should not burden the agency or  
4658 add any delays in processing O-VISA applications. However, I

4659 recognize that many sponsoring employers have expressed  
4660 concerns over the inefficiency of the current process, and  
4661 that reforms are needed to streamline the application process.

4662 As the chairman knows, the language contained in H.R.  
4663 3636 has historically been coupled with provisions. They also  
4664 make important changes to the O and B-VISA programs for those  
4665 seeking entries for motion picture and television productions.  
4666 These provisions are included in such bills as the Senate's  
4667 comprehensive immigration reform legislation from the last  
4668 Congress.

4669 Specifically these changes provided the same common-sense  
4670 portability that exists in other visa categories, remove  
4671 redundancies in the consultation process, and better align  
4672 these entry programs with others that might involve an  
4673 honorarium or appearance fee. Making these common-sense  
4674 reforms will help keep film and television productions in the  
4675 U.S., and will help ensure that U.S.C.I.S. is able to devote  
4676 its resources to preventing and detecting any potential fraud  
4677 or abuse.

4678 I hope that these meritorious provisions will also be  
4679 considered by this committee under regular order. If the  
4680 chairman would enter into a brief colloquy, I would ask him  
4681 whether it is his intention to consider these changes to the  
4682 OMB programs?

4683 Chairman Goodlatte. Would the gentleman yield?

4684 Mr. Nadler. I will yield.

4685 Chairman Goodlatte. I thank the gentleman for his  
4686 question, and I agree that these provisions are meritorious,  
4687 a number of them being contained in Mr. Issa's Skills Visa  
4688 Act, which the committee approved last Congress. I would tell  
4689 the gentleman that it is my intention to address these issues  
4690 in the future, and although we are not considering these  
4691 measures today, I look forward to working with the gentleman  
4692 from New York and others to advance additional reforms to these  
4693 programs, and I appreciate his raising the issue.

4694 Mr. Nadler. Thank you, and reclaiming the time, I thank  
4695 the chairman for his assurances. I urge my colleagues to  
4696 support this bill, and I yield back the balance of my time.

4697 Chairman Goodlatte. The chair thanks the gentleman. Are  
4698 there any amendments to H.R. 3636? A reporting quorum being  
4699 present, the question is on the motion to report the bill H.R.  
4700 3636, as amended, favorably to the House.

4701 Those in favor will say aye.

4702 Those opposed, no.

4703 The ayes have it, and the bill, as amended, is ordered  
4704 reported favorably. Members will have 2 days to submit views.

4705 Pursuant to notice, I now call up H.R. 5283 for purposes  
4706 of markup and move that the committee report the bill favorably  
4707 to the House. The clerk will report the bill.

4708 Ms. Adcock. H.R. 5283, to amend Title 18, United States

4709 Code, to reform certain forfeiture procedures and for other  
4710 purposes.

4711 [The bill follows:]

4712 \*\*\*\*\* INSERT 15 \*\*\*\*\*

4713 Chairman Goodlatte. Without objection, the bill is  
4714 considered as read and open for amendment at any point. And  
4715 I will begin by recognizing myself for an opening statement.

4716 In February of 2015, this committee held a hearing on  
4717 civil asset forfeiture. In the intervening months, the  
4718 committee has continuously met with and discussed this issue  
4719 with reformers, law enforcement agencies, and members and  
4720 staff, in an attempt to find a bill that strikes the proper  
4721 balance between the need to ensure that criminals do not retain  
4722 the profits of their crimes, and the need to protect Americans'  
4723 property rights.

4724 The bill the committee is considering today is the product  
4725 of countless hours of discussions with those groups, and it  
4726 addresses the abuses we learned about during our hearing. I  
4727 want to thank Crime Subcommittee Chairman Sensenbrenner for  
4728 introducing this important piece of legislation,  
4729 Representative Walberg for his important work on this issue,  
4730 and the many members of this committee who have supported it  
4731 by becoming co-sponsors.

4732 In 2000, Congress, led by then-Chairman Henry Hyde,  
4733 passed CAFRA, the Civil Asset Forfeiture Reform Act. CAFRA  
4734 came from a recognition by this committee, and by others that  
4735 civil asset forfeiture is a powerful law enforcement tool, but  
4736 one that needs to be carefully monitored. That same  
4737 recognition exists today, but is coupled with the understand

4738 that CAFRA is in need of additional protections to safeguard  
4739 individual freedoms.

4740 We have heard of the systemic problems in the current  
4741 system of civil forfeiture. We have heard of citizens losing  
4742 their car or home when others in their family have been  
4743 involved in small crimes. We have heard of traffic stops that  
4744 result in innocent people losing the cash they were carrying  
4745 to buy a car or to grow their small business. These stories  
4746 have highlighted the long and complicated process that  
4747 innocent owners must go through to get their property back, a  
4748 process which this bill will streamline.

4749 Like any law enforcement tool, if used improperly or  
4750 without sufficient safeguards, it has the possibility of  
4751 infringing on the rights of citizens. The Justice Department,  
4752 as the largest law enforcement agency in the country, has a  
4753 vital role to play in this, and I hope they will support this  
4754 bipartisan effort.

4755 As I said at the beginning of the hearing on this issue,  
4756 asset forfeiture is a vital tool for law enforcement, because  
4757 it deprives criminals of the proceeds of their crimes, and  
4758 debilitates the criminal enterprise. However, we must be  
4759 cognizant of the fact that this instrument, without proper  
4760 safeguards, can harm innocent people.

4761 With that in mind, this bill includes numerous procedural  
4762 reforms, including a quicker timeline for processing, so

4763 innocent people can have resolution of their claim sooner.  
4764 The bill also includes the right to counsel in forfeiture  
4765 proceedings, and the right to a post-seizure hearing to  
4766 immediately petition an independent judge to have improperly  
4767 seized property returned.

4768         The bill raises the burden of proof that the government  
4769 must establish to show that the assets were related to a  
4770 criminal activity. There are also provisions in the bill to  
4771 protect innocent owners and to make sure that any seizure is  
4772 proportional to the significance of the crime. Finally, there  
4773 are numerous transparency measures built into the bill so that  
4774 Congress, the Department of Justice Inspector General, and  
4775 other groups can monitor this tool to be sure it is being used  
4776 fairly.

4777         This bill will strengthen the procedures and policies  
4778 related to forfeiture to protect innocent parties while still  
4779 allowing Federal officials to use this vital tool to hinder  
4780 criminal operations. In doing so, it strikes the proper  
4781 balance between law enforcement needs and civil liberties  
4782 protections, and I urge my colleagues to support this important  
4783 measure. It is now my pleasure to recognize the ranking member  
4784 of the Subcommittee on Crime, Terrorism, Homeland Security,  
4785 and Investigations, the gentlewoman from Texas, Ms. Lee, for  
4786 her opening statement.

4787         Ms. Jackson Lee. Thank you very much, Mr. Chairman. I

4788 want to thank Mr. Sensenbrenner, and was delighted to join  
4789 you, Mr. Sensenbrenner, Mr. Conyers, along with the other  
4790 leaders of this effort to support this legislation, H.R. 5283,  
4791 the Due Process Act. And I take note of the fact of the  
4792 support from the American Bar Association and ACLU, certainly  
4793 two distinct groups who are committed to the issues of due  
4794 process.

4795 I commend my colleague, as I indicated, Congressman  
4796 Sensenbrenner, chairman of the Subcommittee on Crime, for  
4797 introducing this bill, and I join with Chairman Goodlatte and  
4798 Ranking Member John Conyers as original co-sponsors of the  
4799 bill.

4800 In February of last year, the Subcommittee on Crime held  
4801 a hearing on the subject of Federal asset forfeiture.  
4802 Witnesses made recommendations to us about how to update the  
4803 procedures for the government's use of civil cases to forfeit  
4804 property that is alleged to be contraband, proceeds of crime,  
4805 or instrumentalities of crime. In 2000, we adopted the Civil  
4806 Asset Forfeiture Reform Act, a law that made a number of  
4807 improvements in civil forfeiture statutes, and I remember  
4808 being here at that time.

4809 For instance, that law reversed the burden of proof from  
4810 being on the property owner to prove that the assets should  
4811 not be forfeited to the current requirement that the government  
4812 must prove that the seized assets are subject to forfeiture.

4813 However, for an unusual process whereby the government may  
4814 seize and forfeit someone's money, a car, or other assets,  
4815 they need to sustain themselves. The standard should be  
4816 higher.

4817 Therefore, this bill would elevate the burden on the  
4818 government from preponderance of the evidence to clear and  
4819 convincing evidence. The bill would make a number of other  
4820 changes, including a claimant to request an initial hearing -  
4821 - allowing a claimant to request an initial hearing in a civil  
4822 forfeiture case to determine whether the seizure was proper in  
4823 the first place before the property is completely consumed.

4824 Among these other improvements to the law, the bill would  
4825 make, I want to highlight, those which would address the urgent  
4826 issue of indigent defense. Consistent with the Sixth  
4827 Amendment, we must ensure that those whose property is seized  
4828 by the government and subject to civil forfeiture proceedings  
4829 have adequate counsel. In the initial hearing, the property  
4830 owner is to be notified by the magistrate that he or she has  
4831 the right to counsel, that he or she may under some  
4832 circumstance be provided counsel if they cannot afford an  
4833 attorney.

4834 In addition, as it stands now, the provision of counsel  
4835 for those who cannot afford it in the Federal forfeiture cases  
4836 is limited. That is why this bill would extend the right of  
4837 the indigent property owners to have counsel provided to them

4838 in both judicial and administrative forfeiture proceedings,  
4839 which is a step forward. Although almost all the changes in  
4840 this bill relate to civil forfeiture, the one change to  
4841 criminal forfeiture law involves this important issue, a right  
4842 to counsel.

4843 In 2014, the Supreme Court ruled in *Kaley v. United States*  
4844 that the Constitution does not require a criminal defendant to  
4845 be given an evidentiary hearing to contest restraint of their  
4846 assets, even when they would be unable to pay for an attorney  
4847 to defend themselves if their money or other assets are being  
4848 held by the government. In response, rightly so, H.R. 5283  
4849 would grant defendants the right to such hearings in order to  
4850 determine whether the seizure and restraint of their assets  
4851 should be modified or negated so that they may pay for counsel  
4852 of their choice. These are some of the more important issues  
4853 the bill addresses.

4854 So finally, let me say that we need to make these changes  
4855 because of the interest of owners of seized property, but to  
4856 ensure that forfeiture only takes place when appropriate, and  
4857 that there is a balance. The government's practice of asset  
4858 forfeiture involves intake of substantial sums of money. The  
4859 forfeiture funds maintained by the Department of Justice and  
4860 Department of Treasury together take in over \$5 billion a year.

4861 Under the statute, these funds can be put to good use,  
4862 including the \$4.1 billion in assets given to the victims of

4863 crime by the Department of Justice through asset forfeiture  
4864 since 2000, of which \$1.8 billion was recovered through civil  
4865 forfeiture. Surely a program this size deserves more scrutiny,  
4866 but overall, we must set the rules and ensure justice in  
4867 individual cases. That is because seizing even a relatively  
4868 small amount of money may present a real hardship for those of  
4869 lesser means and those who are innocent. Maybe their relatives  
4870 were involved, and they innocently are caught up in the web.

4871 Therefore, we must ensure that Federal laws that allow  
4872 for the forfeiture of money and other assets include the  
4873 necessary protections to ensure the innocent do not suffer  
4874 from wrongful complication. Let me again ask my colleagues to  
4875 support this legislation, making great strides in providing  
4876 due process to all Americans. With that I yield back.

4877 [The statement of Ms. Jackson Lee follows:]

4878 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4879 Mr. Sensenbrenner. Mr. Chairman?

4880 Chairman Goodlatte. The chair thanks the gentlewoman,  
4881 and it is now my pleasure to recognize the chief sponsor of  
4882 this legislation, and the chairman of the Crime, Terrorism,  
4883 and Homeland Security and Investigations Subcommittee, the  
4884 gentleman from Wisconsin, Mr. Sensenbrenner, for his opening  
4885 statement.

4886 Mr. Sensenbrenner. Thank you very much, Mr. Chairman.  
4887 With origins in medieval law, civil asset forfeiture is  
4888 premised on the legal fiction that inanimate objects bear moral  
4889 culpability when used in a crime. The government commences  
4890 legal action against our stuff, not us, thereby justifying  
4891 lower legal protections.

4892 On the upside, this leads to some funny case names, such  
4893 as United States v. \$124,700 in U.S. Currency; United States  
4894 v. Approximately 64,695 Pounds of Shark Fins; United States v.  
4895 An Article Consisting of 50,000 Cardboard Boxes More or Less,  
4896 Each Containing One Pair of Clacker Balls; and my personal  
4897 favorite, South Dakota v. 15 Impounded Cats. The last one  
4898 would be a great title for a movie.

4899 When we look past the case names to the people involved,  
4900 the outcomes are less moving. Mandrel Stuart was pulled over  
4901 because of the tint on his windows. He owned a restaurant and  
4902 was carrying cash to buy new kitchen equipment. Even though  
4903 there was no evidence that the money was unlawfully obtained,

4904 the police seized the \$17,550. Stuart was never charged with  
4905 a crime. Instead, the case proceeded as U.S. v. \$17,550 in  
4906 U.S. Currency. Stuart fought and won in court, and the court  
4907 ordered the government to return his money and pay nearly  
4908 \$12,000 in attorneys' fees. The outcome is the exception and  
4909 not the rule.

4910         Eighty percent of forfeitures are uncontested, and law  
4911 enforcement is frequently allowed to keep large portions of  
4912 the proceeds. Even for Stuart Mandrel, victory came as a cost.  
4913 It took 15 months for the court to order to return his property  
4914 and attorneys' fees. Unable to pay his rent, Stuart had to  
4915 close his restaurant. One can only imagine the disillusionment  
4916 that he felt.

4917         America was blessed with visionary leaders who understood  
4918 the virtues of limited government and individual rights. The  
4919 right to own property is enshrined in the Fifth Amendment.  
4920 Current forfeiture provisions mock the spirit and meaning of  
4921 that passage. Our former colleague Henry Hyde described civil  
4922 asset forfeiture as "an unrelenting government assault on  
4923 property rights fueled by a dangerous and emotional vigilante  
4924 mentality that sanctions shredding the United States  
4925 Constitution into meaningless confetti."

4926         I led an effort to reform that culminated in passage of  
4927 the Civil Asset Forfeiture Reform Act, or CAFRA for short. It  
4928 was a noble effort, but it plainly fell short. In advancing

4929 CAFRA, Mr. Hyde noted that in 1993, the Department of Justice  
4930 forfeited \$556 million. Post-CAFRA in 2012, DOJ forfeited \$4  
4931 billion. Adequate forfeiture reform is long overdue. I am  
4932 proud that the committee is undertaking that reform today.

4933         One of the most important changes in CAFRA was the  
4934 creation of a timeline governing the process. The ability to  
4935 force timely adjudication mitigates the hardship to innocent  
4936 owners and expedites the title transfer in the event of a valid  
4937 forfeiture. The Due Process Act broadens the application or  
4938 applicability of CAFRA's timelines, further expedites the  
4939 forfeiture process to ensure timely adjudication, and  
4940 implements new protections to ensure property owners can  
4941 contest seizures.

4942         Recognizing the punitive nature of civil forfeiture, the  
4943 Due Process Act raises the government's burden of proof from  
4944 a preponderance of the evidence to clear and convincing  
4945 evidence. Section 5 is the bill's only reform to criminal  
4946 forfeiture. In *Kaley v. United States*, the Supreme Court ruled  
4947 that a defendant is not constitutionally entitled to an  
4948 evidentiary hearing to contest the factual predicate of a pre-  
4949 trial restraint on assets, even when that money is necessary  
4950 to pay for his defense.

4951         The bill reverses the *Kaley* decision and bolsters the  
4952 Sixth Amendment right to counsel. If the government restrains  
4953 assets pre-trial, a defendant can move for a hearing to

4954 determine whether the seizure should be modified or rescinded  
4955 to preserve the defendant's right to counsel.

4956         The bill also provides additional protection for innocent  
4957 owners. Under current law, property owners have the burden of  
4958 proving their innocence. This bill puts the burden of proving  
4959 guilt on the government where it belongs. Finally, under  
4960 current law, a judge may reduce the value of a forfeiture,  
4961 only when the forfeiture is so grossly disproportionate to the  
4962 underlying wrongdoing that it rises to the level of a  
4963 constitutional violation.

4964         The Due Process Act gives judges greater latitude to  
4965 reduce the size of a penalty when it is disproportionate to  
4966 the offense. These are important and long-overdue changes,  
4967 and I thank the chairman for his leadership, and urge the  
4968 committee to adopt this legislation.

4969         Lastly, I would be remiss if I did not mention the  
4970 contributions that Tiffany Joslyn made to this bill. As  
4971 everyone in the Judiciary family is aware, Tiffany was  
4972 tragically killed in a car accident earlier this year. Tiffany  
4973 was an integral part of the bipartisan group of staff that  
4974 worked on this bill. It is one of the many areas where she  
4975 made a lasting impact on this Committee and to her country. I  
4976 am proud to remember and honor her as we advance this important  
4977 legislation.

4978         Also, I would like to ask unanimous consent that

4979 statements in support of this legislation, the American Bar  
4980 Association, the American Civil Liberties Union, the Americans  
4981 for Tax Reform, Drug Policy Alliance, FreedomWorks, Generation  
4982 Opportunity, Leadership Conference on Civil and Human Rights,  
4983 Small Business and Entrepreneurship Council, and the U.S.  
4984 Justice Action Network, certainly a conglomeration we do not  
4985 hear very often supporting the same legislation, be included  
4986 in the record.

4987 [The statement of Mr. Sensenbrenner follows:]

4988 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4989 Ms. Jackson Lee. Mr. Chairman, would you --  
4990 Chairman Goodlatte. Without objection, the documents  
4991 will be made a part of the record.

4992 [The information follows:]

4993 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4994 Ms. Jackson Lee. I was hoping he could yield for me to  
4995 just join in briefly in his comments on Tiffany.

4996 Mr. Sensenbrenner. I yield.

4997 Ms. Jackson Lee. Yeah. Thank you so very much, and thank  
4998 you, Mr. Chairman. Forgive me for being remiss. She  
4999 passionately talked about this legislation because of her true  
5000 commitment to the idea of due process, so I too want to add my  
5001 appreciate to Tiffany, who worked with the bipartisan group of  
5002 staff, but even as we met, might I say with a bit of humor, in  
5003 the late evenings of the night, this bill was always one that  
5004 she would comment on in hoping that we would move it as quickly  
5005 as possible so that the idea of due process could have real  
5006 life, and that is what we are doing today. With that I yield  
5007 back. Thank you so very much.

5008 Mr. Sensenbrenner. Mr. Chairman, I yield back.

5009 Chairman Goodlatte. The chair thanks gentlemen, and  
5010 without objection, the statement of Ranking Member Conyers  
5011 will be make a part of the record.

5012 [The information follows:]

5013 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5014 Chairman Goodlatte. Without objection, all the members'  
5015 opening statements will be made a part of the record.

5016 [The information follows:]

5017 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5018 Chairman Goodlatte. And for what purpose does the  
5019 gentleman from Michigan seek recognition?

5020 Mr. Trott. Move to strike last word.

5021 Chairman Goodlatte. Gentleman is recognized for 5  
5022 minutes.

5023 Mr. Trott. Thank you, Mr. Chairman. The civil forfeiture  
5024 laws give the government an important tool to seize assets,  
5025 and I wholly support the process, but this bill is legislation  
5026 that I strongly support because the process needs to be  
5027 improved. As an attorney in private practice, I probably  
5028 handled over 100 forfeiture cases, representing innocent lien  
5029 holders.

5030 I found the process typically plagued with unnecessary  
5031 delays. It was unduly expensive for my clients, at times  
5032 arbitrary, and more often than not frustrating and difficult,  
5033 so I support the legislation and thank the gentleman from  
5034 Wisconsin for introducing the bill. I yield back.

5035 Chairman Goodlatte. Well, the chair thanks the gentleman  
5036 for his support of this effort and for his experience that he  
5037 brings to this issue. Are there any amendments to H.R. 5283?

5038 Mr. Sensenbrenner. Mr. Chairman, I have an amendment to  
5039 this.

5040 Chairman Goodlatte. The clerk will report the amendment.

5041 Ms. Adcock. Amendment to H.R. 5283 offered by Mr.  
5042 Sensenbrenner. In section --

5043 [The amendment of Mr. Sensenbrenner follows:]

5044 \*\*\*\*\* INSERT 16 \*\*\*\*\*

5045 Chairman Goodlatte. Without objection, the amendment is  
5046 considered as read, and the gentleman is recognized for 5  
5047 minutes on it.

5048 Mr. Sensenbrenner. I will take about 15 seconds. The  
5049 amendment makes important technical changes to the introduced  
5050 bill to ensure the procedural forms operate as designed. I  
5051 urge my colleagues to support this necessary amendment and  
5052 yield back.

5053 Chairman Goodlatte. Would the gentleman yield?

5054 Mr. Sensenbrenner. I yield.

5055 Chairman Goodlatte. I thank the gentleman for this  
5056 important amendment, which makes small technical corrections  
5057 to the language as introduced. These changes will ensure that  
5058 the reforms contained in the bill are effective and match the  
5059 intent of the drafters. I support this amendment and urge my  
5060 colleagues to do the same.

5061 The question occurs on the amendment offered by the  
5062 gentleman from Wisconsin.

5063 All those in favor respond by saying aye.

5064 Those opposed, no.

5065 The ayes have it, and the amendment is agreed to. Are  
5066 there any other amendments?

5067 Ms. Lofgren. Mr. Chairman?

5068 Chairman Goodlatte. For what purpose does the  
5069 gentlewoman from California seek recognition?

5070 Ms. Lofgren. I would like to strike the last word.

5071 Chairman Goodlatte. Gentlewoman is recognized for 5  
5072 minutes.

5073 Ms. Lofgren. I had considered offering an amendment, and  
5074 then I decided that that would be counterproductive. There is  
5075 a problem in terms of equitable sharing, and I think the  
5076 chairman himself referenced the need at some point to get into  
5077 that issue.

5078 I do believe that the sharing should comply with State  
5079 law, and that has not always been the case, but I understand  
5080 that this bill is a consensus document. It does improve the  
5081 situation. I do not want to offer an amendment that would be  
5082 an impediment to adopting these improvements, but I do hope,  
5083 Mr. Chairman, that we can work on this further refinement at  
5084 a future date.

5085 Chairman Goodlatte. The chair thanks the gentlewoman and  
5086 appreciates her forbearance, and acknowledges that, as she  
5087 notes, there is further work to be done in this area, just not  
5088 today.

5089 Ms. Lofgren. I yield back.

5090 Chairman Goodlatte. The chair thanks the gentlewoman.

5091 A reporting quorum, the question is on the motion to  
5092 report the bill H.R. 5283 as amended favorably to the House.

5093 Those in favor respond by saying aye?

5094 Those opposed, no.

5095           The ayes have it, and the bill as amended is ordered  
5096 reported favorably.

5097           Members will have 2 days to submit views. Without  
5098 objection, the bill will be reported as a single amendment in  
5099 the nature of a substitute incorporating all adopted  
5100 amendments, and staff is authorized to make technical and  
5101 conforming changes. This completes the business for today.  
5102 Members are thanked for their forbearance --

5103           Ms. Jackson Lee. Mr. Chairman? Mr. Chairman? Mr.  
5104 Chairman?

5105           Chairman Goodlatte. For what purpose does the  
5106 gentlewoman from Texas seek recognition?

5107           Ms. Jackson Lee. May I offer a congratulatory note to  
5108 Mr. Sensenbrenner? Again, I understand that the Adam Walsh  
5109 bill passed the Senate. I do not know if we were taking the  
5110 exact same bill, but this is its 10th year, and I know that  
5111 this Judiciary Committee will look fondly upon it, so I wanted  
5112 to congratulate him, as it may be moving forward. Thank you  
5113 very much. I yield back.

5114           Chairman Goodlatte. The chair thanks the gentlewoman,  
5115 thanks and congratulates the gentleman from Virginia, Mr.  
5116 Forbes, the gentlewoman from California, Ms. Walters, the  
5117 gentleman from Wisconsin, Mr. Sensenbrenner, on the passage of  
5118 their bills. Thanks to all of our members for attending. The  
5119 markup is adjourned.

5120           [Whereupon, at 4:42 p.m., the committee adjourned subject  
5121 to the call of the chair.]