

1 NATIONAL CAPITOL CONTRACTING  
2 RPTS HALATYN  
3 HJU046000  
  
4 MARKUP OF H.R.732,  
5 AUTHORIZATION AND OVERSIGHT PLAN;  
6 H.R.985; H.R.906  
7 Wednesday, February 15, 2017  
8 House of Representatives,  
9 Committee on the Judiciary,  
10 Washington, D.C.

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

14 Present Representatives Goodlatte, Chabot, Issa,  
15 Franks, Gohmert, Jordan, Chaffetz, Marino, Gowdy, Labrador,  
16 Farenthold, Collins, DeSantis, Buck, Ratcliffe, Bishop,  
17 Roby, Gaetz, Johnson of Louisiana, Biggs, Conyers, Nadler,  
18 Lofgren, Cohen, Johnson of Georgia, Deutch, Bass, Cicilline,  
19 Swalwell, Lieu, Raskin, and Jayapal.

20 Staff Present: Shelley Husband, Staff Director; Branden  
21 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian

22 and General Counsel; Dan Huff, Counsel, Subcommittee on  
23 Regulatory Reform, Commercial and Antitrust Law; Alley  
24 Adcock, Clerk; Perry Apelbaum, Minority Staff Director,  
25 Chief Counsel; Danielle Brown, Minority Chief Legislative  
26 Counsel, Aaron Hiller, Minority Chief Oversight Counsel;  
27 Joseph Graupensperger, Minority Chief Counsel, Subcommittee  
28 on Crime; James Park, Chief Counsel, Subcommittee on the  
29 Constitution; Slade Bond, Minority Democratic Counsel,  
30 RRCAL; Susan Jensen, Minority Senior Counsel; Matthew  
31 Morgan, Minority Professional Staff; Veronica Eligan,  
32 Professional Staff; and Joseph Ehrenkrantz, Minority  
33 Legislative Aide.

34 Chairman Goodlatte. Good morning. The Judiciary  
35 Committee will come to order, and without objection, the  
36 chair is authorized to declare a recess at any time. Before  
37 we get to the bills and oversight plan on our agenda today,  
38 I would like to begin by welcoming the gentlemen from  
39 Illinois, Mr. Schneider, to the committee. He is replacing  
40 Ms. Chu. Yes, you can give him a round of applause.

41 I would further ask unanimous consent that the  
42 committee adopt the updated subcommittee roster that members  
43 have in front of them. This roster reassigns some  
44 subcommittee slots for the minority on account of Ms. Chu's  
45 departure. Without objection, the updated subcommittee  
46 roster is adopted, and the chair would be happy to yield to  
47 the gentleman from Michigan.

48 Mr. Conyers. I thank the chair for yielding. My  
49 colleagues, I would like to welcome the newest member of the  
50 Judiciary Committee, Representative Brad Schneider. This is  
51 his second term representing Illinois' 10th District, and he  
52 brings to the committee more than 20 years in business and  
53 management consulting. He will be serving as a member of  
54 the Subcommittee on Courts, Intellectual Property, and the  
55 Internet and Subcommittee on Regulatory Reform, Commercial  
56 and Antitrust Law. Welcome, Representative Schneider, and  
57 we all look forward to working with you. I thank the chair.

58 Chairman Goodlatte. Thank you, Mr. Conyers. Pursuant

59 to notice, I now call up H.R.906 for purposes of markup and  
60 move that the committee report the bill favorably to the  
61 House. The clerk will report the bill.

62 Ms. Adcock. H.R.906, to amend Title 11 of the United  
63 States Code to require the public disclosure by trust  
64 established under section 524G of such title of quarterly  
65 reports that contain detailed information regarding the  
66 receipt and disposition of claims for injuries based on  
67 exposure to asbestos and for other purposes.

68 [The bill follows:]

69 \*\*\*\*\* INSERT 1 \*\*\*\*\*

70 Chairman Goodlatte. We think that is outside the room,  
71 not inside. We will check on it though. Without objection,  
72 the bill is considered as read and open for amendment at any  
73 time, and I will begin by recognizing myself for an opening  
74 statement.

75 The history of asbestos litigation is filled with human  
76 tragedy culminating in what the Supreme Court described as  
77 an "asbestos litigation crisis" in the pivotal case of  
78 *AmChem v. Windsor*. As businesses were forced to declare  
79 bankruptcy as a last resort to manage their liabilities, the  
80 prospect of full compensation for asbestos victims, not to  
81 mention current employees' livelihoods, grew dimmer.  
82 Victims look to the bankruptcy process to seek redress for  
83 their and their loved one's injuries.

84 Unfortunately, on too frequent of an occasion, by the  
85 time asbestos victims assert their claims for compensation,  
86 the bankruptcy formed for their benefit has been diluted by  
87 fraudulent claims, leaving these victims without their  
88 entitled recovery.

89 The reason that fraud is allowed to exist within the  
90 bank asbestos trust system is the excessive lack of  
91 transparency created by plaintiff's firms. Due to a  
92 provision in the Bankruptcy Code, plaintiff's firms are  
93 granted a statutory veto right over a debtor's Chapter 11  
94 plan that seeks to restructure asbestos liabilities.

95 Plaintiff's firms have exploited this leverage to prevent  
96 information contained within the asbestos trust from seeing  
97 the light of day.

98       The predictable result from this reduced transparency  
99 has been a growing wave of claims and reports of fraud. The  
100 increase in claims has caused many asbestos trusts to reduce  
101 the recovery paid to asbestos victims who emerged following  
102 the formation of the trust. In addition, instances of fraud  
103 within the asbestos trust system have been documented in  
104 news reports, State court cases, and prior testimony before  
105 the Judiciary Committee.

106       Most recently, the news reports have described numerous  
107 accounts of fraud that were uncovered during a bankruptcy  
108 case in North Carolina. I am pleased that Mr. Farenthold  
109 reintroduced this important legislation this Congress.  
110 H.R.906, the FACT Act of 2017, will protect trust assets  
111 reserved for current and future victims by striking the  
112 proper balance between much needed transparency and  
113 preservation of the dignity and medical privacy of asbestos  
114 victims.

115       The FACT Act increases transparency through two simple  
116 measures first, it requires the asbestos trust to file  
117 quarter reports on their public bankruptcy dockets. These  
118 reports will contain very basic information about demands to  
119 the trust and payments made by the trust to claimants;

120 second, the FACT Act requires asbestos trust to respond to  
121 information requests about claims asserted against, and  
122 payments made by, the asbestos trust. These measures were  
123 carefully designed to increase transparency, while providing  
124 claimants with sufficient privacy protection.

125 To accomplish this goal, the bill leverages the privacy  
126 protections contained in the Bankruptcy Code and includes  
127 additional safeguards to preserve claimant's privacy. The  
128 FACT Act also was deliberately structured to minimize the  
129 administrative impact of asbestos trust. I believe that the  
130 FACT Act strikes the appropriate balance between achieving  
131 the transparency necessary to reduce fraud in an efficient  
132 manner and providing claimants with sufficient privacy  
133 protections.

134 If asbestos trusts are to have assets available to pay  
135 the claims of deserving, future claimants, Congress must  
136 take steps to assure that trust assets will be better  
137 protected today. I encourage all of my colleagues to  
138 support this legislation. It is now my pleasure to  
139 recognize ranking member of the committee, the gentleman  
140 from Michigan, Mr. Conyers, for his opening statement.

141 [The prepared statement of Chairman Goodlatte follows:]

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

143 Mr. Conyers. Thank you, Chairman Goodlatte. Members  
144 of the committee, I have a number of serious concerns about  
145 H.R.906, Furthering Asbestos Claim Transparency Act, or the  
146 so-called FACT Act.

147 To begin with, the bill's reporting and disclosure  
148 requirements are an assault against the privacy of asbestos  
149 victims who seek payment for their injuries from bank or  
150 trusts established for that very purpose. In particular,  
151 H.R.906 would force these trusts to publicly disclose  
152 sensitive, personal information of these asbestos claimants,  
153 including their names and exposure histories. As a result,  
154 their private information will be irretrievably released  
155 into the public domain, available via the Internet.

156 Just imagine what insurance companies, perspective  
157 employers, lenders, and data collectors could do with this  
158 information. Worse yet, these asbestos victims will be more  
159 vulnerable to predators. By exposing their personal  
160 information to the public, H.R.906 will allow asbestos  
161 victims to be re-victimized, notwithstanding the fact that  
162 such disclosure has absolutely nothing to do with  
163 compensation for asbestos exposure.

164 While H.R.906 supporters claim that it is intended to  
165 help victims of asbestos exposure, asbestos victims  
166 vigorously oppose H.R.526. In fact, I am not aware of a  
167 single asbestos victim who supports H.R.526. Because of

168 this serious shortcoming of the bill, I intend to offer an  
169 amendment that will, at least, protect the privacy of  
170 asbestos claimants.

171 Another problem with H.R.906 is that it is  
172 fundamentally inequitable. Although the bill requires  
173 bankruptcy asbestos trusts to make certain disclosures, it  
174 makes no comparable demands on those whose products killed  
175 or injured millions of unsuspecting American workers,  
176 service members, and consumers. In fact, some  
177 manufacturers, I am sorry to say, intentionally concealed  
178 known risks of asbestos exposure and used nearly every trick  
179 in the book to avoid liability. They even fought the  
180 Federal Government's efforts to ban its use.

181 As a result, asbestos continued to be widely used in  
182 constructing our homes, offices, and public schools. As a  
183 matter of fact, this very building in which we are in is in  
184 the midst of a nearly 20-year asbestos abatement effort, and  
185 now, these very same manufacturers ask Congress to help them  
186 by passing H.R.906, which effectively shifts some of the  
187 cost of discovery away from them to asbestos bankruptcy  
188 trusts. Unfortunately, 906 is nothing more, I am sorry to  
189 say, than an attempt by asbestos defendants to do a run  
190 around the discovery process available under non-bankruptcy  
191 law.

192 And finally, contrary to the claims of proponents of

193 this legislation, there is no evidence of endemic fraud or  
194 any such an invasive measure as H.R.906. The Government  
195 Accountability Office reported that there is -- follow this  
196 -- no empirical evidence of such fraud with respect to the  
197 trust's claims processing system. While not perfect, the  
198 trust systems set up under the Bankruptcy Code, section  
199 524G, has genuinely proven to be beneficial to both asbestos  
200 victims and to corporations facing mass tort liability for  
201 causing asbestos injuries.

202 In exchange for agreeing to fund these trusts,  
203 companies are able to shed their massive asbestos tort  
204 liabilities and reenter the business community on a  
205 competitive basis for the benefit of their creditors and  
206 those who they injured. The trust, in turn, owe a fiduciary  
207 duty to all beneficiaries to ensure that only proper claims  
208 are paid to the extent possible.

209 These are a few of the serious concerns that I have  
210 with this legislation, and so, accordingly, I must urge my  
211 colleagues to join me in opposing this seriously flawed  
212 measure. I thank the chairman for the time.

213 [The prepared statement of Mr. Conyers follows:]

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

215 Chairman Goodlatte. Thank you, Mr. Conyers. It is now  
216 my pleasure to recognize the sponsor of the bill, Mr.  
217 Farenthold of Texas for his opening statement.

218 Mr. Farenthold. Thank you very much, Mr. Chairman, and  
219 you did such a good job explaining the bill, I am actually  
220 going to go off my script, and I would like to address some  
221 of the concerns that the ranking member brought up with  
222 respect to this bill.

223 I wanted to remind my colleagues this bill was designed  
224 to make sure that there was money in these asbestos trusts  
225 to treat future victims by making sure there are not  
226 duplicative and fraudulent claims. Right now, it is next to  
227 impossible to determine who has filed a claim against these  
228 60-some-odd trusts. It is an incredibly onerous, time-  
229 consuming, and expensive process for defense attorneys, thus  
230 making this rife for potential fraud.

231 I want to address the privacy concerns. The ranking  
232 member brought up that there were privacy concerns. The  
233 information that the FACT Act requires be disclosed is the  
234 information that would be in any pleading in a State court  
235 tort case, so this is the information you would have to  
236 disclose in any sort of litigation. Misuse of this  
237 information by employers, for instance, would be a violation  
238 of the Americans with Disabilities Act, so there are  
239 protections there.

240           There are also protections in place in the Bankruptcy  
241 Code for this information. These privacy concerns were  
242 brought up last time that we marked up this bill, and it  
243 passed in the last Congress and in four hearings that we  
244 have had before this body.

245           I would also like to talk about the concern that this  
246 somehow benefits the companies that marketed and  
247 manufactured asbestos. Many of these companies, because  
248 there were so many claims, are now in bankruptcy, and what  
249 happened is they set aside a lot of money in these trusts to  
250 pay future claims, so even if there is money left in these  
251 trusts at the end, which there will not be, there is no way  
252 the asbestos companies benefit from it. The money is gone  
253 in bankruptcy; it is in a trust for the victims, so this  
254 does not help the companies in any way.

255           I would also like to point out there, with respect to  
256 the concerns that there are no fraud in the system, I just  
257 do not buy that. It has been discovered in news reports,  
258 State court cases, testimony before this committee; the Wall  
259 Street Journal conducted investigation that found thousands  
260 of disparately filed claims. Court documents in states all  
261 over the country attest to widespread fraud.

262           Recently, a bankruptcy case in a North Carolina court  
263 uncovered a startling number of disparately filed claims.  
264 And you can also go take a look at the recent bankruptcy

265 case of Garlock. It is an illustrative example of the type  
266 of fraud occurring within the bankruptcy trust system.

267 In this California case, a plaintiff settled with  
268 Garlock for \$9 million in State court litigation, and the  
269 plaintiff affirmatively denied exposure to any other  
270 asbestos products. Nevertheless, the bankruptcy court  
271 discovered that this plaintiff had filed 14 bankruptcy  
272 asbestos trust claims. Included in those claims were  
273 statements made under penalty of perjury that directly  
274 contrasted with the statements made to the jury in the State  
275 court case, so there is clearly fraud here.

276 This is designed, not to hurt current victims, but to  
277 protect future victims by making sure folks do not double  
278 dip and that there is enough money in these trusts to pay  
279 the claims. They are already running out of money. Some of  
280 these trusts are paying a lesser percentage of claims now  
281 because they simply do not have the money to pay the full  
282 claims. This creates a simple, easy process that protects  
283 patients' privacy, but allows defendants to know whose filed  
284 claims, so they cannot double dip. It is just a common  
285 sense piece of legislation that needs to be passed to  
286 protect future victims. And I will yield back.

287 [The prepared statement of Mr. Farenthold follows:]

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

289 Chairman Goodlatte. The chair thanks the gentlemen and  
290 recognizes the man from Rhode Island, Mr. Cicilline, the  
291 ranking member of the Regulatory Reform Subcommittee for his  
292 opening statement.

293 Mr. Cicilline. Thank you, Mr. Chairman. I oppose  
294 H.R.906, the Furthering Asbestos Claims Transparency, FACT  
295 Act of 2017, legislation that is designed to delay justice  
296 for asbestos victims and deny accountability for corporate  
297 wrongdoers.

298 For decades, medical experts have closely linked  
299 asbestos exposure with mesothelioma, a form of lung cancer,  
300 and other forms of lung disease. In addition to these  
301 studies, asbestos manufacturers have also known about the  
302 deadly effects of asbestos exposure to their workers and to  
303 consumers.

304 Worse still, as U.S. District Judge Weinstein noted in  
305 1991, there is "compelling evidence that asbestos  
306 manufacturers and distributors who are aware of the growing  
307 knowledge of the dangers of asbestos sought to conceal this  
308 information from workers and the general public."

309 Real examples of this widespread deception are legion,  
310 but two, in particular, stand out. In 1966, a senior  
311 executive of Bendix Corporation, which now operates as a  
312 subsidiary of Honeywell, wrote in an inter-memorandum that  
313 "my answer to the problem is, if you have enjoyed a good

314 life while working with asbestos products, why not die from  
315 it?" And in 1973, an asbestos industry expert reported that  
316 at least 25,000 employee deaths were due to asbestos-related  
317 disease, but the "good news" is that very few people have  
318 been paying attention.

319 Elihu Inselbuch, a bankruptcy attorney who serves as  
320 counsel to several trust advisory committees, testified in  
321 2015 that "had these companies shared the information they  
322 knew about the dangers of asbestos, or at the very least  
323 provided adequate safety gear, countless lives would have  
324 been saved." Instead, as the non-profit Environmental  
325 Working Group has observed, these companies "continued to  
326 manufacture one of the most widely-used asbestos products  
327 without informing workers or the public."

328 As a result of this endemic malfeasance, the asbestos  
329 crisis has plagued American workers and consumers for  
330 decades resulting in thousands of deaths every year. In the  
331 wake of numerous lawsuits related to asbestos exposure,  
332 Congress amended the Bankruptcy Code in 1944 to authorize  
333 the use of trusts for the settlement of asbestos liability.

334 Since then, these trusts have paid about 3.3 million  
335 claims valued at about \$17.5 billion, according to a 2011  
336 report by the nonpartisan Government Accountability Office.  
337 However, without any evidence of fraud in these trusts,  
338 "asbestos defendants have created a myth of victim

339 wrongdoing, which they call double-dipping, as a pretext for  
340 so-called settlement trust transparency legislation," as Mr.  
341 Inselbuch has noted.

342 H.R.906, the so-called FACT Act, is one such bill. In  
343 the name of "transparency," H.R.906 would impose  
344 unreasonable burdens on asbestos trust and victims by  
345 forcing the disclosure of the victims' sensitive information  
346 and requiring trusts to respond to unlimited demands to  
347 information by any party. This information, which would  
348 appear on a court's public docket, would include a  
349 claimant's name, asbestos exposure history, partial social  
350 security number, and other sensitive information.

351 Beyond the obvious unintended consequences that this  
352 publication will have in terms of abetting hacking, identity  
353 theft, and other intrusions of the victim's privacy, this  
354 information is already available to relevant parties on a  
355 confidential basis, as both the GAO and the Rand Institute  
356 have reported.

357 While I agree with the majority that these trusts must  
358 be accountable and transparent to both present and future  
359 claimants, there is simply no evidence in support of the  
360 misleading assertion of double dipping or other forms of  
361 fraud that form the basis of H.R.906.

362 To the contrary, the GAO has exhaustively reviewed  
363 trust payment data and found zero evidence of fraud with

364 respect to asbestos claims. Furthermore, H.R.906 is built  
365 on a logical fallacy. The bill cannot increase transparency  
366 for asbestos claims because all relevant information is  
367 already available to relevant parties through discovery, and  
368 therefore, I urge my colleagues to oppose this solution in  
369 search of a problem. And I yield back.

370 [The prepared statement of Mr. Cicilline follows:]

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

372 Chairman Goodlatte. Are there any amendments to  
373 H.R.906? For what purpose does the gentleman from Michigan  
374 seek --

375 Mr. Conyers. Yes, I have an amendment that I would  
376 like reported, please.

377 Chairman Goodlatte. The clerk will report the  
378 amendment.

379 Ms. Adcock. Amendment to H.R.906 offered by Mr.  
380 Conyers of Michigan. Beginning on Page 2 --

381 [The amendment of Mr. Conyers follows:]

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

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

386 Mr. Conyers. Thank you, Mr. Chairman. I first, if I  
387 might, like to acknowledge the presence of two individuals  
388 who are here with us today in the audience. Susan Vento is  
389 the widow of our former colleague, of course, Representative  
390 Bruce Vento, who represented Minnesota's Fourth  
391 Congressional District for nearly 24 years and who served  
392 with distinction on this committee.

393 Unfortunately, Bruce was exposed to asbestos in his  
394 youth and, subsequently, died of lethal complications caused  
395 by such exposure just three days after his 60th birthday.  
396 Nevertheless, Susan, in honor of Bruce, continues to work  
397 diligently with asbestos victims and their families across  
398 our Nation in our fight to ban the use of asbestos.

399 And in addition, I want to recognize Judy Van Ness, who  
400 lost her husband Richard to mesothelioma. As a result of  
401 his service in the Navy and later work, he was also exposed  
402 to asbestos and passed away when he was only 62 years old.  
403 Like Susan, Judy has been an active advocate on behalf of  
404 asbestos victims, particularly those who served our Nation  
405 in the armed services.

406 And so I commend both of you for your hard work, and we  
407 welcome your dedication to this important cause. And I

408 thank the chairman for his consideration.

409 If I might, with reference to my amendment, I would  
410 like to ask that it be reported now.

411 Chairman Goodlatte. The amendment is under  
412 consideration, and if the gentleman yields back?

413 Mr. Conyers. Yes, I do.

414 Chairman Goodlatte. The chair recognizes himself.

415 Mr. Conyers. Well, wait a minute.

416 Chairman Goodlatte. I am sorry.

417 Mr. Conyers. I want to make some comments about the  
418 amendment itself.

419 Chairman Goodlatte. Oh, very well, gentleman. The  
420 time is his.

421 Mr. Conyers. Thank you. Thank you very much. Members  
422 of the committee, as I observed in my opening comments, the  
423 only beneficiaries of H.R.906, the so-called FACT Act, are  
424 the very entities that knowingly produced a toxic substance  
425 that killed or seriously injured thousands of unsuspecting  
426 American consumers and workers. In fact, I am unaware of  
427 any asbestos victim who supports this legislation.

428 Worse yet, this bill would allow victims of asbestos  
429 exposure to be further victimized by requiring information  
430 about their illness be made publicly available to virtually  
431 anyone who has access to the internet. For example, the  
432 bill requires all payment demands, as well as the names and

433 exposure histories of each claimant, together with the basis  
434 for any payment the trust made to such claimants, to be  
435 publicly disclosed.

436         This sensitive information must be posted on the  
437 court's public docket, which is easily accessible through  
438 the internet with the payment of a nominal fee. Once  
439 retrievably released into the public domain, this  
440 information would be a virtual treasure trove for data  
441 collectors and other entities for purposes that have  
442 absolutely nothing to do with compensation for asbestos  
443 exposure. Insurance companies, prospective employers,  
444 lenders, predators, scam artists, as well as the victims'  
445 neighbors would have access to this information.

446         To address the serious failing of the bill, my  
447 amendment, which we are now considering, would ensure that  
448 the quarterly reports required under H.R.906 contain only  
449 aggregate payment information. My amendment also deletes  
450 the bill's burdensome discovery requirement.

451         As noted by the widow of our former colleague,  
452 Representative Bruce Vento, who passed away from asbestos-  
453 induced mesothelioma, the bill's public disclosure of  
454 victims' private information could be used to deny  
455 employment, credit, and health, life, and disability  
456 insurance. She also warned that asbestos victims would be  
457 more vulnerable to identity thieves, conmen, and other

458 predators.

459 I am sure that the supporters of this legislation will  
460 say that the Bankruptcy Code, section 107, will prevent such  
461 results, but this provision only permits, it does not  
462 require, the bankruptcy court to issue a protective order.  
463 In fact, such relief may only be granted for cause, if the  
464 court finds that disclosure of such information would create  
465 undue risk of identity theft or other unlawful injury to the  
466 individual.

467 What this means is that an asbestos victim would have  
468 to retain counsel to go to court in order to prove cause to  
469 obtain relief. And even though Bankruptcy rule 9037 does  
470 require certain types of personal information to be redacted  
471 from a document filed in a bankruptcy case, such rule would  
472 be overridden by H.R.906.

473 So my colleagues, I urge you to support this modest  
474 amendment to ensure that the privacy of asbestos victims is  
475 protected. I thank the chair and yield back any time that  
476 may be remaining.

477 Chairman Goodlatte. Chair thanks the gentleman and  
478 recognizes himself in opposition to the amendment. The FACT  
479 Act requires increased transparency to combat fraud  
480 committed against asbestos trusts. This amendment strikes  
481 the requirement that the asbestos trust publish the very  
482 data that would be necessary to detect fraud between the

483 trust and State tort proceedings.

484 In its place, the amendment calls for the quarterly  
485 reports under the bill to publish only aggregate lists of  
486 demands received and aggregate lists of payments made by a  
487 trust. Simple aggregation of this information is  
488 insufficient to allow State court parties to make a  
489 meaningful inquiry into whether they are being defrauded.  
490 And therefore, I urge my colleagues to oppose the amendment.

491 The question occurs on the amendment offered by the  
492 gentleman from Michigan.

493 All those in favor, respond by saying aye.

494 Those opposed, no.

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

497 Mr. Conyers. May I have a recorded vote?

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

500 Ms. Adcock. Mr. Goodlatte?

501 Chairman Goodlatte. No.

502 Ms. Adcock. Mr. Goodlatte votes no.

503 Mr. Sensenbrenner?

504 [No response.]

505 Ms. Adcock. Mr. Smith?

506 Mr. Smith. No.

507 Ms. Adcock. Mr. Smith votes no.

508 Mr. Chabot?

509 Mr. Chabot. No.

510 Ms. Adcock. Mr. Chabot votes no.

511 Mr. Issa?

512 Mr. Issa. No.

513 Ms. Adcock. Mr. Issa votes no.

514 Mr. King?

515 Mr. King. No.

516 Ms. Adcock. Mr. King votes no.

517 Mr. Franks?

518 Mr. Franks. No.

519 Ms. Adcock. Mr. Franks votes no.

520 Mr. Gohmert?

521 [No response.]

522 Mr. Jordan?

523 Mr. Jordan. No.

524 Ms. Adcock. Mr. Jordan votes no.

525 Mr. Poe?

526 [No response.]

527 Mr. Chaffetz?

528 [No response.]

529 Mr. Marino?

530 Mr. Marino. No.

531 Ms. Adcock. Mr. Marino votes no.

532 Mr. Gowdy?

533 Mr. Gowdy. No.

534 Ms. Adcock. Mr. Gowdy votes no.

535 Mr. Labrador?

536 [No response.]

537 Mr. Farenthold?

538 Mr. Farenthold. No.

539 Ms. Adcock. Mr. Farenthold votes no.

540 Mr. Collins?

541 Mr. Collins. No.

542 Ms. Adcock. Mr. Collins votes no.

543 Mr. DeSantis?

544 [No response.]

545 Mr. Buck?

546 Mr. Buck. No.

547 Ms. Adcock. Mr. Buck votes no.

548 Mr. Ratcliffe?

549 Mr. Ratcliffe. No.

550 Ms. Adcock. Mr. Ratcliffe votes no.

551 Mr. Bishop?

552 Mr. Bishop. No.

553 Ms. Adcock. Mr. Bishop votes no.

554 Ms. Roby?

555 Ms. Roby. No.

556 Ms. Adcock. Ms. Roby votes no.

557 Mr. Gaetz?

558 Mr. Gaetz. No.

559 Ms. Adcock. Mr. Gaetz votes no.

560 Mr. Johnson?

561 Mr. Johnson of Louisiana. No.

562 Ms. Adcock. Mr. Johnson votes no.

563 Mr. Biggs?

564 Mr. Biggs. No.

565 Ms. Adcock. Mr. Biggs votes no.

566 Mr. Conyers?

567 Mr. Conyers. Aye.

568 Ms. Adcock. Mr. Conyers votes aye.

569 Mr. Nadler?

570 Mr. Nadler. Aye.

571 Ms. Adcock. Mr. Nadler votes aye.

572 Ms. Lofgren?

573 [No response.]

574 Ms. Jackson Lee?

575 Ms. Jackson Lee. Aye.

576 Ms. Adcock. Ms. Jackson Lee votes aye.

577 Mr. Cohen?

578 Mr. Cohen. Huge aye.

579 Ms. Adcock. Mr. Cohen votes aye.

580 Mr. Johnson?

581 [No response.]

582 Mr. Deutch?

583 [No response.]  
584 Mr. Gutierrez?  
585 [No response.]  
586 Ms. Bass?  
587 [No response.]  
588 Mr. Richmond?  
589 [No response.]  
590 Mr. Jeffries?  
591 [No response.]  
592 Mr. Cicilline?  
593 Mr. Cicilline. Aye.  
594 Ms. Adcock. Mr. Cicilline votes aye.  
595 Mr. Swalwell?  
596 Mr. Swalwell. Aye.  
597 Ms. Adcock. Mr. Swalwell votes aye.  
598 Mr. Lieu?  
599 Mr. Lieu. Aye.  
600 Ms. Adcock. Mr. Lieu votes aye.  
601 Mr. Raskin?  
602 Mr. Raskin. Aye.  
603 Ms. Adcock. Mr. Raskin votes aye.  
604 Ms. Jayapal?  
605 Ms. Jayapal. Aye.  
606 Ms. Adcock. Ms. Jayapal votes aye.  
607 Mr. Schneider?

608 Mr. Schneider. Aye.

609 Ms. Adcock. Mr. Schneider votes aye.

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

611 Mr. Poe. No.

612 Ms. Adcock. Mr. Poe votes no.

613 Chairman Goodlatte. The gentleman from Texas, Mr.

614 Gohmert?

615 Mr. Gohmert. No.

616 Ms. Adcock. Mr. Gohmert votes no.

617 Chairman Goodlatte. The gentleman from Colorado, Mr.

618 Buck?

619 [No response.]

620 The gentlewoman from California, Ms. Bass?

621 Ms. Bass. Aye.

622 Ms. Adcock. Ms. Bass votes aye.

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

625 Ms. Adcock. Mr. Chairman, 11 members voted aye; 20  
626 members voted no.

627 Chairman Goodlatte. And the amendment is not agreed  
628 to. Are there other amendments to H.R.906? For what  
629 purpose does the gentleman from New York seek recognition?

630 Mr. Nadler. Mr. Chairman, I have an amendment at the  
631 desk.

632 Chairman Goodlatte. The clerk will report the

633 amendment.

634 Ms. Adcock. Amendment to H.R.906 offered by Mr. Nadler  
635 of New York. Page 3, beginning on line 2 --

636 [The amendment of Mr. Nadler follows:]

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

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

641 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman,  
642 this amendment would require asbestos defendants who seek  
643 information from an asbestos trust to report information  
644 concerning the health and safety of their own products. I  
645 oppose the FACT Act because it will impose burdensome  
646 reporting requirements on asbestos trusts that will reduce  
647 the compensation available to victims and will violate their  
648 privacy.

649 Moreover, while supporters of the bill argue that more  
650 transparency is needed, the bill's disclosure requirements  
651 are completely one-sided. It is only fair that if we demand  
652 information about asbestos victims be made public, we should  
653 also require defendants to disclose information about the  
654 impact their products have on public health and safety.

655 A typical asbestos defendant who settles a case in the  
656 tort system demands confidentiality as a condition of  
657 settlement. This ensures that other victims cannot learn  
658 how much the defendants paid and for which products. More  
659 importantly, these secret settlements prevent the public and  
660 regulators from learning about the damage and suffering  
661 these products cause and make it more difficult to prevent  
662 future injuries.

663 My amendment would simply require that any defendants  
664 seeking the information that the FACT Act would make  
665 available must provide certain information itself. It does  
666 not require all information to be disclosed, just that which  
667 is relevant to protecting public health and safety. This  
668 information would be available to any other person or to any  
669 Federal or State entity that has the authority to enforce a  
670 law regulating activity relating to such information.

671 In the name of transparency, the FACT Act compromises  
672 the privacy of asbestos victims, while draining the funds  
673 available to compensate those victims for their injuries.  
674 It seems only fair that we apply the same transparency to  
675 these defendants, and ensure the public has access to  
676 information about the tremendous injuries and suffering  
677 their products have caused.

678 I should note that the phenomenon of secret settlements  
679 is not limited to asbestos cases. Many tort defendants  
680 demand confidentiality as the condition of settlements,  
681 preventing the public from learning important information  
682 regarding the health and safety effects of their products.  
683 That is why, yesterday, I reintroduced the Sunshine and  
684 Litigation Act, which would prohibit protective orders and  
685 settlement agreements from concealing information about  
686 public health and safety unless the court makes a finding  
687 that there is a specific and substantial interest in keeping

688 such information secret that outweighs the public interest  
689 in disclosure.

690 Through secret settlements like those that concealed  
691 General Motors' faulty ignition switches for years,  
692 corporations are able to hide the facts surrounding their  
693 misdeeds from the public and from government agencies  
694 charged with enforcing health and safety laws. As a result,  
695 more injuries occur, more lives are lost that might have  
696 been saved had this information been public.

697 Since supporters of the FACT Act are such advocates of  
698 transparency, I expect they will be lining up to co-sponsor  
699 my legislation. At a minimum, I would hope that they would  
700 support my amendment and provide some balance to this  
701 legislation, which is currently stacked in favor of asbestos  
702 defendants against their victims.

703 Transparency should not be a one-way street. We should  
704 require the defendants to disclose continuing dangers about  
705 their own products and past dangers about their products. I  
706 urge the adoption of this amendment. I yield back the  
707 balance of my time.

708 Chairman Goodlatte. What purpose does the gentleman  
709 from Texas seek recognition?

710 Mr. Gohmert. I seek recognition to oppose this  
711 amendment.

712 Chairman Goodlatte. The gentleman is recognized for 5

713 minutes.

714           Mr. Gohmert. One of the issues the FACT Act addresses  
715 is State court litigants' inability to obtain information  
716 from the federally-supervised asbestos trust. The FACT Act  
717 eliminates this problem by requiring affirmative minimal  
718 disclosure from the asbestos trust in allowing for access to  
719 additional information at the cost of the requesting party.  
720 This amendment, by contrast, would place additional  
721 disclosure requirements on the defendant requesting  
722 information from the asbestos trust.

723           So out of four separate hearings, we have had the lack  
724 of disclosure problem with the bankruptcy trust, not the  
725 private party litigant. There has been no record of a  
726 plaintiff firm encountering difficulties obtaining  
727 information necessary to sue businesses. In fact, the  
728 evidence is to the contrary. There are plaintiff firms  
729 specializing in asbestos litigation, and they are frequently  
730 on TV touting their access to information necessary to sue  
731 the companies.

732           This is about the trusts, not the parties to the  
733 litigation providing information. It is the parties other  
734 than the plaintiffs, including other bankruptcy, asbestos  
735 trusts, as well as State court judges who have had  
736 difficulty obtaining information from the asbestos  
737 bankruptcy trust system, which has created an environment

738 that is conducive to fraud.

739 The FACT Act merely levels the playing field, so all  
740 parties have access to the same information. An amendment  
741 that would require the defendant, or any party, to provide  
742 additional information before they can access what should,  
743 in fact, be public information, and had this actually been a  
744 litigation in State court, would be public information, it  
745 is just crazy, and I urge my colleagues to oppose this  
746 amendment.

747 Chairman Goodlatte. The question occurs on the  
748 amendment offered by the gentleman from New York.

749 All those in favor, respond by saying aye.

750 Those opposed, no.

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

753 The gentleman requests a recorded vote, and the clerk  
754 will call the roll.

755 Ms. Adcock. Mr. Goodlatte?

756 Chairman Goodlatte. No.

757 Ms. Adcock. Mr. Goodlatte votes no.

758 Mr. Sensenbrenner?

759 Mr. Sensenbrenner. No.

760 Ms. Adcock. Mr. Sensenbrenner votes no.

761 Mr. Smith?

762 Mr. Smith. No.

763 Ms. Adcock. Mr. Smith votes no.  
764 Mr. Chabot?  
765 Mr. Chabot. No.  
766 Ms. Adcock. Mr. Chabot votes no.  
767 Mr. Issa?  
768 [No response.]  
769 Mr. King?  
770 Mr. King. No.  
771 Ms. Adcock. Mr. King votes no.  
772 Mr. Franks?  
773 [No response.]  
774 Mr. Gohmert?  
775 Mr. Gohmert. No.  
776 Ms. Adcock. Mr. Gohmert votes no.  
777 Mr. Jordan?  
778 Mr. Jordan. No.  
779 Ms. Adcock. Mr. Jordan votes no.  
780 Mr. Poe?  
781 [No response.]  
782 Mr. Chaffetz?  
783 [No response.]  
784 Mr. Marino?  
785 Mr. Marino. No.  
786 Ms. Adcock. Mr. Marino votes no.  
787 Mr. Gowdy?

788 Mr. Gowdy. No.

789 Ms. Adcock. Mr. Gowdy votes no.

790 Mr. Labrador?

791 [No response.]

792 Mr. Farenthold?

793 Mr. Farenthold. No.

794 Ms. Adcock. Mr. Farenthold votes no.

795 Mr. Collins?

796 [No response.]

797 Mr. DeSantis?

798 [No response.]

799 Mr. Buck?

800 Mr. Buck. No.

801 Ms. Adcock. Mr. Buck votes no.

802 Mr. Ratcliffe?

803 [No response.]

804 Mr. Bishop?

805 Mr. Bishop. No.

806 Ms. Adcock. Mr. Bishop votes no.

807 Ms. Roby?

808 Ms. Roby. No.

809 Ms. Adcock. Ms. Roby votes no.

810 Mr. Gaetz?

811 Mr. Gaetz. No.

812 Ms. Adcock. Mr. Gaetz votes no.

813 Mr. Johnson?  
814 Mr. Johnson of Louisiana. No.  
815 Ms. Adcock. Mr. Johnson votes no.  
816 Mr. Biggs?  
817 Mr. Biggs. No.  
818 Ms. Adcock. Mr. Biggs votes no.  
819 Mr. Conyers?  
820 Mr. Conyers. Aye.  
821 Ms. Adcock. Mr. Conyers votes aye.  
822 Mr. Nadler?  
823 Mr. Nadler. Aye.  
824 Ms. Adcock. Mr. Nadler votes aye.  
825 Ms. Lofgren?  
826 [No response.]  
827 Ms. Jackson Lee?  
828 Ms. Jackson Lee. Aye.  
829 Ms. Adcock. Ms. Jackson Lee votes aye.  
830 Mr. Cohen?  
831 Mr. Cohen. Aye.  
832 Ms. Adcock. Mr. Cohen votes aye.  
833 Mr. Johnson?  
834 [No response.]  
835 Mr. Deutch?  
836 [No response.]  
837 Mr. Gutierrez?

838 [No response.]  
839 Ms. Bass?  
840 Ms. Bass. Aye.  
841 Ms. Adcock. Ms. Bass votes aye.  
842 Mr. Richmond?  
843 [No response.]  
844 Mr. Jeffries?  
845 [No response.]  
846 Mr. Cicilline?  
847 Mr. Cicilline. Aye.  
848 Ms. Adcock. Mr. Cicilline votes aye.  
849 Mr. Swalwell?  
850 Mr. Swalwell. Aye.  
851 Ms. Adcock. Mr. Swalwell votes aye.  
852 Mr. Lieu. Aye.  
853 Ms. Adcock. Mr. Lieu votes aye.  
854 Mr. Raskin?  
855 Mr. Raskin. Aye.  
856 Ms. Adcock. Mr. Raskin votes aye.  
857 Ms. Jayapal?  
858 Ms. Jayapal. Aye.  
859 Ms. Adcock. Ms. Jayapal votes aye.  
860 Mr. Schneider?  
861 Mr. Schneider. Aye.  
862 Ms. Adcock. Mr. Schneider votes aye.

863 Chairman Goodlatte. The gentleman from California, Mr.

864 Issa?

865 Mr. Issa. No.

866 Ms. Adcock. Mr. Issa votes no.

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

868 Mr. Poe. No.

869 Ms. Adcock. Mr. Poe votes no.

870 Chairman Goodlatte. The gentleman from Utah, Mr.

871 Chaffetz?

872 Mr. Chaffetz. No.

873 Ms. Adcock. Mr. Chaffetz votes no.

874 Chairman Goodlatte. The gentleman from Idaho, Mr.

875 Labrador?

876 Mr. Labrador. No.

877 Ms. Adcock. Mr. Labrador votes no.

878 Chairman Goodlatte. The gentleman from Arizona, Mr.

879 Franks?

880 Mr. Franks. No.

881 Ms. Adcock. Mr. Franks votes no.

882 Chairman Goodlatte. The gentleman from Florida, Mr.

883 Deutch?

884 Mr. Deutch. Aye.

885 Ms. Adcock. Mr. Deutch votes aye.

886 Chairman Goodlatte. Has every member votes who wishes

887 to vote? The clerk will report.

888 Ms. Adcock. Mr. Chairman, 12 members votes aye; 21  
889 members voted no.

890 Chairman Goodlatte. And the amendment is not agreed  
891 to. Are there other amendments to H.R.906? The clerk will  
892 report the amendment.

893 Ms. Adcock. Amendment H.R.906 offered by Ms. Jackson  
894 Lee of Texas. Beginning on page 2, strike line 7.

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

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

897 Chairman Goodlatte. Without objection, the amendment  
898 is considered as read, and the gentlewoman is recognized for  
899 5 minutes on her amendment.

900 Ms. Jackson Lee. Thank you, Mr. Chairman. The Jackson  
901 Lee amendment would apply the transparency rules in the bill  
902 equally to asbestos industry defendants by requiring  
903 asbestos companies to report information about the location  
904 of their asbestos-containing products, and the amendment  
905 includes a trade secrets exceptions.

906 H.R.906 is one-sided in that it maintains the rights of  
907 asbestos defendants to demand confidentiality of settlements  
908 and protects an asbestos right to continue to hide the  
909 dangers of their asbestos products from asbestos victims and  
910 the American public.

911 I think it is important for my colleagues to realize  
912 that we have addressed this issue over many different  
913 sessions, but the underlying fact remains: the victims of  
914 asbestos poisoning are victims of asbestos poisoning  
915 yesterday, today, and tomorrow. That fact remains, and  
916 their injury continues.

917 A typical asbestos defendant who settles a case in the  
918 torts systems demands confidentiality as a condition of the  
919 settlement in order to ensure that other victims cannot  
920 learn how much they paid or for which asbestos products the  
921 defendant is paying compensation. Let me be very clear

922 again. These victims who are compensated are not getting it  
923 because they are good looking, because they are short; they  
924 are tall; they live in a certain region. They have been  
925 severely damaged. They are injured. They are lifetime  
926 injuries. Some, obviously, have, in cases, lost their  
927 lives.

928       These same defendants want the victims to disclose  
929 specific settlement amounts with the trust along with  
930 product exposure information and work history that they do  
931 not themselves provide, nor would have provided before the  
932 trusts were created. If transparency were the true goal of  
933 this bill, then why does not the bill require settling  
934 defendants to reveal information important to public safety  
935 and health?

936       The asbestos health crisis is a result of a massive  
937 corporate cover-up. For decades, asbestos companies knew  
938 about the dangers of asbestos, failed to warn and adequately  
939 protect workers and their families. The laws have now  
940 changed. Every building with asbestos is required to remove  
941 it or it is demolished. We know the dangers now. People's  
942 lives have been ruined.

943       The 1966 comments of the director of Purchasing  
944 Preventative Corporation, now a part of Honeywell, capture  
945 the complete disregard of an industry for its workforce that  
946 is expressed over and over again in company documents

947 spanning the past 6 years. "If you have enjoyed a good life  
948 while working with asbestos products, why not die from it?"  
949 That should go down infamy.

950 Now, the same industry responsible for causing this  
951 crisis is asking Congress to protect them from liability.  
952 If such a bill is going to pass the U.S. House, the bill  
953 should at least force asbestos defendants to reveal  
954 information about their asbestos products, where they are in  
955 use, and how many products continue to be exposed to those  
956 products. Trust information is already public. Trusts  
957 already disclosed far more information than solvent  
958 defendants do about their settlement practices and amounts.

959 The settlement criterion used by a trust and the offer  
960 the trust will make, if the criterion amend, are publicly  
961 available in the trust distribution procedures for that  
962 trust. Trusts also file annual reports with the Bankruptcy  
963 Court and publish lists of products for which they have  
964 assumed responsibility. If asbestos victims are going to be  
965 forced to reveal private medical and work history  
966 information in a public forum to the very industry that  
967 caused their harm, asbestos defendants should at least be  
968 required to reveal which of their products contain asbestos  
969 and how many people are being exposed.

970 The bill seems to override State law regarding  
971 discovery and disclosure information. State discovery rules

972 currently govern disclosure of a trust claimant's work and  
973 exposure history. If such information is relevant to State  
974 law claim, a defendant can seek and get that information  
975 according to the rules of a State court.

976 What a defendant cannot do, and what this bill would  
977 allow, is for a defendant to engage in fishing expeditions  
978 where relevant information, which has no use other than to  
979 delay a claim for as long as possible and to intimidate that  
980 victim, who is already sick; his family has been impacted;  
981 he or she cannot work; they have lost the income, and yes,  
982 they may be dead. Thus, the bill must be amended to only  
983 apply to defendants willing to reveal important information  
984 about their asbestos-containing products.

985 Last, let me add, that the asbestos defendants would  
986 not be required to disclose trade secrets under this  
987 amendment. The asbestos defendants would only be required  
988 to disclose information about which of their products  
989 contain asbestos, where they are in use, and how many people  
990 are being exposed. The amendment would not force asbestos  
991 defendants to reveal industry trade secrets or place them at  
992 a competitive disadvantage.

993 Instead, this amendment ensures transparency from both  
994 the asbestos victims and/or their families and asbestos  
995 defendant since transparency is the stated goal of the bill.  
996 I urge my colleagues to support the Jackson Lee amendment,

997 and I ask them to vote for the Jackson Lee amendment in the  
998 name of fairness of what this committee is about: judicial  
999 fairness and equity. I yield back.

1000 Chairman Goodlatte. For what purpose does the  
1001 gentleman from Texas seek recognition?

1002 Mr. Farenthold. I would like to claim time opposing  
1003 the amendment.

1004 Chairman Goodlatte. Gentleman is recognized for 5  
1005 minutes.

1006 Mr. Farenthold. Thank you very much, Mr. Chairman. I  
1007 do oppose this amendment.

1008 It is basically just a variation of the amendment we  
1009 just discussed from the gentleman from New York, Mr. Nadler,  
1010 as it would require defendants to comply with additional and  
1011 unnecessary disclosure requirements. And for the reasons  
1012 previously articulated, this amendment would be unduly  
1013 burdensome and would not address the fundamental claims  
1014 issues that the FACT Act is intended to remedy, which is so  
1015 that defendants know who has already made claims.

1016 This is a requirement not on the asbestos companies to  
1017 release the information; this is a requirement on the  
1018 asbestos trust set up in bankruptcy to release the  
1019 information. This amendment would bring a whole other group  
1020 into the realm of this legislation. And again, this is just  
1021 designed to deal with fraudulent claims, and again, I would

1022 urge my colleagues to oppose this amendment.

1023 Chairman Goodlatte. For what purpose does the  
1024 gentleman from Florida seek recognition?

1025 Mr. Deutch. I move to strike the last word.

1026 Chairman Goodlatte. Gentleman recognized for 5  
1027 minutes.

1028 Mr. Deutch. I yield to my friend, Ms. Jackson Lee.

1029 Ms. Jackson Lee. Thank you so very much. Thank you so  
1030 very much. Let me appreciate the opposition, but this is an  
1031 amendment that is very clear on its face. It is an  
1032 amendment of equity. What is required of plaintiffs,  
1033 petitioners, should be required of defendants. But I want  
1034 to offer into the record a letter from the Veteran's Service  
1035 Organization opposing the FACT Act. Veteran's Service  
1036 Organizations oppose the FACT Act.

1037 I think that speaks loudly and clearly: Air Force  
1038 Association, Air Force Sergeants Association, AMVETS, among  
1039 others, Jewish War Veterans of the USA, Military Officers  
1040 Association of America, Naval Enlisted Reserves Association,  
1041 the Retired Enlisted Association, Vietnam Veterans of  
1042 America has unanimous consent to submit this letter into the  
1043 record, Mr. Chairman?

1044 Chairman Goodlatte. Without objection, it will be made  
1045 part of the record.

1046 [The information follows]

1047

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

1048 Ms. Jackson Lee. Then, for those of us, Mr. Conyers  
1049 and Mr. Nadler, who have had the privilege of being here and  
1050 serving in this August body for a period of time, we  
1051 remember U.S. Representative Bruce F. Vento, remember him as  
1052 a generous spirit, hardworking, well-appreciated, who served  
1053 in this Congress for 24 years. He died from asbestos  
1054 poisoning in 2000 with eight-and-a-half months of being  
1055 diagnosed. He died from the aggressive cancer caused by  
1056 asbestos exposure. Bruce was exposed while working his way  
1057 through college.

1058 This should really open our eyes; as a laborer years  
1059 before he became involved in public life. With his death,  
1060 our country lost a hardworking and humble public servant.  
1061 Years before his time, Bruce's parents, siblings, children,  
1062 grandchildren, and I lost so much more. That is a testimony  
1063 of his wife, who, for years, came before this body to ask  
1064 for dignity and response to his death.

1065 She further goes on to say, "Since his death, I have  
1066 worked with asbestos patients and family members from across  
1067 the country to fight for a ban on asbestos and protect the  
1068 rights of people's lives who have been forever affected by  
1069 this terrible poison. I have recently been involved in the  
1070 effort to stop the so-called FACT Act, which would obstruct  
1071 justice for victims dying from asbestos-related diseases  
1072 while giving a handout to the very corporations that

1073 knowingly poison and kill them.

1074 I knew Bruce Vento. He deserved to live, and as many  
1075 young people, he did what many do, work in jobs as laborers  
1076 to get through college. Then, of course, to become this  
1077 public servant and served for so many years, so honorably  
1078 and with distinguished service. So, I ask my colleagues to  
1079 support the Jackson Lee amendment. I ask for unanimous  
1080 consent to submit into the record the Star Tribune "Stand  
1081 with Families Affected by Asbestos and Help Kill the FACT  
1082 Act." I ask unanimous consent to submit this into the  
1083 record.

1084 Chairman Goodlatte. Without objection, it will be made  
1085 a part of the record.

1086 [The information follows:]

1087 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1088 Ms. Jackson Lee. I yield back to the gentleman from  
1089 Florida.

1090 Mr. Deutch. I thank my friend, and I yield to my  
1091 friend, Mr. Cohen, from Tennessee.

1092 Mr. Cohen. Thank you for yielding. I appreciate it.  
1093 I did not know Congressman Vento, but I knew Warren Zevon  
1094 extremely well. Warren Zevon was a great singer-songwriter  
1095 who died of mesothelioma, and he got it, apparently, some  
1096 time when he was a very young man and did not know about it,  
1097 obviously, and his death took about a year, which was longer  
1098 than expected.

1099 This is a killer that we need to do all we can to  
1100 expose the places that contain the asbestos and let people  
1101 know where those sites are to protect other lives. This  
1102 amendment is a good amendment. It is a life-saving  
1103 amendment, and just like the Romans knew, or Christians knew  
1104 when they were put in the ring by the Romans with the lions  
1105 what the outcome would be, I do not ask anything except for  
1106 change of course, which is not to be foreseen. I yield  
1107 back.

1108 Chairman Goodlatte. For what purpose does the  
1109 gentleman from Texas seek recognition?

1110 Mr. Gohmert. To strike the last word.

1111 Chairman Goodlatte. The gentleman is recognized for 5  
1112 minutes.

1113 Mr. Gohmert. I yield my time to my friend from Texas,  
1114 Mr. Farenthold.

1115 Mr. Farenthold. Thank you very much, Mr. Gohmert. I  
1116 just wanted to respond to a couple of things that my  
1117 colleague from Texas, Ms. Jackson Lee, and my colleague from  
1118 Tennessee said. Asbestosis, mesothelioma, terrible  
1119 diseases. The purpose of this act is to make sure that  
1120 there is money left to compensate those victims we do not  
1121 know about yet.

1122 It is designed as a fraud-protection device to keep  
1123 unscrupulous attorneys and, in some cases, claimants from  
1124 filing multiple claims for the same injury. It is narrowly  
1125 tailored to do that, and adding additional requirements on  
1126 here, I think we need to know where asbestos exists, as  
1127 well, but this just is not the place to do it.

1128 Let's keep things focus on what we are trying to do.  
1129 Also, Ms. Jackson Lee entered several letters into the  
1130 record opposing the bill. I would like to enter a letter  
1131 from the American Legion, the Nation's largest veteran  
1132 organization, representing more than 2.2 million members,  
1133 and they point out that this bill will protect veterans and  
1134 other asbestos victims by requiring the trust to disclose  
1135 information on their claims. The intent of this legislation  
1136 is to bring transparency to a system that is vulnerable to  
1137 abuse while assisting those who are most in need, and

1138 without objection, I would like to enter this for the  
1139 record.

1140 Chairman Goodlatte. Without objection, it will be made  
1141 a part of the record.

1142 [The information follows:]

1143 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1144 Mr. Farenthold. And with that, I urge my colleagues to  
1145 oppose Ms. Jackson Lee's amendment and yield back. Mr.  
1146 Chairman, thank you.

1147 Chairman Goodlatte. For what purpose does the  
1148 gentleman from New York seek recognition?

1149 Mr. Swalwell. I would like to strike the last word.

1150 Chairman Goodlatte. Gentleman is recognized for 5  
1151 minutes.

1152 Mr. Swalwell. Mr. Chairman, I will be brief on this  
1153 amendment, but I have to respond to what Mr. Farenthold has  
1154 said multiple times. The fact of the matter is, this bill  
1155 is designed allegedly to prevent fraud. Not one instance of  
1156 fraud has been identified, not one. This is an entirely  
1157 speculative problem, number one.

1158 Number two, the damage it would do to victims is why  
1159 all the victims are opposing it. The American Legion may  
1160 support it, but the victim's organizations and the victims  
1161 all oppose it. Why? Because they know it will drain money  
1162 from the trust funds that they need, and it will put private  
1163 information, precisely the type of information that people  
1164 are told not to make public because of identity theft and  
1165 other things, on the internet.

1166 To invade the privacy of people who have been  
1167 victimized by tortfeasors in the name of helping the  
1168 tortfeasors to evade payment, while claiming that you are

1169 helping the victims who tell you, "Do not help us," if you  
1170 could identify victims who support this legislation, then  
1171 maybe it would be a more honest case.

1172 But instead, this is re-victimizing the victims; it  
1173 helps only the tortfeasors; and there is no excuse for it.  
1174 I am always suspicious of legislation to help people who  
1175 say, "Do not help us. This harms us." Show me some victims  
1176 who support this, but you cannot. This legislation has been  
1177 before us for years; the case for it has not improved; the  
1178 number of victims who have come forward to support it remain  
1179 zero; after all these years, the case is tight. It is open  
1180 and shut. Did you want -- and here is a letter from 138  
1181 victims, which says do not do it. I would like to submit  
1182 this for the record.

1183 Chairman Goodlatte. Without objection, it will be made  
1184 part of the record.

1185 [The information follows:]

1186 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1187 Mr. Swalwell. So, there is no excuse for this  
1188 legislation. I urge, at the moment, that Ms. Jackson Lee's  
1189 amendment be adopted, but really, the legislation ought to  
1190 be defeated. There is not a problem here. No problem has  
1191 been shown, only speculation, and yet the harm that this  
1192 would do is clear and manifest. I yield to the gentlelady  
1193 from Texas.

1194 Ms. Jackson Lee. Let me thank the gentleman from New  
1195 York for a very pointed rebuttal to my good friend from  
1196 Texas, and I just want to reinforce the issue of fraud.

1197 I do not take lightly that some of the victims, Mr.  
1198 Nadler, are dead. The victims' families are standing in  
1199 place, so individuals have lost their lives, and if you are  
1200 going to make an allegation of fraud and write an entire  
1201 legislative effort on that basis, there needs to be,  
1202 certainly, trusted documentation of the massiveness of the  
1203 fraud.

1204 And so, I want to highlight the GAO report that  
1205 indicates that, overall, that this study found no fraud.  
1206 This GAO study, it rose out of litigation with millions of  
1207 Americans, and it goes on to examine what has occurred, and  
1208 it does not offer any documentation. It could not find any  
1209 documentation on fraud. Mr. Chairman, I would like to  
1210 submit this document into record, GAO Study, "Asbestos  
1211 Injury Compensation." Mr. Chairman, unanimous consent.

1212 Chairman Goodlatte. Without objection, it will be made

1213 a part of the record.

1214 [The information follows:]

1215 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1216 Ms. Jackson Lee. And so in concluding, let me simply  
1217 say, no basis of fraud. Victims are without question. Some  
1218 tragically lost their life through the innocence of work,  
1219 families now in their stead, and then other victims  
1220 suffering from this devastating cancer. I do not believe  
1221 the FACT Act is going to contribute to any of that. I close  
1222 by saying, we can find other ways to ensure that the monies  
1223 are there for other victims. And so, I do not see that this  
1224 bill is the answer. I yield back.

1225 Mr. Deutch. Reclaiming my time. I would just like to  
1226 add one thing, and that is that it is always suspect. The  
1227 true motives of legislation supposedly helping victims, when  
1228 those victims say, "Do not help us. We do not need this  
1229 help," the motives of the legislation, and even of the  
1230 sponsors of the legislation, are very, very suspect. I  
1231 yield back.

1232 Chairman Goodlatte. The chair recognizes himself in  
1233 opposition to the amendment. The statements made by the  
1234 gentleman from New York cannot go unchallenged. Fraud has  
1235 been documented in news reports, State court cases and  
1236 testimony before this very committee. The Wall Street  
1237 Journal conducted an investigation that found thousands of  
1238 disparately filed claims. Court documents in many states,  
1239 including Delaware, Louisiana, Maryland, New York, Ohio,  
1240 Oklahoma, and Virginia attest to widespread fraud. Most

1241 recently, a bankruptcy case in North Carolina uncovered a  
1242 startling number of disparately-filed claims.

1243         Additionally, the Judiciary Committee heard testimony  
1244 over the course of four hearings, during which witnesses  
1245 repeatedly testified that fraud existed within the asbestos  
1246 trust bankruptcy system. And keep in mind that the fraud  
1247 reported to date has been in spite of the lack of disclosure  
1248 that exists. And the victims who will benefit from this  
1249 legislation have not yet been identified, so let's make sure  
1250 we preserve assets that need to go to people who are going  
1251 to suffer injuries, serious, deadly injuries, in many cases,  
1252 that need to be compensated and not have duplicative  
1253 compensation provided to people who do not want this  
1254 legislation because they want to receive duplicative  
1255 compensation.

1256         The increased transparency that the FACT Act introduces  
1257 will go a long way in uncovering previously undetected fraud  
1258 and preserving assets for future asbestos victims.

1259         The question occurs on the amendment offered by the  
1260 gentlewoman from Texas.

1261         Mr. Swalwell. Mr. Chairman, I move to strike the last  
1262 word.

1263         Chairman Goodlatte. Who seeks that?

1264         Mr. Swalwell. Swalwell from California.

1265         Chairman Goodlatte. The gentleman from California is

1266 recognized for 5 minutes.

1267       Mr. Swalwell. Thank you, Mr. Chairman. And I would  
1268 like to echo the concerns of some of my colleagues that,  
1269 despite Congress after Congress, this has been put forward  
1270 to us, and hearings -- unlike in this Congress -- have been  
1271 held on this issue. Not a single victim has testified for  
1272 the majority, asking for the legislation that is being  
1273 sought today. So, I do support the gentlelady's amendment,  
1274 and I think --

1275       Chairman Goodlatte. Would the gentleman suspend? The  
1276 chair wants to recognize you again in just a moment. But  
1277 the gentleman wants to admonish the gentleman from New York  
1278 that, in his remarks, he should not impugn the motives of  
1279 members of this committee that offer legislation in good  
1280 faith. That is in violation of the rules of the House and  
1281 is inappropriate. The gentleman from California may resume  
1282 his comments.

1283       Mr. Swalwell. Thank you, Mr. Chairman. And in the  
1284 previous Congresses, we have actually had hearings on this,  
1285 and not a single victim has come forward asking for the  
1286 legislation sought today. So, I do support the gentlelady's  
1287 amendment, and I do think, Mr. Chairman, that as we seek to  
1288 solve issues in our judicial system, we should go to the  
1289 people affected. And that is why it is so powerful that no  
1290 one has ever come forward today who is a victim of asbestos,

1291 asking for this legislation. And so, I am afraid that  
1292 supporting this legislation hurts the victims.

1293 And it has been identified that there are a number of  
1294 privacy concerns, that having such public information out  
1295 there would hurt a victim or a victim's family member from  
1296 being able to obtain health insurance, life insurance,  
1297 employment, but also, it would chill litigation from future  
1298 victims, people who would be considering their options for  
1299 bringing forth such legislation.

1300 Finally, Mr. Chairman, I am afraid that this is a  
1301 solution in search of a problem. And I would direct and ask  
1302 to be entered into the record testimony on February 4, 2015  
1303 at a hearing on H.R.526 from Elihu Inselbuch, who sought, in  
1304 his testimony, to discredit any of the fraudulent claims  
1305 that have been made, particularly by the Wall Street  
1306 Journal. And in his testimony, on Page 7, he says, "Out of  
1307 the millions of trust claims filed and considered by trusts  
1308 since 1988, defendants have identified just one case where a  
1309 trust claim was filed by a victim after judgment and paid by  
1310 a trust." If we could have that entered into the record,  
1311 Mr. Chairman.

1312 Chairman Goodlatte. Without objection, it will be made  
1313 a part of the record.

1314 [The information follows:]

1315

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

1316 Mr. Swalwell. And finally, again, going back to a  
1317 solution in search of a problem, there are a lot of problems  
1318 right now in Washington that are in need of solutions. And  
1319 I would really ask this committee to take on the problem of  
1320 Russian interference in our election. And with that, Mr.  
1321 Chairman, I will yield to Mr. Nadler.

1322 Mr. Nadler. I thank the gentleman. I would simply  
1323 observe, who opposes this legislation? The victims. Who  
1324 supports this legislation? The tortfeasors. Motives need  
1325 not be discussed. I withdraw that comment. They can be  
1326 inferred. I yield back.

1327 Mr. Swalwell. Thank you. And I yield back, Mr.  
1328 Chairman.

1329 Mr. Issa. Mr. Chairman? Mr. Chairman?

1330 Chairman Goodlatte. For what purpose does the  
1331 gentleman from California seek recognition?

1332 Mr. Issa. Just an explanation of -- did I infer the  
1333 motives of members of Congress could be judged based on  
1334 those who wanted this legislation? Because if it is  
1335 inferred, who does it infer to?

1336 Chairman Goodlatte. The gentleman's point is well-  
1337 taken. The question occurs on the amendment offered by the  
1338 gentlewoman from Texas. Who seeks recognition? The  
1339 gentleman from Maryland is recognized for 5 minutes.

1340 Mr. Raskin. Mr. Chairman, thank you very much. I want

1341 to speak on behalf of the amendment. And again, I am a bit  
1342 at a loss here. I keep finding myself in a situation, as a  
1343 freshman member of this committee, voting on very  
1344 complicated, important, landmark legislation without the  
1345 benefit of having ever had a hearing. And I come from the  
1346 Maryland State Senate, where I served as a senator for a  
1347 decade on our judicial proceedings committee, and on a bill  
1348 like this, we would have, perhaps, several days of hearings,  
1349 open to everybody.

1350 Now, admittedly, that is a rule we cannot have here in  
1351 the U.S. Congress. But certainly, we could have a hearing  
1352 for, at least, the benefit of the many new members of the  
1353 committee from experts in the field because we seem to have  
1354 dueling narratives here. On the one hand, the proponents of  
1355 the legislation say that this on behalf of victims, and that  
1356 is something that tugs very hard at me, because asbestos  
1357 causes nightmarish medical conditions for people, so I am  
1358 tempted to support it.

1359 Then I hear from the opponents of the legislation that  
1360 all of the victims are opposed to it and that this is based  
1361 on a series of arguments that are pulled out of a hat. And  
1362 as a new member of this committee, how am I supposed to  
1363 decide without the benefit of a hearing? So then, I have  
1364 got to turn to hearings in the past or other letters that  
1365 have been submitted, and it does seem as if the overwhelming

1366 weight of the evidence is that the victims are opposed to  
1367 this, so I wish I can make a more refined decision based on  
1368 my own interaction with people who are experts in the field.  
1369 But given that this is being rushed through without the  
1370 benefit of giving us the opportunity to have a real hearing  
1371 on it, I am going to have to oppose the legislation and  
1372 support this amendment, which, at least, will improve it to  
1373 a certain extent.

1374 But again, I want to restate my displeasure, as a new  
1375 member of this committee, as a freshman in the House of  
1376 Representatives, to the fact that we have got real national  
1377 security emergencies that come within the jurisdiction of  
1378 our committee that we could be dealing with, but instead, we  
1379 are taking up old legislation and not even on the frank and  
1380 candid basis of having a hearing to discuss what is at  
1381 stake. And I find that profoundly troubling and  
1382 problematic, that this is the court we have chosen.

1383 Mr. Cohen. Would the gentleman yield?

1384 Mr. Raskin. Yes.

1385 Mr. Cohen. As a more senior member of the committee, I  
1386 would like to welcome you, and you are no longer in Kansas.

1387 Mr. Raskin. Well, thank you. And I do not -- you  
1388 know, I do not mean, in any way, to impugn the motives of  
1389 anybody in the U.S. Congress. It is foreign to me. Those  
1390 of us who come from State legislatures are accustomed to

1391 having hearings about bills, where we actually get to hear  
1392 from our constituents. We get to hear from experts about  
1393 what is at stake.

1394 And so, instead, you know, we get a notice that there  
1395 is a bill being heard about an incredibly complicated and  
1396 important matter of public significance, and both sides  
1397 claim to be speaking for the victims. The paperwork would  
1398 suggest that the victims are opposed to it. But I would  
1399 love to be able to hear real victims who come out and speak  
1400 on behalf of the legislation, but we have not had a hearing.  
1401 And so, Mr. Chairman, I would just hope that we would begin  
1402 to proceed in a much more methodical legislative way, where  
1403 we have hearings before we have votes on legislation. With  
1404 that, I yield back.

1405 Chairman Goodlatte. For what purpose does the  
1406 gentleman from Iowa seek recognition?

1407 Mr. King. Move to strike the last word.

1408 Chairman Goodlatte. Will the gentleman yield?

1409 Mr. Raskin. I would yield.

1410 Chairman Goodlatte. I thank the gentleman for  
1411 yielding. I just want to say to the gentleman from  
1412 Maryland, the FACT Act and the problems it addresses have  
1413 been the subject of four separate hearings: one before the  
1414 Judiciary Subcommittee on the Constitution on September 9,  
1415 2011; three legislative hearings before the Judiciary

1416 Subcommittee on Regulatory Reform, Commercial and Antitrust  
1417 Law; one during the 112th Congress, one during the 113th  
1418 Congress, one during the 114th Congress.

1419         The minority used these opportunities to call witnesses  
1420 that were representative from the asbestos plaintiffs' trial  
1421 bar to voice their concerns with the bill. In fact,  
1422 minority called the same witnesses for three out of the four  
1423 hearings. I would point out that the jurisdiction falls in  
1424 the Subcommittee on Regulatory Reform, Commercial and  
1425 Antitrust Law.

1426         And therefore, the gentleman's disadvantage that he  
1427 cited remains because he is not a member of that  
1428 subcommittee. So, he, and all of the members of the  
1429 committee who are not members of that subcommittee, have the  
1430 advantage of reading the testimony in all four of those  
1431 hearings to further educate themselves about this issue.  
1432 And while the gentleman has described the issue as being  
1433 extremely complicated, it is actually pretty  
1434 straightforward.

1435         It is a transparency bill that provides that, when you  
1436 make asbestos claims that are part of a bankruptcy  
1437 proceeding because the company that is accused of the  
1438 violations is in bankruptcy and a bankruptcy trust has been  
1439 created, the public -- the people who have potential claims  
1440 in the future, and anyone who is in a circumstance where

1441 they do not want to see somebody have duplicative claims,  
1442 sometimes falsely filed under two completely different  
1443 theories of the law, with different facts claimed, not have  
1444 that uncovered in public. And a number of proceedings in  
1445 State courts have uncovered that, and that has been brought  
1446 to the attention of this committee. And that is why this  
1447 legislation has been --

1448 Mr. Deutch. Will the gentleman yield?

1449 Chairman Goodlatte. -- passed through this committee  
1450 in many circumstances. I will be happy to yield to the  
1451 gentleman from Florida.

1452 Mr. Deutch. I appreciate the description of this  
1453 legislation by the chairman, but would the chairman not  
1454 agree that, for the more than 50 members of the House of  
1455 Representatives who are new this term and the more than 50  
1456 members who came last term, over 100 members of the House,  
1457 that they should not be forced to rely upon a 45-second  
1458 description from the chairman of the Judiciary Committee  
1459 and, perhaps, should have the opportunity to question  
1460 witnesses themselves?

1461 Chairman Goodlatte. Reclaiming my time, I would simply  
1462 say to the gentleman that every one of those members have  
1463 the opportunity to read hundreds of pages of testimony that  
1464 have been elicited from four previous hearings on this  
1465 issue.

1466 Mr. King. Mr. Chairman, reclaiming my time. Mr.  
1467 Chairman, reclaiming my time.

1468 Chairman Goodlatte. The gentleman from Iowa reclaims  
1469 his time.

1470 Mr. King. And I would point out that any questions  
1471 that the minority might have, I think, have been adequately  
1472 responded to by Mr. Farenthold of Texas. And he sits here  
1473 as a living, breathing expert to this legislation, since he  
1474 has lived it and breathed it for a long time. And so, I am  
1475 anxious to move this process along based upon the subject of  
1476 the legislation that is before us. And I would yield to the  
1477 gentleman from California, Mr. Issa.

1478 Mr. Issa. I thank the gentleman, and I would like to  
1479 remind all of us that the amount of hearings that can be had  
1480 are fairly limited. And the work that needs to be done is  
1481 far greater than the number of hearings.

1482 So, I, for one, would echo the chairman's statement,  
1483 which is, when you have both written and video history, and  
1484 you can watch, in the entirety, the actual testimony and the  
1485 conduct of the committees because that is all available, you  
1486 should, in fact, avail yourself of it. And if you find an  
1487 insufficiency in that past testimony, then and only then  
1488 bring that point up. And I think that is the reason that we  
1489 notice, days in advance, markups. People have an  
1490 opportunity to review that hearing material.

1491           And lastly, I am going to join the chairman in one  
1492 thing. This body, over the last, more than 16 years, now  
1493 that I have belonged to it, has consistently found that, if  
1494 we can bring transparency to a process, internally or  
1495 externally, that we have a bias toward it. And I would hope  
1496 that the gentleman from Maryland, during his time in the  
1497 Maryland legislature, saw the same thing, which is that  
1498 there is always a body that does not want disclosure. And  
1499 very seldom does that disclosure ever live up to the  
1500 outcomes that are predicted by those who want to have their  
1501 activities kept in secret. And that would certainly include  
1502 the plaintiffs' trial bar from time to time.

1503           It is this gentleman's time.

1504           Mr. King. Reclaiming my time, I would yield to the  
1505 gentleman from Tennessee.

1506           Mr. Cohen. Thank you, Mr. King. I appreciate it. I  
1507 was intrigued by Mr. Issa's comments about this body always  
1508 wanting transparency. We do not want transparency with the  
1509 Russian involvement with hacking the DNC and Mr. Podesta's  
1510 emails. We do not want transparency with the connection  
1511 between the Trump administration and that Russian hacking  
1512 that we now know through intelligence resources --

1513           Mr. King. Okay. Reclaiming my time. Neither do you  
1514 want transparency -- reclaiming my time --

1515           Mr. Cohen. -- with the Intelligence Committee not

1516 transparent.

1517 Mr. King. -- reclaiming my time, neither did -- thank  
1518 you. Reclaiming my time.

1519 Chairman Goodlatte. The chair will suspend.

1520 Mr. King. Neither did the gentleman ask for  
1521 transparency when it came to looking into Susan Rice or  
1522 Hillary Clinton or a number of others. And so, I would  
1523 yield back the balance of my time.

1524 Chairman Goodlatte. The chair thanks the gentleman for  
1525 all the comments that have been made. The chair would be  
1526 happy to recognize the gentleman from Iowa in a minute. It  
1527 would point out that the committee needs to complete this  
1528 bill, another bill, and I understand the minority has quite  
1529 a few amendments, and I have one of my own, by the way, for  
1530 the committee's plan, which must be authorized by the  
1531 committee today. So, we will be going late today. And I  
1532 want to advise all the members of that fact.

1533 For what purpose does the gentleman from Rhode Island  
1534 seek recognition?

1535 Mr. Cicilline. I seek time in support of the  
1536 amendment.

1537 Chairman Goodlatte. The gentleman is recognized for 5  
1538 minutes.

1539 Mr. Cicilline. Mr. Chairman, I support the amendment,  
1540 but I want to just welcome our newest member to the

1541 committee -- our newest members, Mr. Raskin from Maryland,  
1542 and just respond to the issues he has raised because, sadly,  
1543 the process he described in the Maryland State legislature  
1544 has not happened here. There was not a hearing on this  
1545 legislation before the subcommittee that I am the ranking  
1546 member of, which is the Subcommittee of Jurisdiction.

1547 And the notion that, because this issue was heard three  
1548 or four years ago, that that should satisfy the requirements  
1549 and that members should be expected and the public should be  
1550 expected to scour transcripts and get videos, I think, does  
1551 a disservice to this issue. The majority has made the  
1552 suggestion that this is a bill which will help victims of  
1553 asbestos and that, despite the fact that it is not supported  
1554 by any organizations that represent victims, despite the  
1555 fact that it is supported by the industry that is  
1556 responsible for this, and particularly, with respect to  
1557 veterans, this committee has received an opposition to this  
1558 bill from the Veterans Services Organizations.

1559 And in the bill, they say, "The reality is that this  
1560 bill only helps companies and manufacturers who knowingly  
1561 expose asbestos to our honorable men and women who have made  
1562 sacrifices for our country."

1563 And the sad reality is that the intrusive and  
1564 burdensome requirements of this legislation are an obvious  
1565 effort to give asbestos defendants a permission slip to

1566 evade the rules of discovery and evidence in litigation for  
1567 asbestos claims.

1568         And that is why a broad coalition of public interest  
1569 organizations that oppose this bill, including the Alliance  
1570 for Justice, Public Citizen, and Asbestos Disease Awareness  
1571 Organization, concluded that the obvious purpose of the  
1572 legislation is to reward the same companies, as they say,  
1573 "That hid the dangers posed by asbestos exposure, lied about  
1574 what they knew, fought against liability for the harms  
1575 caused, tried to change the laws that held them responsible,  
1576 and, to this day, fight against banning asbestos in the  
1577 United States."

1578         So, in that context, it is a very different argument  
1579 than my friend from Texas has made. And a hearing where new  
1580 members of the committee would have the opportunity to hear  
1581 from witnesses and to evaluate their testimony would help  
1582 solve that disagreement. But I think the process is flawed.

1583         And I would remind the members of this committee that  
1584 we have many urgent matters that actually require our  
1585 attention, not the least of which is this ongoing evidence,  
1586 which continues to be revealed about the persistent  
1587 influence of the Russians to hack into our elections, and to  
1588 influence the outcome, and to exert improper influence on  
1589 our democracy. Many of us, in a variety of different  
1590 venues, have called for hearings, have called for a

1591 bipartisan approach to this very critical issue.

1592       We cannot seem to get a hearing on that. Yesterday,  
1593 the National Security Advisor to the president resigned  
1594 because he lied about conversations with the Russian  
1595 ambassador at the time that sanctions were being imposed for  
1596 that hacking. There are many issues that are urgent.

1597       But this is an issue where we have a broad coalition of  
1598 people who are speaking on behalf of victims of asbestos,  
1599 who are opposed to this. We have not had a hearing on it.  
1600 And I certainly think the gentlelady's amendment mitigates  
1601 some of the very negative consequences of this legislation.

1602       And with that, I yield to the gentlelady from Texas.

1603       Ms. Jackson Lee. Let me thank the gentleman for his  
1604 eloquence.

1605       I wanted to cite again from the Star Tribune because,  
1606 again, I thank my colleagues for emphasizing that this bill  
1607 is a bill that does not connote or equal to the rights and  
1608 needs of victims. Out of the Star Tribune, it states, "The  
1609 FACT Act would also bog down the asbestos trust funds in  
1610 endless paperwork to respond to information requests from  
1611 asbestos companies. This would drain the funds of money  
1612 that is desperately needed to compensate the sick and dying  
1613 victims. As the victims get more and more desperate, they  
1614 will be willing to settle cases for pennies on the dollars,  
1615 taking needed compensation away from families and leaving it

1616 in the pockets of the responsible companies."

1617       That is the answer to whether or not we have enough  
1618 money. If we spend time having to respond, it drains the  
1619 fund of monies that is desperately needed to compensate the  
1620 sick and the dying victims. And I want to acknowledge Mrs.  
1621 Vento, who is in the audience, and thank her for the passion  
1622 that she has had to have while dealing with the grief of  
1623 losing such a very special person, as I know she recognizes  
1624 that families from across America have had to suffer, either  
1625 with those who are dying or those who have died. And we  
1626 cannot thank you enough. And I am very happy to have  
1627 submitted this statement into the record.

1628       I conclude by saying, I know my colleagues here can  
1629 respect the new members, who, although they have been cited  
1630 to 18,000 or 50,000 pages of testimony, it is only fair to  
1631 acknowledge that in this session, we have not had any  
1632 hearings on this legislation and we are now marking it up.  
1633 With that, I ask my colleagues to support the Jackson Lee  
1634 amendment and I yield back.

1635       Chairman Goodlatte. The chair thanks the gentlewoman  
1636 for her comments and thanks her for acknowledging the  
1637 presence of Ms. Vento. The question occurs on the amendment  
1638 offered by the gentlewoman from Texas.

1639       All those in favor, respond by saying aye.

1640       Those opposed, no.

1641 In the opinion of the chair, the noes have it.

1642 Ms. Jackson Lee. Chairman? Roll call?

1643 Chairman Goodlatte. Roll was requested. Clerk will

1644 call the roll.

1645 Ms. Adcock. Mr. Goodlatte?

1646 Chairman Goodlatte. No.

1647 Ms. Adcock. Mr. Goodlatte votes no.

1648 Mr. Sensenbrenner?

1649 Mr. Sensenbrenner. No.

1650 Ms. Adcock. Mr. Sensenbrenner votes no.

1651 Mr. Smith?

1652 [No response.]

1653 Mr. Chabot?

1654 [No response.]

1655 Mr. Issa?

1656 Mr. Issa. No.

1657 Ms. Adcock. Mr. Issa votes no.

1658 Mr. King?

1659 Mr. King. No.

1660 Ms. Adcock. Mr. King votes no.

1661 Mr. Franks?

1662 Mr. Franks. No.

1663 Ms. Adcock. Mr. Franks votes no.

1664 Mr. Gohmert?

1665 Mr. Gohmert. No.

1666 Ms. Adcock. Mr. Gohmert votes no.  
1667 Mr. Jordan?  
1668 Mr. Jordan. No.  
1669 Ms. Adcock. Mr. Jordan votes no.  
1670 Mr. Poe?  
1671 [No response.]  
1672 Mr. Chaffetz?  
1673 Mr. Chaffetz. No.  
1674 Ms. Adcock. Mr. Chaffetz votes no.  
1675 Mr. Marino?  
1676 Mr. Marino. No.  
1677 Ms. Adcock. Mr. Marino votes no.  
1678 Mr. Gowdy?  
1679 Mr. Gowdy. No.  
1680 Ms. Adcock. Mr. Gowdy votes no.  
1681 Mr. Labrador?  
1682 Mr. Labrador. No.  
1683 Ms. Adcock. Mr. Labrador votes no.  
1684 Mr. Farenthold?  
1685 Mr. Farenthold. No.  
1686 Ms. Adcock. Mr. Farenthold votes no.  
1687 Mr. Collins?  
1688 [No response.]  
1689 Mr. DeSantis?  
1690 Mr. DeSantis. No.

1691 Ms. Adcock. Mr. DeSantis votes no.  
1692 Mr. Buck?  
1693 Mr. Buck. No.  
1694 Ms. Adcock. Mr. Buck votes no.  
1695 Mr. Ratcliffe?  
1696 Mr. Ratcliffe. No.  
1697 Ms. Adcock. Mr. Ratcliffe votes no.  
1698 Mr. Bishop?  
1699 Mr. Bishop. No.  
1700 Ms. Adcock. Mr. Bishop votes no.  
1701 Ms. Roby?  
1702 Ms. Roby. No.  
1703 Ms. Adcock. Ms. Roby votes no.  
1704 Mr. Gaetz?  
1705 Mr. Gaetz. No.  
1706 Ms. Adcock. Mr. Gaetz votes no.  
1707 Mr. Johnson?  
1708 Mr. Johnson of Louisiana. No.  
1709 Ms. Adcock. Mr. Johnson votes no.  
1710 Mr. Biggs?  
1711 Mr. Biggs. No.  
1712 Ms. Adcock. Mr. Biggs votes no.  
1713 Mr. Conyers?  
1714 Mr. Conyers. Aye.  
1715 Ms. Adcock. Mr. Conyers votes aye.

1716 Mr. Nadler?

1717 Mr. Nadler. Aye.

1718 Ms. Adcock. Mr. Nadler votes aye.

1719 Ms. Lofgren?

1720 [No response.]

1721 Ms. Jackson Lee?

1722 Ms. Jackson Lee. Aye.

1723 Ms. Adcock. Ms. Jackson Lee votes aye.

1724 Mr. Cohen?

1725 Mr. Cohen. Aye.

1726 Ms. Adcock. Mr. Cohen votes aye.

1727 Mr. Johnson?

1728 Mr. Johnson of Georgia. Aye.

1729 Ms. Adcock. Mr. Johnson votes aye.

1730 Mr. Deutch?

1731 Mr. Deutch. Aye.

1732 Ms. Adcock. Mr. Deutch votes aye.

1733 Mr. Gutierrez?

1734 [No response.]

1735 Ms. Bass?

1736 [No response.]

1737 Ms. Adcock. Mr. Richmond?

1738 [No response.]

1739 Mr. Jeffries?

1740 Mr. Jeffries. Aye.

1741 Ms. Adcock. Mr. Jeffries votes aye.

1742 Mr. Cicilline?

1743 Mr. Cicilline. Aye.

1744 Ms. Adcock. Mr. Cicilline votes aye.

1745 Mr. Swalwell?

1746 Mr. Swalwell. Aye.

1747 Ms. Adcock. Mr. Swalwell votes aye.

1748 Mr. Lieu?

1749 Mr. Lieu. Aye.

1750 Ms. Adcock. Mr. Lieu votes aye.

1751 Mr. Raskin?

1752 Mr. Raskin. Aye.

1753 Ms. Adcock. Mr. Raskin votes aye.

1754 Ms. Jayapal?

1755 [No response.]

1756 Mr. Schneider?

1757 [No response.]

1758 Chairman Goodlatte. The gentlewoman from Alabama?

1759 Ms. Roby. No.

1760 Ms. Adcock. Ms. Roby votes no.

1761 Chairman Goodlatte. Has every member voted who wishes

1762 to vote? The clerk will report.

1763 Ms. Adcock. Mr. Chairman, 11 members voted aye; 20

1764 members voted no.

1765 Chairman Goodlatte. The clerk will suspend the

1766 gentleman from Illinois.

1767 Ms. Adcock. Mr. Schneider votes aye.

1768 Chairman Goodlatte. The clerk will report.

1769 Ms. Adcock. Mr. Chairman, 12 members voted aye; 20  
1770 members voted no.

1771 Chairman Goodlatte. And the amendment is not agreed  
1772 to. Are there other amendments to H.R.906? For what  
1773 purposes does the gentleman from the Georgia seek  
1774 recognition?

1775 Mr. Johnson of Georgia. Mr. Chairman, I have an  
1776 amendment. I have an amendment at the desk.

1777 Chairman Goodlatte. The clerk will report the  
1778 amendment.

1779 Ms. Adcock. Amendment to H.R.906, offered by Mr.  
1780 Johnson of Georgia. Page 2, beginning on line 14, strike  
1781 "including the name," "and exposure history of."

1782 Page 2, line 16, insert, "that excludes all personally  
1783 identifiable information relating to such claimant" before  
1784 the semicolon.

1785 Page 2, line 25, insert, "excluding all personally  
1786 identifiable information relating to a claimant who has made  
1787 or may make demands or claims," before "related."

1788 Page 3, after line 3, insert the following, "and make  
1789 such technical and conforming changes as may be  
1790 appropriate." Definitions for purposes of this paragraph.

1791 Personally identifiable financial information. The term  
1792 "personally identifiable financial information" means  
1793 information that an individual provides to obtain a  
1794 financial product or service. Relates to an individual as a  
1795 result of any transaction involving --

1796 [The amendment of Mr. Johnson from Georgia follows:]

1797 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1798 Chairman Goodlatte. Without objection, the amendment  
1799 is considered as read, and the gentleman from Georgia is  
1800 recognized for 5 minutes on his amendment.

1801 Mr. Johnson of Georgia. Thank you, Mr. Chairman. My  
1802 amendment insures that H.R.906, the so-called Fairness in  
1803 Class Action Litigation Act of 2017, also known as the FACT  
1804 Act, will exclude all personally identifiable information  
1805 from the FACT Act's reporting requirements.

1806 The bill's reporting requirements would make asbestos  
1807 trusts list all payment demands received, as well as the  
1808 names and exposure histories of each claimant, together with  
1809 the basis for any payment from the trust to such claimant.  
1810 Even more concerning is that the bill requires information  
1811 about the asbestos victims' history of exposure to be posted  
1812 on the World Wide Web, publicly available to any crook or  
1813 pervert who has access to the amendment.

1814 My amendment looks to minimize any harm asbestos  
1815 victims may suffer, in the event there is a breach of the  
1816 database's security, because this personal information will  
1817 be so easily accessible online. Almost everyone in this  
1818 room has experienced the frustration associated with having  
1819 your personal information out in the public domain. It puts  
1820 you at risk of having to deal with identity theft and other  
1821 types of fraud and also countless junk emails and spam  
1822 calls.

1823           For individuals suffering from debilitating illnesses,  
1824 such as mesothelioma and asbestosis, this public disclosure  
1825 of their personal information, including their sensitive  
1826 personal medical information, adds an unnecessary and  
1827 hurtful burden to already crippled victims.

1828           My friends on the other side of the aisle argue that  
1829 the bill specifically excludes claimants' confidential  
1830 medical records or full Social Security number. This does  
1831 not, however, address the inherent privacy risks that the  
1832 FACT Act's asbestos death database creates. As currently  
1833 drafted, the bill would still allow for the public  
1834 disclosure of asbestos victims' names and addresses, work  
1835 histories, the last four digits of their Social Security  
1836 numbers, their photograph, information relating to their  
1837 family members, and other personally identifying  
1838 information.

1839           My amendment would provide clear protections of  
1840 claimants' personal information by specifically prohibiting  
1841 the trust from registering the personal information of  
1842 asbestos victims and their families in a national public  
1843 database. Asbestos victims deserve the same privacy  
1844 protections as other patients. I ask my colleagues to  
1845 support this amendment. And with that, I yield back.

1846           Chairman Goodlatte. For what purpose does the  
1847 gentleman from Arizona seek recognition? The gentleman is

1848 recognized for 5 minutes.

1849       Mr. Franks. Thank you. This amendment would prohibit  
1850 the disclosure of personally identifiable information in  
1851 public quarterly reports and documents responsive to  
1852 information requests provided under the FACT Act. However,  
1853 the amendment defines personally identifiable information in  
1854 the broadest manner possible. This is an amendment that  
1855 creates the exception that swallows the rule.

1856       The FACT Act excludes any confidential medical records  
1857 and the claimants' Social Security numbers. And the  
1858 bankruptcy code already provides the presiding bankruptcy  
1859 court with ample discretion to exclude or redact personal  
1860 information. This amendment would prohibit the disclosure  
1861 of virtually all of the information necessary to facilitate  
1862 a reduction in fraudulent claims. The FACT Act, in its  
1863 current form, appropriately balances the need for  
1864 transparency with protecting claimants' privacy. I urge my  
1865 colleagues to oppose this amendment. I yield back.

1866       Chairman Goodlatte. A question occurs on the amendment  
1867 offered by the gentleman from Georgia.

1868       All those in favor respond by saying aye.

1869       Those opposed, no.

1870       In the opinion of the chair, the noes have it.

1871       The amendment is not agreed to. A recorded vote is  
1872 requested and the clerk will call the roll.

1873 Ms. Adcock. Mr. Goodlatte?  
1874 Chairman Goodlatte. No.  
1875 Ms. Adcock. Mr. Goodlatte votes no.  
1876 Mr. Sensenbrenner?  
1877 Mr. Sensenbrenner. No.  
1878 Ms. Adcock. Mr. Sensenbrenner votes no.  
1879 Mr. Smith?  
1880 [No response.]  
1881 Mr. Chabot?  
1882 [No response.]  
1883 Mr. Issa?  
1884 [No response.]  
1885 Mr. King?  
1886 Mr. King. No.  
1887 Ms. Adcock. Mr. King votes no.  
1888 Mr. Franks?  
1889 Mr. Franks. No.  
1890 Ms. Adcock. Mr. Franks votes no.  
1891 Mr. Gohmert?  
1892 Mr. Gohmert. No.  
1893 Ms. Adcock. Mr. Gohmert votes no.  
1894 Mr. Jordan?  
1895 Mr. Jordan. No.  
1896 Ms. Adcock. Mr. Jordan votes no.  
1897 Mr. Poe?

1898 [No response.]  
1899 Mr. Chaffetz?  
1900 Mr. Chaffetz. No.  
1901 Ms. Adcock. Mr. Chaffetz votes no.  
1902 Mr. Marino?  
1903 Mr. Marino. No.  
1904 Ms. Adcock. Mr. Marino votes no.  
1905 Mr. Gowdy?  
1906 Mr. Gowdy. No.  
1907 Ms. Adcock. Mr. Gowdy votes no.  
1908 Mr. Labrador?  
1909 [No response.]  
1910 Mr. Farenthold?  
1911 Mr. Farenthold. No.  
1912 Ms. Adcock. Mr. Farenthold votes no.  
1913 Mr. Collins?  
1914 [No response.]  
1915 Mr. DeSantis?  
1916 Mr. DeSantis. No.  
1917 Ms. Adcock. Mr. DeSantis votes no.  
1918 Mr. Buck?  
1919 Mr. Buck. No.  
1920 Ms. Adcock. Mr. Buck votes no.  
1921 Mr. Ratcliffe?  
1922 Mr. Ratcliffe. No.

1923 Ms. Adcock. Mr. Ratcliffe votes no.  
1924 Mr. Bishop?  
1925 Mr. Bishop. No.  
1926 Ms. Adcock. Mr. Bishop votes no.  
1927 Ms. Roby?  
1928 Ms. Roby. No.  
1929 Ms. Adcock. Ms. Roby votes no.  
1930 Mr. Gaetz?  
1931 Mr. Gaetz. No.  
1932 Ms. Adcock. Mr. Gaetz votes no.  
1933 Mr. Johnson?  
1934 Mr. Johnson of Louisiana. No.  
1935 Ms. Adcock. Mr. Johnson votes no.  
1936 Mr. Biggs?  
1937 Mr. Biggs. No.  
1938 Ms. Adcock. Mr. Biggs votes no.  
1939 Mr. Conyers?  
1940 Mr. Conyers. Aye.  
1941 Ms. Adcock. Mr. Conyers votes aye.  
1942 Mr. Nadler?  
1943 Mr. Nadler. Aye.  
1944 Ms. Adcock. Mr. Nadler votes aye.  
1945 Ms. Lofgren?  
1946 [No response.]  
1947 Ms. Jackson Lee?

1948 Ms. Jackson Lee. Aye.

1949 Ms. Adcock. Ms. Jackson Lee votes aye.

1950 Mr. Cohen?

1951 Mr. Cohen. Aye.

1952 Ms. Adcock. Mr. Cohen votes aye.

1953 Mr. Johnson of Georgia?

1954 Mr. Johnson of Georgia. Aye.

1955 Ms. Adcock. Mr. Johnson votes aye.

1956 Mr. Deutch?

1957 Mr. Deutch. Aye.

1958 Ms. Adcock. Mr. Deutch votes aye.

1959 Mr. Gutierrez?

1960 [No response.]

1961 Ms. Bass?

1962 [No response.]

1963 Mr. Richmond?

1964 [No response.]

1965 Ms. Adcock. Mr. Jeffries?

1966 Mr. Jeffries. Aye.

1967 Ms. Adcock. Mr. Jeffries votes aye.

1968 Mr. Cicilline?

1969 Mr. Cicilline. Aye.

1970 Ms. Adcock. Mr. Cicilline votes aye.

1971 Mr. Swalwell?

1972 Mr. Swalwell. Aye.

1973 Ms. Adcock. Mr. Swalwell votes aye.

1974 Mr. Lieu?

1975 [No response.]

1976 Mr. Raskin?

1977 Mr. Raskin. Aye.

1978 Ms. Adcock. Mr. Raskin votes aye.

1979 Ms. Jayapal?

1980 [No response.]

1981 Mr. Schneider?

1982 Mr. Schneider. Aye.

1983 Ms. Adcock. Mr. Schneider votes aye.

1984 Mr. Issa. Mr. Chairman, how am I recorded?

1985 Chairman Goodlatte. The gentleman from California, Mr.

1986 Issa?

1987 Mr. Issa. No.

1988 Ms. Adcock. Mr. Issa votes no.

1989 Chairman Goodlatte. The gentleman from California, Mr.

1990 Lieu?

1991 Mr. Lieu. Aye.

1992 Ms. Adcock. Mr. Lieu votes aye.

1993 Chairman Goodlatte. The gentleman from Idaho, Mr.

1994 Labrador?

1995 Mr. Labrador. No.

1996 Ms. Adcock. Mr. Labrador votes no.

1997 Chairman Goodlatte. Has every member voted who wishes

1998 to vote? The clerk will report.

1999 Ms. Adcock. Mr. Chairman, 12 members voted aye; 20  
2000 members voted no.

2001 Chairman Goodlatte. What purpose does the gentleman  
2002 from New York seek recognition? The clerk will report the  
2003 amendment.

2004 Ms. Adcock. Amendment to H.R.906, offered by Mr.  
2005 Jeffries of New York. Beginning on page 2, strike line 7 --

2006 Chairman Goodlatte. Without objection, the amendment  
2007 is considered as read and the gentleman is recognized for 5  
2008 minutes on his amendment.

2009 [The amendment of Mr. Jeffries follows:]

2010 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2011 Mr. Nadler. Thank you, Mr. Chairman. This amendment  
2012 would provide for the disclosure of payment information to  
2013 parties to a pending court action where (1) a written  
2014 request is made; (2) that request seeks relevant  
2015 information; and (3) the information cannot otherwise be  
2016 obtained under an applicable non-bankruptcy law. The  
2017 founding principle of federalism is extremely important to  
2018 our constitutional system. It preserves civil procedure,  
2019 laws, and discovery rules that have been carefully crafted  
2020 by individual State courts and legislatures all throughout  
2021 the country, with the public policy sensitivities particular  
2022 to these individual jurisdictions.

2023 If the information sought by the companies at issue is  
2024 relevant to a State law claim, the defendant can request and  
2025 obtain the information pursuant to State discovery rules.  
2026 But in the absence of any meaningful evidence of systematic  
2027 fraud or any other compelling governmental interests, the  
2028 outside intrusion that would be allowed by the FACT Act is  
2029 unjustified, unnecessary, and unwarranted.

2030 In essence, what this bill is about is an unjustified  
2031 corporate giveaway being built on the backs of hardworking  
2032 individuals from all across the country who, in many cases,  
2033 were unwittingly victimized by asbestos exposure. Indeed,  
2034 the system is rigged, folks. The asbestos industrial  
2035 complex has unleashed mesothelioma, lung cancer, and other

2036 disease of mass destructions on hardworking Americans, many  
2037 of whom risked their lives in our Nation's armed services.  
2038 This bill will allegedly create greater transparency in the  
2039 name of litigation reform.

2040 But, as has been pointed out by my colleagues, not even  
2041 a scintilla of evidence has been presented of systematic  
2042 waste, fraud, or abuse in connection with asbestos claims in  
2043 any context related to this legislation. We have not even  
2044 had a hearing on this bill in the 115th Congress to further  
2045 develop the record and give victims of asbestos exposure the  
2046 opportunity to speak about their experiences, pain, and  
2047 suffering.

2048 I would also note, of course, that asbestos victims,  
2049 the stakeholders that we should be concerned about, do not  
2050 support the underlying bill. In addition, the current bill  
2051 will result in delay and obstruct claims made by asbestos  
2052 victims for compensation and undermine the ultimate  
2053 resolution of these claims in a manner that would hurt all  
2054 parties. This amendment that is being offered would instead  
2055 place the disclosure responsibility with the judicial  
2056 branch, to make sure that there is an objective arbiter of  
2057 the relevant information being sought. For these reasons, I  
2058 urge my colleagues to adopt this amendment, and I yield  
2059 back.

2060 Chairman Goodlatte. For what purpose does the

2061 gentleman from Michigan, Mr. Bishop, seek recognition?

2062 Mr. Bishop. I oppose the amendment, Mr. Chairman.

2063 Chairman Goodlatte. The gentleman is recognized for 5  
2064 minutes.

2065 Mr. Bishop. Mr. Chairman, the amendment essentially  
2066 replaces the quarterly reporting requirements with the  
2067 requirement that the trust provide limited discovery to  
2068 parties to pending State court actions relating to asbestos  
2069 exposure, provided that discovery cannot otherwise be  
2070 obtained through applicable, non-bankruptcy law. The  
2071 problem that the FACT Act addresses, however, is that non-  
2072 bankruptcy law discovery presents significant obstacles that  
2073 are unnecessary. For example, many of the asbestos trusts  
2074 prohibit the disclosure of any information except by  
2075 subpoena issued by the presiding bankruptcy court,  
2076 notwithstanding a potentially valid State court-issued  
2077 subpoena against the trust.

2078 Additionally, some trust documents go even further and  
2079 affirmatively require that the asbestos trust object to any  
2080 discovery request. These unnecessary barriers have led to a  
2081 significant decrease in transparency of the asbestos  
2082 bankruptcy trust system.

2083 The bottom line is that the State statute is necessary  
2084 to ensure that State court litigants and other asbestos  
2085 bankruptcy trusts have access to records of the asbestos

2086 trust, which exist under the authority of State law.  
2087 Applicable non-bankruptcy law is demonstrably inadequate.  
2088 For that reason, I urge my colleagues to oppose the  
2089 amendment. And I yield back.

2090 Chairman Goodlatte. For what purpose does the  
2091 gentleman from Rhode Island seek recognition?

2092 Mr. Cicilline. I move to strike the last word.

2093 Chairman Goodlatte. The gentleman is recognized for 5  
2094 minutes.

2095 Mr. Cicilline. Mr. Chairman, I rise in support of the  
2096 Jeffries amendment that would require the trust to provide  
2097 information relating to payments made by the trust, and  
2098 demands for such payments to any party to an action  
2099 concerning asbestos liability exposure, if such a party  
2100 cannot otherwise obtain such individual under applicable  
2101 non-bankruptcy law. This legislation is essentially an end-  
2102 run by asbestos manufacturers to avoid the discovery process  
2103 available under State and Federal law. All the information  
2104 that can be obtained from a trust cannot also be obtained  
2105 through applicable, non-bankruptcy law.

2106 The bill's proponents, however, want the asbestos trust  
2107 to provide information without having to go through the  
2108 discovery process. And essentially, the bill shifts the  
2109 burden of discovery to the trust. Mr. Jeffries' amendment  
2110 ensures that, to the extent the requested information is

2111 available under applicable non-bankruptcy law, then the  
2112 trust does not have to provide such information.

2113         And I note, Mr. Chairman and members of the committee,  
2114 that I have a letter that we have all received from Douglas  
2115 Campbell, from Campbell and Levine, in which they urge this  
2116 community to reject this legislation and to report it  
2117 unfavorably.

2118         And in their letter, they represent a number of these  
2119 trusts. They say, and I quote from the letter, "This bill  
2120 does not, in any way, protect the trust beneficiaries. On  
2121 the contrary, it imposes costly and time-consuming  
2122 requirements on the trust to provide quarterly and on-  
2123 demand, extensive and confidential personal information  
2124 about trust claimants to third-party litigants, thus  
2125 shifting discovery-related costs from the actual litigants  
2126 onto the trust.

2127         This bill will unduly and unnecessarily increase the  
2128 trust administrative burdens, and will inevitably lead to  
2129 higher, non-reimbursable costs and delays, and the  
2130 processing of claims and payments to holders of asbestos  
2131 claims. This bill does not protect the trust or the  
2132 beneficiaries. It burdens them."

2133         And so, Mr. Jeffries' amendment at least tends to  
2134 mitigate that. So I urge my colleagues to support this  
2135 amendment and to reject the underlying bill. And with that,

2136 I yield back.

2137 Chairman Goodlatte. A question occurs on the amendment  
2138 offered by the gentleman from New York.

2139 All those in favor respond by saying aye.

2140 Those opposed, no.

2141 In the opinion of the chair, the noes have it.

2142 Chairman Goodlatte. A recorded vote is requested and  
2143 the clerk will call the roll.

2144 Ms. Adcock. Mr. Goodlatte?

2145 Chairman Goodlatte. No.

2146 Ms. Adcock. Mr. Goodlatte votes no.

2147 Mr. Sensenbrenner?

2148 Mr. Sensenbrenner. No.

2149 Ms. Adcock. Mr. Sensenbrenner votes no.

2150 Mr. Smith?

2151 [No response.]

2152 Mr. Chabot?

2153 [No response.]

2154 Mr. Issa?

2155 [No response.]

2156 Mr. King?

2157 Mr. King. No.

2158 Ms. Adcock. Mr. King votes no.

2159 Mr. Franks?

2160 Mr. Franks. No.

2161 Ms. Adcock. Mr. Franks votes no.  
2162 Mr. Gohmert?  
2163 Mr. Gohmert. No.  
2164 Ms. Adcock. Mr. Gohmert votes no.  
2165 Mr. Jordan?  
2166 Mr. Jordan. No.  
2167 Ms. Adcock. Mr. Jordan votes no.  
2168 Mr. Poe?  
2169 [No response.]  
2170 Mr. Chaffetz?  
2171 Mr. Chaffetz. No.  
2172 Ms. Adcock. Mr. Chaffetz votes no.  
2173 Mr. Marino?  
2174 Mr. Marino. No.  
2175 Ms. Adcock. Mr. Marino votes no.  
2176 Mr. Gowdy?  
2177 Mr. Gowdy. No.  
2178 Ms. Adcock. Mr. Gowdy votes no.  
2179 Mr. Labrador?  
2180 Mr. Labrador. No.  
2181 Ms. Adcock. Mr. Labrador votes no.  
2182 Mr. Farenthold?  
2183 Mr. Farenthold. No.  
2184 Ms. Adcock. Mr. Farenthold votes no.  
2185 Mr. Collins?

2186 [No response.]

2187 Mr. DeSantis?

2188 Mr. DeSantis. No.

2189 Ms. Adcock. Mr. DeSantis votes no.

2190 Mr. Buck?

2191 Mr. Buck. No.

2192 Ms. Adcock. Mr. Buck votes no.

2193 Mr. Ratcliffe?

2194 Mr. Ratcliffe. No.

2195 Ms. Adcock. Mr. Ratcliffe votes no.

2196 Mr. Bishop?

2197 Mr. Bishop. No.

2198 Ms. Adcock. Mr. Bishop votes no.

2199 Ms. Roby?

2200 Ms. Roby. No.

2201 Ms. Adcock. Ms. Roby votes no.

2202 Mr. Gaetz?

2203 Mr. Gaetz. No.

2204 Ms. Adcock. Mr. Gaetz votes no.

2205 Mr. Johnson?

2206 [No response.]

2207 Mr. Biggs?

2208 Mr. Biggs. No.

2209 Ms. Adcock. Mr. Biggs votes no.

2210 Mr. Conyers?

2211 Mr. Conyers. Aye.

2212 Ms. Adcock. Mr. Conyers votes aye.

2213 Mr. Nadler?

2214 Mr. Nadler. Aye.

2215 Ms. Adcock. Mr. Nadler votes aye.

2216 Ms. Lofgren?

2217 [No response.]

2218 Ms. Jackson Lee?

2219 [No response.]

2220 Mr. Cohen?

2221 Mr. Cohen. Aye.

2222 Ms. Adcock. Mr. Cohen votes aye.

2223 Mr. Johnson of Georgia?

2224 Mr. Johnson of Georgia. Aye.

2225 Mr. Adcock. Mr. Johnson votes aye.

2226 Mr. Deutch?

2227 Mr. Deutch. Aye.

2228 Ms. Adcock. Mr. Deutch votes aye.

2229 Mr. Gutierrez?

2230 [No response.]

2231 Ms. Bass?

2232 [No response.]

2233 Mr. Richmond?

2234 [No response.]

2235 Mr. Jeffries?

2236 Mr. Jeffries. Aye.

2237 Ms. Adcock. Mr. Jeffries votes aye.

2238 Mr. Cicilline?

2239 Mr. Cicilline. Aye.

2240 Ms. Adcock. Mr. Cicilline votes aye.

2241 Mr. Swalwell?

2242 Mr. Swalwell. Aye.

2243 Ms. Adcock. Mr. Swalwell votes aye.

2244 Mr. Lieu?

2245 Mr. Lieu. Aye.

2246 Ms. Adcock. Mr. Lieu votes aye.

2247 Mr. Raskin?

2248 [No response.]

2249 Ms. Jayapal?

2250 Ms. Jayapal. Aye.

2251 Ms. Adcock. Ms. Jayapal votes aye.

2252 Mr. Schneider?

2253 Mr. Schneider. Aye.

2254 Ms. Adcock. Mr. Schneider votes aye.

2255 Ms. Jackson Lee. How am I recorded?

2256 Ms. Adcock. Not recorded.

2257 Ms. Jackson Lee. Aye.

2258 Ms. Adcock. Ms. Jackson Lee votes aye.

2259 Chairman Goodlatte. Gentleman from Louisiana?

2260 Ms. Adcock. Not recorded.

2261 Mr. Johnson of Louisiana. No.  
2262 Ms. Adcock. Mr. Johnson votes no.  
2263 Chairman Goodlatte. Has every member voted who wishes  
2264 to vote? Clerk will report.  
2265 The gentleman from Maryland?  
2266 Mr. Raskin. Aye.  
2267 Ms. Adcock. Mr. Raskin votes aye.  
2268 Chairman Goodlatte. Clerk will report.  
2269 Ms. Adcock. Mr. Chairman, 13 members voted aye; and 19  
2270 members voted no.  
2271 Chairman Goodlatte. And the amendment is not agreed  
2272 to. Are there further amendments?  
2273 For what purpose does the gentleman from Rhode Island  
2274 seeks recognition?  
2275 Mr. Cicilline. Mr. Chairman, I have an amendment at  
2276 the desk.  
2277 Chairman Goodlatte. The clerk will report the  
2278 amendment.  
2279 Ms. Adcock. Amendment to H.R.906 offered by Mr.  
2280 Cicilline of Rhode Island. Page 2, line 9, insert subject  
2281 to subparagraph C after A. Page 9, line 21, insert subject  
2282 to subparagraph C after B. Page 3 --  
2283 [The amendment of Mr. Cicilline follows:]  
2284 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2285 Chairman Goodlatte. Without objection, the amendment  
2286 will be considered as read, and the gentleman is recognized  
2287 for 5 minutes on his amendment.

2288 Mr. Cicilline. Thank you, Mr. Chairman. Mr. Chairman,  
2289 members of the committee, my amendment will exempt service  
2290 members and veterans and their families from H.R.906's  
2291 intrusive discovery requirements. According to the Military  
2292 Order of the Purple Heart, it is no secret that many of  
2293 those who served have suffered greatly from exposure to  
2294 asbestos during their time in uniform and again in the civil  
2295 workforce. In fact, veterans and their families are  
2296 disproportionately affected by asbestos exposure.

2297 While only 8 percent of the country's population has  
2298 served in the military, veterans account for more than 30  
2299 percent of all known asbestos-related deaths. That is  
2300 because materials containing asbestos were used in countless  
2301 military products, from ships, tanks, and aircraft, to the  
2302 construction materials of military bases for decades.

2303 And although the Department of Defense banned the use  
2304 of asbestos in materials used by the military in 1970, the  
2305 Department of Veterans Affairs reports that asbestos  
2306 exposure continues to affect veterans, particularly those  
2307 who served in areas like Iraq, who have been exposed to  
2308 asbestos when older buildings were damaged and the  
2309 contaminant was released into the air.

2310 My home State of Rhode Island, the birthplace of the  
2311 American Industrial Revolution, has also been affected by  
2312 the asbestos crisis. Numerous Rhode Islanders who served  
2313 our country in shipyards, factories, and aboard military  
2314 vessels have died from asbestos-related disease, many of  
2315 whom were from Providence. By their very nature, asbestos  
2316 claims filed by these veterans or their survivors contained  
2317 highly sensitive information that described their medical  
2318 and work history, records of asbestos exposure, and more.

2319 Alarminglly, H.R.906 would require the publication of  
2320 this information, along with the last four digits of a  
2321 veteran's Social Security number on a public database.

2322 Mr. Chairman, more than a dozen veterans' service  
2323 organizations have written to this committee to express  
2324 their outrage and united opposition to this legislation.  
2325 These groups, which are dedicated to protecting the  
2326 interests and dignity of veterans and their families,  
2327 include the Air Force Association, the Association of the  
2328 United States Navy, AMVETS, the Military Order of the Purple  
2329 Heart, and the Military Officers Association of America.

2330 As these organizations note, "forcing our veterans to  
2331 publicize their work histories, medical conditions, majority  
2332 of their Social Security Numbers, and information about  
2333 their children and families is an offensive invasion of  
2334 privacy to the men and women who have honorably served and

2335 does nothing to assure the adequate compensation or to  
2336 prevent future asbestos exposures and deaths."

2337 I strongly agree with these organizations, and it is  
2338 extremely disappointing that the majority is committed to  
2339 reporting this bill favorably out of committee over the  
2340 unified opposition of so many veterans' service  
2341 organizations.

2342 Accordingly, I urge my colleagues to adopt this  
2343 Amendment to ensure that the extremely sensitive information  
2344 of service members, of veterans, and of their families are  
2345 not made public to this bill's intrusive and unwarranted  
2346 reporting requirements. With that, I yield back.

2347 Chairman Goodlatte. For what purpose does the  
2348 gentleman from Florida, Mr. DeSantis, seek recognition?

2349 Mr. DeSantis. To speak in opposition of the amendment.

2350 Chairman Goodlatte. The gentleman is recognized for 5  
2351 minutes.

2352 Mr. DeSantis. Thank you, Mr. Chairman. This bill sets  
2353 up a uniform process. Distinguishing between veterans and  
2354 service members would create an additional and unnecessary  
2355 burden on the asbestos trust. I appreciate my friend from  
2356 Rhode Island enumerating some veterans groups; I am actually  
2357 a member of one or two of those. But I am also a member of  
2358 the American Legion, and they are one of the oldest and  
2359 largest veterans' service organizations, and they wrote to

2360 the committee in support of the FACT Act.

2361 They did not ask that veterans be treated differently  
2362 under the legislation. We should ensure that the bankruptcy  
2363 asbestos claims process is as open, fair, and transparent as  
2364 possible in order to protect the finite amount of money  
2365 reserved for compensating future asbestos veteran victims.

2366 And so, if this bill is enacted, the veterans who have  
2367 been harmed will actually be in a better financial spot to  
2368 recoup their damages. The FACT Act should apply uniformly  
2369 to all claimants, and it should not impose any disparate  
2370 burdens on veterans, service members, or other groups or  
2371 asbestos trust, and I urge my colleagues to oppose the  
2372 amendment. I yield back the balance of my time.

2373 Chairman Goodlatte. The question occurs on the  
2374 amendment offered by the gentleman --

2375 Mr. Johnson of Georgia. Chairman?

2376 Chairman Goodlatte. For what purpose does the  
2377 gentleman from Georgia seek recognition?

2378 Mr. Johnson of Georgia. Move to strike the last word.

2379 Chairman Goodlatte. The gentleman is recognized for 5  
2380 minutes.

2381 Mr. Johnson of Georgia. I rise in support of the  
2382 Cicilline amendment. As a former and longtime member of the  
2383 House Armed Services Committee and following in the  
2384 footsteps of the ranking member, I would like to thank Mrs.

2385 Vento and Mrs. Van Ness for joining us today on what I  
2386 imagine is a very painful subject.

2387 Ms. Van Ness's husband was Navy veteran who served this  
2388 country with distinction. He was 62 years old when he died;  
2389 my age. Unfortunately, veterans such as the late Mr. Van  
2390 Ness comprise over 30 percent of all asbestos-caused  
2391 mesothelioma deaths, despite making up only 8 percent of the  
2392 Nation's population.

2393 My State of Georgia is ranked 23rd in the Nation for  
2394 mesothelioma and asbestos deaths, in part due to the large  
2395 number of military operations, facilities, and military  
2396 industrial complex projects throughout the State. Virtually  
2397 every ship commissioned by the U.S. Navy between World War  
2398 II and the Korean War contained several tons of asbestos in  
2399 the engine room, insulation, fireproof doors, and pipes.

2400 While the military discontinued asbestos products  
2401 around 1980, hundreds of military and civilian installations  
2402 were left with asbestos in flooring, in ceiling tiles,  
2403 cement foundations, as well as in thousands of military  
2404 vehicles.

2405 After defending our freedom abroad, many veterans  
2406 return to the civilian workforce, where they were further  
2407 exposed to asbestos, such as Mr. Van Ness, who suffered  
2408 asbestos exposure during his career as a union pipefitter.  
2409 Eighteen veteran groups, including the Military Order of the

2410 Purple Heart, AMVETS, and the Vietnam Veterans of America  
2411 have expressed their strong opposition to this Bill.

2412       If I may quote from their letter, "We the undersigned  
2413 Veterans Service Organizations oppose the FACT Act. We have  
2414 continuously expressed our united opposition to this  
2415 legislation via written testimony to the House Judiciary  
2416 Committee, House leadership, in-person meetings, and phone  
2417 calls with members.

2418       It is extremely disappointing that, even with our  
2419 combined opposition, the FACT Act will be marked up." With  
2420 that, I would like to submit into the record, without  
2421 objection, a letter in opposition to the passage of the FACT  
2422 Act from the Veterans Service Organizations.

2423       Chairman Goodlatte. Without objection, that will be  
2424 made a part of the record.

2425       [The information follows:]

2426 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2427           Mr. Johnson of Georgia. Thank you. And, Mr. Chairman,  
2428 also I would like to submit for the record a letter from the  
2429 American Legion, which is a representative of the same quote  
2430 that I just read. It is dated February 14th, and I move  
2431 that it be submitted for the record.

2432           Chairman Goodlatte. Without objection, it will be made  
2433 a part of the record as well.

2434           [The information follows:]

2435 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2436 Mr. Johnson of Georgia. Mr. Speaker, lastly, this bill  
2437 is not about transparency, but instead of transparency, it  
2438 has everything to do with delaying compensation and access  
2439 to medical care to those who have sacrificed so much for our  
2440 Nation. I ask my colleagues to support the Cicilline  
2441 amendment. With that, I yield back.

2442 Chairman Goodlatte. The question occurs on the  
2443 amendment offered by the gentleman from Rhode Island.

2444 All those in favor, respond by saying aye.

2445 Those opposed, no.

2446 In the opinion of the chair, the noes have it.

2447 Mr. Cicilline. Mr. Chairman, I request a recorded  
2448 vote.

2449 Chairman Goodlatte. Recorded vote is requested, and  
2450 the clerk will call the roll.

2451 Ms. Adcock. Mr. Goodlatte?

2452 Chairman Goodlatte. No.

2453 Ms. Adcock. Mr. Goodlatte votes no.

2454 Mr. Sensenbrenner?

2455 Mr. Sensenbrenner. No.

2456 Ms. Adcock. Mr. Sensenbrenner votes no.

2457 Mr. Smith?

2458 [No response.]

2459 Mr. Chabot?

2460 [No response.]

2461 Mr. Issa?  
2462 [No response.]  
2463 Mr. King?  
2464 Mr. King. No.  
2465 Ms. Adcock. Mr. King votes no.  
2466 Mr. Franks?  
2467 Mr. Franks. No.  
2468 Ms. Adcock. Mr. Franks votes no.  
2469 Mr. Gohmert?  
2470 Mr. Gohmert. No.  
2471 Ms. Adcock. Mr. Gohmert votes no.  
2472 Mr. Jordan?  
2473 [No response.]  
2474 Mr. Poe?  
2475 [No response.]  
2476 Mr. Chaffetz?  
2477 Mr. Chaffetz. No.  
2478 Ms. Adcock. Mr. Chaffetz votes no.  
2479 Mr. Marino?  
2480 Mr. Marino. No.  
2481 Ms. Adcock. Mr. Marino votes no.  
2482 Mr. Gowdy?  
2483 Mr. Gowdy. No.  
2484 Ms. Adcock. Mr. Gowdy votes no.  
2485 Mr. Labrador?

2486 [No response.]

2487 Mr. Farenthold?

2488 Mr. Farenthold. No.

2489 Ms. Adcock. Mr. Farenthold votes no.

2490 Mr. Collins?

2491 [No response.]

2492 Mr. DeSantis?

2493 Mr. DeSantis. No.

2494 Ms. Adcock. Mr. DeSantis votes no.

2495 Mr. Buck?

2496 Mr. Buck. No.

2497 Ms. Adcock. Mr. Buck votes no.

2498 Mr. Ratcliffe?

2499 Mr. Ratcliffe. No.

2500 Ms. Adcock. Mr. Ratcliffe votes no.

2501 Mr. Bishop?

2502 Mr. Bishop. No.

2503 Ms. Adcock. Mr. Bishop votes no.

2504 Ms. Roby?

2505 Ms. Roby. No.

2506 Ms. Adcock. Ms. Roby votes no.

2507 Mr. Gaetz?

2508 Mr. Gaetz. No.

2509 Ms. Adcock. Mr. Gaetz votes no.

2510 Mr. Johnson of Louisiana?

2511 [No response.]

2512 Mr. Biggs?

2513 Mr. Biggs. No.

2514 Ms. Adcock. Mr. Biggs votes no.

2515 Mr. Conyers?

2516 Mr. Conyers. Aye.

2517 Ms. Adcock. Mr. Conyers votes aye.

2518 Mr. Nadler?

2519 Mr. Nadler. Aye.

2520 Ms. Adcock. Mr. Nadler votes aye.

2521 Ms. Lofgren?

2522 [No response.]

2523 Ms. Jackson Lee?

2524 Ms. Jackson Lee. Aye.

2525 Ms. Adcock. Ms. Jackson Lee votes aye.

2526 Mr. Cohen?

2527 Mr. Cohen. Aye.

2528 Ms. Adcock. Mr. Cohen votes aye.

2529 Mr. Johnson of Georgia?

2530 Mr. Johnson of Georgia. Aye.

2531 Mr. Adcock. Mr. Johnson votes aye.

2532 Mr. Deutch?

2533 [No response.]

2534 Mr. Gutierrez?

2535 [No response.]

2536 Ms. Bass?  
2537 [No response.]  
2538 Mr. Richmond?  
2539 [No response.]  
2540 Mr. Jeffries?  
2541 [No response.]  
2542 Mr. Cicilline?  
2543 Mr. Cicilline. Aye.  
2544 Ms. Adcock. Mr. Cicilline votes aye.  
2545 Mr. Swalwell?  
2546 Mr. Swalwell. Aye.  
2547 Ms. Adcock. Mr. Swalwell votes aye.  
2548 Mr. Lieu?  
2549 Mr. Lieu. Aye.  
2550 Ms. Adcock. Mr. Lieu votes aye.  
2551 Mr. Raskin?  
2552 Mr. Raskin. Aye.  
2553 Ms. Adcock. Mr. Raskin votes aye.  
2554 Ms. Jayapal?  
2555 Ms. Jayapal. Aye.  
2556 Ms. Adcock. Ms. Jayapal votes aye.  
2557 Mr. Schneider?  
2558 Mr. Schneider. Aye.  
2559 Ms. Adcock. Mr. Schneider votes aye.  
2560 Chairman Goodlatte. The gentleman from California, Mr.

2561 Issa?

2562 Mr. Issa. No.

2563 Ms. Adcock. Mr. Issa votes no.

2564 Chairman Goodlatte. The gentleman from Idaho, Mr.

2565 Labrador?

2566 Mr. Labrador. No.

2567 Ms. Adcock. Mr. Labrador votes no.

2568 Chairman Goodlatte. Has every member voted who wishes

2569 to vote? The clerk will report.

2570 Ms. Adcock. Mr. Chairman, 11 members voted aye; 18

2571 members voted no.

2572 Chairman Goodlatte. The amendment is not agreed to.

2573 Are there any other amendments to H.R.906?

2574 A reporting quorum being present, the question is on

2575 the motion to report the bill H.R.906 favorably to the

2576 House.

2577 Those in favor, respond by saying aye.

2578 Those opposed, no.

2579 In the opinion of the chair, the ayes have it, and the

2580 bill is ordered reported favorably.

2581 A recorded vote is requested, and the clerk will call

2582 the roll.

2583 Ms. Adcock. Mr. Goodlatte?

2584 Chairman Goodlatte. Aye.

2585 Ms. Adcock. Mr. Goodlatte votes aye.

2586 Mr. Sensenbrenner?  
2587 Mr. Sensenbrenner. Aye.  
2588 Ms. Adcock. Mr. Sensenbrenner votes aye.  
2589 Mr. Smith?  
2590 [No response.]  
2591 Mr. Chabot?  
2592 [No response.]  
2593 Mr. Issa?  
2594 Mr. Issa. Aye.  
2595 Ms. Adcock. Mr. Issa votes aye.  
2596 Mr. King?  
2597 Mr. King. Aye.  
2598 Ms. Adcock. Mr. King votes aye.  
2599 Mr. Franks?  
2600 Mr. Franks. Aye.  
2601 Ms. Adcock. Mr. Franks votes aye.  
2602 Mr. Gohmert?  
2603 Mr. Gohmert. Aye.  
2604 Mr. Gohmert votes aye.  
2605 Mr. Jordan?  
2606 [No response.]  
2607 Mr. Poe?  
2608 [No response.]  
2609 Mr. Chaffetz?  
2610 Mr. Chaffetz. Aye.

2611 Ms. Adcock. Mr. Chaffetz votes aye.  
2612 Mr. Marino?  
2613 Mr. Marino. Yes.  
2614 Ms. Adcock. Mr. Marino votes yes.  
2615 Mr. Gowdy?  
2616 Mr. Gowdy. Yes.  
2617 Ms. Adcock. Mr. Gowdy votes yes.  
2618 Mr. Labrador?  
2619 Mr. Labrador. Aye.  
2620 Ms. Adcock. Mr. Labrador votes aye.  
2621 Mr. Farenthold?  
2622 Mr. Farenthold. Aye.  
2623 Ms. Adcock. Mr. Farenthold votes aye.  
2624 Mr. Collins?  
2625 [No response.]  
2626 Mr. DeSantis?  
2627 Mr. DeSantis. Yes.  
2628 Ms. Adcock. Mr. DeSantis votes yes.  
2629 Mr. Buck?  
2630 Mr. Buck. Aye.  
2631 Ms. Adcock. Mr. Buck votes aye.  
2632 Mr. Ratcliffe?  
2633 Mr. Ratcliffe. Yes.  
2634 Ms. Adcock. Mr. Ratcliffe votes yes.  
2635 Mr. Bishop?

2636 Mr. Bishop. Aye.

2637 Ms. Adcock. Mr. Bishop votes yes.

2638 Ms. Roby?

2639 Ms. Roby. Aye.

2640 Ms. Adcock. Ms. Roby votes aye.

2641 Mr. Gaetz?

2642 Mr. Gaetz. Aye.

2643 Ms. Adcock. Mr. Gaetz votes aye.

2644 Mr. Johnson of Louisiana?

2645 Mr. Johnson of Louisiana. Aye.

2646 Ms. Adcock. Mr. Johnson votes aye.

2647 Mr. Biggs?

2648 Mr. Biggs. Aye.

2649 Ms. Adcock. Mr. Biggs votes aye.

2650 Mr. Conyers?

2651 Mr. Conyers. No.

2652 Ms. Adcock. Mr. Conyers votes no.

2653 Mr. Nadler?

2654 Mr. Nadler. No.

2655 Ms. Adcock. Mr. Nadler votes no.

2656 Ms. Lofgren?

2657 [No response.]

2658 Ms. Jackson Lee?

2659 Ms. Jackson Lee. No.

2660 Ms. Adcock. Ms. Jackson Lee votes no.

2661 Mr. Cohen?  
2662 Mr. Cohen. No.  
2663 Ms. Adcock. Mr. Cohen votes no.  
2664 Mr. Johnson of Georgia?  
2665 Mr. Johnson of Georgia. No.  
2666 Mr. Adcock. Mr. Johnson votes no.  
2667 Mr. Deutch?  
2668 [No response.]  
2669 Mr. Gutierrez?  
2670 [No response.]  
2671 Ms. Bass?  
2672 [No response.]  
2673 Mr. Richmond?  
2674 [No response.]  
2675 Mr. Jeffries?  
2676 [No response.]  
2677 Mr. Cicilline?  
2678 Mr. Cicilline. No.  
2679 Ms. Adcock. Mr. Cicilline votes no.  
2680 Mr. Swalwell?  
2681 Mr. Swalwell. No.  
2682 Ms. Adcock. Mr. Swalwell votes no.  
2683 Mr. Lieu?  
2684 Mr. Lieu. No.  
2685 Ms. Adcock. Mr. Lieu votes no.

2686 Mr. Raskin?

2687 Mr. Raskin. No.

2688 Ms. Adcock. Mr. Raskin votes no.

2689 Ms. Jayapal?

2690 Ms. Jayapal. No.

2691 Ms. Adcock. Ms. Jayapal votes no.

2692 Mr. Schneider?

2693 Mr. Schneider. No.

2694 Ms. Adcock. Mr. Schneider votes no.

2695 Chairman Goodlatte. Has every member voted who wishes  
2696 to vote? Clerk will report.

2697 Ms. Adcock. Mr. Chairman, 19 members voted aye; 11  
2698 members voted no.

2699 Chairman Goodlatte. The ayes have it, and the bill is  
2700 reported favorably to the House. The members will have 2  
2701 days to submit views.

2702 Pursuant to notice, I now call up the Authorization and  
2703 Oversight Plan for purposes of markup and move that the  
2704 committee adopt the plan. The clerk will report the plan.

2705 Ms. Adcock. Committee on the Judiciary Authorization  
2706 and Oversight Plan for the 115th Congress, in accordance  
2707 with rule X of the House of Representatives.

2708 [The information follows:]

2709 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2710 Chairman Goodlatte. Without objection, the  
2711 Authorization and Oversight Plan is considered as read and  
2712 open for amendment at any time, and I will begin by  
2713 recognizing myself for an opening statement.

2714 Clause 2 of House rule 10 requires each standing  
2715 committee to adopt an authorization and oversight plan at  
2716 the beginning of the Congress. Previously, the rule only  
2717 required that committees prepare an oversight plan.  
2718 However, the text of the rule was amended earlier this year  
2719 to require that committees develop a plan for both oversight  
2720 and authorization activities instead.

2721 Today we meet to adopt the Judiciary Committee's  
2722 Authorization and Oversight Plan for the 115th Congress.  
2723 This document, developed by the majority in consultation  
2724 with a minority, outlines the current plans that the  
2725 committee for authorization and oversight activities in the  
2726 115th Congress. Part 1 describes the programs and agencies  
2727 the committee intends to reauthorize in the 115th Congress  
2728 and notes which such programs and agencies received funding  
2729 in Fiscal Year 2016, despite having lapsed on  
2730 authorizations.

2731 Part 2 describes oversight activities to be conducted  
2732 by the committee, including oversight that will help  
2733 determine whether to reauthorize certain programs and  
2734 agencies. The committee's responsibility for reviewing and

2735 authorization, or lack thereof, for programs and activities  
2736 under its jurisdiction cannot be overstated.

2737         The periodic review of all programs is necessary to  
2738 ensure that Congress' fiscal and policy priorities are  
2739 reflected in our statutes and agenda and to provide  
2740 necessary guidance to the Appropriations Committee, as they  
2741 seek to allocate limited discretionary funds.

2742         Accordingly, part 1 of this plan reveals the  
2743 committee's intention to undertake a comprehensive review of  
2744 the Department of Justice and Homeland Security for the  
2745 purpose of reauthorizing critical components and programs.

2746         Similarly, oversight of the executive branch is a core  
2747 function of Congress and this committee. It is the  
2748 foundation of Congress's integral role in our Nation's  
2749 system of checks and balances as established by the  
2750 Constitution. Through robust oversight, we can better  
2751 ensure that the Federal Government is operating efficiently  
2752 and appropriately, adhering to the laws passed by Congress,  
2753 and doing so without waste, fraud, or abuse.

2754         Some initiatives that have been added to the  
2755 committee's oversight plan for the 115th Congress include a  
2756 continued review of the Judgement Fund, oversight of  
2757 executive orders regarding immigration and border security  
2758 signed by President Trump, continued review of investor visa  
2759 program, and a continuation of the examination of the state

2760 of free speech in the U.S., including on public, college,  
2761 and university campuses.

2762 In addition, we will examine instances where current law  
2763 may be overly burdensome, as well as situations where it may  
2764 be inadequate. Finally, this plan is not intended to  
2765 represent all activities that will be conducted in the 115th  
2766 Congress and does not preclude the committee from conducting  
2767 oversight on other relevant topics as needed.

2768 I look forward to working with members on both sides of  
2769 the aisle to carry out authorization and oversight  
2770 activities that are of importance to members of this panel  
2771 as well as the American people.

2772 [The prepared statement of Chairman Goodlatte follows:]

2773 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2774 Mr. Conyers. Mr. Chairman?

2775 Chairman Goodlatte. It is now my pleasure to recognize  
2776 the ranking member of the committee, the gentleman from  
2777 Michigan, Mr. Conyers, for his statement.

2778 Mr. Conyers. I thank you, Mr. Chairman. Members of  
2779 this very important committee, the Authorization and  
2780 Oversight Plan before us today is not binding on the  
2781 committee. It is, instead, an informal outline of our  
2782 oversight priorities for the Congress to come. Chairman  
2783 Goodlatte, I want you to know that I have always appreciated  
2784 both your effort and that of your staff to reach consensus  
2785 on the committee's oversight plan.

2786 Unfortunately, I feel that there are several urgent  
2787 matters within our jurisdiction that will not be discussed  
2788 on a timely basis if we do not bring them up to date.

2789 For example, on November 30, 2016, every Democratic  
2790 member of this committee joined me and wrote you to ask for  
2791 hearings on the many conflict-of-interest statutes that,  
2792 notwithstanding the President's claims otherwise, apply to  
2793 President Trump, his family, and members of his Cabinet. On  
2794 January 12, 2017, every Democratic member of this committee  
2795 wrote again to renew our request in the new Congress. To  
2796 date, no such hearings have been scheduled. We must discuss  
2797 this problem, and we will begin to do so today.

2798 Similarly, the majority has been conspicuously silent

2799 with respect to report after report connecting various  
2800 figures in the President's inner circle to the government of  
2801 Vladimir Putin. The FBI is the lead agency on any criminal  
2802 or counter-intelligence operation that may or may not be  
2803 aimed at President Trump and his associates.

2804 We already know the unanimous conclusion of the  
2805 intelligence community. Russia engaged in a massive  
2806 campaign to influence the last election and to tilt the  
2807 outcome in favor of President Trump. And we learned earlier  
2808 this week that the Department of Justice played a lead role  
2809 in notifying White House counsel that former National  
2810 Security Advisor Michael Flynn had lied about his contact  
2811 with the Russian ambassador about sanctions imposed by the  
2812 Obama administration in response to Russia's interference in  
2813 the election.

2814 The fact that General Flynn has resigned does little to  
2815 resolve a number of questions that this committee has a  
2816 responsibility to ask, especially after last night's  
2817 revelation that the Trump campaign was in direct  
2818 communication with Russian intelligence operatives, and we  
2819 will begin to ask some of those questions today. On these  
2820 and other matters, I look forward to your cooperation and  
2821 our robust discussion today. I thank the chairman, and I  
2822 yield back.

2823 [The prepared statement of Mr. Conyers follows:]

2824

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

2825 Chairman Goodlatte. The chair thanks the gentleman.  
2826 The chair now recognizes himself for the purposes of  
2827 offering an amendment. The clerk will report the amendment.

2828 Ms. Adcock. Amendment to the Authorization and  
2829 Oversight Plan for the 115th Congress offered by Chairman  
2830 Goodlatte: on page 17 --

2831 [The amendment of Chairman Goodlatte follows:]

2832 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2833 Chairman Goodlatte. Without objection, the amendment  
2834 will be considered as read, and I will recognize myself to  
2835 explain the amendment. Holding executive branch officials  
2836 accountable is one of the fundamental objectives of  
2837 Congressional oversight. When there is misconduct by any  
2838 administration official, the members of this panel have a  
2839 responsibility to undertake a serious review of such  
2840 misconduct, subject to the committee's jurisdiction. My  
2841 amendment clarifies that the Judiciary Committee will  
2842 continue its efforts to examine allegations of misconduct by  
2843 executive branch officials. It also designates that the  
2844 committee will continue to conduct oversight into  
2845 allegations of leaks of classified information.

2846 I urge support for this amendment.

2847 For what purpose does the gentleman from New York seek  
2848 recognition?

2849 Mr. Nadler. Mr. Chairman, I move to strike the  
2850 requisite number of words.

2851 Chairman Goodlatte. The gentleman is recognized for 5  
2852 minutes.

2853 Mr. Nadler. Members of the committee, I will not  
2854 oppose the adoption of the amendment as far as it goes, but  
2855 what is disturbing is that it clearly does not go far  
2856 enough. In specifying a focus on leaks, it undermines the  
2857 gravity of the wrongdoing the leaks expose.

2858           In so doing, it appears that my Republican colleagues  
2859 are embracing and channeling Donald Trump, whose  
2860 administration has displayed a dangerous degree of  
2861 incompetence, particularly on national security matters, and  
2862 the incompetence, dishonesty, unethical behavior, and  
2863 disregard for our constitutional principles show no sign, so  
2864 far, of abating.

2865           For more than 3 weeks now, we had a man serving as  
2866 national security advisor whom the Justice Department had  
2867 determined to be vulnerable to blackmail by an adversary  
2868 that this administration now embraces. The acting Attorney  
2869 General had informed the White House counsel of this and  
2870 that Michael Flynn had lied about and concealed critical  
2871 facts about discussions he had with Russian officials during  
2872 the transition.

2873           Based on reporting by the New York Times last night, we  
2874 also know that the Trump campaign officials had contacts  
2875 with the Russian intelligence officials prior to the  
2876 election, raising the distinct possibility that Trump  
2877 associates may have conspired with the Russians in their  
2878 disinformation and hacking campaign to install Donald Trump  
2879 as President of the United States.

2880           It took Richard Nixon 3-and-one-half years to break  
2881 into the Democratic National Committee, and the Russians did  
2882 essentially the same thing to help Donald Trump, even before

2883 he was elected. Was the sin of Watergate the fact that the  
2884 leakers helped expose it? Of course not. The foundation of  
2885 our government was threatened then, and we responded by  
2886 seeking the facts on a bipartisan basis, without fear of  
2887 where those facts would lead.

2888 I know that, and that is why we must adopt the other  
2889 amendments offered by my Democratic colleagues today,  
2890 calling on the committee to summon up the courage to do what  
2891 is right and to leave no stone unturned. This is an  
2892 incredibly important responsibility, and American people  
2893 demand and deserve no less.

2894 And so I yield back the balance of my time and thank  
2895 the chair.

2896 Chairman Goodlatte. For what purpose does the  
2897 gentleman from New York seek recognition?

2898 Mr. Nadler. Strike the last word, Mr. Chairman.

2899 Chairman Goodlatte. The gentleman is recognized for 5  
2900 minutes.

2901 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman,  
2902 the amendment is fine, if a little innocuous. But we stand  
2903 at severe constitutional crisis. The Watergate break-in did  
2904 not actually do anything. That is to say, they did break  
2905 in; they stole documents, et cetera. I do not recall them  
2906 being used in the election campaign.

2907 We have a situation now, where, besides the fact that

2908 the former national security administrator lied to the Vice  
2909 President, lied to the American public, we now know, of  
2910 course, that the Russians actively sought to intervene in  
2911 the election in order to throw the election toward Mr.  
2912 Trump.

2913 We now know that Mr. Trump's associates, or some of  
2914 them, were in contact, during the campaign, not with the  
2915 Russian ambassador, but with Russian intelligence officials.  
2916 Now, Russian intelligence officials were the people who were  
2917 intervening in our election to try to fix the election. Now  
2918 we must know what the Trump associates were saying to the  
2919 Russian intelligence officials. This raises the distinct  
2920 suspicion that the Trump campaign was conspiring with a  
2921 foreign power to throw an American election. That would be  
2922 the worst Constitutional crisis in our history, and it may,  
2923 in fact, be the case.

2924 We must get to the bottom of this, and it is shameful  
2925 that, so far, the committees of the House, including this  
2926 committee, have not been interested in investigating this.

2927 I saw Mr. Chaffetz on television. Mr. Chaffetz, who  
2928 acted like an avenging angel on Hillary Clinton's emails and  
2929 on Benghazi and all of this say, essentially, there is  
2930 nothing to investigate. Well, there is something to  
2931 investigate: the subversion of the American Constitutional  
2932 electoral process by a foreign power, possibly in collusion

2933 with the campaign that triumphed, perhaps, as a result of  
2934 that collusion, and that must be investigated.

2935         We now know, as I said, that officials of that  
2936 campaign, associates of that campaign, associates of Mr.  
2937 Trump, were in contact with Russian intelligence officials  
2938 during the campaign. What were they saying? What was going  
2939 on? Were they involved in trying to throw the election? I  
2940 do not know, but we must know. We must know. That is a  
2941 central question about the validity of our democratic  
2942 government right now.

2943         Now this committee, we have written, I have written,  
2944 others have written to the chairman of this committee, and  
2945 to the Speaker of the House, urging an investigation several  
2946 times; those letters have been ignored, which is why I have  
2947 introduced a resolution of inquiry, demanding that the  
2948 Department of Justice furnish to the Congress all  
2949 information in their possession, all notes, memorandums, et  
2950 cetera, et cetera, regarding the interference with the  
2951 election, regarding communications with the Russians,  
2952 regarding Mr. Trump's business dealings.

2953         One of the questions -- it is obviously the elephant in  
2954 the room -- that people really are not addressing is that  
2955 Mr. Trump, our President now, is truculent with everybody.  
2956 He is truculent with our allies. He is truculent with the  
2957 French. He is truculent with the Chinese, with the

2958 Mexicans, even with Australia of all people, except with the  
2959 Russians. With the Russians, he fawns over them. He fawns  
2960 over Putin. Why?

2961 Now it may be a good idea to reset relations. It is a  
2962 separate question, but why fawn over them when you are  
2963 truculent and belligerent with just about everybody else?  
2964 It does not make sense. There has got to be some sort of  
2965 explanation. Is the explanation that they helped him win  
2966 the election and that he was part of that? We do not know,  
2967 but we must investigate that.

2968 And that is one of the reasons I filed the resolution  
2969 of inquiry, which must either be brought up within 14  
2970 legislative days in a markup in this committee or else go to  
2971 the floor for a vote. So I hope that the committee will  
2972 take up the resolution of inquiry and will do a proper  
2973 analysis and a proper investigation. And with that, I yield  
2974 back.

2975 Ms. Jackson Lee. Mr. Chairman?

2976 Chairman Goodlatte. For what purpose does the  
2977 gentlewoman from Texas seek recognition?

2978 Ms. Jackson Lee. I would like to strike the last word.

2979 Chairman Goodlatte. The gentlewoman is recognized for  
2980 5 minutes.

2981 Ms. Jackson Lee. I thank the chair very much. I join  
2982 with my colleagues, but more importantly, I join with the

2983 ranking member with no precise quarrel, Mr. Chairman, of  
2984 your amendment, and I might add that I appreciate what I  
2985 perceive as a well-intentioned effort, but I think that you  
2986 have to understand that, by February the 15th, we are way  
2987 past the election, and members of Congress have experienced  
2988 losses and wins, and so we are now at a point of, what is  
2989 best for the American people?

2990         What is best for the American people is the same train  
2991 of thought that was utilized when my colleague, the  
2992 Honorable Barbara Jordan, sat on this panel with, I believe,  
2993 our ranking member, Mr. Conyers, at the time of the  
2994 proceedings for Richard Nixon. And what I will speak to is  
2995 not the ultimate outcome, but the collaboration of an  
2996 investigative approach to get to the truth on behalf of the  
2997 American people.

2998         We have had moments of constitutional crisis in the  
2999 last weeks that have not come from members of Congress, but  
3000 it has come from experts on the Constitution. And the  
3001 language here -- and I hope that you will join us in  
3002 supporting our amendments because, clearly, the idea is a  
3003 wrongdoing, because we want to fix wrongdoing. We want to  
3004 make sure it does not happen again.

3005         And I might say, through my historical recollection --  
3006 my colleagues can correct me -- the Watergate break-in was  
3007 in the 1970s, and the way we handled it, meaning the

3008 Congress, there was no further break-in that I conspicuously  
3009 was aware of in the historical perspective, until 2016 when  
3010 a foreign government broke into the DNC and clearly skewed  
3011 the election with a number of relating privacy disbursements  
3012 or issues that were in someone's private email.

3013 Now, as an aside, let me say that there has been no  
3014 evidence that the server of former Secretary Clinton had  
3015 ever been breached and that anyone had ever seen classified  
3016 information from that server. I do not mind if that gets  
3017 included, because no one has been able to document, and I am  
3018 sure it would have been leaked if that was the case. But  
3019 the issue is the wrongdoing.

3020 And let me speak to a precise wrongdoing that you will  
3021 hear over and over again that just stuns me, and I guess it  
3022 stuns me because I have watched the camaraderie and the  
3023 collegiality of vice presidents now for three presidents  
3024 that I have served, or I have served under: Clinton-Gore,  
3025 Bush-Cheney, and certainly we know that, in the course of  
3026 human interaction, I am sure there were agreements and  
3027 disagreements. History will relay that. And Obama-Biden.

3028 How in the world can we not investigate why the Vice  
3029 President was not notified in a timely fashion? The Vice  
3030 President who stands at the side of the President, next in  
3031 line for the presidency of the United States, who is on  
3032 public media forcibly articulating nothing had happened and

3033 doing it in the course of the time when the Justice  
3034 Department had notified White House counsel.

3035         Everyone knows, in the hierarchy in the pecking order,  
3036 White House counsel has the ear and the confidence of the  
3037 President, and therefore, I am sure that steps went from the  
3038 White House counsel's office, if he or she is doing their  
3039 job, into -- maybe stopped at the Chief of Staff's office; I  
3040 do not know, but directly into the White House in the Oval  
3041 Office.

3042         And you mean to tell me that the Vice President was not  
3043 given this information a heartbeat away from the presidency?  
3044 That is wrongdoing no matter how you look at it, so I would  
3045 just make the argument that, I note that there is a point  
3046 here about leaks, and I certainly want to maintain the  
3047 sanctity of the intelligence community and its relaying of  
3048 information and the appropriate protocols, but on behalf of  
3049 the American people, it is important that we do what is  
3050 right in terms of fixing the problem.

3051         We have a problem. We have a problem. The good news  
3052 was, deviating with a little humor, when we were in the  
3053 midst of the space race we had something that made Houston  
3054 famous: "Houston, we have a problem." It put us on the map  
3055 with an amazing amount of public relations of our great  
3056 effort.

3057         America, we have a problem. Mr. Chairman, we are on

3058 the map. Let's fix the problem and the Judiciary Committee  
3059 is where that problem should be fixed, with major  
3060 investigations to get to the bottom of this and fix the  
3061 problems. I yield back.

3062 Chairman Goodlatte. The time of the gentlewoman has  
3063 expired.

3064 Mr. Gohmert. Mr. Chairman.

3065 Chairman Goodlatte. The gentleman from Texas, for what  
3066 purpose do you seek recognition?

3067 Mr. Gohmert. Strike the last word.

3068 Chairman Goodlatte. The gentleman is recognized for 5  
3069 minutes.

3070 Mr. Gohmert. I still am amazed at some of the outrage  
3071 that I hear from my friends across the aisle, this continued  
3072 complaint that the Russians may have affected the elections,  
3073 might have affected the elections; the head of WikiLeaks  
3074 said it did not come from the Russians; whatever. Let's  
3075 say, hypothetically, it absolutely came from the Russians.

3076 Well, first of all, Hillary Clinton put this country at  
3077 risk by putting her emails on private server, which made it  
3078 at risk; she lied repeatedly about what she used, what she  
3079 did not use, what she had to use, what she could not use;  
3080 one phone, two phones. But what came out in the WikiLeaks  
3081 that my colleagues are saying skewed the election, changed  
3082 the elections, was the emails of Hillary Clinton showing

3083 that she had lied about some things, showing the complete  
3084 disrespect and disdain for her constituents through campaign  
3085 comments about Catholics, about Christians.

3086         And so I am amazed that there are even people saying we  
3087 do not know if that skewed the elections, that perhaps  
3088 Catholics and Christians -- or supporters of Bernie Sanders  
3089 when they found out from the emails that Democrats had  
3090 rigged the primaries so that Bernie Sanders could not win --  
3091 they wonder if "Gee, I wonder if American voters who happen  
3092 to be Catholic, Christians, if they happen to be Bernie  
3093 Sanders, if it might affect them if they found out the  
3094 truth, that the Democratic nominee repeatedly lied,  
3095 disrespected her constituents through her campaign. Gee, it  
3096 might have affected the election."

3097         There is no disdain for the contempt for the former  
3098 potential Hillary Clinton voters. The disdain is for  
3099 Russia, that how dare those horrible people may have exposed  
3100 the truth about Hillary Clinton, and when the truth came out  
3101 about Hillary Clinton, it may have cost her votes. There is  
3102 no disdain for what the truth was.

3103         It is all disdain for the truth coming out. None of  
3104 the outrage on the other side of the aisle was heard, as far  
3105 as I can tell, when the New York Times somehow got hold  
3106 illegally of Donald Trump's supposed tax information. Did  
3107 not hear any outrage at all.

3108           Some of us have been demanding more scrutiny about  
3109 intelligence and about Russian involvement, about hacking,  
3110 and we could not get the Obama administration interested at  
3111 all. And all of this outrage about Trump's friendliness  
3112 with Russia; my gosh, how short are people's memories? Do  
3113 they not remember that when Russia assaulted the Nation of  
3114 Georgia, the Bush administration reacted, "This is an  
3115 outrage," and they chilled our relationship with Russia.

3116           So when the Obama administration came in with Hillary  
3117 Clinton, they rushed over there with some goofy plastic  
3118 button: "This is a reset button because we think the Bush  
3119 administration overreacted when Russia assaulted Georgia,  
3120 and so we want Russia to know we think it is okay when you  
3121 assault nations."

3122           They set up the attack on Crimea by those actions, by  
3123 that friendly overture to Russia, and they want to complain  
3124 about Trump? He has not hardly been in office. But I can  
3125 guarantee you that Russia taking action like they did  
3126 against Georgia or Crimea will have a whole lot more  
3127 response from this administration. Donald Trump will not  
3128 stand for it.

3129           The difference with this White House and the prior  
3130 White House will be -- we are going to get to the bottom of  
3131 the leaks from intelligence one way or another, and those of  
3132 us on this committee who were lied to about how this

3133 information was being used and whatnot, it may cost them the  
3134 ability to use that ability to obtain that information  
3135 anymore. I yield back.

3136 Chairman Goodlatte. The time of the gentleman has  
3137 expired. For what purpose does the gentleman from Tennessee  
3138 seek recognition?

3139 Mr. Cohen. Thank you, Mr. Chairman. Strike the last  
3140 word.

3141 Chairman Goodlatte. The gentleman is recognized for 5  
3142 minutes.

3143 Mr. Cohen. Thank you. I followed that statement  
3144 pretty closely, and with that logic, you would love Edward  
3145 Snowden and be totally enthralled with Chelsea Manning,  
3146 because while they violated their oaths and revealed  
3147 information, that information was important to Americans to  
3148 know what information was being taken from them by security,  
3149 and accordingly, the gentleman who previously spoke should  
3150 have been for Chelsea Manning, not only her commutation but  
3151 a pardon and maybe a congressional medal of honor, and one  
3152 for Snowden, too.

3153 But the fact is they violated the law in putting that  
3154 information out and that is sacrosanct, and you cannot say  
3155 that regardless of what your opinion is about the  
3156 information that was put out, that it was stolen. It was  
3157 illegal and it was stolen. And since that has happened, Mr.

3158 Chairman, the President has launched and continually  
3159 launched an attack on the intelligence community and the  
3160 press because that is the two power groups that he does not  
3161 have control over.

3162         When Hillary Clinton brought up the fact that 17  
3163 different intelligence agencies, including the FDI and the  
3164 NDI and all the others -- CIA -- had said that the Russians  
3165 were hacking and trying to influence this election, his  
3166 answer was "Our country has no idea." Why would he say our  
3167 country has no idea? Because he thought they had no idea  
3168 and he thought he was going to get away scot-free. He knew  
3169 what the Russians were doing when he said, "Russia, are you  
3170 listening? Can you get her 30,000 emails? Russia, are you  
3171 listening?" Now we know there were communications.

3172         I look at Peter Rodino's portrait, Mr. Chairman. He  
3173 presided over this committee during Watergate and that was a  
3174 time when we came together to rid ourselves of a President  
3175 who violated the law. He himself was involved in the break-  
3176 in. Mr. Rodino did his duty and Democrats and Republicans  
3177 both did it.

3178         Howard Baker was a star with Fred Thompson as his aide  
3179 in the Senate, asking the questions that our chairman should  
3180 ask: what did Mr. Trump know and when did he know it? We  
3181 need to find out what he knew and when he knew it about his  
3182 security adviser, about contacts with Russia during the

3183 campaign, about what Mr. Pence knew, and all of this is  
3184 within the purview of the Judiciary Committee, and the most  
3185 important information this committee could elicit for the  
3186 benefit of the people.

3187         Ronald Reagan said Russia was the evil empire. It was,  
3188 and it is, and it is worse. Just this week, the primary  
3189 opponent to Mr. Putin was conveniently found guilty of a  
3190 felony in Russia, wherefore he is no longer eligible to run  
3191 for office. The same thing happened a few years back to Mr.  
3192 Putin's other closest adversary, and then his next closest  
3193 adversary was murdered within purview of the Kremlin, within  
3194 view of the Kremlin.

3195         We are talking about Russia and Putin, which is about  
3196 as opposite from America as you can get; not encouraging  
3197 freedom of the press, freedom of speech, or democracy, and  
3198 not being a friend of America whatsoever. And as we speak,  
3199 they are involved with continuing to help their allies in  
3200 Eastern Ukraine attack and attack, and they have airplanes  
3201 buzzing our ships in the seas right near the Russian borders  
3202 and denying that it occurred, and they have spy boats off  
3203 our coast. And what is our President doing? Tweeting from  
3204 Mar-a-lago and raising the dues to come and watch him and  
3205 his friend's vacation at their \$200,000-admission fee winter  
3206 White House.

3207         Every tweet he makes about where he is at, it is about

3208 "at Mar-a-lago," just advertising. It is corrupt,  
3209 embarrassing, and obscene what he has done to the White  
3210 House and what he has done to our Government in selling it,  
3211 and this committee needs to investigate thoroughly.

3212 Chairman Goodlatte. The gentleman will suspend.

3213 Mr. Gohmert. -- President corrupt.

3214 Chairman Goodlatte. The gentleman is advised the House  
3215 has rules of decorum regarding comments made about others in  
3216 this body and the President of the United States and other  
3217 members of the executive branch, and the member is advised  
3218 he must obey those rules of decorum, and the gentleman may  
3219 proceed under those rules.

3220 Mr. Cohen. Thank you, sir, I will. We also have rules  
3221 about staff members not working for the other branch of  
3222 government. We are co-equal branches --

3223 Chairman Goodlatte. The gentleman will suspend.

3224 Mr. Cohen. Yes, sir.

3225 Chairman Goodlatte. The committee has, and the House  
3226 has, rules that are posted on the website of the House  
3227 Ethics Committee that define under what circumstances  
3228 members of this branch, and quite frankly, members of the  
3229 executive branch, can work for members of the Congress or  
3230 committees of the Congress.

3231 The gentleman may not be aware that his minority has  
3232 requested right now to have three detailees come and work

3233 for the minority on this committee who are members of the  
3234 executive branch. They do so under rules of confidentiality  
3235 and they have been done by this committee on both sides of  
3236 the aisle for many, many years.

3237         So I would caution the member about making accusations  
3238 about which the Member may not be well-informed regarding  
3239 the rules of the House and the appropriate circumstances  
3240 under which staff, and members, quite frankly, of the  
3241 Congress, can and have worked for both Democratic candidates  
3242 for President of the United States and Republican candidates  
3243 for President of the United States, and that occurred during  
3244 both parties' candidacy in this election cycle. The  
3245 gentleman may proceed.

3246         Mr. Cohen. I think about Shakespeare and "the lady  
3247 doth protest too much." This is a serious --

3248         Chairman Goodlatte. The gentleman is not entitled,  
3249 either directly or by inference, to impugn the actions of  
3250 any member of the House. The gentleman will discontinue his  
3251 statement if he is going to continue to do that.

3252         Mr. Cohen. I do not believe I did. I think I talked  
3253 to the emphasis, and the emphasis, like in this, to put co-  
3254 equals, the leakers of the information, and the underlying  
3255 issues are questionable, and to put the emphasis there makes  
3256 one wonder where the priorities are. And the fact is --

3257         Chairman Goodlatte. The gentleman's time has expired.

3258 Mr. Cohen. I did not know I looked like Elizabeth  
3259 Warren.

3260 Chairman Goodlatte. For what purpose does the  
3261 gentleman from Georgia seek recognition?

3262 Mr. Johnson of Georgia. Move to strike the last word.

3263 Chairman Goodlatte. The gentleman is recognized for 5  
3264 minutes.

3265 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I am  
3266 concerned about the creeping violation of the First  
3267 Amendment in Congress. Over the last few weeks, we have  
3268 seen the taking down, the ripping down of a portrait that  
3269 was drawn by a young person who entered the piece in the  
3270 congressional art competition. It was selected by the  
3271 Congressman who sponsored the event. The art piece was hung  
3272 in the Capitol along with the other 434 pieces of art, and  
3273 for some reason, somebody objected to what that art  
3274 portrayed, and this Congress took that piece of artwork  
3275 down.

3276 We have seen instances in this body and on the other  
3277 side of the Capitol where people's comments have been  
3278 snuffed out because someone did not appreciate what they had  
3279 to say, and it is a creeping violation or infringement on  
3280 First Amendment rights right here in this hallowed body.  
3281 Right here in this Judiciary Committee, we could be looking  
3282 at issues in our constitutional subcommittee as to whether

3283 or not it is constitutional for a President to discriminate  
3284 against refugees by banning them based on their religion,  
3285 whether or not that is an issue of the establishment clause  
3286 or not.

3287         We could be looking at issues about whether or not it  
3288 is proper for the Russians to pay \$10 million for a  
3289 membership at Key Largo. It is not out of the question that  
3290 that can happen because what we saw over the weekend was an  
3291 open-air classified conversation potentially taking place  
3292 between our President and a head of state of Japan about how  
3293 to react to a ballistic missile launch, with people taking  
3294 pictures and holding up flashlights, camera lights, to  
3295 record and to help them read potentially confidential  
3296 information. These are all issues that this committee can  
3297 take up.

3298         This committee can also look into whether or not at  
3299 Trump Hotel, which is owned by the American people, the  
3300 American taxpayers, whether or not there is anybody who has  
3301 reserved the Grand Ballroom for the next four years at a  
3302 price of, let's say, \$5 million. Can you purchase influence  
3303 in this government? That is a question that does not impugn  
3304 anyone's motives, but it certainly begs for an answer, and  
3305 there is justification for asking it. This is a question  
3306 that this committee can answer.

3307         The carelessness, the recklessness of the current

3308 administration demands that Congress take on, and this  
3309 committee take on, the difficult challenges, and step up to  
3310 the plate and act as a moral conscience to this government  
3311 as well as its insurer of best practices. Impeachment  
3312 proceedings are typically referred to the House Judiciary  
3313 Committee.

3314 This is a very important committee that has very  
3315 important jurisdiction that I look forward, quite frankly,  
3316 knowing the members of the committee like I do, to us doing  
3317 the right thing. I have abundant hope and optimism about  
3318 this committee and the work that it will do over the next 2  
3319 years to ensure that the integrity of our political process  
3320 and our checks and balances over the executive branch will  
3321 remain strong. And with that, Mr. Chairman, I yield back.

3322 Chairman Goodlatte. The Chair would advise the members  
3323 of two things. First of all, that there is a vote just  
3324 beginning on the floor, and secondly, that the committee is  
3325 considering an amendment that the Chair has offered, holding  
3326 executive branch officials accountable through including  
3327 that in our oversight plan as well as looking into the issue  
3328 of whether or not there has been leaks that could involve  
3329 classified information, and I have not heard anybody speak  
3330 against, including those things in the plan.

3331 Ms. Jackson Lee. Will the gentleman yield for a  
3332 moment?

3333 Chairman Goodlatte. I understand there are many other  
3334 amendments. I just want to advise the members of the  
3335 committee that we can continue to talk about this one that  
3336 does not seem to be controversial, or we can move on to  
3337 others and debate those. For what purpose does the  
3338 gentleman from Rhode Island seek recognition?

3339 Mr. Cicilline. Mr. Chairman, I move to strike the last  
3340 word.

3341 Chairman Goodlatte. The gentleman is recognized for 5  
3342 minutes.

3343 Mr. Cicilline. I thank the chairman for his amendment  
3344 and I think, as others have said on this side of the aisle,  
3345 I do not have objections to its content, although I think it  
3346 is incomplete and so what I would offer, Mr. Chairman, for  
3347 your consideration is to a friendly amendment to simply add  
3348 after the last information, the committee will also continue  
3349 to conduct oversight into allegations of leaks of classified  
3350 information, add the following: As well as allegations of  
3351 improper interference with our democratic institutions or  
3352 efforts to improperly or illegally interfere with our  
3353 elections. I would ask the chairman if he would accept that  
3354 friendly amendment.

3355 Chairman Goodlatte. Can you repeat the statement?

3356 Mr. Cicilline. Sure. It is being passed right now. I  
3357 will repeat it. As well as allegations of improper

3358 interference with our democratic institutions or efforts to  
3359 improperly or illegally interfere with our elections. I  
3360 implore the chairman to consider this. I think it would  
3361 make this amendment representative of what we should be  
3362 doing as Democrats and Republicans, if not --

3363 Chairman Goodlatte. If the gentleman would make the  
3364 language available to me, I would be happy to consider it.

3365 Mr. Cicilline. I believe it is --

3366 Chairman Goodlatte. Okay, I have got it. The chair is  
3367 interested in the language that has been offered by the  
3368 gentleman. The chair would ask the gentleman if that would  
3369 cause him and the other members on his side of the aisle to  
3370 defer on amendments that would encompass the language that  
3371 is incorporated in his amendment.

3372 Ms. Jackson Lee. You need to bring that card to where  
3373 you left me off. Bring the card; I have got to go vote.

3374 Mr. Cicilline. Yeah, Mr. Chairman, I certainly would  
3375 not offer an amendment on this subject if this memo were  
3376 accepted.

3377 Chairman Goodlatte. Well, the chair would simply say  
3378 two things. First of all, I do consider the gentleman's  
3379 amendment to be friendly and without objection, we will  
3380 accept it. I would advise other members that they should  
3381 look at this new amendment as adopted and consider that in  
3382 looking at other amendments that they may offer so that it

3383 does not encompass additional things that are within the  
3384 scope of this amendment.

3385 Mr. Cicilline. We --

3386 Chairman Goodlatte. But first the gentleman from --

3387 Mr. Cicilline. Could we get copies of the amendment as  
3388 presented?

3389 Chairman Goodlatte. We will provide that to all the  
3390 members of the committee. Without objection, the amendments  
3391 offered --

3392 Ms. Jackson Lee. Mr. Chairman?

3393 Chairman Goodlatte. For what purpose does the  
3394 gentlewoman from Texas seek recognition?

3395 Ms. Jackson Lee. An inquiry of the chairman. As  
3396 indicated, you have not heard opposition to the underlying  
3397 amendment of the chairman and we thank the gentleman from  
3398 Rhode Island for his thoughtful addendum, but I think it is  
3399 important that the amendments of my colleagues be  
3400 thoughtfully considered in the expansion of that thought and  
3401 amendment and amendment should not be quashed because we  
3402 believe that the amendment that is about to pass, I am sure  
3403 is all encompassing. The one thing that is necessary about  
3404 the law is that details are the better side of justice.  
3405 Knowing all of the facts in a detailed subset --

3406 Chairman Goodlatte. Would the gentlewoman state her  
3407 inquiry?

3408 Ms. Jackson Lee. Yes, the inquiry is I do want to make  
3409 sure that other amendments will be thoughtfully considered  
3410 and the amendment that is about to pass --

3411 Chairman Goodlatte. Other amendments --

3412 Ms. Jackson Lee. -- not used to oppose the other  
3413 amendments. I yield back.

3414 Chairman Goodlatte. Other amendments will be  
3415 considered under the rules of the committee.

3416 Mr. Cicilline. Can I just reclaim my time? I just  
3417 want to thank the chairman for accepting this amendment. I  
3418 do not expect that it will extinguish all concerns, but I  
3419 think it is really important to be included in our plan and  
3420 I think the chairman for including it.

3421 Chairman Goodlatte. Okay, without objection, the  
3422 amendment offered by the chair is amended by the language  
3423 offered by the gentleman --

3424 Mr. Farenthold. I am going to object.

3425 Chairman Goodlatte. What is that?

3426 Mr. Farenthold. I am going to object.

3427 Mr. Cicilline. Point of order, you cannot object. It  
3428 is the chairman's decision. Vote against the amendment.

3429 Mr. Farenthold. I can object.

3430 Mr. Cicilline. Point of order.

3431 Chairman Goodlatte. The question is on the Cicilline  
3432 amendment to the Goodlatte amendment.

3433 All those in favor, respond by saying aye.

3434 Those opposed, no.

3435 In the opinion of the chair, the ayes have it and the  
3436 amendment is agreed to.

3437 Mr. Cicilline. Roll call. I will withdraw the --

3438 Chairman Goodlatte. The question now occurs on the  
3439 amendment offered by the chairman as amended by the  
3440 amendment offered by the gentleman from Rhode Island.

3441 All those in favor respond by saying aye.

3442 Those opposed, no.

3443 In the opinion of the chair, the ayes have it and the  
3444 amendment is agreed --

3445 Mr. Cicilline. Roll call.

3446 Chairman Goodlatte. A roll call vote is requested.

3447 The clerk will call the roll.

3448 Ms. Adcock. Mr. Goodlatte?

3449 Chairman Goodlatte. It has been withdrawn. The  
3450 request for the roll call has been withdrawn. Now, we have  
3451 8 minutes remaining on the vote on the floor of the House.  
3452 The committee will stand in recess and reconvene immediately  
3453 after this series of votes.

3454 [Recess.]

3455 Chairman Goodlatte. The committee will reconvene.

3456 When the committee recessed we were considering adoption of  
3457 the Authorization and Oversight Plan for the 115th Congress.

3458 Are there further amendments to the plan?

3459 Mr. Nadler. Mr. Chairman?

3460 Chairman Goodlatte. For what purpose does the  
3461 gentleman from New York seeks recognition?

3462 Mr. Nadler. I have an amendment at the desk.

3463 Chairman Goodlatte. The clerk will report the  
3464 amendment.

3465 Ms. Adcock. Amendment to the oversight plan of the  
3466 House Committee on the Judiciary offered by Mr. Nadler.

3467 Under the heading, subcommittee --

3468 [The amendment of Mr. Nadler follows:]

3469 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

3470 Chairman Goodlatte. Without objection, the amendment  
3471 is considered as read and the gentleman is recognized for 5  
3472 minutes on his amendment.

3473 Mr. Nadler. Thank you. Mr. Chairman, my amendment  
3474 would call on this committee to investigate any attempt by  
3475 the White House or by any of the executive branch to  
3476 threaten or discredit any Federal judge or to undermine the  
3477 independence of the Federal judiciary. It is frankly  
3478 disturbing that such an amendment is necessary. But after  
3479 President Trump's unprecedented and dangerous campaign to  
3480 threaten and de-legitimize the Judiciary -- I should not say  
3481 after it -- during it and any judge who would dare to  
3482 enforce limits on his power it must sadly be a top priority  
3483 for this committee.

3484 As most people are aware, after Judge James Robart, a  
3485 highly-respected judge in Washington State, temporarily  
3486 blocked enforcement of President Trump's unconstitutional  
3487 Muslim ban, the President took to Twitter to label him a  
3488 "so-called judge." This was followed by several other  
3489 tweets that attacked Judge Robart personally. Called his  
3490 decision political and even claimed that if something  
3491 happened to the United States, the judge and the court  
3492 system should be blamed.

3493 Next, the President turned his target to the Ninth  
3494 Circuit judges considering the appeal of Judge Robart's

3495 order. In the speech the morning after the Court's hearing,  
3496 but before its ruling, Mr. Trump called the proceedings  
3497 disgraceful and so political, while also claiming that the  
3498 judges failed to grasp concepts that even "a bad high school  
3499 student would understand."

3500 And then after the Ninth Circuit left Judge Robart's  
3501 order in place, one of President Trump's top advisors,  
3502 Stephen Miller, said, "The Judiciary is not supreme," and  
3503 challenged the Court's legitimacy to question the  
3504 President's interpretation of the law.

3505 Finally, the President summed up his thoughts on  
3506 Twitter this weekend writing, "Our legal system is broken."  
3507 No, it is not, but the President seems to be trying hard to  
3508 break it. It is not uncommon for Presidents of both parties  
3509 to speak out against Court decisions with which they  
3510 disagree, but never before have we seen such a brazen  
3511 attempt by a President to erode public confidence in the  
3512 Courts as fair and neutral arbiters of the law.

3513 Unfortunately, this is not the first time Mr. Trump has  
3514 attacked a sitting judge. Last June, then candidate, Trump,  
3515 impugned the motives of Judge Gonzalo Curiel who presided  
3516 over litigation related to claims of fraud at Trump  
3517 University by declaring that Judge Curiel is "a total  
3518 disgrace," who had a "an absolute conflict," because of his  
3519 Mexican heritage. Although Mr. Trump was broadly condemned

3520 of the racist overtones of his remarks, the impropriety of a  
3521 political candidate challenging the integrity of a judge  
3522 considering his case was not fully appreciated at the time.

3523         Unfortunately, any hope that Mr. Trump would act more  
3524 responsibly once he became president has now been dashed.  
3525 This is a patter we must halt right now. As a real estate  
3526 developer may have proven effective for Mr. Trump to  
3527 intimidate his adversaries through insults, but as  
3528 President, he must learn that such attacks are both reckless  
3529 and dangerous.

3530         Already, there have been reports that judges involved  
3531 in legal challenges to the executive order have been  
3532 threatened and requiring increased security protection.  
3533 Moreover, President Trump's broad sides against the Federal  
3534 Courts threatened to undermine public confidence in the  
3535 institution of the Judiciary itself.

3536         An independent Judiciary is fundamental to the checks  
3537 and balances that are embodied in the separation of powers  
3538 in the Constitution. It is essential to maintaining liberty  
3539 and the rule of law and it is what former Chief Justice  
3540 Rehnquist once called, "one of the crown jewels of our  
3541 system of government." Whether one agrees with the  
3542 substance of a particular judicial decision, it is dangerous  
3543 for sitting Presidents or other government officials to  
3544 engage in ad hominem attacks against a judge, or attempt to

3545 erode trust in that judge or in the entire court system.

3546       President Trump's incendiary comments have raised  
3547 alarms from such diverse parties as the President of the  
3548 American Bar Association; Senate Majority Leader, Mitch  
3549 McConnell; and legal scholars from across the ideological  
3550 spectrum. Even Judge Neil Gorsuch, President Trump's  
3551 Supreme Court nominee condemned these remarks as  
3552 "demoralizing and disheartening."

3553       However, under Republican leadership, this Judiciary  
3554 Committee has been silent. It is important that we add our  
3555 voice to the chorus of condemnation that we investigate this  
3556 issue. An independent judiciary is fundamental to our  
3557 constitutional system of checks and balances created by the  
3558 founders to protect all of our rights and liberties. The  
3559 Judiciary Committee should take action without delay to  
3560 ensure that the careful separation of powers that are so  
3561 critical to our democracy is respected by the leader of the  
3562 executive branch.

3563       And that is why my amendment to add the following  
3564 language, "the subcommittee will investigate any attempt by  
3565 the White House or any agency of the Executive Branch to  
3566 threaten or discredit any Federal judge or to undermine the  
3567 independence of the Federal judiciary is so necessary." I  
3568 urge my colleagues to support this amendment and I yield  
3569 back the balance of my time.

3570 Chairman Goodlatte. The chair recognizes himself in  
3571 opposition to the amendment. While I do not agree with the  
3572 phrasing of some of the aforementioned Tweets and other  
3573 comments, this amendment should be rejected. All presidents  
3574 have the right to criticize Federal judges, certainly, for  
3575 what they perceive to be the poor quality of their legal  
3576 reasoning.

3577 The President's positions on those matters are  
3578 routinely presented in legal pleadings and public  
3579 statements. President Obama criticized the United States  
3580 Supreme Court for one of its decisions at his State of the  
3581 Union Address and virtually every other president has opined  
3582 publicly about the quality of one judicial decision or  
3583 another. If there is any evidence of presidential threats  
3584 to judges beyond criticism, this committee would be the  
3585 first to investigate that, but I am aware of no such  
3586 evidence. This amendment should be rejected.

3587 Chairman Goodlatte. For what purpose does the  
3588 gentlewoman from California seek recognition?

3589 Ms. Lofgren. Strike last word.

3590 Chairman Goodlatte. The gentlewoman is recognized for  
3591 5 minutes.

3592 Ms. Lofgren. I think we all agree that everyone in  
3593 America has a First Amendment right and that includes  
3594 Presidents to speak their minds. I think that is somewhat

3595 different than undercutting the legitimacy of another branch  
3596 of government.

3597 I think you and I have sometimes agreed and sometimes  
3598 disagreed, and when I disagree with you, I, very often,  
3599 hopefully in a positive and thoughtful way explain why I  
3600 disagree, but I have never called you the so-called chairman  
3601 of the committee. You are the chairman of the committee. I  
3602 have never tried to undercut your legitimacy as a member of  
3603 Congress and I think that really is at the heart of the  
3604 issue raised by my colleague from New York and I would like  
3605 to yield to Mr. Nadler for his further comments.

3606 Mr. Nadler. Thank you, gentlelady, for yielding, and I  
3607 want to contrast what the Chairman referred to and what I am  
3608 referring to. President Obama said the following in his  
3609 State of the Union Address, and this is the entire reference  
3610 he made to the Judiciary. "With all due deference to  
3611 separation of powers, last week the Supreme Court reversed a  
3612 century of law that I believe will open the floodgates of  
3613 special interests, including foreign corporations to spend  
3614 without limits in our elections.

3615 I do not think American elections should be bankrolled  
3616 by America's powerful interests or worse by foreign  
3617 entities. They should be decided by the American people and  
3618 I would urge Democrats and Republicans to pass a bill that  
3619 helps to correct some of these problems."

3620           That was his quote. It was an expression of opinion,  
3621 well, perfectly valid expression of opinion. It was not a  
3622 denigration of the Judiciary. He did not call any of  
3623 Supreme Court judges a so-called judge. He did not call  
3624 their proceedings disgraceful and political. He did not say  
3625 the Judiciary is not supreme. He did not say our legal  
3626 system is broken. He did not say anything to degrade the  
3627 institution or to threaten a judge.

3628           That is what we have heard recently and that is what,  
3629 should it occur in the future, again, we should investigate.  
3630 That is all my amendments says. We have to protect the  
3631 integrity of the Judiciary, not the body of what they say.  
3632 Not that we agree or disagree. President Obama disagreed  
3633 with the Court decision in perfectly reasonable terms which  
3634 you may or may not agree with, but he did not characterize  
3635 the judges as broken or vengeful or so-called or stupid or  
3636 illegitimate in any way. That is the difference.

3637           We have to make sure that we can safeguard the power of  
3638 the Judiciary against attacks by the Executive, or by  
3639 anybody else for that matter. And therefore, I urge that  
3640 the amendment be adopted and yield back.

3641           Chairman Goodlatte. Question occurs on the amendment  
3642 offered by the gentleman from New York.

3643           All those in favor, respond by saying aye.

3644           Those opposed, no.

3645 Chairman Goodlatte. Opinion of the chair, the noes  
3646 have it. The amendment is now agreed to.

3647 Mr. Nadler. May I request a roll call?

3648 Chairman Goodlatte. A recorded vote is requested, and  
3649 the clerk will call the roll.

3650 Ms. Adcock. Mr. Goodlatte?

3651 Chairman Goodlatte. No.

3652 Ms. Adcock. Mr. Goodlatte votes no.

3653 Mr. Sensenbrenner?

3654 [No response.]

3655 Mr. Smith?

3656 [No response.]

3657 Mr. Chabot?

3658 Mr. Chabot. No.

3659 Ms. Adcock. Mr. Chabot votes no.

3660 Mr. Issa?

3661 [No response.]

3662 Mr. King?

3663 [No response.]

3664 Mr. Franks?

3665 [No response.]

3666 Mr. Gohmert?

3667 [No response.]

3668 Mr. Jordan?

3669 [No response.]

3670 Mr. Poe?

3671 [No response.]

3672 Mr. Chaffetz?

3673 Mr. Chaffetz. No.

3674 Ms. Adcock. Mr. Chaffetz votes no.

3675 Mr. Marino?

3676 [No response.]

3677 Mr. Gowdy?

3678 Mr. Gowdy. No.

3679 Ms. Adcock. Mr. Gowdy votes no.

3680 Mr. Labrador?

3681 Mr. Labrador. No.

3682 Ms. Adcock. Mr. Labrador votes no.

3683 Mr. Farenthold?

3684 [No response.]

3685 Mr. Collins?

3686 Mr. Collins. No.

3687 Ms. Adcock. Mr. Collins votes no.

3688 Mr. DeSantis?

3689 [No response.]

3690 Mr. Buck?

3691 [No response.]

3692 Mr. Radcliffe?

3693 Mr. Radcliffe. No.

3694 Ms. Adcock. Mr. Radcliffe votes no.

3695 Mr. Bishop.

3696 Mr. Bishop. No.

3697 Ms. Adcock. Mr. Bishop votes no.

3698 Ms. Roby?

3699 Ms. Roby. No.

3700 Ms. Adcock. Ms. Roby votes no.

3701 Mr. Gaetz?

3702 Mr. Gaetz. No.

3703 Ms. Adcock. Mr. Gaetz votes no.

3704 Mr. Johnson of Louisiana?

3705 Mr. Johnson of Louisiana. No.

3706 Ms. Adcock. Mr. Johnson votes no.

3707 Mr. Biggs?

3708 Mr. Biggs. No.

3709 Ms. Adcock. Mr. Biggs votes no.

3710 Mr. Conyers?

3711 Mr. Conyers. Aye.

3712 Ms. Adcock. Mr. Conyers votes aye.

3713 Mr. Nadler?

3714 Mr. Nadler. Aye.

3715 Ms. Adcock. Mr. Nadler votes aye.

3716 Ms. Lofgren?

3717 Ms. Lofgren. Aye.

3718 Ms. Adcock. Ms. Lofgren votes aye.

3719 Ms. Jackson Lee?

3720 [No response.]

3721 Mr. Cohen?

3722 Mr. Cohen. Aye.

3723 Ms. Adcock. Mr. Cohen votes aye.

3724 Mr. Johnson of Georgia?

3725 [No response.]

3726 Mr. Deutch?

3727 Mr. Deutch. Aye.

3728 Ms. Adcock. Mr. Deutch votes aye.

3729 Mr. Gutierrez?

3730 [No response.]

3731 Ms. Bass?

3732 [No response.]

3733 Mr. Richmond?

3734 [No response.]

3735 Mr. Jeffries?

3736 [No response.]

3737 Mr. Cicilline?

3738 Mr. Cicilline. Aye.

3739 Ms. Adcock. Mr. Cicilline votes aye.

3740 Mr. Swalwell?

3741 Mr. Swalwell. Aye.

3742 Ms. Adcock. Mr. Swalwell votes aye.

3743 Mr. Lieu?

3744 Mr. Lieu. Aye.

3745 Ms. Adcock. Mr. Lieu votes aye.

3746 Mr. Raskin?

3747 Mr. Raskin. Aye.

3748 Ms. Adcock. Mr. Raskin votes aye.

3749 Ms. Jayapal?

3750 Ms. Jayapal. Aye.

3751 Ms. Adcock. Ms. Jayapal votes aye.

3752 Mr. Schneider?

3753 Mr. Schneider. Aye.

3754 Ms. Adcock. Mr. Schneider votes aye.

3755 Chairman Goodlatte. The gentleman from Iowa, Mr. King.

3756 Mr. King. No.

3757 Ms. Adcock. Mr. King votes no.

3758 Chairman Goodlatte. The gentleman from Texas, Mr.

3759 Gohmert.

3760 Mr. Gohmert. No.

3761 Ms. Adcock. Mr. Gohmert votes no.

3762 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

3763 Mr. Poe. No.

3764 Ms. Adcock. Mr. Poe votes no.

3765 Chairman Goodlatte. The gentleman from Pennsylvania,

3766 Mr. Marino.

3767 Mr. Marino. No.

3768 Ms. Adcock. Mr. Marino votes no.

3769 Chairman Goodlatte. Has every member voted who wishes

3770 to vote? The clerk will report.

3771 Ms. Adcock. Mr. Chairman, 11 members voted aye; 16  
3772 members voted no.

3773 Chairman Goodlatte. And the amendment is not agreed  
3774 to.

3775 Are there further amendments? What purpose does the  
3776 gentlewoman from California seeks recognition.

3777 Ms. Lofgren. I have an amendment at the desk.

3778 Chairman Goodlatte. The clerk will report the  
3779 amendment.

3780 Ms. Adcock. Amendment to the Oversight Plan of the  
3781 House Committee on the Judiciary offered by Ms. Lofgren.

3782 Under the Heading Subcommittee on Immigration --

3783 [The amendment of Ms. Lofgren follows:]

3784 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

3785 Chairman Goodlatte. Without objection the amendment is  
3786 considered as read and the gentleman is recognized for 5  
3787 minutes on her amendment.

3788 Ms. Lofgren. Thank you Mr. Chairman. I am making the  
3789 suggestion that we can talk oversight on the number of child  
3790 trafficking victims that have been returned to Mexico  
3791 because of inadequate screening by the Border Patrol. As  
3792 you know, under our current law, there is a distinction made  
3793 between children who come to the border who are from a  
3794 contiguous country, as opposed to children who present at  
3795 the border from a non-contiguous country and for children  
3796 who come from a contiguous country, in most cases the  
3797 country of Mexico, it is possible for the Border Patrol to  
3798 simply turn them around.

3799 Now when we adopted this change in the law the  
3800 discussion was the need to have efficiency, but there was  
3801 also an expectation that the Border Patrol would engage in  
3802 an inquiry of children who were by themselves to see whether  
3803 they had been sex trafficking victims. Now I have been to  
3804 the border to observe the check sheet that is being used by  
3805 Border Patrol agents, and it does not, in every case,  
3806 include standard protocols to determine whether a child is,  
3807 in fact, a sex trafficking victim.

3808 Further, as everyone who is a former prosecutor here  
3809 knows, you cannot really get a good answer from a small

3810 child if the person doing the interrogation is doing it in  
3811 front of other people and is in a uniform and is, depending  
3812 on the age of the child, intimidating that child.

3813         So, to make a long story short, just for example, in  
3814 the year 2013, which is the last year I have figures for,  
3815 95.5 percent of all unaccompanied Mexican children were  
3816 simply returned to Mexico, and I think there is every reason  
3817 to believe and, in fact, the United Nations has looked at  
3818 this, to believe that we have simply returned child sex  
3819 trafficking victims back to their traffickers, using the  
3820 current procedure.

3821         I think that is something, you know, in the history of  
3822 our efforts to protect against trafficking we have had  
3823 bipartisan efforts. This has never been a partisan issue,  
3824 and it should not be. If we have reasonable suspicion that  
3825 we are sending children back to sex traffickers, we would  
3826 want to change the procedures.

3827         So what I am suggesting, Mr. Chairman, is that we do  
3828 some inquiry into this. We have some data from the CBP. We  
3829 have some data from the United Nations. We do know that  
3830 Mexico has one of the highest incidence of any country of  
3831 child sex trafficking. So the idea that 95.5 percent of  
3832 children would be summarily returned may lead us to the  
3833 suspicion that there is a problem here. But what I am  
3834 suggesting is, rather than leap to a change in the law,

3835 let's add this to the oversight. Let's find out what the  
3836 facts are, and then let's try and work together on a  
3837 bipartisan basis to come up with a sensible fix, if our  
3838 suspicions are, in fact, confirmed.

3839 Chairman Goodlatte. Would the gentlewoman yield?

3840 Ms. Lofgren. I would be happy to yield.

3841 Chairman Goodlatte. I think the gentlewoman's  
3842 amendment is fine, and I think the committee can inquire  
3843 about the matters that she is concerned about, and I would  
3844 accept the amendment.

3845 Ms. Lofgren. Thank you Mr. Chairman.

3846 Chairman Goodlatte. The question is on the amendment  
3847 offered by the gentlewoman from California.

3848 All those in favor respond by saying aye.

3849 Those opposed, no.

3850 Opinion of the chair, the ayes have it, and the  
3851 amendment is agreed to.

3852 Ms. Lofgren. Mr. Chairman, I have another amendment at  
3853 the desk.

3854 Chairman Goodlatte. The clerk will report the  
3855 amendment.

3856 Mr. Ratcliffe. I would like to reserve a point of  
3857 order. I would like to reserve a point of order.

3858 Chairman Goodlatte. What purpose does the gentleman  
3859 from Texas seek recognition?

3860 Mr. Ratcliffe. Point of order.

3861 Chairman Goodlatte. Point of order is reserved. The  
3862 clerk will report the amendment.

3863 Ms. Adcock. Amendment to the Oversight Plan of the  
3864 House Committee on the Judiciary offered by Ms. Lofgren.  
3865 Under the heading Subcommittee on Immigration --

3866 [The amendment of Ms. Lofgren follows:]

3867 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

3868 Chairman Goodlatte. Without objection the amendment  
3869 will be considered as read and the gentleman is recognized  
3870 for 5 minutes on her amendment.

3871 Ms. Lofgren. Once again this amendment is to the  
3872 oversight, relative to immigration. As we know, the  
3873 President issued a new executive order relative to interior  
3874 enforcement of immigration laws, and I think there are a lot  
3875 of questions about the meaning of some of the memoranda, but  
3876 we have seen just these last few weeks that, although the  
3877 stated purpose of the targeted enforcement by ICE where  
3878 individuals with serious criminal matters, fully 25 percent  
3879 of the individuals, according to their reports, were  
3880 individuals who had no criminal matter, and including,  
3881 apparently, and we are still getting reports in from the  
3882 field, parents of minor children.

3883 So one of the things I think we ought to be aware of as  
3884 we review the priorities for deportation is what is the  
3885 impact on Americans for these deportation efforts? One of  
3886 the things that we, I think, should find out about is how  
3887 many of the individuals who are deported had minor children  
3888 who are American citizens left behind? How many of those  
3889 children enter the foster care system after the deportation  
3890 of their parents?

3891 I am not suggesting a remedy in this oversight  
3892 amendment, but I do think it would be a good idea for us to

3893 find out the implications for American citizens, including  
3894 American citizen children, for these deportation plans, and  
3895 that, in essence, is the suggestion I am making, Mr.  
3896 Chairman.

3897 Mr. Ratcliffe. Point of order. Mr. Chairman, I would  
3898 like to withdraw my point of order. Yeah, I would like to  
3899 withdraw my point of order.

3900 Chairman Goodlatte. Point of order is withdrawn. The  
3901 chair recognizes himself in opposition to the amendment.

3902 I appreciate the gentlewoman offering the amendment,  
3903 but I believe that the fact of the matter is that the law is  
3904 very clear regarding who is lawfully present in the United  
3905 States, and who is not, and I think it is appropriate that  
3906 the administration, any administration, enforce the law, and  
3907 the amendment would seem to imply that if there are people  
3908 who are unlawfully present in the United States and are  
3909 deported that they should not be deported if they have  
3910 children who are here in the United States, whether they are  
3911 here legally or illegally.

3912 So I would oppose the amendment. I would point out  
3913 that all presidents, all administrations, have conducted  
3914 this law, properly doing so. I am sure that we are going to  
3915 consider many aspects of immigration law in this committee  
3916 and this Congress. I do not support this amendment because  
3917 it implies that the current law is not correct.

3918           What purpose does the gentleman from New York seek  
3919 recognition?

3920           Mr. Nadler. Strike the last word.

3921           Chairman Goodlatte. The gentleman is recognized for 5  
3922 minutes.

3923           Mr. Nadler. Mr. Chairman, I rise in support of this  
3924 amendment. It does not imply that the law is correct or  
3925 not, but it seeks to gather information as to one effect of  
3926 the law, and, not only one effect of the law, but one effect  
3927 of a specific enforcement of the law. It cannot hurt  
3928 certainly to know how many children are entering foster care  
3929 because of the deportation of their parents. Maybe it is a  
3930 small number. Maybe it is a large number. Maybe they are  
3931 American citizens. Maybe they are not. Why should we not  
3932 know?

3933           Now the law is the law. It has got reasons for it. It  
3934 has got reasons against it. We can all have our opinions.  
3935 This does not imply wanting to change the law. It simply  
3936 implies wanting to know some of the effects of the law. We  
3937 should not be in ignorant, so I support the amendment.

3938           Chairman Goodlatte. A question occurs on the amendment  
3939 offered by the gentlewoman from California.

3940           All those in favor, respond by saying aye.

3941           Those opposed, no.

3942           Opinion of the chair, the noes have it.

3943 Ms. Lofgren. May I have a recorded vote, Mr. Chairman?  
3944 Chairman Goodlatte. A recorded vote is requested, and  
3945 the clerk will call the roll.  
3946 Ms. Adcock. Mr. Goodlatte?  
3947 Chairman Goodlatte. No.  
3948 Ms. Adcock. Mr. Goodlatte votes no.  
3949 Mr. Sensenbrenner?  
3950 [No response.]  
3951 Mr. Smith?  
3952 [No response.]  
3953 Mr. Chabot?  
3954 [No response.]  
3955 Mr. Issa?  
3956 [No response.]  
3957 Mr. King?  
3958 [No response.]  
3959 Mr. Franks?  
3960 [No response.]  
3961 Mr. Gohmert?  
3962 [No response.]  
3963 Mr. Jordan?  
3964 [No response.]  
3965 Mr. Poe?  
3966 [No response.]  
3967 Mr. Chaffetz?

3968 [No response.]

3969 Mr. Marino?

3970 [No response.]

3971 Mr. Gowdy?

3972 Mr. Gowdy. No.

3973 Ms. Adcock. Mr. Gowdy votes no.

3974 Mr. Labrador?

3975 Mr. Labrador. No.

3976 Ms. Adcock. Mr. Labrador votes no.

3977 Mr. Farenthold?

3978 [No response.]

3979 Mr. Collins?

3980 Mr. Collins. No.

3981 Ms. Adcock. Mr. Collins votes no.

3982 Mr. DeSantis?

3983 [No response.]

3984 Mr. Buck?

3985 [No response.]

3986 Mr. Ratcliffe?

3987 Mr. Ratcliffe. No.

3988 Ms. Adcock. Mr. Ratcliffe votes no.

3989 Mr. Bishop?

3990 Mr. Bishop. No.

3991 Ms. Adcock. Mr. Bishop votes no.

3992 Ms. Roby?

3993 Ms. Roby. No.

3994 Ms. Adcock. Ms. Roby votes no.

3995 Mr. Gaetz?

3996 Mr. Gaetz. No.

3997 Ms. Adcock. Mr. Gaetz votes no.

3998 Mr. Johnson of Louisiana?

3999 Mr. Johnson of Louisiana. No.

4000 Ms. Adcock. Mr. Johnson votes no.

4001 Mr. Biggs?

4002 Mr. Biggs. No.

4003 Ms. Adcock. Mr. Biggs votes no.

4004 Mr. Conyers?

4005 Mr. Conyers. Aye.

4006 Ms. Adcock. Mr. Conyers votes aye.

4007 Mr. Nadler?

4008 Mr. Nadler. Aye.

4009 Ms. Adcock. Mr. Nadler votes aye.

4010 Ms. Lofgren?

4011 Ms. Lofgren. Aye.

4012 Ms. Adcock. Ms. Lofgren votes aye.

4013 Ms. Jackson Lee?

4014 [No response.]

4015 Mr. Cohen.

4016 Mr. Cohen. Aye.

4017 Ms. Adcock. Mr. Cohen votes aye.

4018 Mr. Johnson of Georgia?  
4019 Mr. Johnson of Georgia. Aye.  
4020 Ms. Adcock. Mr. Johnson votes Aye.  
4021 Mr. Deutch?  
4022 Mr. Deutch. Aye.  
4023 Ms. Adcock. Mr. Deutch votes aye.  
4024 Mr. Gutierrez?  
4025 [No response.]  
4026 Ms. Bass?  
4027 [No response.]  
4028 Mr. Richmond?  
4029 [No response.]  
4030 Mr. Jeffries?  
4031 [No response.]  
4032 Mr. Cicilline?  
4033 Mr. Cicilline. Aye.  
4034 Ms. Adcock. Mr. Cicilline votes aye.  
4035 Mr. Swalwell?  
4036 Mr. Swalwell. Aye.  
4037 Ms. Adcock. Mr. Swalwell votes aye.  
4038 Mr. Lieu?  
4039 Mr. Lieu. Aye.  
4040 Ms. Adcock. Mr. Lieu votes aye.  
4041 Mr. Raskin?  
4042 Mr. Raskin. Aye.

4043 Ms. Adcock. Mr. Raskin votes aye.

4044 Ms. Jayapal?

4045 Ms. Jayapal. Aye.

4046 Ms. Adcock. Ms. Jayapal votes aye.

4047 Mr. Schneider?

4048 Mr. Schneider. Aye.

4049 Ms. Adcock. Mr. Schneider votes aye.

4050 Chairman Goodlatte. The gentleman from Texas, Mr.

4051 Gohmert.

4052 Mr. Gohmert. No.

4053 Ms. Adcock. Mr. Gohmert votes no.

4054 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

4055 Mr. Poe. No.

4056 Ms. Adcock. Mr. Poe votes no.

4057 Chairman Goodlatte. The gentleman from Pennsylvania,

4058 Mr. Marino.

4059 Mr. Marino. No.

4060 Ms. Adcock. Mr. Marino votes no.

4061 Chairman Goodlatte. The gentleman from Utah, Mr.

4062 Chaffetz.

4063 Mr. Chaffetz. No.

4064 Ms. Adcock. Mr. Chaffetz votes no.

4065 Chairman Goodlatte. The gentlewoman from Texas, Ms.

4066 Jackson Lee.

4067 Ms. Jackson Lee. Aye.

4068 Ms. Adcock. Ms. Jackson Lee votes aye.

4069 Chairman Goodlatte. Has every member voted who wishes  
4070 to vote? The clerk will report.

4071 The clerk will suspend. The gentleman from California,  
4072 Mr. Issa.

4073 Mr. Issa. No.

4074 Ms. Adcock. Mr. Issa votes no.

4075 Chairman Goodlatte. The clerk will report.

4076 Ms. Adcock. Mr. Chairman, 13 members voted aye; 15  
4077 members voted no.

4078 Chairman Goodlatte. And the amendment is not agreed  
4079 to.

4080 Ms. Jackson Lee. Mr. Chairman.

4081 Chairman Goodlatte. What purpose does the gentlewoman  
4082 from Texas seek recognition?

4083 Ms. Jackson Lee. I have an amendment at the desk;  
4084 SJL001.

4085 Chairman Goodlatte. The clerk will report the  
4086 amendment.

4087 Ms. Adcock. Amendment to the Oversight Plan of the  
4088 House Committee on the Judiciary, offered by Ms. Jackson  
4089 Lee. Under the heading Subcommittee on Crime, Terrorism,  
4090 Homeland Security and --

4091 [The amendment of Ms. Jackson Lee follows:]

4092

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

4093 Chairman Goodlatte. Without objection, the amendment  
4094 is considered as read, and the gentlewoman is recognized for  
4095 5 minutes on her amendment.

4096 Ms. Jackson Lee. Thank you, Mr. Chairman. Mr.  
4097 Chairman, as the ranking member of the subcommittee, I deal  
4098 with some of these issues. I offer this amendment, which  
4099 will specify that, with respect to the committee's oversight  
4100 of the FBI, we will prioritize oversight of any ongoing,  
4101 criminal, counterintelligence investigation into any  
4102 connection between President Donald J. Trump or any of his  
4103 associates or employees and the Russian Government.

4104 With the information that we have received this week  
4105 and the events that have transpired, it is more apparent  
4106 than ever that this committee must do what it is designed to  
4107 do in a time of crisis involving our jurisdiction. It is an  
4108 important point to make that we must ask questions,  
4109 interview witnesses. We must obtain documents and get the  
4110 information our public deserves to know with respect to the  
4111 possible criminal contacts, coordination, and conspiracy  
4112 between Donald Trump's campaign, transition team, and  
4113 current administration with Russia.

4114 Mr. Trump now has had two key advisers resign because  
4115 of entanglements and contacts with Russia; one during the  
4116 campaign, and one during his administration; that person,  
4117 the other associate who took a leave of absence from the

4118 campaign. The first was a Mr. Paul Manafort who had been  
4119 Trump's campaign manager and resigned amidst concerns about  
4120 his business contacts in Russia and the Ukraine.

4121 It has been reported that some of his contacts there  
4122 were under surveillance by the National Security Agency for  
4123 suspected links to Russia's Federal Security Service. It  
4124 has been reported that our law enforcement, intelligence  
4125 agencies led by the FBI have been examining intercepted  
4126 communications and financial transactions as part of a broad  
4127 investigation into possible links between Russian officials  
4128 and associates of Donald Trump.

4129 These associates reportedly also include Carter Page, a  
4130 businessman and a former foreign-policy adviser to the Trump  
4131 campaign, and Roger Stone, a longtime Republican operative  
4132 and confidante of Donald Trump. Because of his dealings  
4133 with Russia, Page had to take a leave of absence from the  
4134 campaign. On top of all this, National Security Adviser  
4135 Michael Flynn has now had to resign.

4136 Rumor has it he has been fired or had to be fired by  
4137 the President of the United States because of his dishonesty  
4138 about his contacts with Russia but, more importantly, the  
4139 discussion of sanctions under a past administration, in this  
4140 instance, the Obama administration; therefore, as a  
4141 civilian, interfering by way of international negotiations  
4142 as a civilian, and the fact that he was deemed vulnerable to

4143 blackmail by the Russians. These are in the open domain,  
4144 and these are not issues that have been declared classified  
4145 and now being represented. These are in the open domain,  
4146 public domain.

4147         Just what he was discussing with the Russians that he  
4148 felt he had to conceal it and how far back was he having  
4149 such discussions with the Russians? It seems that the  
4150 discussions during the transition period that he covered up  
4151 were merely an extension of discussions and, perhaps, some  
4152 collaboration with the Russians during the presidential  
4153 campaign. It really does not matter.

4154         What matters is that we insist that the service to the  
4155 United States is straightforward, transparent, and apparent,  
4156 and so it is important that the questions be asked: what did  
4157 he discuss, did he alone or with campaign officials or other  
4158 associates of Mr. Trump conspire with the Russians on a  
4159 disinformation campaign and illegal hacking, perpetrated to  
4160 harm the campaign of Hillary Clinton and, again, skew the  
4161 campaign.

4162         These questions must be answered. That is why I am  
4163 offering this amendment to the Oversight Plan. We need to  
4164 be sure that our investigative agencies are reviewing any  
4165 and all evidence of illegality in these matters, and this  
4166 committee has a vital role to play under oversight  
4167 responsibilities bestowed on us by the Constitution. This

4168 is all the more important because the newly sworn in  
4169 Attorney General was one of Mr. Trump's strongest endorsers  
4170 and most vocal advocates during the campaign.

4171 I understand that in the public domain as well that a  
4172 special prosecutor has been asked for. We do not know what  
4173 the decision of the Attorney General will be, but I do know  
4174 that I sent to this committee, both on February 10, 2017 and  
4175 at an earlier time letters, one on December 8, 2016, asking  
4176 to follow the chain as it relates to the Russian intrusion,  
4177 which is our responsibility, regarding the intrusion into  
4178 the election of 2016.

4179 Only a few weeks after the inauguration the Trump  
4180 administration is already seemingly not regarding or  
4181 disregarding the law. Time is of the essence. The  
4182 committee must act and my amendment should be adopted as an  
4183 indication that we take these matters seriously.

4184 Just a few days into the administration and after the  
4185 inaugural service, inaugural ceremony, Mr. Trump indicated  
4186 that there were millions of illegal individuals that voted.  
4187 That means he is concerned about voting, Mr. Chairman. I am  
4188 concerned about voting --

4189 Chairman Goodlatte. The time of the gentlewoman has  
4190 expired.

4191 Ms. Jackson Lee. Please pass the Jackson Lee  
4192 amendment. I yield back.

4193 Chairman Goodlatte. For what purpose does the  
4194 gentleman from South Carolina seek recognition?

4195 Mr. Gowdy. I move to strike the last word.

4196 Chairman Goodlatte. The gentleman is recognized for 5  
4197 minutes.

4198 Mr. Gowdy. Mr. Chairman, I am surprised. Actually,  
4199 let me strike that. I am actually not surprised. Our  
4200 colleagues on the other side of the aisle -- I want to be  
4201 very clear about what this amendment does -- they want to  
4202 prioritize the oversight of a political excursion over --  
4203 and here, let me list all the things that they want to  
4204 prioritize this over: national security, child exploitation  
4205 cases, violent crime, human trafficking, narcotics  
4206 trafficking, mass killings, civil rights violations,  
4207 espionage. All of that will be secondary to an excursion  
4208 into a political investigation.

4209 Mr. Chairman, I say this sincerely. I do want to  
4210 welcome our Democrat colleagues to this general thing called  
4211 oversight. For 8 years, they were absent, so I am heartened  
4212 at their newfound enthusiasm for investigating other  
4213 branches of government. I wish we would have had a little  
4214 bit of help over the past 8 years. But we had none.

4215 And the duplicity is exposed, Mr. Chairman, in the very  
4216 first sentence of the amendment: "the subcommittee will  
4217 prioritize oversight of any ongoing, criminal

4218 investigation."

4219           How many times, Mr. Chairman, did you and I have  
4220 witnesses from the Department of Justice and the FBI who  
4221 refused to answer any questions about ongoing, criminal  
4222 investigations, and all the Democrats supported it? God  
4223 knows you cannot provide oversight over an ongoing, criminal  
4224 investigation. How quickly that changes.

4225           So I am going to not reluctantly oppose this amendment  
4226 because it prioritizes politics over all of the things that  
4227 -- I had a meeting with you, Mr. Chairman. I will not  
4228 divulge the confidences of it other than to say this: You  
4229 have a very robust oversight plan for this committee that  
4230 includes all the things the people that we work for would  
4231 want included, but to prioritize a political investigation  
4232 over espionage and child pornography and mass killings and  
4233 violent crime and civil rights violations would I be  
4234 stunning had I not sat here for 6 years and witnessed a  
4235 total lack of enthusiasm for any oversight. With that, I  
4236 would yield back.

4237           Mr. Nadler. Mr. Chairman?

4238           Chairman Goodlatte. For what does the gentleman from  
4239 New York seek recognition?

4240           Mr. Nadler. Strike the last word.

4241           Chairman Goodlatte. The gentleman is recognized for 5  
4242 minutes.

4243 Mr. Nadler. Mr. Chairman, we are not talking here  
4244 about a political excursion. We are talking here about the  
4245 attempted subversion of the electoral and democratic process  
4246 of the United States. There is nothing more fundamental.

4247 We know that a foreign government that does not wish us  
4248 particularly well -- the Russian Government -- involved  
4249 itself in our democratic process and attempted to subvert  
4250 the election to get a certain result. We know that. Our  
4251 intelligence agencies have told us that. We also know now -  
4252 - we are told -- that agents, associates, major figures in  
4253 the Trump campaign were in contact during the campaign with  
4254 intelligence people of the Russian Government. Not with the  
4255 Russian ambassador; that is later. And maybe, maybe of a  
4256 more benign nature. Maybe not. But with the intelligence  
4257 agents.

4258 Why are operatives of a political campaign in the  
4259 United States in contact during the campaign with  
4260 intelligence agents of a foreign government, a foreign  
4261 government that we now know was attempting to subvert the  
4262 democratic process in the United States? Maybe to pass the  
4263 time of day. Maybe to talk about the welfare of relatives  
4264 in the old country. Maybe to plot the subversion of the  
4265 electoral process. Possibility. I do not know that to be  
4266 the case. Maybe it was to talk about good old Aunt Matilda  
4267 and her descendants. But quite possibly to subvert the

4268 democratic election.

4269           We know the Russian Government did attempt to subvert  
4270 the election. We know they had an impact. Whether it  
4271 actually affected the outcome is unknowable, but we know  
4272 that they involved themselves in it in a way that is  
4273 intolerable. We know that agents of the Trump campaign were  
4274 in contact with the intelligence agencies of the Russian  
4275 Government at that time. For what purpose is something we  
4276 ought to know.

4277           It is the essence of our oversight of counter-  
4278 intelligence and of our oversight responsibility to protect  
4279 the electoral process and the democratic processes of the  
4280 United States Government to oversee this and to find out  
4281 what was going on and to make sure that, if it was what we  
4282 hope it was not, that it does not happen again.

4283           So I very much support this amendment. We ought to  
4284 prioritize oversight over the counter-intelligence  
4285 investigation and any connection between Donald Trump as a  
4286 presidential candidate and any of his associates or his  
4287 employees and the Russian Government at the time. And, of  
4288 course, as I said before, this may have relevance to the big  
4289 elephant in the room that nobody can really understand: Why  
4290 is the President of the United States and before that the  
4291 candidate for President of United States, who is belligerent  
4292 to almost every foreign government; who is belligerent to

4293 our NATO allies; belligerent to our neighbors, Mexico,  
4294 Canada; belligerent to Australia of all countries fawning  
4295 over the Russian Government and Putin. Does it have any  
4296 relationship to his business interests there? Does it have  
4297 any relationship to his owing them a debt for helping them  
4298 to arrange the election? We had better know. And,  
4299 therefore, I support this amendment. I yield back.

4300 Mr. Raskin. Mr. Chairman?

4301 Chairman Goodlatte. For what purpose does the  
4302 gentleman from Maryland seek recognition?

4303 Mr. Raskin. Move to strike the last word.

4304 Chairman Goodlatte. The gentleman is recognized for 5  
4305 minutes.

4306 Mr. Raskin. Mr. Chairman, thank you very much. I  
4307 would like to speak in strong favor of the amendment offered  
4308 by Ms. Jackson Lee. There really is nothing that could be  
4309 of greater importance and urgency to the American people  
4310 than to determine to what extent our government has been  
4311 compromised at the highest levels by collusion of US  
4312 officials and campaign officials with the Russian  
4313 Government, Vladimir Putin, and the KGB. Yesterday the  
4314 National Security Advisor left the U.S. Government after it  
4315 was determined he had lied to the Vice President about his  
4316 contacts with Russian intelligence agents, Russian spies.

4317 This amendment would simply make certain that the

4318 committee on oversight and government reform places the  
4319 national security interest of the American people first. I  
4320 heard my distinguished colleague, Mr. Gowdy, rail against  
4321 the perceived hypocrisy of members of this committee who he  
4322 suggested were not so interested in doing oversight of the  
4323 Obama administration over the last 8 years.

4324 I take it that the criticism does not apply at least to  
4325 those of us who were elected in November and have just been  
4326 here for several weeks, but in any event, I would hope, and  
4327 I would pray that every member of this committee, Democrat,  
4328 Republican, or anything else, as American citizens, would  
4329 have, indeed, prioritized investigations into the Obama  
4330 administration had the National Security Advisor Susan Rice  
4331 been involved in colluding with foreign agents, spies for  
4332 Russia, and Vladimir Putin. I would hope that would come  
4333 first.

4334 And, you know, I was reflecting, as the good gentleman  
4335 spoke, about a professor of mine from college named Judith  
4336 Shklar, and she wrote a book called Ordinary Vices, and in  
4337 the book she wrote a chapter about hypocrisy. And there is  
4338 no doubt that there is a certain reservoir of hypocrisy that  
4339 operates in politics, and it kind of sloshes back and forth.  
4340 And she warned that one can get obsessed with hypocrisy, so  
4341 all you do is you engage in charges and counter-charges of  
4342 hypocrisy back and forth, and what you end up missing is the

4343 public interest in the common good. Because all of us are  
4344 flawed as individuals. The Founders of the United States  
4345 knew that.

4346 Perhaps there could be criticism that people on this  
4347 committee were not sufficiently interested in the big  
4348 scandals of the Obama administration. I do not know what  
4349 they were, but okay, fine. And it could be turned around  
4350 very easily to say that those who acted as vicious pit bulls  
4351 of oversight on this committee during the last 8 years have  
4352 turned into purring lapdogs during the Trump administration,  
4353 and we could go back and forth like that forever, but where  
4354 does that advance the common good? Where does that advance  
4355 national security?

4356 So, returning to the issue, I would echo my friend from  
4357 New York who said, "We have got a very serious problem  
4358 here." We have got a President of the United States who  
4359 appears determined to alienate every one of the loyal allies  
4360 of the United States that he comes into contact with:  
4361 Mexico, our next-door neighbor; Australia.

4362 It is hard to find a more passionate ally of the United  
4363 States. NATO, he has consistently railed about and tried to  
4364 undermine, and yet Russia, we cannot find a negative word.  
4365 All we get is adulation, adoration, praise for Vladimir  
4366 Putin. Meantime, the National Security Advisor seemed to  
4367 think if it was not explicitly all right, it was implicitly

4368 all right for him to be talking to Russian intelligence  
4369 agents and basically making a deal about how the United  
4370 States under President Trump would remove the sanctions that  
4371 had been imposed on Russia.

4372 So this is a national security emergency, and again, if  
4373 you can find something at that level that took place during  
4374 the Obama administration, I would very gladly yield my time  
4375 to the distinguished gentleman.

4376 Mr. Issa. Would the gentleman yield?

4377 Mr. Raskin. By all means.

4378 Mr. Issa. I agree with the gentleman that there are  
4379 important issues, but I would say that the important issues,  
4380 which we went after in the Obama administration over 8  
4381 years, and the issues that we are now faced that you are  
4382 discussing, all took course over a period of time in which  
4383 we allowed the facts to come out, and then we began  
4384 committee activities, and then in at least one case, formed  
4385 a select committee.

4386 So although Ms. Jackson Lee's amendment may be well  
4387 intended, the fact is that the history of oversight by this  
4388 committee and the committee next door is one in which you  
4389 have a right to complain if you see nothing as time goes on,  
4390 but the idea is that --

4391 Mr. Raskin. Do you see nothing now -- reclaiming my  
4392 time -- do you see nothing now that would warrant the

4393 engagement of this committee in severe oversight, or extreme  
4394 vetting of what is taking place in the Trump administration?

4395 Mr. Issa. If the gentleman would further yield --

4396 Mr. Raskin. By all means.

4397 Mr. Issa. I certainly see it, as just one member of  
4398 the committee, but one of the subcommittees mentioned in  
4399 some of these amendments, I see the absolute requirement to  
4400 invite a number of people over the coming months including  
4401 the FBI Director and, if appropriate, in a classified  
4402 setting, other individuals, to ask questions, to do fact  
4403 finding, and then go where the facts lead.

4404 The reason that there were voting mostly on this side  
4405 of the aisle against prioritization is that we include a  
4406 great many things in the plan. The word "prioritization" is  
4407 never there for a reason. So, as one who was here in the  
4408 last Congress fighting tenaciously for years against the  
4409 Bush and the Obama administration when they were wrong, I  
4410 assure you it is on my priority list, but I would hope that  
4411 we would work in due course with an invitation to the  
4412 appropriate people to come in and brief us in both  
4413 classified and unclassified sessions over the coming weeks.

4414 Chairman Goodlatte. The time of the gentleman has  
4415 expired. What purpose does the gentleman from Texas seek  
4416 recognition for?

4417 Mr. Gohmert. In speaking in opposition to the

4418 amendment.

4419 Chairman Goodlatte. The gentleman is recognized for 5  
4420 minutes.

4421 Mr. Gohmert. Thank you, Mr. Chairman. I do want to  
4422 welcome those who have not been here for any part of the  
4423 last 8 years and undergone what we saw for the last 8 years.  
4424 So many of us have been pushing for oversight, asking for  
4425 answers, have even had Attorney General Holder, after years  
4426 of requests for the discovery documents that the Department  
4427 of Justice gave the convicted terrorist supporters in the  
4428 Holy Land Foundation. Just wanted what they gave the  
4429 convicted terrorists. The Attorney General refused.

4430 Eventually, I was referred to a website that had only  
4431 part of the documents that were actually admitted into  
4432 evidence. We witnessed the worst kind of obfuscation from  
4433 the administration including saying there may be issues of  
4434 classified documents, and as I directed to the Attorney  
4435 General Holder, you gave them to the terrorists. Do you not  
4436 think you could give them to members of Congress? And  
4437 apparently the answer was no. We gave them to our terrorist  
4438 friends, but we cannot give them to anybody in the  
4439 opposition party in Congress.

4440 So we have been dealing with this obfuscation, delay --  
4441 and I have got to say a congratulations to the Obama  
4442 administration, the refusal to provide documents on Fast and

4443 Furious, which got people killed, which crimes were  
4444 committed that apparently people in the administration were  
4445 involved in forcing the sale of guns that should not have  
4446 gotten them, so they would go to the drug cartels, and  
4447 people have died as a result. They were able to get through  
4448 7-and-a-half years after that occurred, and nobody was  
4449 called to account for causing or contributing in the death  
4450 of Brian Terry, American hero, border patrol agent.

4451 Nobody was called to account for that. Nobody was  
4452 called to account for all the lies that were perpetuated  
4453 surrounding Benghazi where heroes were killed. Actually,  
4454 the effort to prevent Republicans in the majority in the  
4455 House from getting information that would allow us to get to  
4456 the bottom of so many terrible events in the last 8 years is  
4457 really pretty amazing, and I am desperate afraid it may have  
4458 set the wrong course for future Democratic or Republican  
4459 administrations.

4460 They have seen the pattern. They have found out how it  
4461 works. You just refuse to give Congress information, and  
4462 you can get away with literally anything.

4463 So I welcome all the support we can get on pushing for  
4464 oversight. It needs to be done, but anyone who has been  
4465 here for more than 6 months knows that every time, whether  
4466 it was the Obama administration or the Bush administration -  
4467 - those were the two I witnessed -- you ask about oversight

4468 on anything that is an "ongoing criminal investigation," you  
4469 cannot get answers, because specifically, it is an ongoing  
4470 criminal investigation.

4471         So I do not know the motivation for requesting  
4472 oversight over something that the law will not allow us to  
4473 get information on during an ongoing, criminal  
4474 investigation, but I would submit that I have read from the  
4475 Soros-funded material that is being put out to Democrats  
4476 across the country, some that are demanding town halls so  
4477 they can follow the playbook and obstruct and do not let  
4478 anybody say anything without yelling about racism,  
4479 corruption, and what was the other one?

4480         I forget, but anyway, the playbook is there, and the  
4481 bottom line is stated over and over in this Soros-funded  
4482 material, that do whatever you can, raise any issue you can.  
4483 Let's obstruct the Republicans as much as we can, because  
4484 the more we can obstruct them from getting down to business,  
4485 the more we can prevent the Trump administration from  
4486 getting anything accomplished.

4487         With so many important issues including the collusion  
4488 by the previous administration with the largest supporter of  
4489 terrorism in the world, the secret agreements that  
4490 apparently were about to come out from General Flynn before  
4491 he was appropriately let go, you cannot lie to the Vice  
4492 President. I still want to get to the bottom of the secret

4493 deals that we did not get, but we are not going to get it on  
4494 this, so I oppose the amendment.

4495 Chairman Goodlatte. Time for the gentleman has  
4496 expired. For what purpose does the gentleman from Georgia  
4497 seek recognition?

4498 Mr. Johnson of Georgia. Move to strike the last word.

4499 Chairman Goodlatte. Recognized for 5 minutes.

4500 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I  
4501 would point out that after one investigation after another  
4502 that the Democrats on this panel endured over the last 8  
4503 years from Fast and Furious to IRS to Benghazi and then to  
4504 Planned Parenthood.

4505 All of these oversight investigations were beat to  
4506 death. I mean, we had, I mean, if there was some cause to  
4507 look into things, fine, but my friends on the other side of  
4508 the aisle beat a dead horse relentlessly, repeatedly,  
4509 incessantly, and there lack of aggressiveness about wanting  
4510 to investigate now that they have a Republican president,  
4511 which they have been, you know, I mean, they investigated so  
4512 that they could try to lay the groundwork for the election  
4513 of a Republican, and it happened.

4514 And now that it has happened and there being probable  
4515 cause to investigate on so many fronts, and there being a  
4516 reluctance to investigate anything, it calls into question -  
4517 - without me doing so -- it calls into question what is it

4518 that we are trying to accomplish?

4519 And I still have abundant hope that this committee will  
4520 get down to the business that the American people expect of  
4521 us. They expect that we look into the national security  
4522 issues that are glaring. They expect us to look into issues  
4523 of espionage, which are perhaps looming in the background.  
4524 We do not know what we will uncover until we actually get to  
4525 work investigating. And there is certainly due cause to do  
4526 so, and I would encourage my friends on the other side of  
4527 the aisle, let's --

4528 Chairman Goodlatte. Would the gentlemen yield?

4529 Mr. Johnson of Georgia. Let's do what the American  
4530 people would like for us to do.

4531 Chairman Goodlatte. Would the gentlemen yield?

4532 Mr. Johnson of Georgia. Yes, I will.

4533 Chairman Goodlatte. I thank the gentleman for  
4534 yielding. I appreciate the gentleman's support for  
4535 oversight, because we have a plan that details much  
4536 oversight. We have adopted an amendment that includes an  
4537 amendment to that amendment by the gentleman from Rhode  
4538 Island.

4539 I have already requested, for the benefit of the full  
4540 committee, a briefing by the Department of Justice and the  
4541 Federal Bureau of Investigation for the matter involving Mr.  
4542 Flynn in the White House, both what took place and how that

4543 was leaked, as well, because both of those things are very  
4544 important to know, but I will tell you I did not hear this  
4545 kind of support from members of your side of the aisle for  
4546 the previous four years that I was chairman of this  
4547 committee.

4548 I had the Attorney General of the United States stand  
4549 right where our clerk is sitting right now, raise his right  
4550 hand, swear to tell the truth, the whole truth, and nothing  
4551 but the truth, and he lied before this committee. He was  
4552 later, for another matter, held in contempt of the entire  
4553 United State House of Representatives, yet I never heard any  
4554 support from anybody of your side of the aisle for holding  
4555 members of the Obama Administration accountable.

4556 So I am delighted to have your support that we do  
4557 oversight of this administration. I will assure you that  
4558 you will have much more support from this side of the aisle  
4559 for any administration, including the current one, to do  
4560 oversight of than we saw from any of you in the left two  
4561 congresses.

4562 So I thank the gentleman for yielding to me.

4563 Mr. Johnson of Georgia. Well, reclaiming my time: I am  
4564 heartened to know that the chair has made movement towards  
4565 some investigation, although I fear that it may be skewed to  
4566 try to punish the messenger instead of who it was that is  
4567 really behind the message. But we will await the hearings

4568 to make that determination.

4569 I have good confidence that this committee will do the  
4570 right thing, and I will say that, as to Eric Holder,  
4571 Attorney General, there was disagreement as to whether or  
4572 not he lied. There was disagreement as to whether or not he  
4573 should be held in contempt. It was honest disagreement, and  
4574 I am sure that there will be honest disagreement as we  
4575 proceed with hearings to oversee the egregious recklessness  
4576 of this current administration, and with that, I will yield  
4577 back.

4578 Chairman Goodlatte. For what purpose does the  
4579 gentleman from Texas seek recognition?

4580 Mr. Farenthold. Hold on.

4581 Chairman Goodlatte. Well, I think people are seeking  
4582 recognition.

4583 The question is on the amendment offered --

4584 Mr. Schneider. I seek to strike the last word.

4585 Ms. Jackson Lee. Chairman, we are trying to strike the  
4586 last word.

4587 Chairman Goodlatte. All right. Well, that is what I  
4588 am asking. So for what purpose does the gentleman from  
4589 Illinois seek recognition?

4590 Mr. Schneider. I seek to strike the last word.

4591 Chairman Goodlatte. The gentleman is recognized for 5  
4592 minutes.

4593 Mr. Schneider. Thank you. I rise to speak in favor of  
4594 his amendment and would like to yield my time, as much as  
4595 she needs, to the gentlewoman from Texas.

4596 Ms. Jackson Lee. I want to thank the gentleman from  
4597 Illinois for his kindness, and I want to thank my colleagues  
4598 for vigorous discussion.

4599 There was so much vigor and enthusiasm in the comments  
4600 of some of my very dear friends that I look forward to  
4601 working with, including the chairman, even to the extent  
4602 that someone mentioned the question of racism, and I know  
4603 how sensitive an issue that is, so I will not pretend to  
4604 even comment on that. But what I will say to the compliment  
4605 of my friends on the other side of the aisle, compliment  
4606 them for their vigorousness in an array of investigations,  
4607 and recount for them that most did not find fault and did  
4608 not result in behaviors that warranted in any need to  
4609 address it.

4610 But that does not mean that they did not do their duty  
4611 as they perceived their duty to be. And so, we, as members  
4612 of this committee, that really do adhere to the  
4613 constitutional principles which are embodied in our  
4614 oversight plan, which is that we must do diligence on  
4615 oversight, but more importantly to ensure that the laws of  
4616 the land are, in fact, implemented.

4617 In the beginning of the Constitution, in this quote

4618 that comes before you even open the Constitution, it says,  
4619 "The Declaration of Independence was a promise. What a  
4620 wonderful document. The constitution was a fulfillment."  
4621 And so it governs three branches of government, three equal  
4622 branches of government, that need to pursue matters to fix  
4623 things for the American people.

4624 Now, my good friend has mentioned from South Carolina a  
4625 number of important issues. He will have no quarrel for me  
4626 in that. I will look forward to intently and intensely  
4627 working on issues: human trafficking, absolutely;  
4628 proliferation of drugs, absolutely, we did great work on  
4629 opioids in the last session; criminal justice reform, great  
4630 work, which we want to do; some other matters that are  
4631 coming up.

4632 But we cannot deny that there is legitimate reason to  
4633 follow the trail, starting with the activities during the  
4634 campaign of the direct involvement with Russia, with the  
4635 present administration, and the campaign of that  
4636 administration, and to question whether the laws have been  
4637 broken, whether or not, in conversations subsequent to the  
4638 discussions that Mr. Flynn had as a civilian with the  
4639 ambassador from Russia, then translated into incorrect -- I  
4640 am going to say incorrect -- information given to federal  
4641 agents, which is an 18 U.S.C. 1001 violation, if there was  
4642 any paperwork involved. And there are other particular

4643 matters if it was said in an interview.

4644           And so, we are not suggesting that this investigation  
4645 would not be held in a classified matter. There might be  
4646 not-classified briefings, but I think it is important that  
4647 we pursue it so we can fix things for the present  
4648 administration and those to come. No one can ever say that  
4649 the Obama administration was not investigated or issues  
4650 surrounding it were not investigated or candidates were not  
4651 investigated.

4652           And of course, we make people unhappy. That is the  
4653 nature of this business. But it does not mean, in your  
4654 mind, that you are not doing the right thing, and I believe,  
4655 in a collaborative way, we should be doing the right thing.  
4656 This is ongoing.

4657           And so I ask my colleagues to consider the Jackson Lee  
4658 amendment to my friend from South Carolina. I wonder if he  
4659 would accept a friendly amendment. The subcommittee will  
4660 pursue, as a priority, oversight of any ongoing criminal or  
4661 counter-intelligence investigation into any connection  
4662 between Donald J. Trump as presidential candidate, as  
4663 President of the United States, or any of his associates or  
4664 employees in the Russian Government.

4665           Does the gentleman accept a friendly amendment?

4666           Chairman Goodlatte. No.

4667           Ms. Jackson Lee. Thank you, Mr. Chairman. I am sorry.

4668 I still have a little bit more time.

4669 I have offered a friendly amendment speaking to the  
4670 issue that was put forward. I would hope my colleagues  
4671 would understand republican and democratic administrations  
4672 are investigated alike, and a republican administration  
4673 cannot be above the law, and that is what we are doing here  
4674 today as we go past all these amendments and reject them, as  
4675 evidenced by the judiciary, the executive order and the  
4676 President's order was not above the law, and the court said  
4677 so.

4678 We are going to have to confront the idea that this  
4679 administration cannot ride high above the law while the  
4680 American people watch their Social Security, and Medicare,  
4681 and Healthcare be extinguished. And our men and women on  
4682 the frontlines that are wearing their uniforms so that we  
4683 can uphold the democratic principles, I believe, minimally,  
4684 they expect for us to have oversight of a Democratic and  
4685 Republican administration. I ask you to pass the Jackson  
4686 Lee Amendment. I yield back.

4687 Chairman Goodlatte. For what purpose does the  
4688 gentleman from Idaho seek recognition?

4689 Mr. Labrador. Strike the last word.

4690 Chairman Goodlatte. The gentleman is recognized for 5  
4691 minutes.

4692 Mr. Labrador. Thank you, Mr. Chairman. I am finding

4693 this discussion here almost laughable because I keep hearing  
4694 terms like, "lack of aggressiveness," "reluctance." So when  
4695 we hear this wind-up about the lack of aggressiveness and  
4696 the reluctance and all these words that are being tossed  
4697 around, then we hear this phrase, "because we do not know  
4698 what we will uncover." So in other words, we want to be  
4699 aggressive. We want to have less reluctance that we do not  
4700 even know if there is evidence out there.

4701 And I want to remind my friends from the other side of  
4702 the aisle that they should go to the New York Times report  
4703 today, because the media has gone crazy with this report,  
4704 but they are forgetting one paragraph. And I am surprised  
4705 they are forgetting one paragraph because it is actually the  
4706 third paragraph of the article. So we are not talking about  
4707 something that is hidden in the middle of a 30 paragraph  
4708 article, the third paragraph.

4709 So I will start with the second. It says, "American  
4710 law enforcement and intelligence agencies intercepted the  
4711 communications around the same time they were discovering  
4712 evidence that Russia was trying to disrupt the presidential  
4713 election by hacking into the Democratic National Committee,  
4714 through the official said. The Intelligence Agencies then  
4715 sought to learn whether the Trump campaign was colluding  
4716 with the Russians on the hacking, or other efforts to  
4717 influence the election." We have heard accusation after

4718 accusation that we have evidence that the Trump  
4719 Administration colluded with the Russians. Let's read the  
4720 third paragraph. "The officials interviewed in recent weeks  
4721 said that, so far, they had seen no evidence of such  
4722 cooperation."

4723         So you want us to go on a fishing expedition, not  
4724 something that you have any actual evidence. Even the New  
4725 York Times, your little bible, even tells you that there is  
4726 no evidence of any such collusion.

4727         So let's go ahead and be consistent. When we went  
4728 after investigations, we did it after the media, in many  
4729 cases, found out evidence of wrong-doing, and we wanted to  
4730 get more information. There is no evidence of wrong-doing.  
4731 I believe we should investigate. I have actually answered  
4732 yesterday to a reporter that we should find out what  
4733 happened, and that is why we have the intelligence  
4734 committees and other committees that should look at this.  
4735 But to hear the hypocrisy from the other side is beyond the  
4736 pale.

4737         Now, to the new members of this committee, I invite you  
4738 to show me when you criticized the last administration  
4739 because I can show you, when I came to Congress, the many  
4740 times that I criticized the Bush Administration when I  
4741 thought that they had crossed the line, and I did it on  
4742 numerous occasions, and I can show you example after

4743 example. So if you have some evidence of that, I would love  
4744 to see that, because what I remember from the last eight  
4745 years is that the Obama Administration could do no wrong and  
4746 that all we had was stall after stall after stall. Now, I  
4747 am out of time because I want to yield some of my time to my  
4748 good friend from South Carolina.

4749 Mr. Gowdy. Well, I thank my friend from Idaho. Mr.  
4750 Chairman, just to kind of wrap this up, at a certain point,  
4751 you got to go back to the plain text of the proposed  
4752 amendment, and for those that may have forgotten it, "The  
4753 subcommittee will prioritize" -- now, I had to ask one of my  
4754 friends what that word meant, and they told me to look it  
4755 up, so I would remember it.

4756 Prioritize means to designate, or treat as more  
4757 important, any other thing. So let's re-read this proposed  
4758 amendment, what the definition, "The subcommittee will make  
4759 more important, or designate as more important, oversight of  
4760 any ongoing criminal investigation than anything else."  
4761 Really, it is more important than anything else.

4762 So, Mr. Chairman, I did not ask them to prioritize the  
4763 IRS targeting scandal; I just wanted them to participate in  
4764 it. I did not ask them to prioritize Fast and Furious; I  
4765 just wanted them to participate in it.

4766 And to my friend from Maryland, my law professor  
4767 friend, I have not had a chance to hang around a law

4768 professor since I left the nudist colony, so it is great to  
4769 have a law professor on the committee. You were not here.  
4770 This is the only piece of advice I will give you. Do not  
4771 fall for fake Twitter accounts. You are going to lose 30  
4772 minutes of your life at a press conference if you fall for  
4773 fake Twitter accounts. Do not do that, and that is my only  
4774 piece of advice.

4775 Welcome to the committee, and I will yield back.

4776 Mr. Jeffries. Mr. Chairman?

4777 Chairman Goodlatte. For what purpose does the  
4778 gentleman from New York seek recognition?

4779 Mr. Jeffries. Strike the last statement.

4780 Chairman Goodlatte. The gentleman is recognized for 5  
4781 minutes.

4782 Mr. Jeffries. So there is so much to respond to, but I  
4783 think, perhaps, the most important point to make is that,  
4784 with all due respect, my bible is not the New York Times.  
4785 It is a book that has an Old Testament, a New Testament, 66  
4786 chapters; I am partial to the New International version,  
4787 though, at times, I was raised to read the King James  
4788 Version. And the notion that any political party has a  
4789 monopoly on religion, Christianity, or anything else is  
4790 shameful, and perhaps, that is what has led to some of the  
4791 executive actions that we have seen in this Congress so far.

4792 Now, the question about whether there is at least

4793 colorable evidence to pursue some measure of oversight, I  
4794 think, has been answered by 17 different intelligence  
4795 agencies who have said the Russians interfered with the  
4796 election for the purpose of helping elect Donald Trump.  
4797 That is not Nancy Pelosi. That is not Barack Obama. That  
4798 is not Chuck Schumer. That is 17 different intelligence  
4799 agencies.

4800 Now, we know from as early as December of 2015, top  
4801 cronies of the Trump Administration, then his campaign, had  
4802 repeated contact with high-level Russian intelligence  
4803 agents: Paul Manafort, Roger Stone, Michael Flynn.

4804 Now, were they talking to these intelligence agents at  
4805 a time when they were hacking? The Clinton campaign, the  
4806 DCCC, the DNC, about Russian ballet? Were they talking  
4807 about the latest European chess match? Were they asking  
4808 them about the best Russian vodka? Or is there colorable  
4809 evidence that we should connect the dots between the  
4810 communications that were clearly taking place and the fact  
4811 that 17 different intelligence agencies said Russia was  
4812 involved in interfering with our democracy. That should not  
4813 be a Democratic issue or a Republican issue; it should be an  
4814 American issue. It would be nice if folks would place the  
4815 country ahead of the party.

4816 Now, perhaps that would not be enough, yet we have the  
4817 national security advisor resign and disgrace less than 30

4818 days into the administration because of an illegal,  
4819 unauthorized conversation with the Russian Ambassador.  
4820 Perhaps that would not be enough colorable evidence.

4821 But we have the President of the United States who  
4822 curiously, as the distinguished gentleman from New York  
4823 pointed out, is hostile to Canada, hostile to Mexico,  
4824 hostile to Australia, hostile to NATO, hostile to all of our  
4825 traditional European allies, but plays footsie with Vladimir  
4826 Putin and cannot say a negative word about him, a sworn  
4827 enemy of the United States of America? And he continues to  
4828 engage in the strategy of making the kremlin great again?  
4829 That is not sufficient colorable evidence for some manner of  
4830 oversight?

4831 Now, this committee over the last six years, in good  
4832 faith, but in my view, specialized in fishing expeditions,  
4833 and democrats sat here engaging in effort after effort to go  
4834 after the IRS commissioner and Eric Holder, then Loretta  
4835 Lynch, bully Jim Comey, which may have resulted in him  
4836 engaging in unprecedented interference in the election. We  
4837 cannot have oversight about that either.

4838 All we are saying is that for the good of the nation,  
4839 not the Democratic Party or the Republican Party, for the  
4840 good of the Nation, let's try to come together in a  
4841 bipartisan fashion and follow the evidence where it leads.  
4842 I yield back.

4843 Mr. Conyers. Mr. Chairman?

4844 Chairman Goodlatte. For what purpose does the  
4845 gentleman from Michigan seek recognition?

4846 Mr. Conyers. Strike the requisite number of words.

4847 Chairman Goodlatte. The gentleman is recognized for 5  
4848 minutes.

4849 Mr. Conyers. Thank you very much. I think this is a  
4850 very important amendment offered by the gentlelady from  
4851 Texas, and I had no idea it was going to warrant this much  
4852 discussion or analysis, but I think, on the whole, it has  
4853 been very beneficial. I would now like to yield to my  
4854 colleague from New York, Mr. Nadler, for his comment.

4855 Mr. Nadler. Thank you. I thank the gentleman for  
4856 yielding. Mr. Chairman, a couple of speakers ago, I think  
4857 it was Mr. Labrador, refereed to the third paragraph of  
4858 today's New York Times report, and he read it, and he said,  
4859 "The officials interviewed in recent weeks said that, so  
4860 far, they had seen no evidence of such cooperation." That  
4861 is true.

4862 What have we seen? We have seen that the Russians  
4863 intervened in our election. Our intelligence agency said  
4864 so. They intervened with the purpose of electing Mr. Trump.  
4865 Our intelligence agency said so. We have seen now that high  
4866 officials in the Trump administration were in communication,  
4867 during the election, with intelligence officials,

4868 intelligence officials, not the ambassador, intelligence  
4869 officials, of the Russian Government, representatives,  
4870 presumably of the same intelligence agencies, running the  
4871 operation to subvert the American election.

4872         Again, what were they talking about? Now, it is true:  
4873 so far we have seen no evidence of such cooperation in  
4874 subverting the American election. But what were they  
4875 talking about, if not subverting the American election?  
4876 That is what we have to find out. We have to find out if  
4877 they were complicit in trying to subvert the election. I am  
4878 not saying they were. I am saying a lot of fingers point to  
4879 the suspicions they were. But we must find that out.

4880         And the fact that we do not have the proof yet does not  
4881 mean it is not the case. We must find that out, and it is  
4882 our responsibility to do oversight to make sure that that is  
4883 found out in a proper and public way.

4884         Now, Mr. Gowdy objects to the amendment by saying that  
4885 this is prioritizing, and prioritizing means it is the most  
4886 important thing. It is more important than everything else.  
4887 Well, maybe we have a little English dispute here.  
4888 Prioritize means it is a priority, does not mean it is the  
4889 only priority, does not mean it is more important than  
4890 everything else. It means it is one of the most important  
4891 things. And that is what it should be. That is what this  
4892 amendment should mean, that the subcommittee should regard,

4893 as one of its most important priorities, the oversight of  
4894 any counterintelligence, criminal counterintelligence  
4895 investigation into any connection between Donald Trump as  
4896 candidate and as President, or any of his associates or  
4897 employees in the Russian Government.

4898 We know there were such contacts during the election.  
4899 We know there was an attempt made to subvert the election.  
4900 The question is, was there an act of collusion? That we  
4901 must know but we do not know. And the third paragraph that  
4902 Mr. Labrador wrote said, "We do not know that yet," but we  
4903 must know it, yes or no.

4904 It is important for our democratic process to know, and  
4905 that is why I support the amendment. I yield back.

4906 Mr. Conyers. Thank you so much. I will now yield to  
4907 the gentlelady from Texas, Ms. Sheila Jackson Lee.

4908 Ms. Jackson Lee. I thank you. I ask my colleagues to  
4909 support the Jackson Lee amendment, and I thank Mr. Nadler  
4910 for clarifying the language and the semantics around the  
4911 word prioritize.

4912 As my colleagues know, I offered a friendly amendment  
4913 pursue as a priority, which means, if we could collaborate  
4914 and recognize the importance of investigating these issues,  
4915 that would be a friendly amendment that would be accepted,  
4916 to clarify the whole question of priority.

4917 But the real issue is, that among other things, on

4918 January the 20th, everyone was touting the idea that there  
4919 was a peaceful transfer of government. I certainly was  
4920 celebrating it by recognizing that winners or losers are  
4921 winners on that day because we do, in America, have a  
4922 peaceful transfer of government from one administration, one  
4923 party to the next, and that is what we had.

4924 But at the same time, the vote is sacred. The choices  
4925 of the American people are sacred. The actions of  
4926 individuals who may have impacted the election is important,  
4927 or any ongoing criminal activity that may have impacted or  
4928 undermined elections or the peaceful transfer of government.

4929 And so, the investigation is not frivolous or the call  
4930 for such, and the idea of the amendment is that it will be  
4931 on the list of priorities, and it will not be ignored. We  
4932 will get into it to be able to fix the problem. That is  
4933 what I think we are speaking of. For that reason, I ask you  
4934 to support the Jackson Lee amendment.

4935 Mr. Chairman, I ask for submission into the record that  
4936 February 14, 2014 letter, written by Mr. Conyers and Mr.  
4937 Cummings, again, asking in the role that they have.

4938 Chairman Goodlatte. Without objection, it will be made  
4939 a part of the record.

4940 [The information follows:]

4941 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4942 Ms. Jackson Lee. A letter dated December 8th, 2016  
4943 from Congresswoman Sheila Jackson Lee to this committee --  
4944 Chairman Goodlatte. Without objection it will be made  
4945 a part of the record.

4946 [The information follows:]

4947 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4948 Ms. Jackson Lee. -- asking for investigation dealing  
4949 with the public trust of intrusion into the election and a  
4950 letter dated February 10th, 2017 to this committee from  
4951 Congresswoman Sheila Jackson Lee, again asking for an  
4952 investigation on the intrusions into this election and the  
4953 activities revolving the Russian Government and Mr. Trump.

4954 Chairman Goodlatte. Without objection, it will be made  
4955 a part of the record. The time of the gentlewoman has  
4956 expired.

4957 [The information follows:]

4958 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4959 Ms. Jackson Lee. I thank you. I ask for the support  
4960 of the Jackson Lee amendment. I yield back, Mr. Chairman.

4961 Chairman Goodlatte. For what purpose does the  
4962 gentleman from Rhode Island seek recognition?

4963 Mr. Cicilline. I move to strike the last word.

4964 Chairman Goodlatte. The congressman is recognized for  
4965 5 minutes.

4966 Mr. Cicilline. Mr. Chairman, I thank you. This  
4967 committee has already voted to include in our oversight plan  
4968 a review of improper interference with our democratic  
4969 institutions or efforts to improperly or illegally interfere  
4970 with our elections. And I thank you for accepting that. I  
4971 thank the committee for voting for it.

4972 But I think this amendment does something in addition  
4973 to that, and I would like to speak in support of it. It  
4974 makes it a priority. I think when my friend from South  
4975 Carolina describes this as a political investigation, he  
4976 does a tremendous disservice to the seriousness of this  
4977 issue. And priority has been described as to make it more  
4978 important than others.

4979 I do not think there is anything more important to the  
4980 American people than to ensure the integrity of our  
4981 democracy and to be sure that our elections and our  
4982 democratic institutions are free from foreign interference.  
4983 Some of my friends on the other side of the aisle have

4984 suggested -- the gentleman from California, the gentleman  
4985 from Idaho -- that we just do not know enough, and we surely  
4986 cannot do oversight until we have all of the facts. That is  
4987 exactly what oversight is designed to do: help to, in fact,  
4988 identify the facts; help to reveal what is really going on  
4989 and to get to those facts. That is an important function of  
4990 oversight. And so the notion that it is limited to things  
4991 that we already know everything about would make oversight  
4992 meaningless.

4993         So the question is, should it be a priority? So let's  
4994 look for a moment just at the facts. Forget about the  
4995 political party of the President. Forget about the  
4996 political party of the people involved. Just think about  
4997 these facts. One: there is a major change to the platform  
4998 of a political party that includes, for the first time, a  
4999 more pro-Russian policy, the only thing the candidate really  
5000 focused on in changing the party platform.

5001         Two: 17 intelligence agencies conclude that the  
5002 Russians interfered, with the express purpose of helping one  
5003 candidate and hurting another, in a very sophisticated,  
5004 comprehensive effort.

5005         Three: three individuals, who are part of the inner  
5006 circle of that candidate -- Carter Page, Paul Manafort, and  
5007 Michael Flynn -- are now gone from that inner circle because  
5008 of their connection to Russian officials.

5009           Four: there are contacts, repeated contacts between  
5010 that presidential campaign and the Russian Government.

5011           Next, four, the director of National Intelligence for  
5012 that President has contacts with the Russian ambassador,  
5013 lies about it to the American people, lies about it to the  
5014 Vice President of the United States. He is then pushed out,  
5015 not because he lied, but because it became public 17 days  
5016 later.

5017           The acting Attorney General said he was compromised,  
5018 that he might be a target for blackmail by the Russians.  
5019 She is fired, but he stays in place for 17 more days with  
5020 full access to intelligence, full access to classified  
5021 materials. She is terminated; he remains in place.

5022           And we are left with a set of facts, which clearly  
5023 should raise questions. And what is disappointing is this  
5024 should be one of those moments that political party does not  
5025 matter. This is about our country. This is about whether  
5026 we can show the American people that we are serious about  
5027 reviewing these very serious facts to determine what is  
5028 going on.

5029           What did the President know? What did other members of  
5030 the administration know? What was the purpose of these  
5031 contacts? What was said during them? What is the ongoing  
5032 relationship? What are the potential conflicts of interest,  
5033 which might exist? Those should not be republican or

5034 democratic issues. They should be as much of a concern to  
5035 our republican friends as they are to the Democratic members  
5036 of this committee because they are a concern to every single  
5037 American who understands that we have to protect the  
5038 integrity of this great institution of ours, this great  
5039 democracy, and that this is a democracy worth fighting for.

5040 And so I hope that I will be pleasantly surprised and  
5041 that my colleagues on the other side of the aisle will say,  
5042 yes, this should be a priority for our country. Let the  
5043 facts lead us wherever they go. But the American people  
5044 have a right to know. This committee has to play an  
5045 important role in discovering those facts. And I urge you  
5046 all to support this amendment. With that, I yield.

5047 Mr. King. Will the gentleman yield?

5048 Mr. Cicilline. I have already yielded back, but I am  
5049 happy to, if the chairman will --

5050 Chairman Goodlatte. For what purpose does the  
5051 gentleman from Iowa seek recognition?

5052 Mr. King. Mr. Chairman, I move to strike the last  
5053 word.

5054 Chairman Goodlatte. The chair recognizes the gentleman  
5055 for 5 minutes and hopes he will yield to the gentleman from  
5056 Idaho.

5057 Mr. King. Yes, although I first plan to yield to the  
5058 gentleman from Texas, and then I would be happy to yield to

5059 the gentleman from Idaho.

5060 Mr. Gohmert. I thank my friend from Iowa. I know,  
5061 getting back to the amendment being proposed here, it says  
5062 the subcommittee will prioritize the oversight of any  
5063 ongoing criminal investigation or counterintelligence  
5064 investigation. But since this is seeking to prioritize an  
5065 ongoing criminal investigation, that is the words here, let  
5066 me read to you directly from the FBI's own website of  
5067 frequently asked questions.

5068 So I think this may shorten what we need to consider on  
5069 this well-intended amendment. And it is for those that have  
5070 not been here at all for the last several years. But  
5071 whether it was the Bush Administration or the Obama  
5072 Administration, any question asked about an ongoing criminal  
5073 investigation yielded responses that they could not give us  
5074 information.

5075 So, just so we know, if we prioritize and decide to  
5076 really concentrate on this each time, we will get the  
5077 answer, and I am quoting from the FBI website, in answer to  
5078 the question, "Can I obtain detailed information about a  
5079 current FBI investigation?" "No. Such information is  
5080 protected from public disclosure in accordance with current  
5081 law and Department of Justice and FBI policy. This policy  
5082 preserves the integrity of the investigation and the privacy  
5083 of individuals involved in the investigation prior to any

5084 public charging for violations of the law. It also serves  
5085 to protect the rights of people not yet charged with a  
5086 crime."

5087 So if we prioritize this committee spending our time on  
5088 ongoing criminal investigations, this is the quote we will  
5089 get over and over, and I would suggest we can do more  
5090 important things like find out why we were lied to about  
5091 what happens to intercepted telephone calls like were  
5092 intercepted with the Russian and General Flynn. I yield  
5093 back to my friend from Iowa. It is his time.

5094 Chairman Goodlatte. Will the gentleman yield?

5095 Mr. King. And I would reclaim my time and commit to  
5096 yielding to the gentleman from Idaho.

5097 Mr. Labrador. Mr. Chairman, I just wish that I would  
5098 have seen the seal that I have seen on the other side over  
5099 the last 6 years that I have been in this Congress about  
5100 oversight and investigation because I have the same seal,  
5101 and I hope and I believe, as I know you to be a person of  
5102 character, that we will do the same thing that we have done  
5103 over the last 6 years in this committee, overseeing what  
5104 this administration does. And I hope that we are just as  
5105 strong and deeply committed to oversight as we have been  
5106 over the last 6 years. I know that I am, and I believe that  
5107 you are as well.

5108 Ms. Jackson Lee. Will the gentleman yield?

5109 Mr. Labrador. Not yet, it is not my time. But I just  
5110 fail to remember, or maybe somebody can remind me of this,  
5111 when the other side was concerned about the Obama  
5112 administration trying to have a reset with Russia, I thought  
5113 that that was a good thing, that you wanted to have  
5114 relationships with other countries.

5115 I also fail to remember the same type of behavior when  
5116 President Obama at the time, who was running for reelection,  
5117 said that he would have more flexibility with Russia.  
5118 Remember? That was recorded. They caught that in a  
5119 recording when he did not realize that his microphone was  
5120 on. I do not remember the other side being concerned about  
5121 that. I also, maybe I missed it, but I fail to remember  
5122 that they were upset about the United States having a better  
5123 relationship with Iran, who was one of our mortal enemies.

5124 The President of the United States actually did a  
5125 nuclear deal with somebody who wants to destroy us. I did  
5126 not see anybody on the other side calling for  
5127 investigations. And last but not least, I fail to remember  
5128 when the other side was upset about the President of the  
5129 United States having a better relationship with Cuba. Those  
5130 are all policy issues that we disagreed on.

5131 But you are talking about a man, a President, who had  
5132 relationships with Iran, with Cuba, with our mortal enemies,  
5133 and I never saw anyone on the other side complain about

5134 those things.

5135       And now all of a sudden, they dare to come here and say  
5136 that they are not trying to be partisan when it is clear  
5137 that their entire endeavor is a partisan witch hunt. And I  
5138 yield back my time.

5139       Mr. King. Reclaiming my time, and noting that my  
5140 generosity has expired my 5 minutes, I yield back the  
5141 balance.

5142       Mr. Cohen. Mr. Chairman, move to strike the last word.  
5143 Chairman Goodlatte. For what purpose does the  
5144 gentleman from Tennessee seek recognition?

5145       Mr. Cohen. Strike the requisite number of words.

5146       Chairman Goodlatte. The gentleman is recognized for 5  
5147 minutes.

5148       Mr. Cohen. Thank you, sir. It is been interesting  
5149 listening to my friend from Idaho, was talking. I would  
5150 like to remind him that nobody was stronger in opposing and  
5151 questioning Obama's people on their drug policy, which was  
5152 wrong. The DEA chief, the drug czar were both wrong, and I  
5153 took them both on and took them to task. And there were  
5154 scandals in the Obama administration. I remember when  
5155 Michelle wore a sleeveless dress, and that upset a lot of  
5156 people about the lack of decorum. But that was a while ago.  
5157 We have gone different places now.

5158       And there is one thing about a reset, and there is a

5159 different thing about an orgy. A reset with Russia was one  
5160 level. And working with Cuba is a different situation.  
5161 Cuba does not really threaten America's security. Cuba is  
5162 not Russia with nuclear weapons. And with Iran, we were  
5163 trying to reduce nuclear weapons to protect the world from  
5164 their potential use. I do not think you can compare the  
5165 two.

5166 I think a lot has been said. To call this a partisan  
5167 witch-hunt is wrong. The interference with our election by  
5168 Russia is clear, and we should definitely have that as a  
5169 priority.

5170 Mr. Chairman, I would like to ask you a question. Two  
5171 things: first, apparently, by saying that the President was  
5172 corrupt went too far. And what I probably should have said  
5173 was look into whether he is corrupt and studying the  
5174 emoluments clause and, as part of our study, to see if the  
5175 emoluments clause would make these trips to Margo Lar,  
5176 whatever, Largo Mar, whatever it is, improper or not. But  
5177 what was it you said you had agreed to do on intelligence?  
5178 Which I think was commendable, but I did not catch it all.  
5179 You are going to have some briefing?

5180 Chairman Goodlatte. I have requested. The gentleman  
5181 from Michigan has as well, but I have requested a briefing  
5182 for the committee from both the Department of Justice and  
5183 the Federal Bureau of Investigation. I have not got any

5184 commitment for that yet, but that is the request.

5185 Mr. Cohen. Well, I appreciate that, and I just wanted  
5186 to confirm that, and thank you.

5187 Chairman Goodlatte. For what purpose does the  
5188 gentleman from Florida seek recognition?

5189 Mr. DeSantis. I move to strike the last word.

5190 Chairman Goodlatte. The gentleman is recognized for 5  
5191 minutes.

5192 Mr. DeSantis. I concur with my friend from Idaho. It  
5193 is really whiplash.

5194 You know, let's look at Russia for example. We had  
5195 eight years of, basically, watching Russia expand its  
5196 influence, commit acts of aggression. I did not hear a peep  
5197 on the other side of the aisle. In fact, you look at this  
5198 President, one of the first actions he took was to remove  
5199 missile defense from Poland and the Czech Republic, a  
5200 unilateral concession to Putin's regime. He told Medvedev  
5201 he would be more flexible after the election.

5202 He did nothing as Russia stole Crimea. Even the Obama  
5203 Administration objected to Congress providing lethal aide to  
5204 Ukraine, so they could defend themselves against Russian  
5205 aggression.

5206 They have green lit the encouragement of Russia into  
5207 Syria. Now they are the dominant power in Syria, turned a  
5208 blind eye as Russia offered steadfast support for Iran, the

5209 world's leading state sponsor of terrorism. During the 2012  
5210 election, when Mitt Romney said Russia was the number one  
5211 geopolitical foe, democrats ridiculed Romney for saying  
5212 that. And the President, at the time, said that, "The '80s  
5213 are calling and they want their foreign policy back."

5214 Well, what has happened? We are all Reaganites now, I  
5215 guess. We are all in a situation of believing we need to be  
5216 tough on Russia. I actually welcome that because I think  
5217 that is a big change from where my friends on the other side  
5218 of the aisle have been, not just in the last 8 years, but  
5219 beyond that. So good, let's take a strong stance against  
5220 Russia, and let's do that. But this is very much on a dime.  
5221 If you did not have Donald Trump, you guys would be singing  
5222 a different tune.

5223 This Mike Flynn tape, let's make it public. But when I  
5224 hear people on the other side of the aisle saying crimes  
5225 were committed there, I do not know what was said on that  
5226 tape. Let's get it. Let's see if there were. But we do  
5227 know that crimes were committed in releasing the tape.  
5228 There is no way that tape could have been released unless  
5229 you violate federal law. So that is a fact. And when I  
5230 hear that the democratic institutions are under attack, that  
5231 is trying to imply that Russia was involved in altering the  
5232 vote. We know there is zero evidence that that happened.  
5233 So if you can provide me with any voting machine or any

5234 county or anything, I definitely would want to see that.

5235 Because I think that would be hugely important.

5236           So let's just keep our perspective here. So I am  
5237 supportive of my friends here to continue being strong on  
5238 oversight. But we do not want to be in a situation where we  
5239 take totally different positions than we did just a few  
5240 years ago. I yield back.

5241           Chairman Goodlatte. The chair thanks the gentleman.

5242 Okay. The gentleman from California.

5243           Mr. Swalwell. Thank you, Chair.

5244           Chairman Goodlatte. The gentleman is recognized for 5  
5245 minutes.

5246           Mr. Swalwell. Thank you. And thank you, Chair, for  
5247 your comments about this committee's role and your intent to  
5248 understand what happened with General Flynn. I think that  
5249 is very important. I also stepped out a moment ago to meet  
5250 with members of parliament from Georgia and Ukraine. And  
5251 they talked about their countries and the interference  
5252 campaign they saw by Russia and their countries. And what  
5253 they said to me, I will never forget. They said, "We are  
5254 really counting on the United States to do something about  
5255 what just happened here, because they used us to get to  
5256 you." And I said, "What do you mean by that?" And they  
5257 said, you know, "They tested propaganda and active measures  
5258 on us, and it worked, to some extent." But they said, "They

5259 sharpened the knives and came after you guys."

5260         And the world looks to us as that beacon of hope, that  
5261 land of opportunity that defends freedom across the world  
5262 and stands with our allies. And I think right now, people  
5263 are looking at, what is the United States Congress going to  
5264 do? And so, I see this amendment as an opportunity to put  
5265 country ahead of party, and I will take the chairman at his  
5266 word.

5267         And I do believe that the chairman wants to understand  
5268 what happened with General Flynn, but when I look at the  
5269 facts that we have here, the reason I believe this should be  
5270 a priority is, if only one of these facts were true, I would  
5271 say this should be a priority. But we know Russia attacked  
5272 us; we know it was ordered by Vladimir Putin; we know that  
5273 they sought to go after Hillary Clinton, which we are not  
5274 going to re-litigate the past. And to the gentleman's point  
5275 from Florida, I agree there is no evidence that any vote  
5276 tallies were changed, but they also sought to help Donald  
5277 Trump. So, that is one set of facts.

5278         The second set of facts that we have, not in dispute,  
5279 is that we have a President who speaks in such flattering  
5280 ways about Russia's dictator. He cannot bring himself to  
5281 say a bad thing about the man. Bill O'Reilly confronted him  
5282 and said, "He is a murderer. He is a thug." And there is  
5283 good evidence as to why Russia is not our friend, putting

5284 aside the Cold War atrocities, recent evidence in Ukraine,  
5285 recent evidence from Syria, and our President tried to put  
5286 moral equivalence between Russia and the United States.

5287 Our President has talked about easing sanctions against  
5288 Russia and even dipped his toe in the water a few weeks back  
5289 to make it easier for United States companies to import  
5290 technologies into Russia. Now, this country just attacked  
5291 our democracy. And even if this a technical change to help  
5292 Russia, why is this the country we are spending any energy  
5293 on right now to help? Another set of facts: our President  
5294 has talked about reducing the role and influence of NATO,  
5295 which is the best check in the world against Russia's  
5296 efforts to destabilize the Balkans and the Baltics.

5297 Another set of facts: the President of the United  
5298 States will not show us his taxes. He would do himself a  
5299 favor if he came forward and showed us his global financial  
5300 holdings and his taxes. That would answer a lot of  
5301 questions about the many, many clouds swirling around his  
5302 presidency. So if only one set of those facts were true, I  
5303 would say this should probably be a priority. But  
5304 considering that none of those facts are in dispute, for all  
5305 of those reasons, all of the questions that have come  
5306 forward, I think this committee would want to know if the  
5307 President of the United States, his family, his businesses,  
5308 or his campaign have any political, personal, or financial

5309 relationships with the Russian Government.

5310           And so, I support this amendment. And I do believe  
5311 that every member on this committee deeply loves this  
5312 country, and I look forward, when we stand together, to say  
5313 that never again will we tolerate an outside, foreign  
5314 adversary meddling in our elections and that we want to find  
5315 out if anyone in this administration had a relationship with  
5316 that country. I yield back.

5317           Ms. Jayapal. Mr. Chairman?

5318           Chairman Goodlatte. For what purpose does the  
5319 gentlewoman from Washington seek recognition?

5320           Ms. Jayapal. I move to strike the last word.

5321           Chairman Goodlatte. The gentlewoman is recognized for  
5322 5 minutes.

5323           Ms. Jayapal. I thank you, Mr. Chairman. I want to  
5324 rise in strong support of this amendment. I think the fact  
5325 that we are having this discussion in the context of the  
5326 oversight plan is good, but it is not as good as having an  
5327 actual hearing on this particular issue, which is, I  
5328 believe, of paramount importance to maintaining the  
5329 credibility of this democracy.

5330           I would like to yield the balance of my time to my  
5331 colleague from Texas.

5332           Ms. Jackson Lee. I thank the gentlelady for her  
5333 insight and her expression about the importance of the

5334 hearing structure in this committee. I, too, want to just  
5335 say to the chairman and the ranking member that they have  
5336 collaborated over the last couple of Congresses, and I  
5337 expect that they will do so this time. I think we had a  
5338 good beginning, with the amendment offered by Chairman  
5339 Goodlatte. But I want to clarify some of the points that my  
5340 good friends and colleagues on the other side of the aisle  
5341 have indicated.

5342 First of all, I do think it is a priority. It is one  
5343 of the priorities. The amendment makes no accusations.  
5344 What the amendment does is we do not create ongoing,  
5345 criminal, or counter-intelligent investigation. If they  
5346 exist, we have oversight. We have the responsibility of  
5347 oversight. And if the oversight involves the actions of Mr.  
5348 Trump as a presidential candidate, or as President of the  
5349 United States, or any of his associates or employees in the  
5350 Russian Government, none of that we created.

5351 I was struck by the comments of Mr. Swalwell because he  
5352 heard directly from the horse's mouth that this is an  
5353 ongoing activity by the Russian Government. Right now,  
5354 laying in a hospital bed, is an activist in opposition to  
5355 Putin who has been poisoned. Can anyone deny that? I do  
5356 not connect that to the actions of anyone here in the United  
5357 States, but we do know that the Russians are bad actors.  
5358 And they are bad actors around the world. And they,

5359 frankly, have interfered with the sacred and important role  
5360 of the vote of the American people and the peaceful transfer  
5361 of government. And we have an operative and an appointee of  
5362 the administration, now fired, who has had ongoing contacts,  
5363 and we have to determine what impact those contacts have  
5364 had.

5365 I think the briefing is going to be very important, but  
5366 hearings are important. Oversight is important.

5367 So, let me finish and say, that no investigation should  
5368 be partisan. What I can say to my friends on the other side  
5369 of the aisle that they never saw an investigation that they  
5370 would step away from, and you, in your mind, rightly so,  
5371 were full of investigations in the last couple of  
5372 Congresses. No one stopped you. And so, our participation,  
5373 or not, as Democrats did not hinder the long litany of  
5374 investigations you had. Unfortunately, now, legitimate  
5375 investigations will be hindered because it will be a  
5376 partisan response. Go and investigate our man. You had  
5377 full opportunity to investigate everybody in the Obama  
5378 administration, every single person.

5379 And might I say that the interaction that President  
5380 Obama had with Iran and the other countries that were  
5381 listed, you may have disagreed with the policy. I am not  
5382 talking about policy here. We are talking about actual  
5383 actions that may be either unconstitutional or illegal.

5384           You are talking about policy disagreements that the  
5385 Obama administration represented in Mr. Obama's interaction  
5386 with foreign countries, which were open and transparent to  
5387 the American people. And if they were not, you had the full  
5388 opportunity to investigate. You controlled the House and  
5389 the Senate. And so, if we are going to be sincere, then we  
5390 need to look at all of the needs of investigation. And they  
5391 should be unfettered if they are legitimate in securing  
5392 facts and curing what is wrong.

5393           I ask my colleagues in closing to support the Jackson  
5394 Lee amendment. I yield back. I yield to the gentlelady. I  
5395 yield back to the gentlelady.

5396           Chairman Goodlatte. Will the gentlelady yield?

5397           Ms. Jayapal. I yield to Mr. Raskin.

5398           Mr. Raskin. Thank you very much. It has been said a  
5399 couple of times now that there is no evidence that Putin,  
5400 the KGB, Russian agents interfered with the election. They  
5401 just interfered with the campaign. That is, there is no  
5402 evidence that they attempted to cyber-hack the actual  
5403 polling places themselves. And actually, the intelligence  
5404 agency report says they attempted to do that. There is no  
5405 proof that they succeeded in doing it.

5406           But in any event, it does not make any difference  
5407 because to hack the campaign is to hack the election. How  
5408 many of the members on this committee would endure a

5409 situation where the Russian agents went and spent millions  
5410 of dollars on cyber-sabotage and cyber-espionage of your  
5411 campaign, and then you be content by saying, "Well, there is  
5412 no evidence that they actually stuffed the ballot box?" I  
5413 yield the remainder of my time.

5414 Chairman Goodlatte. The time of the gentlewoman has  
5415 expired.

5416 The question occurs on the amendment offered by the  
5417 gentlewoman from Texas.

5418 All those in favor, respond by saying aye.

5419 Those opposed, no.

5420 Opinion of the chair the noes have it. Recorded role  
5421 call requested. And the clerk will call the role.

5422 Ms. Adcock. Mr. Goodlatte?

5423 Chairman Goodlatte. No.

5424 Ms. Adcock. Mr. Goodlatte votes no.

5425 Mr. Sensenbrenner?

5426 [No response.]

5427 Mr. Smith?

5428 [No response.]

5429 Mr. Chabot?

5430 [No response.]

5431 Mr. Issa?

5432 Mr. Issa. No.

5433 Ms. Adcock. Mr. Issa votes no.

5434 Mr. King?

5435 Mr. King. No.

5436 Ms. Adcock. Mr. King votes no.

5437 Mr. Franks.

5438 [No response.]

5439 Mr. Gohmert?

5440 Mr. Gohmert. No.

5441 Ms. Adcock. Mr. Gohmert votes no.

5442 Mr. Jordan?

5443 [No response.]

5444 Mr. Poe?

5445 [No response.]

5446 Mr. Chaffetz?

5447 Ms. Adcock. Mr. Chaffetz votes no.

5448 Mr. Marino?

5449 Mr. Marino. No.

5450 Ms. Adcock. Mr. Marino votes no.

5451 [No response.]

5452 Mr. Gowdy?

5453 Mr. Gowdy. No.

5454 Ms. Adcock. Mr. Gowdy votes no.

5455 Mr. Labrador?

5456 Mr. Labrador. No.

5457 Ms. Adcock. Mr. Labrador votes no.

5458 Mr. Farenthold?

5459 [No response.]

5460 Mr. Collins?

5461 Mr. Collins. No.

5462 Ms. Adcock. Mr. Collins votes no.

5463 Mr. DeSantis?

5464 Mr. DeSantis. No.

5465 Ms. Adcock. Mr. DeSantis votes no.

5466 Mr. Buck?

5467 Mr. Buck. No.

5468 Ms. Adcock. Mr. Buck votes no.

5469 Mr. Ratcliffe?

5470 Mr. Ratcliffe. No.

5471 Ms. Adcock. Mr. Ratcliffe votes no.

5472 Mr. Bishop?

5473 Mr. Bishop. No.

5474 Ms. Adcock. Mr. Bishop votes no.

5475 Ms. Roby?

5476 Mr. Roby. No.

5477 Ms. Adcock. Ms. Roby votes no.

5478 Mr. Gaetz?

5479 [No response.]

5480 Mr. Johnson of Louisiana?

5481 Mr. Johnson of Louisiana. No.

5482 Ms. Adcock. Mr. Johnson votes no.

5483 Mr. Biggs?

5484 Mr. Biggs. No.

5485 Ms. Adcock. Mr. Biggs votes no.

5486 Mr. Conyers?

5487 Mr. Conyers. Aye.

5488 Ms. Adcock. Mr. Conyers votes aye.

5489 Mr. Nadler?

5490 Mr. Nadler. Aye.

5491 Ms. Adcock. Mr. Nadler votes aye.

5492 Ms. Lofgren?

5493 [No response.]

5494 Ms. Jackson Lee?

5495 Ms. Jackson Lee. Aye.

5496 Ms. Adcock. Ms. Jackson Lee votes aye.

5497 Mr. Cohen?

5498 Mr. Cohen. Aye.

5499 [No response.]

5500 Mr. Johnson of Georgia?

5501 Mr. Johnson of Georgia. Aye.

5502 Ms. Adcock. Mr. Johnson votes aye.

5503 Mr. Deutch?

5504 [No response.]

5505 Mr. Gutierrez?

5506 [No response.]

5507 Ms. Bass?

5508 [No response.]

5509 Mr. Richmond?  
5510 [No response.]  
5511 Mr. Jeffries?  
5512 Mr. Jeffries. Aye.  
5513 Ms. Adcock. Mr. Jeffries votes aye.  
5514 Mr. Cicilline?  
5515 Mr. Cicilline. Aye.  
5516 Ms. Adcock. Mr. Cicilline votes aye.  
5517 Mr. Swalwell?  
5518 Mr. Swalwell. Aye.  
5519 Ms. Adcock. Mr. Swalwell votes aye.  
5520 Mr. Lieu?  
5521 Mr. Lieu. Aye.  
5522 Ms. Adcock. Mr. Lieu votes aye.  
5523 Mr. Raskin?  
5524 Mr. Raskin. Aye.  
5525 Ms. Adcock. Mr. Raskin votes aye.  
5526 Ms. Jayapal?  
5527 Ms. Jayapal. Aye.  
5528 Ms. Adcock. Ms. Jayapal votes aye.  
5529 Mr. Schneider?  
5530 Mr. Schneider. Aye.  
5531 Ms. Adcock. Mr. Schneider votes aye.  
5532 Chairman Goodlatte. The gentleman from Ohio.  
5533 Mr. Chabot. No.

5534 Ms. Adcock. Mr. Chabot votes no.

5535 Chairman Goodlatte. The gentleman from Ohio?

5536 Mr. Jordan. No.

5537 Ms. Adcock. Mr. Jordan votes no.

5538 Chairman Goodlatte. The gentleman from Texas?

5539 Mr. Poe. No.

5540 Chairman Goodlatte. Mr. Poe?

5541 Ms. Adcock. Mr. Poe votes no.

5542 Chairman Goodlatte. The gentleman from Pennsylvania?

5543 Mr. Marino. No.

5544 Ms. Adcock. Mr. Marino votes no.

5545 Chairman Goodlatte. The gentlewoman from California?

5546 Ms. Lofgren. Aye.

5547 Ms. Adcock. Ms. Lofgren votes aye.

5548 Chairman Goodlatte. Has every member voted who wishes

5549 to vote? The clerk will report.

5550 Ms. Adcock. Mr. Chairman, 13 members voted aye; 19

5551 members voted no.

5552 Chairman Goodlatte. Then the amendment is not agreed

5553 to.

5554 Ms. Jackson Lee. Mr. Chairman?

5555 Chairman Goodlatte. Are there any other amendments?

5556 Ms. Jackson Lee. I have an amendment at the desk,

5557 Jackson Lee, number 2.

5558 Chairman Goodlatte. The clerk will report the

5559 amendment.

5560 Ms. Adcock. Amendment to the oversight plan of the

5561 House Committee of the Judiciary offered by Ms. Jackson Lee.

5562 Under the heading Subcommittee on Crime, Terrorism --

5563 [The amendment of Ms. Jackson Lee follows:]

5564 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5565 Chairman Goodlatte. Without objection, the amendment  
5566 is considered as read, and the gentlewoman is recognized for  
5567 5 minutes on her amendment.

5568 Ms. Jackson Lee. I thank the chairman. My amendment  
5569 seeks to have an even playing field for individuals who hold  
5570 important governmental responsibilities and are either in  
5571 the middle of an election or running for a Federal position  
5572 of necessary leadership. My amendment states and specifies  
5573 that, with respect to the subcommittee's oversight of the  
5574 FBI, it will prioritize oversight as one of the priorities  
5575 of its processes for investigating and disclosing  
5576 information related to high-profile subjects, such as  
5577 presidential candidates, Mr. Trump, or otherwise, members of  
5578 Congress, and the senior executive branch officials.

5579 With the information we have received and the events  
5580 that have transpired this past election cycle, it is more  
5581 apparent than ever that this committee must do what it is  
5582 designed to do in a time of crisis involving our  
5583 jurisdiction. We must ask questions, interview witnesses,  
5584 obtain documents, and get the information our public  
5585 deserves to know.

5586 With respect to the impact on the recent presidential  
5587 election of several significant and controversial actions  
5588 taken by investigative agencies, the public demands and  
5589 deserves answers to these vitally important questions. The

5590 place to begin in the search for the truth is an open  
5591 hearing before the full Judiciary Committee.

5592           Specifically, the issues to be explored in the  
5593 committee hearings of the impropriety of the news conference  
5594 held by Director Comey on July 5, 2016, during which he  
5595 announced that the FBI had completed its investigation  
5596 regarding the email server of former Secretary of State  
5597 Hillary Clinton, who was then the presidential candidate of  
5598 the democratic party.

5599           And he concluded that no violation of law had been  
5600 concluded, but offered unfavorable personal opinions  
5601 regarding Secretary Clinton's conduct. The impropriety of  
5602 Director Comey's decision over the express objections of the  
5603 Attorney General and other senior Justice Department  
5604 officials, in this instance, it could have been Attorney  
5605 General Sessions to send his vaguely-worded letter on  
5606 October 28, 2016, a mere 11 days before Election Day for a  
5607 partisan reason and for it to be leaked. The letter was  
5608 leaked to the media and claimed falsely that the FBI had  
5609 reopened the investigation for the sole purpose that some  
5610 believe was the inflicting of electoral damage on Secretary  
5611 Clinton.

5612           Whether the director violated any police, practice,  
5613 custom, or regulation, the Department of Justice in joining  
5614 Justice Department officials and employees from engaging in

5615 any conduct or taking any legal action that could impact the  
5616 outcome of an election to be held within the ensuing 60  
5617 days, and if so, the harm to the agency is resulting  
5618 therefrom.

5619         This is not a Republican or Democratic amendment. This  
5620 is an amendment dealing with the protocol and the hierarchy  
5621 that should be address when investigations are occurring by  
5622 the Department of Justice and any agency under it. And that  
5623 is, in essence, the FBI is not an independent agency. It  
5624 is, in fact, an agency within the Department of Justice. It  
5625 is the chief law enforcement agency.

5626         Whether the actions taken by the agency, in essence,  
5627 the FBI, influence the electoral choices of persons in any  
5628 of the 38 states where early voting was already underway or  
5629 about to begin, when the October 28, 2016 letter was made  
5630 public, particularly the state of Florida, and early voting  
5631 began October 29th and ended on November 5th, and the day  
5632 before, the FBI issued its second letter in which they  
5633 reaffirmed the conclusion first announced four months before  
5634 in July 2016.

5635         The basis for this belief, the acknowledgement by the  
5636 FBI that entities connected to the government of Russia were  
5637 responsible for cyberattacks on entities associated with the  
5638 democratic presidential campaign, with the intent of  
5639 influencing the outcome of the presidential election, would

5640 compromise the impartiality of the FBI, but that no such  
5641 harm would result to the electoral prospects of any other  
5642 candidate by 11th-hour injection or revival of what became  
5643 unsubstantiated allegations.

5644         So, there must be an order. How does this work? Give  
5645 some governance in terms of oversight in how we best work to  
5646 ensure the public trust and confidence in the integrity of  
5647 any aspect of the federal government and to protect the  
5648 electoral system and the votes of the American people. If  
5649 there is an issue, the question is, do you retain the facts  
5650 until you completely understand the facts? I am sure the  
5651 American people thought that all facts were out in July of  
5652 2016 when it was not the Attorney General, it was not the  
5653 deputy attorney general, but the chief law enforcement  
5654 officer came out and made a statement that there was nothing  
5655 there except for editorial comments.

5656         So, my amendment is to apply fairness to everyone, that  
5657 the agency that is responsible for investigation, that we  
5658 should review the processes for investigating and disclosing  
5659 information related to high-profile subjects, such as  
5660 presidential candidates, members of Congress, and senior  
5661 executive branch officials, not for any bias or special  
5662 privilege or separating them out, but only to provide order  
5663 that the facts that the American people finally receive are  
5664 the facts that are relevant, fully investigated, and

5665 represent the final conclusion, in this instance, of the  
5666 agency that is offering to make these comments.

5667         And so I ask, out of fairness, that this be one of the  
5668 matters that we review under our oversight plan. I ask my  
5669 colleagues to support the Jackson Lee amendment.

5670         Chairman Goodlatte. The gentlelady's time is expired.  
5671 And for what purpose does the gentleman from South Carolina  
5672 seek recognition?

5673         Mr. Gowdy. I move to strike the last word.

5674         Chairman Goodlatte. The gentleman is recognized for 5  
5675 minutes.

5676         Mr. Gowdy. Thank you, Mr. Chairman. Given the fact  
5677 that this amendment is eerily similar to the last one, which  
5678 we litigated for well north of an hour, I will keep my  
5679 remarks brief, other than to say, it has exactly the same  
5680 word that the gentlelady from Texas' last amendment had,  
5681 which is prioritize. She wants to make a political  
5682 investigation more important than anything and everything  
5683 else.

5684         Here is the good news, Mr. Chairman. It is good news.  
5685 The chairman of the full committee's oversight plan -- this  
5686 is the second Senate, so the chairman of the committee's  
5687 oversight plan, the subcommittee will also conduct oversight  
5688 of the FBI's counterterrorism and counterintelligence  
5689 authorities. He has already done it. He is just not going

5690 to do it to the exclusion of everything else, and he is not  
5691 going to prioritize it over child pornography, and  
5692 espionage, and narcotics trafficking, and all the other  
5693 things that the our friends on the other side of the aisle  
5694 want him to prioritize it over.

5695         So, we are going to do oversight. And I hope that, in  
5696 this session of Congress, we get just a tiny little bit of  
5697 help from our colleagues on the other side of the aisle,  
5698 which would be a noted departure from the last six years.  
5699 With that, I yield back.

5700         Chairman Goodlatte. The gentleman yields back. Seeing  
5701 there is no further discussion, the question is on the  
5702 amendment.

5703         Gentleman from Georgia, for what purpose do you seek  
5704 recognition?

5705         Mr. Johnson of Georgia. I move to strike the last  
5706 word.

5707         Chairman Goodlatte. The gentleman is recognized for 5  
5708 minutes.

5709         Mr. Johnson of Georgia. I yield to the gentlewoman  
5710 from Houston.

5711         Ms. Jackson Lee. I thank my good friend from Georgia  
5712 and to my good friend, who I look forward to working with,  
5713 from South Carolina. I am not sure that the full impact of  
5714 the debate was fully captured, but we made the point over

5715 and over again that this is one of the priorities and even  
5716 offered a friendly amendment to pursue as one of the  
5717 priorities. I did not hear my good friend accept the  
5718 amendment, but this is distinctive.

5719         This has to do with the protocols, the processes of how  
5720 these matters are handled, which may impact drastically on  
5721 some act that impacts the American people.

5722         The question is, what protocols, processes are followed  
5723 in investigating individuals that may be in government, and  
5724 I listed them because it is clear that, in the public  
5725 domain, that the director at the time was pleaded with to  
5726 adhere to protocols about announcing matters 11 days out of  
5727 a campaign. And as well, we understand that other  
5728 investigations, possibly involving Russian involvements,  
5729 were not presented to the American public.

5730         So, how should we handle these matters? I just want  
5731 fairness, and so I would just simply ask my colleagues that  
5732 it is a simple prioritization of ensuring that we have the  
5733 right protocols, processes, for disclosing such information  
5734 if they impact something as crucial as every four years or  
5735 every two years, where there is a major election or some  
5736 other matter dealing with an executive member of the cabinet  
5737 or anyone else, so that the American people, when they do  
5738 have a presentation made to them, can be assured that the  
5739 final word is offered after a fair and closed investigation

5740 that gives fairness to the actual reporting that is given.

5741 Finally, let me ask that the article in the New York

5742 Times, "Trump campaign aides have repeated contacts with

5743 Russian intelligence," dated February 14, 2017, Mr.

5744 Chairman, I would like to put this into the record.

5745 Mr. King. [Presiding] Hearing no objection, so

5746 ordered.

5747 [The information follows:]

5748 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5749 Ms. Jackson Lee. I thank you. So, I yield back,  
5750 indicating that my amendment is an amendment on its four  
5751 corners for fairness to all, and I would ask for my  
5752 colleagues to support it. I yield back.

5753 Mr. King. The question is on the amendment.

5754 All those in favor, so say aye.

5755 All those opposed, no.

5756 Ms. Jackson Lee. Roll call.

5757 Mr. King. The noes appear to have it. The recorded  
5758 vote has been called. The clerk shall call the roll.

5759 Ms. Adcock. Mr. Goodlatte?

5760 [No response.]

5761 Mr. Sensenbrenner?

5762 [No response.]

5763 Mr. Smith?

5764 [No response.]

5765 Mr. Chabot?

5766 Mr. Chabot. No.

5767 Ms. Adcock. Mr. Chabot votes no.

5768 Mr. Issa?

5769 Mr. Issa. No.

5770 Ms. Adcock. Mr. Issa votes no.

5771 Mr. King?

5772 Mr. King. No.

5773 Ms. Adcock. Mr. King votes no.

5774 Mr. Franks.  
5775 [No response.]  
5776 Mr. Gohmert?  
5777 Mr. Gohmert. No.  
5778 Ms. Adcock. Mr. Gohmert votes no.  
5779 Mr. Jordan?  
5780 [No response.]  
5781 Mr. Poe?  
5782 [No response.]  
5783 Mr. Chaffetz?  
5784 [No response.]  
5785 Mr. Marino?  
5786 Mr. Marino. No.  
5787 Ms. Adcock. Mr. Marino votes no.  
5788 Mr. Gowdy?  
5789 Mr. Gowdy. No.  
5790 Ms. Adcock. Mr. Gowdy votes no.  
5791 Mr. Labrador?  
5792 [No response.]  
5793 Mr. Farenthold?  
5794 [No response.]  
5795 Mr. Collins?  
5796 Mr. Collins. No.  
5797 Ms. Adcock. Mr. Collins votes no.  
5798 Mr. DeSantis?

5799 Mr. DeSantis. No.

5800 Ms. Adcock. Mr. DeSantis votes no.

5801 Mr. Buck?

5802 Mr. Buck. No.

5803 Ms. Adcock. Mr. Buck votes no.

5804 Mr. Ratcliffe?

5805 Mr. Ratcliffe. No.

5806 Ms. Adcock. Mr. Ratcliffe votes no.

5807 Mr. Bishop?

5808 Mr. Bishop. No.

5809 Ms. Adcock. Mr. Bishop votes no.

5810 Ms. Roby?

5811 Mr. Roby. No.

5812 Ms. Adcock. Ms. Roby votes no.

5813 Mr. Gaetz?

5814 [No response.]

5815 Mr. Johnson of Louisiana?

5816 Mr. Johnson of Louisiana. No.

5817 Ms. Adcock. Mr. Johnson votes no.

5818 Mr. Biggs?

5819 Mr. Biggs. No.

5820 Ms. Adcock. Mr. Biggs votes no.

5821 Mr. Conyers?

5822 [No response.]

5823 Mr. Nadler?

5824 Mr. Nadler. Aye.

5825 Ms. Adcock. Mr. Nadler votes aye.

5826 Ms. Lofgren?

5827 Ms. Lofgren. Ms. Lofgren votes aye.

5828 Ms. Jackson Lee?

5829 Ms. Jackson Lee. Aye.

5830 Ms. Adcock. Ms. Jackson Lee votes aye.

5831 Mr. Cohen?

5832 Mr. Cohen. Aye.

5833 Ms. Adcock. Mr. Cohen votes aye.

5834 Mr. Johnson of Georgia?

5835 Mr. Johnson of Georgia. Aye.

5836 Ms. Adcock. Mr. Johnson votes aye.

5837 Mr. Deutch?

5838 [No response.]

5839 Mr. Gutierrez?

5840 [No response.]

5841 Ms. Bass?

5842 [No response.]

5843 Mr. Richmond?

5844 [No response.]

5845 Mr. Jeffries?

5846 [No response.]

5847 Mr. Cicilline?

5848 [No response.]

5849 Mr. Swalwell?

5850 [No response.]

5851 Mr. Lieu?

5852 Mr. Lieu. Aye.

5853 Ms. Adcock. Mr. Lieu votes aye.

5854 Mr. Raskin?

5855 Mr. Raskin. Aye.

5856 Ms. Adcock. Mr. Raskin votes aye.

5857 Ms. Jayapal?

5858 Ms. Jayapal. Aye.

5859 Ms. Adcock. Ms. Jayapal votes aye.

5860 Mr. Schneider?

5861 Mr. Schneider. Aye.

5862 Ms. Adcock. Mr. Schneider votes aye.

5863 Mr. Goodlatte votes no.

5864 Mr. Labrador votes no.

5865 Mr. King. Gentleman from Texas?

5866 Mr. Poe. No.

5867 Ms. Adcock. Mr. Poe votes no.

5868 Mr. King. Votes no. Gentleman from Ohio?

5869 Ms. Adcock. Mr. Jordan votes no.

5870 Mr. King. Anyone else who wishes to cast or change  
5871 their vote?

5872 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

5873 Ms. Adcock. Not recorded -- I mean, aye.

5874 Ms. Jackson Lee. Jackson Lee?

5875 Ms. Adcock. Yes.

5876 Ms. Jackson Lee. Thank you.

5877 Mr. King. Clerk will report.

5878 Mr. Collins. Mr. Chairman, how am I recorded?

5879 Mr. King. Clerk?

5880 Ms. Adcock. No.

5881 Mr. Collins. Good. Thank you.

5882 Mr. King. The gentleman from New York?

5883 Mr. Nadler. Aye.

5884 Mr. King. Votes aye.

5885 Ms. Adcock. Mr. Jeffries votes aye.

5886 Mr. Chairman, 11 members votes aye; 18 members voted

5887 no.

5888 Mr. King. Eleven members voted aye; 18 members voted

5889 no. The amendment has failed.

5890 Are there any further amendments?

5891 I recognize the gentleman from Tennessee.

5892 Mr. Cohen. Thank you, sir. I have an amendment at the

5893 desk.

5894 Mr. King. The clerk shall read the amendment?

5895 Mr. Cohen. Without objection.

5896 Ms. Adcock. An amendment to the Oversight plan of the

5897 House Committee on the Judiciary offered by Mr. Cohen.

5898 Under the heading, subcommittee --

5899 [The amendment of Mr. Cohen follows:]

5900 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5901 Mr. King. Not without objection, the amendment will be  
5902 considered as read, and the gentleman from Tennessee will be  
5903 recognized for 5 minutes to present his amendment.

5904 Mr. Cohen. Thank you, Mr. Chair. This amendment adds  
5905 to the committee's oversight plan examination of attempts by  
5906 the administration to undermine the freedom of the press.

5907 In 1786, Thomas Jefferson wrote, "Our liberty depends  
5908 on the freedom of the press, and that cannot be limited  
5909 without being lost." Jefferson, our founding father,  
5910 understood how central it was to our democracy to protect  
5911 the press from censorship, government control, and  
5912 intimidation. An informed citizenry is essential to a  
5913 vibrant democracy, and therefore, a free and independent  
5914 press is vital to making sure our democracy works.

5915 Without the objective truth, and the truth shall set  
5916 you free, that a free press provides, the public is  
5917 vulnerable to manipulation by authoritarians stroking  
5918 popular prejudices and falsehoods to obtain and maintain  
5919 power. Indeed, protecting a free press is so important, it  
5920 is enshrined in the First Amendment of the Bill of Rights,  
5921 yet it is not self-executing.

5922 The temptation of government institutions, public  
5923 officials, and powerful political organizations to silence  
5924 critical press coverage in the service of their political  
5925 ends is very strong these days.

5926 Democracy requires vigilance, on our part, to push back  
5927 at the slightest threats to this fundamental freedom, and as  
5928 this committee with jurisdiction over the Constitution, the  
5929 duty falls to us to spearhead that movement.

5930 I have watched with mounting alarm how the President  
5931 and his administration have sought to stifle press freedom,  
5932 if not through outright censorship, then through a concerted  
5933 campaign of intimidation and a de-legitimization against the  
5934 press, calling it fake news, referring to failed New York  
5935 Times, which subscribership has gone to the best in history,  
5936 the failed Washington Post, which subscribership has also  
5937 increased, the failed or failing Vanity Fair, whose  
5938 subscriptions skyrocketed, and the crooked media.

5939 The earliest signs of trouble were evident in Mr.  
5940 Trump's presidential campaign when he routinely singled out  
5941 the press, and even individual reporters, at rallies for  
5942 ridicule and scorn, referring to the press as if it were he  
5943 and its supporters' enemies. This attitude seems to have  
5944 carried over into his administration.

5945 On the first day in office, the President and his press  
5946 secretary attacked the news media, accusing it of  
5947 deliberately understating the size of the crowds at his  
5948 inauguration. "We caught them in a beauty," Mr. Trump said  
5949 of the news media, "and I think they are going to pay a big  
5950 price." President Trump has also said, "He has a running

5951 war with the media," calling reporters among the most  
5952 dishonest human beings on earth, and rather than curtailing  
5953 the President's more extreme impulses against the press, his  
5954 confidants seem only to reinforce them.

5955         Newt Gingrich, for instance, on Meet The Press, said  
5956 entirely a propagandistic effort on behalf of the nut-cake  
5957 left-wing world view, and Chief White House Strategist  
5958 Bannon has called the news media the opposition party and  
5959 said it should be embarrassed, humiliated, and keep its  
5960 mouth shut and just listen for a while, not exactly  
5961 encouraging a free press, a free press that is an important  
5962 check on power, all the more so at a time of unified control  
5963 of the elected branches of the federal government by one  
5964 party.

5965         The only real checks we have left on the Trump  
5966 Administration are the federal courts and the press, and the  
5967 President has gone on attack against the so-called judges,  
5968 against the crooked media, and against the intelligence  
5969 officials who allegedly leaks have come from, who he said  
5970 did not do such a good job on Iraq and are not so good and  
5971 that they lie as well. Perhaps not coincidentally, we see  
5972 President Trump doing these things to the courts that he has  
5973 been trying to do to the press, attacking them, denigrating  
5974 them, attempting to delegitimize them, and calling their  
5975 credibility in question. This a temptation, the temptation

5976 of power, a subject the Constitution Framers all knew too  
5977 well, and Benjamin Franklin knew it.

5978 Freedom of the press is important. We must do our part  
5979 to ensure the press can do its part to keep our leaders  
5980 honest and keep our democracy functioning and that is an  
5981 important part of this committee.

5982 So, I would urge the committee to adopt the amendment  
5983 that would simply examine any attempts by the White House or  
5984 any other agency of the executive branch, and I would accept  
5985 a friendly amendment on any other branch of government to  
5986 undermine the freedom of the press, which is essential to a  
5987 well-informed society and a functioning government.

5988 I yield back the balance of my time.

5989 Mr. King. The gentleman yields back the balance of his  
5990 time, and the chair will recognize himself for 5 minutes in  
5991 opposition of the amendment.

5992 This amendment should be rejected. Oversight over the  
5993 First Amendment is already covered in its entirety by the  
5994 base oversight plan section on the First Amendment.

5995 This committee has the utmost respect for the First  
5996 Amendment and the full Constitution, by the way, but this  
5997 amendment should be rejected for several reasons. Its tenor  
5998 is to imply that the White House may attempt to undermine  
5999 the freedom of the press. I do not know of any evidence in  
6000 that regard. Further, the First Amendment does not apply

6001 only to the press; it applies to protect everyone and  
6002 everyone's rights of freedom of speech, religion, and the  
6003 press and assembly.

6004         So, if there is any evidence that any entities over  
6005 which the committee has jurisdiction threatens the First  
6006 Amendment, we will investigate it, but I do not want this  
6007 committee's oversight plan to turn into a political document  
6008 that by accusation implies some sort of imagined future bad  
6009 conduct, regarding this or any other White House.

6010         You know, as I listen to this debate here and the piece  
6011 after piece of this that has been prioritized and plug in  
6012 another component of prioritization and another suspicion  
6013 about this administration that has been in business here  
6014 about 26 days, maybe 27 days, and it presumes that there are  
6015 a lot of things that are rolling around in the rumor of the  
6016 left that need to be applied to the rules of how we run this  
6017 committee.

6018         And from my standpoint, we have a Constitution to guide  
6019 us. The letter of the Constitution, had it guided the  
6020 previous President, we would have avoided the debates we had  
6021 over the last eight years, but this committee will commit  
6022 itself to defending all components of the Constitution, and  
6023 we called upon the former President to do that, and by his  
6024 own definition, he did not adhere to it quite so well.

6025         The comments about fake news, I would say failed New

6026 York Times and failed Washington Post, two of those three,  
6027 fake news is not an entity; it is just a label for those  
6028 two, New York Times and Washington Post.

6029 I want to point out, those are the two recipients of  
6030 the leaked classified information that allegedly, at least,  
6031 came out of our intelligence community that allegedly picked  
6032 up the telephone communication between General Flynn and the  
6033 ambassador to the United States from Russia. And I would  
6034 point out that 18 U.S.C. 798 makes it clear that it is a  
6035 felony facing a potential 10-year penalty for leaking any of  
6036 that classified information, divulging it, or transferring  
6037 it, and that is what we should be concerned about.

6038 I have heard some of the other gentlemen discuss the  
6039 idea that we know a series of facts. We know very few facts  
6040 about this that are actually facts. Maybe we have opinions.  
6041 Maybe we think we know some things, but the facts are  
6042 different. That would be, what is the transcript? What is  
6043 the video tape? Who is the witness? We do not know the  
6044 source of this information, and the Nation has been turned  
6045 into a turmoil, a turmoil over rumors and innuendos.

6046 What we do know for a fact is General Flynn tendered  
6047 his resignation in a one-page resignation letter. President  
6048 Trump accepted that resignation. We know that one of the  
6049 top political strategists, Kellyanne Conway, said that it  
6050 was by choice of General Flynn. We know that the

6051 President's Press Secretary, Sean Spicer, says no, it was a  
6052 termination on the part of President Trump. That is what we  
6053 know.

6054 The rest is all rumors, and by the way, the New York  
6055 Times had to dial down one of their stories, and so I am not  
6056 convinced that we know anything really beyond that except  
6057 that, if these rumors that have been asserted to be facts on  
6058 the other side of the aisle turn out to be true, the fact  
6059 will then be that a federal felony, at least one of them,  
6060 has been committed, and that would be a violation of 18  
6061 U.S.C. 798.

6062 And so, I urge our committee to reject this amendment,  
6063 and I also urge our committee to be objective in how we  
6064 evaluate these things that we call facts. And with that, I  
6065 would yield back the balance of my time.

6066 The question is on the amendment.

6067 Mr. Swalwell. I move to strike, Mr. Chairman, I move  
6068 to strike that.

6069 Mr. King. This gentleman will be recognized for 5  
6070 minutes.

6071 Mr. Swalwell. Thank you, Mr. Chairman, and I certainly  
6072 believe that it is the role of the Department of Justice and  
6073 the FBI to investigate any person who breaks the law, and  
6074 that is their role, but if the administration or anyone on  
6075 this committee's takeaway of what happened with General

6076 Flynn is that we should prioritize investigating leaks, that  
6077 would be equivalent to saying that, after Pearl Harbor, FDR  
6078 should have come to Congress and said we should investigate  
6079 the air traffic controllers who did not see the planes  
6080 coming toward Hawaii.

6081       It is missing the lesson that we should take away here,  
6082 which is we had a national security advisor who called the  
6083 Russian ambassador at least five times after President Obama  
6084 put sanctions on Russia, and I and many of my colleagues  
6085 will say that we wish that President Obama would have been  
6086 tougher on Russia, that these sanctions would have come  
6087 sooner because we knew that Russia was attacking us. And  
6088 so, this is not a defense of a political party.

6089       I know many of my colleagues think those should have  
6090 come sooner, and they may have stopped Russia's activities  
6091 earlier, but after we put tough sanctions on Russia, the  
6092 incoming national security advisor makes five phone calls,  
6093 at least five phone calls, and is essentially telegraphing,  
6094 "Do not worry about it. We will take care of it. Those  
6095 diplomats that you were going to expel, the American school  
6096 in Moscow that you were going to close down, you don't have  
6097 to do that."

6098       And what happens the next day? Putin, despite reports  
6099 that those diplomats would be expelled and reports that that  
6100 school would be closed, he pulls back, and it does not

6101 happen. That, I think, should lead all of us to wonder, was  
6102 General Flynn acting alone and going rogue? Perhaps.

6103 Or was he falling in line with the principal? And the  
6104 principal being the incoming President who had said quite  
6105 directly that he thinks we need to open up our relationship  
6106 with Russia and that he thinks we need to ease sanctions and  
6107 we need to reduce the role of NATO.

6108 So, I think these are legitimate questions we should be  
6109 asking, and I will leave it to the Department of Justice to  
6110 investigate anyone who broke the law, but I do not think  
6111 they are mutually exclusive, and I would yield back.

6112 Mr. King. The question is on the amendment.

6113 Those in favor, say aye.

6114 Those opposed.

6115 In the opinion of the chair, the noes have it, and the  
6116 amendment is not agreed to.

6117 The gentleman asks for a recorded vote.

6118 The clerk will call the roll.

6119 Ms. Adcock. Mr. Goodlatte?

6120 [No response.]

6121 Mr. Sensenbrenner?

6122 [No response.]

6123 Mr. Smith?

6124 [No response.]

6125 Mr. Chabot?

6126 Mr. Chabot. No.

6127 Ms. Adcock. Mr. Chabot votes no.

6128 Mr. Issa?

6129 [No response.]

6130 Mr. King?

6131 [No response.]

6132 Mr. Franks?

6133 [No response.]

6134 Mr. Gohmert?

6135 [No response.]

6136 Mr. Jordan?

6137 [No response.]

6138 Mr. Poe?

6139 [No response.]

6140 Mr. Chaffetz?

6141 Mr. Chaffetz. No.

6142 Ms. Adcock. Mr. Chaffetz votes no.

6143 Mr. Marino?

6144 Mr. Marino. No.

6145 Ms. Adcock. Mr. Marino votes no.

6146 Mr. Gowdy?

6147 [No response.]

6148 Mr. Labrador?

6149 Mr. Labrador. No.

6150 Ms. Adcock. Mr. Labrador votes no.

6151 Mr. Farenthold?  
6152 [No response.]  
6153 Mr. Collins?  
6154 Mr. Collins. No.  
6155 Ms. Adcock. Mr. Collins votes no.  
6156 Mr. DeSantis?  
6157 Mr. DeSantis. No.  
6158 Ms. Adcock. Mr. DeSantis votes no.  
6159 Mr. Buck?  
6160 Mr. Buck. No.  
6161 Ms. Adcock. Mr. Buck votes no.  
6162 Mr. Ratcliffe?  
6163 Mr. Ratcliffe. No.  
6164 Ms. Adcock. Mr. Ratcliffe votes no.  
6165 Mr. Bishop?  
6166 [No response.]  
6167 Ms. Roby?  
6168 Ms. Roby. No.  
6169 Ms. Adcock. Ms. Roby votes no.  
6170 Mr. Gaetz?  
6171 Mr. Gaetz. No.  
6172 Ms. Adcock. Mr. Gaetz votes no.  
6173 Mr. Johnson of Louisiana?  
6174 Mr. Johnson of Louisiana. No.  
6175 Ms. Adcock. Mr. Johnson votes no.

6176 Mr. Biggs?

6177 Mr. Biggs. No.

6178 Ms. Adcock. Mr. Biggs votes no.

6179 Mr. Conyers?

6180 Mr. Conyers. Aye.

6181 Ms. Adcock. Mr. Conyers votes aye.

6182 Mr. Nadler?

6183 [No response.]

6184 Ms. Lofgren?

6185 Ms. Lofgren. Aye.

6186 Ms. Adcock. Ms. Lofgren votes aye.

6187 Ms. Jackson Lee?

6188 [No response.]

6189 Mr. Cohen?

6190 Mr. Cohen. Aye.

6191 Ms. Adcock. Mr. Cohen votes aye.

6192 Mr. Johnson of Georgia?

6193 Mr. Johnson of Georgia. Aye.

6194 Ms. Adcock. Mr. Johnson votes aye.

6195 Mr. Deutch?

6196 [No response.]

6197 Mr. Gutierrez?

6198 [No response.]

6199 Ms. Bass?

6200 [No response.]

6201 Mr. Richmond?  
6202 Mr. Jeffries?  
6203 Mr. Jeffries. Aye.  
6204 Ms. Adcock. Mr. Jeffries votes aye.  
6205 Mr. Cicilline?  
6206 Mr. Cicilline. Aye.  
6207 Ms. Adcock. Mr. Cicilline votes aye.  
6208 Mr. Swalwell?  
6209 Mr. Swalwell. Aye.  
6210 Ms. Adcock. Mr. Swalwell votes aye.  
6211 Mr. Lieu?  
6212 Mr. Lieu. Aye.  
6213 Ms. Adcock. Mr. Lieu votes aye.  
6214 Mr. Raskin?  
6215 Mr. Raskin. Aye.  
6216 Ms. Adcock. Mr. Raskin votes aye.  
6217 Ms. Jayapal?  
6218 Ms. Jayapal. Aye.  
6219 Ms. Adcock. Ms. Jayapal votes aye.  
6220 Mr. Schneider?  
6221 Mr. Schneider. Aye.  
6222 Ms. Adcock. Mr. Schneider votes aye.  
6223 Mr. Goodlatte votes no.  
6224 Mr. King. The gentleman from California?  
6225 Mr. Issa. No.

6226 Ms. Adcock. Mr. Issa votes no.

6227 Mr. King. The gentleman from Texas?

6228 Mr. Poe. No.

6229 Ms. Adcock. Mr. Poe votes no.

6230 Mr. King. The other gentleman from Texas?

6231 Mr. Gohmert. No.

6232 Mr. King. The gentleman from South Carolina?

6233 Mr. Gowdy. No

6234 Ms. Adcock. Mr. Gohmert votes no.

6235 Mr. Gowdy votes no.

6236 Mr. King. Anyone else wishing to be recorded?

6237 Ms. Jackson Lee. How am I recorded?

6238 Mr. King. Ms. Jackson Lee?

6239 Ms. Adcock. Not recorded.

6240 Ms. Jackson Lee. Aye.

6241 Ms. Adcock. Ms. Jackson Lee votes aye.

6242 Mr. King. Anyone else seeking recognition to vote?

6243 Clerk will report.

6244 Mr. Cohen. Chair?

6245 Mr. King. For what purpose does the gentleman from

6246 Tennessee seek recognition?

6247 Mr. Cohen. I would like to have Mr. Delahunt and Mr.

6248 Watt and Mr. Bobbie Scott to vote. Just an aside. I will

6249 pass.

6250 Mr. King. I appreciate the gentleman's desires, but

6251 unfortunately, they are not being entertained at this point.

6252 Thank you.

6253 Ms. Jackson Lee. Mr. Chairman, another inquiry,  
6254 please.

6255 Mr. King. For what purpose does the gentlelady from  
6256 Texas seek recognition?

6257 Ms. Jackson Lee. Just to make an inquiry. Mr.  
6258 Chairman, I appreciate that we have been speaking, and I am  
6259 sure that someone would comment that there might be hot air,  
6260 but is there a reason that this room is so ice cold? I have  
6261 asked for them to change the temperature.

6262 This is almost an eviction notice, and I am not  
6263 leaving, but it is entirely too cold here, and all the  
6264 ladies are complaining, and nobody is doing anything about  
6265 it? I go on record it is too cold, and we are not going to  
6266 be able to continue to function. I see guests in the  
6267 audience are about to pass out. It is too cold.

6268 Mr. Issa. Chairman, I object. It is too hot.

6269 Ms. Jackson Lee. You are from California. You do not  
6270 count.

6271 Mr. King. The committee will come to order.

6272 The clerk will report.

6273 Ms. Adcock. Mr. Chairman, 12 members voted aye; 17  
6274 members voted no.

6275 Mr. King. I could not hear. Please repeat. Please

6276 repeat the total.

6277 Ms. Adcock. Mr. Chairman, 12 members voted aye; 17

6278 members voted no.

6279 Mr. King. Twelve voted aye; 17 voted no. The

6280 amendment is not adopted.

6281 Any person seeking recognition for an amendment?

6282 For what purpose does the gentleman from Georgia

6283 seeking recognition?

6284 Mr. Johnson of Georgia. I have an amendment at the

6285 desk.

6286 Mr. King. Clerk will read the amendment.

6287 Ms. Adcock. Amendment to the oversight plan of the

6288 House Committee on the Judiciary --

6289 [The amendment of Mr. Johnson of Georgia follows:]

6290 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6291 Mr. King. Without objection, the amendment is  
6292 considered as read, and the gentleman from Georgia is  
6293 recognized, 5 minutes.

6294 Mr. Johnson of Georgia. Thank you, Mr. Chairman. We  
6295 have repeatedly heard the President and his high-leveled  
6296 staff vociferously proclaim that there was rampant voter  
6297 fraud plaguing our 2016 presidential elections. They have  
6298 not offered any proof of such claims and seem inclined to  
6299 only use it as a talking point.

6300 This committee, however, should not take such claims  
6301 lightly. If there is evidence of voter fraud, voter  
6302 suppression, or other forms of electoral interference, this  
6303 body should be prepared to investigate. We must address  
6304 affirmatively any claims that undermine the validity of our  
6305 electoral process, so that the American public can rest easy  
6306 knowing that our elections are secure and that all Americans  
6307 can exercise their right to vote.

6308 I want to assure the President and the American people  
6309 that at least 3 million people did not illegally vote in the  
6310 last election, but, however, millions of Americans were  
6311 prevented from casting their vote in November due to voter  
6312 suppression laws passed after the U.S. Supreme Court gutted  
6313 the Voting Rights Act.

6314 In the wake of President Trump's trumped-up claims  
6315 about illegal voting, in light of the DNC's server hack,

6316 Russian interference, and well-documented efforts by states  
6317 to make it harder to vote, this committee has a duty to  
6318 conduct oversight to address these concerns. My amendment  
6319 looks to ensure voter fraud and suppression remains on the  
6320 oversight agenda for the 115th Congress.

6321 If our electoral process is compromised or questioned,  
6322 it undermines the very fundamentals of our democracy. We  
6323 must work to reduce vulnerability of our crucial voting  
6324 systems, protect the integrity of our electoral process, and  
6325 ensure that all Americans have the opportunity to vote  
6326 without fear that their vote is compromised or not counted  
6327 properly.

6328 Politics may be the substance of our democracy, but  
6329 patriotism and diligent oversight must be the force for  
6330 preserving its infrastructure.

6331 I ask for my colleagues to support this amendment.  
6332 With that, I yield back.

6333 Mr. King. The gentleman yields back.

6334 Question is on the amendment?

6335 Those in favor, say aye.

6336 Those opposed, no.

6337 In the opinion of the chair, the noes have it.

6338 Mr. Johnson of Georgia. Call for a recorded vote.

6339 Mr. King. The clerk will call the roll.

6340 Ms. Adcock. Mr. Goodlatte?

6341 Mr. King. No.

6342 Ms. Adcock. Mr. Goodlatte votes no.

6343 Mr. Sensenbrenner?

6344 [No response.]

6345 Mr. Smith?

6346 [No response.]

6347 Mr. Chabot?

6348 Mr. Chabot. No.

6349 Ms. Adcock. Mr. Chabot votes no.

6350 Mr. Issa?

6351 Mr. Issa. No.

6352 Ms. Adcock. Mr. Issa votes no.

6353 Mr. King?

6354 [No response.]

6355 Mr. Franks?

6356 [No response.]

6357 Mr. Gohmert?

6358 Mr. Gohmert. No.

6359 Ms. Adcock. Mr. Gohmert votes no.

6360 Mr. Jordan?

6361 [No response.]

6362 Mr. Poe?

6363 [No response.]

6364 Mr. Chaffetz?

6365 Mr. Chaffetz. No.

6366 Ms. Adcock. Mr. Chaffetz votes no.  
6367 Mr. Marino?  
6368 Mr. Marino. No.  
6369 Ms. Adcock. Mr. Marino votes no.  
6370 Mr. Gowdy?  
6371 Mr. Gowdy. No.  
6372 Ms. Adcock. Mr. Gowdy votes no.  
6373 Mr. Labrador?  
6374 Mr. Labrador. No.  
6375 Ms. Adcock. Mr. Labrador votes no.  
6376 Mr. Farenthold?  
6377 [No response.]  
6378 Mr. Collins?  
6379 Mr. Collins. No.  
6380 Ms. Adcock. Mr. Collins votes no.  
6381 Mr. DeSantis?  
6382 Mr. DeSantis. No.  
6383 Ms. Adcock. Mr. DeSantis votes no.  
6384 Mr. Buck?  
6385 Mr. Buck. No.  
6386 Ms. Adcock. Mr. Buck votes no.  
6387 Mr. Ratcliffe?  
6388 Mr. Ratcliffe. No.  
6389 Ms. Adcock. Mr. Ratcliffe votes no.  
6390 Mr. Bishop?

6391 [No response.]

6392 Ms. Roby?

6393 Ms. Roby. No.

6394 Ms. Adcock. Ms. Roby votes no.

6395 Mr. Gaetz?

6396 Mr. Gaetz. No.

6397 Ms. Adcock. Mr. Gaetz votes no.

6398 Mr. Johnson of Louisiana?

6399 Mr. Johnson of Louisiana. No.

6400 Ms. Adcock. Mr. Johnson votes no.

6401 Mr. Biggs?

6402 Mr. Biggs. No.

6403 Ms. Adcock. Mr. Biggs vote no.

6404 Mr. Conyers?

6405 Mr. Conyers. Aye.

6406 Ms. Adcock. Mr. Conyers votes aye.

6407 Mr. Nadler?

6408 [No response.]

6409 Ms. Lofgren?

6410 Ms. Lofgren. Aye.

6411 Ms. Adcock. Ms. Lofgren votes aye.

6412 Ms. Jackson Lee?

6413 Ms. Jackson Lee. Aye.

6414 Ms. Adcock. Ms. Jackson Lee votes aye.

6415 Mr. Cohen?

6416 [No response.]

6417 Mr. Johnson of Georgia?

6418 Mr. Johnson of Georgia. Aye.

6419 Ms. Adcock. Mr. Johnson votes aye.

6420 Mr. Deutch?

6421 [No response.]

6422 Mr. Gutierrez?

6423 [No response.]

6424 Ms. Bass?

6425 [No response.]

6426 Mr. Richmond?

6427 [No response.]

6428 Mr. Jeffries?

6429 Mr. Jeffries. Aye.

6430 Ms. Adcock. Mr. Jeffries vote aye.

6431 Mr. Cicilline?

6432 Mr. Cicilline. Aye.

6433 Ms. Adcock. Mr. Cicilline votes aye.

6434 Mr. Swalwell?

6435 Mr. Swalwell. Aye.

6436 Ms. Adcock. Mr. Swalwell votes aye.

6437 Mr. Lieu?

6438 Mr. Lieu. Aye.

6439 Ms. Adcock. Mr. Lieu votes aye.

6440 Mr. Raskin?

6441 Mr. Raskin. Aye.

6442 Ms. Adcock. Mr. Raskin votes aye.

6443 Ms. Jayapal?

6444 Ms. Jayapal. Aye.

6445 Ms. Adcock. Ms. Jayapal votes aye.

6446 Mr. Schneider?

6447 Mr. Schneider. Aye.

6448 Ms. Adcock. Mr. Schneider votes aye.

6449 Mr. King. The gentleman from Texas?

6450 Mr. Poe. No.

6451 Ms. Adcock. Mr. Poe votes no.

6452 Mr. King. Anyone else wishing to be recorded?

6453 The clerk will report.

6454 Ms. Adcock. Mr. Chairman, 11 members voted aye; 17

6455 members voted no.

6456 Mr. King. Eleven members voted aye; 17, no. The

6457 amendment is not adopted.

6458 For what purpose does the gentleman for Rhode Island

6459 seek recognition?

6460 Mr. Cicilline. Mr. Chairman, I have an amendment at

6461 the desk.

6462 Mr. King. The clerk will read.

6463 Ms. Adcock. Amendment to the oversight plan of the

6464 House Committee on the Judiciary --

6465 [The amendment of Mr. Cicilline follows:]

6466

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

6467 Mr. King. Without objection, the amendment is  
6468 considered as read, and the gentleman from Rhode Island is  
6469 recognized for 5 minutes.

6470 Mr. Cicilline. Thank you, Mr. Chairman. My amendment  
6471 would require the Judiciary Subcommittee on the Constitution  
6472 and Civil Justice to examine any attempt by the White House  
6473 or any agency of the executive branch to qualify entry into  
6474 the United States on the basis of religion.

6475 Our country's history is inextricably rooted in  
6476 religious tolerance and acceptance of those who are fleeing  
6477 hardship and persecution. It is written in our Constitution  
6478 and on our monuments and memorials.

6479 The Statue of Liberty, which has welcomed millions of  
6480 immigrants, includes the inscription "Give me your tired,  
6481 your poor, your huddled masses yearning to breathe free,"  
6482 and in my home state of Rhode Island, we are proud to have  
6483 been founded by Roger Williams, a refugee who was escaping  
6484 religious persecution.

6485 We are and always will be a Nation of immigrants,  
6486 regardless of who is President of the United States. Just  
6487 look at the diversity of us here on this committee. We can  
6488 all trace our lineage to immigrants who came to the United  
6489 States seeking a better life and more opportunities. The  
6490 President's executive order suspending immigration from  
6491 seven predominantly-Muslim countries is tantamount to a

6492 religious test and directly contradicts our nation's values.

6493         With the stroke of a pen, President Trump has tried to  
6494 undo the basic legal rights and civil liberties of hundreds  
6495 of thousands of people who are living in the United States  
6496 legally. Green card and visa holders who have become part  
6497 of our communities were detained, interrogated, and  
6498 prevented from coming into the country.

6499         After the disastrous and harmful implementation of the  
6500 unconstitutional Muslim ban, the Ninth Circuit Court of  
6501 Appeals properly blocked its enforcement. Despite the Ninth  
6502 Circuit ruling and courts all over the country that have  
6503 stopped the executive order in its tracks, President Trump  
6504 just stated that he has every intention of filing a brand-  
6505 new order. Instead of remaining a beacon of hope for  
6506 oppressed people, I am sickened that our country might again  
6507 be turning away those fleeing unspeakable violence.

6508         A religious test like the Muslim ban does not just  
6509 abandon our founding values; this executive order puts our  
6510 country in danger. It tells our enemies that we equate  
6511 Islam with terrorism; it makes it harder to work with our  
6512 allies, to recruit intelligence, and to enlist partners to  
6513 fight ISIS, and it makes us less safe.

6514         Recent terrorist attacks in the United States have been  
6515 committed by U.S. citizens or immigrants from countries  
6516 other than the ones on this list. Instead of wasting time

6517 and money discriminating against entire countries or  
6518 religions, we should focus on those who truly pose a threat  
6519 to the United States.

6520 In a joint statement, Senators John McCain and Lindsey  
6521 Graham said, "Ultimately, we fear this executive order will  
6522 become a self-inflicted wound in the fight against  
6523 terrorism. That is why we fear this executive order may do  
6524 more to help terrorist recruitment than improve our  
6525 security."

6526 We need a plan that keeps our country safe and respects  
6527 freedom of religion. My amendment would ensure proper  
6528 congressional oversight of any attempts by this or any other  
6529 administration to institute a test based on religion which  
6530 would only do violence to our history and to our  
6531 constitution.

6532 I ask my colleagues to support this amendment and stand  
6533 for religious freedom. I yield back the balance of my time.

6534 Mr. Labrador. Mr. Chairman? Mr. Chairman?

6535 Mr. King. For what purpose does the gentleman from  
6536 Idaho seek recognition?

6537 Mr. Labrador. In opposition to the amendment.

6538 Mr. King. The gentleman is recognized for 5 minutes.

6539 Mr. Labrador. This amendment should be rejected. No  
6540 judge has determined, after review, that there has been any  
6541 unconstitutional discrimination based on religion regarding

6542 the President's recent executive orders, and the countries  
6543 specified by the executive order were not selected based on  
6544 religion, but rather were countries deemed by the Obama  
6545 Administration to be of concern for terrorism, pursuant to  
6546 the Visa Waiver Improvement and Terrorist Travel Prevention  
6547 Act of 2015.

6548 In fact, a recent study shows us that temporarily  
6549 freezing immigration from seven predominantly-Islamic  
6550 countries would affect only 12 percent of the world's  
6551 Muslims, according to estimates from the Pew Research  
6552 Center. Further, U.S. immigration law itself allows the  
6553 consideration of religion in entry decisions based on  
6554 religious persecution.

6555 Of course, religious prioritization in immigration to  
6556 the United States is not a new idea. In fact, the  
6557 Immigration Act of 1990 contained a provision known as the  
6558 Lautenberg Amendment that eased the burden of proof to gain  
6559 refugee status for certain religious minority refugees.  
6560 Specifically, the provision, as codified at 8 U.S.C. 1157,  
6561 note, states "aliens who are or were nationals in residence  
6562 of an independent state of the former Soviet Union, or of  
6563 Estonia, Latvia, and Lithuania, and who are Jews or  
6564 Evangelical Christians, shall be deemed a category of alien  
6565 established under 1(A)."

6566 So the amendment actually spells out religious

6567 preference for Jews and evangelicals. In 2004, Congress  
6568 added to that list "members of a religious minority in  
6569 Iran."

6570 The Lautenberg amendment is renewed annually in  
6571 appropriations bills. I would ask how many members of the  
6572 other side of the aisle have voted for and openly supported  
6573 the Lautenberg amendment, and I would note that, over the  
6574 years, chairmen of this committee and of the Appropriations  
6575 Committee have received letters from democrat members asking  
6576 support for continuation of the Lautenberg amendment.

6577 If there is ever any evidence of unconstitutional  
6578 religious discrimination in entry decisions, this committee  
6579 not only should but will investigate, but this amendment  
6580 should be rejected. I yield back. Oh, wait --

6581 Mr. King. Will the gentleman yield?

6582 Mr. Labrador. Also, Mr. Chairman, I ask unanimous  
6583 consent to place into the record a letter to the House  
6584 Appropriations Committee from September 11, 2014, stating,  
6585 "We write to urge you to take action, once again, to extend  
6586 the Lautenberg amendment, a critical lifeline for threatened  
6587 religious minorities." And I would just like to point out  
6588 that the letter's signatories include 10 democrats, who  
6589 currently are members of this committee: John Conyers, Jerry  
6590 Nadler, Zoe Lofgren, David Cicilline, Luis Gutierrez, Hank  
6591 Johnson, Steve Cohen, Hakeem Jeffries, Ted Deutch, and Eric

6592 Swalwell.

6593 Mr. King. Without objection, the letter will be made  
6594 part of the record.

6595 [The information follows:]

6596 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6597 Ms. Lofgren. Mr. Chairman?

6598 Mr. King. For what purpose does the gentlewoman from  
6599 California seek recognition?

6600 Ms. Lofgren. To strike last word.

6601 Mr. King. The gentlewoman is recognized for 5 minutes.

6602 Ms. Lofgren. I think it is unfortunate to analogize  
6603 the Lautenberg amendment to a ban on Muslims entering the  
6604 United States. The Lautenberg amendment originally was  
6605 oriented towards helping Jews, who were being discriminated  
6606 against in Russia, to come to freedom to the United States.  
6607 I know a number of people in San Jose who were fortunate  
6608 enough to be able to escape that discrimination.

6609 It was essentially a finding that the government in  
6610 Russia had a systematic plan that it was implementing to  
6611 harass, injure, and threaten people of the Jewish faith that  
6612 lived in those areas. Later, it was discovered that that  
6613 same discrimination was occurring against people who had an  
6614 evangelical faith. So, a finding that there is rampant  
6615 discrimination by a particular country against a subset of  
6616 its population is quite different than saying, "We want to  
6617 do a Muslim ban."

6618 Now, I understand the comment made by our colleague  
6619 from Idaho, that the seven countries indicated do not  
6620 include every Muslim country in the world, and that is, in  
6621 fact, accurate. But I think the course that we will see --

6622 I mean, there is a long process ahead of us in the Federal  
6623 district court in Washington and perhaps up again to the  
6624 Ninth Circuit, but it is pretty clear that the President  
6625 said, on more than one occasion, that he wanted to ban  
6626 Muslims from the United States, and it has been reported and  
6627 not denied that he sought guidance from the former mayor of  
6628 New York City on how he might accomplish that goal in a way  
6629 that was "legal," and the travel ban appears to be the  
6630 result.

6631 I know at one point Justice Scalia, in a famous case,  
6632 said, you know, "Do not tell me, if you are taxing  
6633 yarmulkes, that you are actually not discriminating against  
6634 Jews. You are." When you take these actions and then you  
6635 are called out for them, you know, I think that is an  
6636 important issue, and it's an important moment for the  
6637 nation. It is completely different than a finding of  
6638 discrimination against minorities by Russia, who apparently  
6639 is now a country much beloved by our new President.

6640 I just thought it was important. I mean, obviously,  
6641 reasonable people can reach different conclusions, but I  
6642 thought it was important to state my understanding of this  
6643 matter. And with that, I would yield back, Mr. Chairman.

6644 Mr. Gohmert. Mr. Chairman?

6645 Chairman Goodlatte. For what purpose does the  
6646 gentleman from Texas seek recognition?

6647 Mr. Gohmert. To speak in opposition to the amendment.

6648 Chairman Goodlatte. The chair recognizes the gentleman  
6649 for 5 minutes.

6650 Will the gentleman yield to the chair for 30 seconds?

6651 Mr. Gohmert. Certainly.

6652 Chairman Goodlatte. I thank the gentleman for  
6653 yielding. I just want to say to the gentlewoman from  
6654 California, there is no Muslim ban in the executive order  
6655 that the President set forth, and it is very clear from the  
6656 debate that has already taken place here, because there are  
6657 many, many countries, and in fact, virtually every country  
6658 in the world has Muslims, and none of them are barred from  
6659 entering the United States.

6660 The purpose of having a delay for four months in entry  
6661 to this country by people from those seven countries is  
6662 because of the problem with security concerns about the lack  
6663 of an infrastructure in some of those countries to be able  
6664 to even properly vet individuals to know whether or not they  
6665 are a threat to the United States.

6666 There is no Muslim ban, and as has been correctly  
6667 pointed out, we already have laws on the books that create  
6668 priorities for individuals who are from various countries  
6669 around the world, including an amendment that was made to  
6670 the Lautenberg amendment a few years ago that added Iran  
6671 specifically to that list to protect minorities in Iran.

6672           So there is a great inconsistency here to send letters  
6673 to me and to the Appropriations Committees and others in the  
6674 Congress complaining about making sure -- and quite frankly,  
6675 many Republicans, including myself, share their concern to  
6676 make sure that Jews and evangelical Christians are protected  
6677 and given priority status as refugees. And now saying that  
6678 this executive order, which does not provide a ban on  
6679 Muslims coming into the United States, calls for an  
6680 investigation by this committee, I think is totally out of  
6681 order. I thank the gentleman.

6682           Ms. Lofgren. Will the gentleman yield?

6683           Mr. Gohmert. I want to finally address this, because I  
6684 have been listening to my friend from California talk about  
6685 a Muslim ban. We do need to look at what the amendment  
6686 actually says. Actually, the comments of our friend from  
6687 Idaho were extremely germane and completely relevant because  
6688 the amendment, if one looks at the amendment itself, does  
6689 not talk about a Muslim ban. It talks about examining any  
6690 attempt by the White House or any agency to qualify entry  
6691 into the United States on the basis of religion, so the  
6692 Lautenberg amendment is totally at play here.

6693           If this amendment is passed, then every time the  
6694 Lautenberg amendment is utilized, then this amendment would  
6695 require that we look into that. Why? Because people on  
6696 this committee and in this Congress and in this country,

6697 most people in the past have felt like when there is a  
6698 religious persecution taking place, we need to assist and be  
6699 sympathetic toward that group being persecuted.

6700 I am still deeply troubled that we could have our  
6701 Secretary of State Kerry admit that there is a genocide  
6702 going on in the Middle East of Christians. And yet, when  
6703 the new secretary general of the U.N. was asked about it  
6704 when he was in charge of the refugee program of the U.N.,  
6705 "Why are not you bringing Christians in as refugees at the  
6706 same percentage of their population in these countries?" his  
6707 answer was basically, "Well, because, for them, it is  
6708 important to keep them where they have been historically  
6709 found." In other words, let's keep them where they are  
6710 being killed off in droves until they are completely  
6711 eliminated from the planet. It is totally outrageous to  
6712 have someone like that as secretary general.

6713 It has traditionally, throughout the history of our  
6714 immigration program, been a consideration if a religion is  
6715 being persecuted. For the most part, most Americans want to  
6716 be sympathetic, and I do not think it should create a need  
6717 for this committee or the subcommittee to go into an  
6718 investigation every time a Lautenberg group -- I want to  
6719 help Jewish groups that are being persecuted, and it scares  
6720 me to death we are seeing such a rise of anti-Jewish  
6721 sentiment in Europe. But I had promised my friend from

6722 Florida, Mr. DeSantis; I yield the remainder of my time.

6723 Mr. DeSantis. Well, thank you. If this seven  
6724 countries, if that is discriminating based on religion, then  
6725 what about the Obama Administration -- February 18, 2016;  
6726 this is the Department of Homeland Security -- saying,  
6727 proclaiming, that they added Libya, Somalia, and Yemen to  
6728 the countries enumerated in the Visa Waiver program  
6729 Improvement and Terrorist Travel Prevention Act of 2015?  
6730 Obviously, also had Syria, Iran, Iraq, and Sudan.

6731 They go on to say, "The addition of these three  
6732 countries is indicative of the Department's continued focus  
6733 on the threat of foreign fighters." That is where we are  
6734 doing. We are looking at the threat. You may disagree with  
6735 that; you may minimize the threat. You are welcome to that  
6736 threat. But if you are going to sit here and say that doing  
6737 that means that you are banning a religion when you have 1.4  
6738 billion people in other countries who are not affected, you  
6739 are just not living in reality. It may play well with angry  
6740 voters back home, maybe, but it is just flat false. I yield  
6741 back.

6742 Ms. Lofgren. Mr. Chairman?

6743 Ms. Jackson Lee. Mr. Chairman?

6744 Chairman Goodlatte. For what purpose does the  
6745 gentlewoman from Texas seek recognition?

6746 Ms. Jackson Lee. Mr. Chairman, I would like to strike

6747 the last word and yield some of my time to the gentlelady  
6748 from California Ms. Lofgren.

6749 Chairman Goodlatte. The gentlewoman is recognized for  
6750 5 minutes.

6751 Ms. Lofgren. I would like to rise in defense of the  
6752 Lautenberg amendment that is, I think, been unfairly  
6753 described here.

6754 The extension to Iran was important. I think back to,  
6755 the very first asylum case I ever took as an immigration  
6756 lawyer, was an Iranian who was Jewish, and at the time,  
6757 after the Shah was deposed, it was not very safe to be  
6758 Jewish in Iran. It was frustrating because, as you know,  
6759 Mr. Chairman, from your own prior legal history, you have to  
6760 make the case for each and every applicant. But when they  
6761 are machine-gunning every Jew in a country, it actually  
6762 makes sense to make that finding.

6763 Chairman Goodlatte. Will the gentlewoman yield?

6764 Ms. Lofgren. I would, if the --

6765 Chairman Goodlatte. Just very briefly, if the  
6766 gentlewoman yields. I just want to make the point that this  
6767 amendment is what threatens the Lautenberg, and that is why  
6768 I am opposed to it.

6769 Ms. Lofgren. Reclaiming my colleague's time, I do not  
6770 think the amendment at all threatens the Lautenberg  
6771 amendment. There is a difference between a finding -- I

6772 mean, as we know in immigration law today, you can make, as  
6773 a basis of asylum, the fact that you are being persecuted by  
6774 the country you are in because of your political beliefs or  
6775 your religious beliefs.

6776 That is current law, and to make a finding, as the  
6777 Lautenberg amendment did, that every person of a particular  
6778 faith was being persecuted by the government of a country,  
6779 is completely consistent with the underlying immigration  
6780 law. That is quite different than saying, "We are making a  
6781 finding that we are going to keep everybody in this country  
6782 out," and they happen to be countries where almost everybody  
6783 is Muslim.

6784 I just want to make another comment about Christian  
6785 refugees. As you know, Mr. Chairman, we meet with the  
6786 secretary of state each fall to go through the refugee  
6787 program: yourself, Mr. Conyers, myself, and it was Mr. Gowdy  
6788 and our counterparts in the Senate. We have a discussion of  
6789 who is coming in, and even though Christians are a small  
6790 minority in the Middle East, the numbers that came in as  
6791 refugees were almost as many as people of other faiths from  
6792 the Middle East.

6793 So to suggest that Christians were not granted relief  
6794 when they had a valid claim for asylum is simply incorrect.  
6795 It is just not correct, and I think it is a disservice. I  
6796 am sure it was an honest mistake, but it is not correct.

6797 I thank the gentlelady for yielding to me. I know that  
6798 we have another colleague seeking time, and they are about  
6799 to call vote, so I will yield back to Ms. Jackson Lee.

6800 Ms. Jackson Lee. Let me quickly indicate the lady's  
6801 line of reasoning is very right.

6802 First of all, one of the elements of being able to seek  
6803 a refugee status is fleeing from persecution. One of them  
6804 is religious persecution. I do not think the underlying  
6805 amendment of Mr. Cicilline in any way affects both the  
6806 Lautenberg, but anyone seeking to come into this country  
6807 separate and apart from what happened with the executive  
6808 order that has been found to be unconstitutional. But let  
6809 me just clearly say, although there is no final decision by  
6810 way of the Supreme Court of the United States, a number of  
6811 courts have indicated that the executive order was  
6812 religiously biased.

6813 This amendment simply draws us all together, primarily  
6814 by indicating that we should review in any attempt by any  
6815 White House or any other agency of the executive branch to  
6816 qualify entry into the United States on the basis of  
6817 religion. Clearly, there is that possibility.

6818 I give as an example a 16-year-old Muslim from Jordan;  
6819 his country was not even on the list, coming into Houston,  
6820 Texas. He had already entered the country legally in  
6821 September 2016. He went home to renew his documents. He

6822 was coming in legally again, and he was caught up because he  
6823 was young; he spoke Arabic, I imagine; and he was Muslim  
6824 with legal documents, held for 50 hours.

6825 And so there is a question of whether or not the  
6826 inference was that Muslims are to be banned, both by  
6827 commentary made by individuals close to the White House and,  
6828 of course, comments that have been previously made. I think  
6829 this is a fair, balanced amendment. I ask my colleagues to  
6830 support it. I yield back.

6831 Chairman Goodlatte. The question occurs on the  
6832 amendment offered by the gentleman from Rhode Island.

6833 Ms. Jayapal. Mr. Chairman?

6834 Chairman Goodlatte. All those in favor, respond by  
6835 saying aye.

6836 Ms. Jayapal. Mr. Chairman?

6837 Chairman Goodlatte. All those --

6838 Ms. Jayapal. Mr. Chairman?

6839 Chairman Goodlatte. For what purpose does the  
6840 gentlewoman from Washington seek recognition?

6841 Ms. Jayapal. I move to strike the last word.

6842 Chairman Goodlatte. The gentlewoman is recognized for  
6843 5 minutes.

6844 Ms. Jayapal. Thank you, Mr. Chairman. I wanted to  
6845 respond to some of the things that have been said on the  
6846 other side of the aisle about these cases that have gone

6847 forward. One of them, as you may know, is from my State of  
6848 Washington, filed by our attorney general. And just  
6849 yesterday, we got another court ruling from Virginia from  
6850 Leonie Brinkema, and while it is true there has not been a  
6851 final ruling on the merits of the case, in all of these  
6852 cases so far, the judges have specifically considered the  
6853 question of whether the government's purpose was actually  
6854 based on religion.

6855 And I will give you one quote from Judge Brinkema's  
6856 ruling, where she said, "The evidence indicates the  
6857 government's purpose was based on religion." So, yes, there  
6858 is no final ruling, but certainly, all the indications so  
6859 far, including in the rulings that have been passed down,  
6860 have been that the purpose was based on religion.

6861 Secondly, a Muslim ban does not mean that every Muslim  
6862 country is banned, but it simply means that Muslims, in  
6863 fact, are being singled out with these seven countries.  
6864 Noah Purcell, who is our solicitor general in Washington  
6865 State, said it best when he was asked specifically about  
6866 this question by Judge Robart.

6867 He said, "To prove religious discrimination, we do not  
6868 need to prove that this order harms only Muslims or that it  
6869 harms every Muslim; we just need to prove that it was  
6870 motivated in part by a desire to harm Muslims," and that is  
6871 why we continue to use the language of a Muslim ban.

6872 Third, our President is not helping his case. Donald  
6873 Trump himself has made numerous statements that have been  
6874 used in court to show exactly what the intent of this Muslim  
6875 ban was, and that includes things like, on December 7, 2015,  
6876 he said Muslims should not be allowed into the United  
6877 States. There are numerous tweets that have been put out  
6878 and, actually, are being utilized in these cases because he  
6879 himself has stated what the purpose of this ban was.

6880 So let's be very clear that there are numerous  
6881 indications that this, in fact, is unconstitutional, it does  
6882 constitute religious discrimination, and we will get the  
6883 final word as these continue on through the court process.  
6884 But let us not try to say that this is not a Muslim ban. It  
6885 is a Muslim ban, and I stand in strong support of Mr.  
6886 Cicilline's amendment because I think it is absolutely  
6887 essential, absolutely essential, that we continue to ensure  
6888 that we do preserve the ability for people to come into this  
6889 country and not to have religion be the basis of those  
6890 decisions. I yield back.

6891 Mr. Labrador. Mr. Chairman?

6892 Chairman Goodlatte. The --

6893 Mr. Labrador. Just quickly, point of clarification.

6894 Maybe I have misunderstood, but has there been one court  
6895 that has ruled that this is religious discrimination?

6896 Ms. Jayapal. Yes. Yes, the Ninth Circuit Court.

6897 Mr. Labrador. I withdraw the comment.

6898 Ms. Jayapal. Thank you.

6899 Chairman Goodlatte. The comment has been withdrawn.

6900 Mr. Cicilline. Thank you.

6901 Chairman Goodlatte. The question occurs on the  
6902 amendment offered by the gentleman from Rhode Island.

6903 All those in favor, respond by saying aye.

6904 Those opposed, no.

6905 In the opinion of the chair, the noes have it.

6906 Mr. Cicilline. I ask for a recorded vote, Mr.  
6907 Chairman.

6908 Chairman Goodlatte. A recorded vote is requested, and  
6909 the clerk will call the roll.

6910 Ms. Adcock. Mr. Goodlatte?

6911 Chairman Goodlatte. No.

6912 Ms. Adcock. Mr. Goodlatte votes no.

6913 Mr. Sensenbrenner?

6914 [No response.]

6915 Mr. Smith?

6916 [No response.]

6917 Mr. Chabot?

6918 Mr. Chabot. No.

6919 Ms. Adcock. Mr. Chabot votes no.

6920 Mr. Issa?

6921 Mr. Issa. No.

6922 Ms. Adcock. Mr. Issa votes no.  
6923 Mr. King?  
6924 [No response.]  
6925 Mr. Franks?  
6926 [No response.]  
6927 Mr. Gohmert?  
6928 Mr. Gohmert. No.  
6929 Ms. Adcock. Mr. Gohmert votes no.  
6930 Mr. Jordan?  
6931 [No response.]  
6932 Mr. Poe?  
6933 Mr. Poe. No.  
6934 Ms. Adcock. Mr. Poe votes no.  
6935 Mr. Chaffetz?  
6936 [No response.]  
6937 Mr. Marino?  
6938 Mr. Marino. No.  
6939 Ms. Adcock. Mr. Marino votes no.  
6940 Mr. Gowdy?  
6941 [No response.]  
6942 Mr. Labrador?  
6943 Mr. Labrador. No.  
6944 Ms. Adcock. Mr. Labrador votes no.  
6945 Mr. Farenthold?  
6946 [No response.]

6947 Mr. Collins?  
6948 Mr. Collins. No.  
6949 Ms. Adcock. Mr. Collins votes no.  
6950 Mr. DeSantis?  
6951 Mr. DeSantis. No.  
6952 Ms. Adcock. Mr. DeSantis votes no.  
6953 Mr. Buck?  
6954 [No response.]  
6955 Mr. Ratcliffe?  
6956 Mr. Ratcliffe. No.  
6957 Ms. Adcock. Mr. Ratcliffe votes no.  
6958 Mr. Bishop?  
6959 [No response.]  
6960 Ms. Roby?  
6961 Ms. Roby. No.  
6962 Ms. Adcock. Ms. Roby votes no.  
6963 Mr. Gaetz?  
6964 [No response.]  
6965 Mr. Johnson of Louisiana?  
6966 Mr. Johnson of Louisiana. No.  
6967 Ms. Adcock. Mr. Johnson votes no.  
6968 Mr. Biggs?  
6969 Mr. Biggs. No.  
6970 Ms. Adcock. Mr. Biggs votes no.  
6971 Mr. Conyers?

6972 Mr. Conyers. Aye.

6973 Ms. Adcock. Mr. Conyers votes aye.

6974 Mr. Nadler?

6975 [No response.]

6976 Ms. Lofgren?

6977 Ms. Lofgren. Aye.

6978 Ms. Adcock. Ms. Lofgren votes aye.

6979 Ms. Jackson Lee?

6980 Ms. Jackson Lee. Aye.

6981 Ms. Adcock. Ms. Jackson Lee votes aye.

6982 Mr. Cohen?

6983 [No response.]

6984 Mr. Johnson of Georgia?

6985 Mr. Johnson of Georgia. Aye.

6986 Ms. Adcock. Mr. Johnson votes aye.

6987 Mr. Deutch?

6988 [No response.]

6989 Mr. Gutierrez?

6990 [No response.]

6991 Ms. Bass?

6992 [No response.]

6993 Mr. Richmond?

6994 [No response.]

6995 Mr. Jeffries?

6996 [No response.]

6997 Mr. Cicilline?

6998 Mr. Cicilline. Aye.

6999 Ms. Adcock. Mr. Cicilline votes aye.

7000 Mr. Swalwell?

7001 Mr. Swalwell. Aye.

7002 Ms. Adcock. Mr. Swalwell votes aye.

7003 Mr. Lieu?

7004 Mr. Lieu. Aye.

7005 Ms. Adcock. Mr. Lieu votes aye.

7006 Mr. Raskin?

7007 Mr. Raskin. Aye.

7008 Ms. Adcock. Mr. Raskin votes aye.

7009 Ms. Jayapal?

7010 Ms. Jayapal. Aye.

7011 Ms. Adcock. Ms. Jayapal votes aye.

7012 Mr. Schneider?

7013 Mr. Schneider. Aye.

7014 Ms. Adcock. Mr. Schneider votes aye.

7015 Chairman Goodlatte. The gentleman from Utah, Mr.

7016 Chaffetz?

7017 Mr. Chaffetz. No.

7018 Ms. Adcock. Mr. Chaffetz votes no.

7019 Chairman Goodlatte. The gentleman from Colorado, Mr.

7020 Buck?

7021 Mr. Buck. No.

7022 Ms. Adcock. Mr. Buck votes no.

7023 Chairman Goodlatte. Has every member voted who wishes  
7024 to vote?

7025 The clerk will report, and while she does, I would  
7026 remind all the members that we are going to return and  
7027 continue on with this markup and go as long as it takes to  
7028 get it done. But we will return immediately following this  
7029 series of votes.

7030 Ms. Adcock. Mr. Chairman, 10 members voted aye; 15  
7031 members voted no.

7032 Chairman Goodlatte. And the amendment is not agreed  
7033 to. There are 6-and-one-half minutes remaining in the vote  
7034 on the floor. The committee will stand in recess until  
7035 immediately following this series of votes.

7036 [Recess.]

7037 Chairman Goodlatte. The committee will reconvene.  
7038 When the committee recessed, we were considering amendments  
7039 to the committee oversight plan. Are there further  
7040 amendments? For what purpose does the gentleman from Rhode  
7041 Island seek recognition?

7042 Mr. Cicilline. Thank you, Mr. Chairman. I have an  
7043 amendment at the desk.

7044 Chairman Goodlatte. The clerk will report the  
7045 amendment.

7046 Mr. Cicilline. I have a copy.

7047 Chairman Goodlatte. All right. I will.

7048 Mr. Cicilline. Yes. No, no. No, that is the first  
7049 one. We did that one.

7050 Ms. Adcock. Amendment to the Oversight Plan of the  
7051 House Committee on the Judiciary offered by Mr. Cicilline.  
7052 Under the heading Subcommittee on Regulatory Reform  
7053 Commercial and Anti-Trust Law. After this section --

7054 [The amendment of Mr. Cicilline follows:]

7055 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7056 Chairman Goodlatte. Without objection, the amendment  
7057 is considered as read and the gentleman from Rhode Island is  
7058 recognized for 5 minutes on his amendment.

7059 Mr. Cicilline. Thank you, Mr. Chairman. Mr. Chairman,  
7060 it is no secret that President Trump is a walking and  
7061 breathing example of executive overreach. My amendment to  
7062 the oversight plan is vital to ensuring that the  
7063 Subcommittee on Regulatory Reform, Commercial, and Anti-  
7064 Trust Law, on which I serve as a ranking member, guards its  
7065 role in the constitutional legislative process by exercising  
7066 oversight over executive orders that affect the  
7067 subcommittee's jurisdiction.

7068 There should be little disagreement over whether to  
7069 adopt this amendment. First, the language of this amendment  
7070 is substantively identical to a similar requirement that  
7071 appears in the oversight plan, namely within the  
7072 Subcommittee on Immigration and Border Securities Oversight  
7073 and Investigative Activities on Page 18 of the plan.

7074 Second, this amendment builds on the committee's  
7075 commitment to restoring the separation of powers the framers  
7076 enshrined in the Constitution. Last Congress, the committee  
7077 adopted a resolution establishing executive overreach  
7078 taskforce with this express purpose. Among other things,

7079 the task force explored the issue of administrative law and  
7080 the rule-making system in considerable depth.

7081         As the chairman noted in his support of the resolution,  
7082 and I quote, "The Founders would have expected members of  
7083 the House of Representatives, known as the People's House,  
7084 for its most direct connection to the will of the people to  
7085 aggressively guard their role in the constitutional  
7086 legislative process." David Bernstein, a conservative legal  
7087 scholar, has similarly written that the authors of the  
7088 Constitution expected that Congress, as a whole, would be  
7089 motivated to preserve its authority against Presidential  
7090 encroachment.

7091         Importantly, my amendment will also ensure that the  
7092 subcommittee considers both the legality and the  
7093 constitutionality of executive orders that affect the  
7094 subcommittee's jurisdiction, such as President Trump's  
7095 executive order on reducing regulation and controlling  
7096 regulatory costs issued earlier this year. The sole aim of  
7097 this order appears to be to eliminate critical environmental  
7098 and public safety protections under the guise of easing  
7099 burdens on small business.

7100         But agencies may not simply rescind rules through  
7101 executive fiat. Indeed, the Administrative Procedures Act  
7102 requires that in order to lawfully rescind existing rules,  
7103 agencies must follow the same notice and common procedures

7104 as would be required to issue the same rule in the first  
7105 place.

7106         President Trump's order appears to be unlawful because  
7107 it forces agencies to violate this requirement. In addition  
7108 to my concerns with the legality of President Trump's order,  
7109 it is clear that it also materially encroaches on this  
7110 committee's legislative authority under Article I of the  
7111 Constitution; raising serious constitutional concerns. In  
7112 recent Congresses, the majority has passed several measures  
7113 designed to achieve the results of President Trump's order,  
7114 namely the so-called Scrub Act.

7115         Notwithstanding my strong objections to these  
7116 proposals, it is clear that the proper role for amending the  
7117 Administrative Procedures Act are imposing additional  
7118 requirements on the rule-making system rests with the  
7119 Congress, not President Trump.

7120         It is therefore unsurprising that several public  
7121 interest groups, including Public Citizen, the Natural  
7122 Resources Defense Council, and the Communication Workers of  
7123 America have filed a lawsuit to enjoin President Trump's  
7124 order on these grounds. According to their complaint,  
7125 President Trump's order exceeds his constitutional  
7126 authority, violates his duty under the Take Care clause of  
7127 the Constitution, and directs Federal agencies to engage in  
7128 unlawful actions that will harm countless Americans.

7129           Public Citizen President Robert Weissman stated in  
7130 support of the complaint that, and I quote, "By irrationally  
7131 directing agencies to consider cost but not benefits of new  
7132 rules, it would fundamentally change our government's role  
7133 from one of protecting the public to protecting corporate  
7134 profits." Rhea Suh, President of the Natural Resources  
7135 Defense Council similarly notes that when you make policy by  
7136 tweet, it yields irrational results.

7137           And so, I ask my colleagues to support this amendment  
7138 that I think will preserve an important function of the  
7139 subcommittee and of the committee as a whole. And with  
7140 that, Mr. Chairman, I yield back to the house my time.

7141           Chairman Goodlatte. Would the gentleman yield?

7142           Mr. Cicilline. Yes, certainly.

7143           Chairman Goodlatte. I thank the gentleman for  
7144 yielding. The gentleman's interest in oversight of  
7145 executive orders is one that has a great deal of interest in  
7146 this side of the aisle as well. There are many existing  
7147 executive orders signed by President Obama, and even  
7148 previous presidents before him, that also deserve the  
7149 oversight of the committee and subcommittee.

7150           So, if the gentleman would be willing to remove the  
7151 words, "Signed by President Trump," so that it was all-  
7152 inclusive, so that it would include executive orders signed  
7153 by him and previous presidents, I would be prepared to

7154 accept the amendment.

7155 Mr. Cicilline. That is certainly acceptable, Mr.

7156 Chairman.

7157 Chairman Goodlatte. Without objection, the amendment  
7158 will be amended by removing the words, "Signed by President

7159 Trump." And without objection, it is so amended. And the

7160 question occurs on the amendment offered by the gentleman

7161 from Rhode Island.

7162 All those in favor, respond by saying aye.

7163 Those opposed, no.

7164 In the opinion of the chair, the ayes have it and the  
7165 amendment is agreed to.

7166 For what purpose does the gentleman from Florida seek  
7167 recognition?

7168 Mr. Deutch. Mr. Chairman, I have an amendment at the  
7169 desk.

7170 Chairman Goodlatte. Clerk will report the amendment.

7171 Ms. Adcock. Amendment to the Oversight Plan of the  
7172 House Judiciary Committee offered by Mr. Deutch. Under the  
7173 heading --

7174 [The amendment of Mr. Deutch follows:]

7175 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7176 Chairman Goodlatte. Without objection, the amendment  
7177 will be considered as read and the gentleman is recognized  
7178 for 5 minutes on his amendment.

7179 Mr. Deutch. Thank you, Mr. Chairman. Mr. Chairman,  
7180 the committee's oversight plan is clearly just a rough  
7181 framework announcing our general principles, but I think  
7182 that the message that we send in a rough framework is  
7183 important. And, in that vein, I think it is important that  
7184 the committee send the signal that we will defend the Office  
7185 of Government Ethics. We will not just, "consider the  
7186 priorities in operation," of the office, but we will go  
7187 further and we will investigate any threats to its  
7188 independence or its efficacy, as my amendment states.

7189 We have all got an interest in the independence and the  
7190 effective operation of the office tasked with upholding the  
7191 ethics of the Executive Branch. The mission of the OGE is  
7192 to provide oversight of the Executive Branch ethics program  
7193 designed to prevent and resolve conflicts of interest.  
7194 There has never been a more difficult time to uphold that  
7195 mission.

7196 As ranking member on the House Ethics Committee, I know  
7197 how important and how difficult it can be to make unbiased  
7198 judgements about allegations of wrong-doing. It is a

7199 responsibility that all members of the committee take  
7200 seriously. And I hope that our work shows to the American  
7201 people that this body takes ethics and transparency very  
7202 seriously.

7203         And this committee has an opportunity to step up to  
7204 defend OGE when it is challenged for doing the same. In  
7205 fact, I would suggest that this committee has a  
7206 responsibility to do that. We have already seen the office  
7207 under attack when it contradicts the White House line. But  
7208 without an agency that can act independently, that can offer  
7209 advice about ethics compliance, that can promote  
7210 transparency, the American people are left with no one who  
7211 can guarantee that their government is truly acting in their  
7212 best interest.

7213         I know my colleagues on this committee care deeply  
7214 about responsibility; their responsibility to ensuring the  
7215 best government for our constituents, and for all of the  
7216 American people. That is why I think my amendment is  
7217 useful; simply to make explicit our commitment to the  
7218 American people that we will defend the Office of Government  
7219 Ethics if it comes under attack for attempting to fulfill  
7220 its mission. And we will provide careful oversight if it is  
7221 not effectively contributing to full compliance with our  
7222 ethics laws. I urge support for my amendment and I yield  
7223 back to the house my time.

7224 Chairman Goodlatte. Would the gentleman yield?

7225 Mr. Deutch. I will yield to the chairman.

7226 Chairman Goodlatte. I thank the gentleman for

7227 yielding. I would be pleased to support his amendment. I

7228 think it is a good one. And I encourage the members of the

7229 committee to include it in the oversight plan. Question

7230 occurs on the amendment offered by the gentleman from

7231 Florida.

7232 All those in favor respond by saying aye.

7233 Those opposed no.

7234 In the opinion of the chair, the ayes have it and the

7235 amendment is agreed to. Are there further amendments to the

7236 oversight plan? For what purpose does the gentleman from

7237 Maryland seek recognition?

7238 Mr. Raskin. Mr. Chairman, thank you very much. I have

7239 an amendment at the desk.

7240 Chairman Goodlatte. Clerk will report the amendment.

7241 Ms. Adcock. Amendment to the Oversight Plan of the

7242 House Committee on the Judiciary offered by Mr. Raskin.

7243 Under the heading Full Committee in the section titled

7244 Protecting Congress's Constitutional Powers strike all the

7245 text and insert the following. The committee will conduct

7246 oversight to examine the separation of powers between the

7247 branches of government and to consider ways to restore and

7248 re-establish eh powers and authorities granted to Congress

7249 in Article I of the Constitution, including the prerogative  
7250 of Congress to consent to exceptions to the foreign  
7251 emoluments clause, which prohibits any officer of the United  
7252 States from accepting any gift, payment, or other financial  
7253 benefit from any foreign government.

7254 [The amendment of Mr. Raskin follows:]

7255 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7256

7257

7258 Chairman Goodlatte. The gentleman is recognized for 5  
7259 minutes on his amendment.

7260 Mr. Raskin. Mr. Chairman, thank you very much. And  
7261 because everyone seems to be in a conciliatory mood today, I  
7262 am hoping that this is another one that we could all agree  
7263 to. It does not mention President Trump. It does not  
7264 mention President Obama. It is really about the separation  
7265 of powers, generally. And what it says is that we will work  
7266 to restore the proper balance and separation of powers  
7267 between the Article I Legislative Branch and the Presidency  
7268 and the Executive Branch; and we will pay specific attention  
7269 to Article I, section 9, the emoluments clause, which is of  
7270 paramount importance.

7271 As my colleagues know and understand, the matter of  
7272 foreign meddling in American politics and government was an  
7273 issue of primary concern to the founders of the United  
7274 States. When we were born, we were a young country, a new  
7275 democracy, trying to break from prior patterns of monarchy  
7276 and theocracy, and in building a new constitutional regime  
7277 the founders were intent on making sure that foreign  
7278 governments, princes, and kings not exercise their power  
7279 over us.

7280 And they understood that a principal way that foreign  
7281 powers would attempt to exercise leverage over the new  
7282 United States was through financial interference, gifts,

7283 emoluments, which are just payments, suggesting compensation  
7284 to members of Congress and to the President of the United  
7285 States and other Federal officers. And so, Article I,  
7286 section 9 banned it, except with the consent of Congress.  
7287 So, we do not have a formalized way that we require the  
7288 President to come and ask us for permission to receive  
7289 payments from foreign governments. And the system may be  
7290 breaking down.

7291         And so, all this amendment says is we will pay close  
7292 attention to the separation of powers, the balance of  
7293 powers, and we will make sure that we will vindicate our  
7294 institutional interest in making certain that if a president  
7295 is going to receive payments, or as the Constitution says,  
7296 "presents, emoluments, offices, or titles from foreign  
7297 governments, kings, or princes" that we get to weigh in on  
7298 it. Because that seems to be a power that is languishing  
7299 somewhat and it is not that it is always forbidden. It is  
7300 simply that it is up to Congress to decide. And so, with  
7301 that, Mr. Chairman, I hope that this is something that we  
7302 can also reach bipartisan consensus on. Thank you very  
7303 much.

7304         Chairman Goodlatte. Question occurs on the amendment  
7305 offered by the gentleman from Maryland.

7306         All those in favor, respond by saying aye.

7307         All those opposed, no.

7308           It is the opinion of the chair the noes have it. The  
7309 amendment is not agreed to.

7310           Mr. Raskin. Roll call, please.

7311           Chairman Goodlatte. A roll call has been requested.  
7312 The clerk will call the roll.

7313           Ms. Adcock. Mr. Goodlatte?

7314           Chairman Goodlatte. No.

7315           Ms. Adcock. Mr. Goodlatte votes no.

7316           Mr. Sensenbrenner?

7317           [No response.]

7318           Mr. Smith?

7319           [No response.]

7320           Mr. Chabot?

7321           Mr. Chabot. No.

7322           Ms. Adcock. Mr. Chabot votes no.

7323           Mr. Issa?

7324           Mr. Issa. No.

7325           Ms. Adcock. Mr. Issa votes no.

7326           Mr. King?

7327           Mr. King. No.

7328           Ms. Adcock. Mr. King votes no.

7329           Mr. Franks?

7330           [No response.]

7331           Mr. Gohmert?

7332           Mr. Gohmert. No.

7333 Ms. Adcock. Mr. Gohmert votes no.  
7334 Mr. Jordan?  
7335 [No response.]  
7336 Mr. Poe?  
7337 [No response.]  
7338 Mr. Chaffetz?  
7339 [No response.]  
7340 Mr. Marino?  
7341 Mr. Marino. No.  
7342 Ms. Adcock. Mr. Marino votes no.  
7343 Mr. Gowdy?  
7344 [No response.]  
7345 Mr. Labrador?  
7346 Mr. Labrador. No.  
7347 Ms. Adcock. Mr. Labrador votes no.  
7348 Mr. Farenthold?  
7349 [No response.]  
7350 Mr. Collins?  
7351 Mr. Collins. No.  
7352 Ms. Adcock. Mr. Collins votes no.  
7353 Mr. DeSantis?  
7354 [No response.]  
7355 Mr. Buck?  
7356 [No response.]  
7357 Mr. Ratcliffe?

7358 Mr. Ratcliffe. No.

7359 Ms. Adcock. Mr. Ratcliffe votes no.

7360 Mr. Bishop?

7361 Mr. Bishop. No.

7362 Ms. Adcock. Mr. Bishop votes no.

7363 Ms. Roby?

7364 Ms. Roby. No.

7365 Ms. Adcock. Ms. Roby votes no.

7366 Mr. Gaetz?

7367 [No response.]

7368 Mr. Johnson of Louisiana?

7369 Mr. Mr. Johnson of Louisiana. No.

7370 Ms. Adcock. Mr. Johnson votes no.

7371 Mr. Biggs?

7372 Mr. Biggs. No.

7373 Ms. Adcock. Mr. Biggs votes no.

7374 Mr. Conyers?

7375 Mr. Conyers. Aye.

7376 Ms. Adcock. Mr. Conyers votes aye.

7377 Mr. Nadler?

7378 Mr. Nadler. Aye.

7379 Ms. Adcock. Mr. Nadler votes aye.

7380 Ms. Lofgren?

7381 [No response.]

7382 Ms. Jackson Lee?

7383 [No response.]

7384 Mr. Cohen?

7385 [No response.]

7386 Mr. Johnson of Georgia?

7387 Mr. Johnson of Georgia. Aye.

7388 Ms. Adcock. Mr. Johnson votes aye.

7389 Mr. Deutch?

7390 [No response.]

7391 Mr. Gutierrez?

7392 [No response.]

7393 Ms. Bass?

7394 [No response.]

7395 Mr. Richmond?

7396 [No response.]

7397 Mr. Jeffries?

7398 [No response.]

7399 Ms. Adcock. Mr. Cicilline?

7400 Mr. Cicilline. Aye.

7401 Ms. Adcock. Mr. Cicilline votes aye.

7402 Mr. Swalwell?

7403 Mr. Swalwell. Aye.

7404 Ms. Adcock. Mr. Swalwell votes aye.

7405 Mr. Lieu?

7406 Mr. Lieu. Aye.

7407 Ms. Adcock. Mr. Lieu votes aye.

7408 Mr. Raskin?

7409 Mr. Raskin. Aye.

7410 Ms. Adcock. Mr. Raskin votes aye.

7411 Ms. Jayapal?

7412 Ms. Jayapal. Aye.

7413 Ms. Adcock. Ms. Jayapal votes aye.

7414 Mr. Schneider?

7415 Mr. Schneider. Aye.

7416 Ms. Adcock. Mr. Schneider votes aye.

7417 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

7418 Mr. Poe. No.

7419 Ms. Adcock. Mr. Poe votes no.

7420 Chairman Goodlatte. The gentleman from Florida, Mr.

7421 Deutch.

7422 Mr. Deutch. Aye.

7423 Ms. Adcock. Mr. Deutch votes aye.

7424 Chairman Goodlatte. Has every member voted that wishes

7425 to vote? Clerk will report.

7426 Ms. Adcock. Mr. Chairman, 10 members voted aye; 14

7427 members voted no.

7428 Chairman Goodlatte. And the amendment is not agreed

7429 to.

7430 Ms. Jayapal. Mr. Chairman?

7431 Chairman Goodlatte. For what purposes does the

7432 gentlewoman from Washington seek recognition?

7433 Ms. Jayapal. I move to strike the last word.

7434 Chairman Goodlatte. Gentlewoman is recognized.

7435 Ms. Jayapal. Thank you, Mr. Chairman. I have an  
7436 amendment at the desk.

7437 Chairman Goodlatte. The clerk will report the  
7438 amendment.

7439 Ms. Adcock. Amendment to the Oversight Plan of the  
7440 House Committee on the Judiciary offered by Ms. Jayapal.  
7441 Under the heading Subcommittee on Immigration and Border  
7442 Security, in the section titled Refugee Program, strike the  
7443 text and insert the following. The subcommittee will  
7444 conduct oversight of the refugee program which conducts the  
7445 most rigorous vetting process of any comparable refugee  
7446 resettlement program in the world.

7447 [The amendment of Ms. Jayapal follows:]

7448 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7449 Chairman Goodlatte. The amendment has been read. So,  
7450 the gentlewoman is recognized for 5 minutes on her  
7451 amendment.

7452 Ms. Jayapal. Thank you, Mr. Chairman. My amendment  
7453 simply adds language stating the fact that our country has  
7454 the most rigorous refugee vetting program of any comparable  
7455 refugee resettlement program in the world. Refugee  
7456 resettlement has long been a bipartisan issue, and it is at  
7457 this time, particularly important. We are in the midst of a  
7458 global catastrophe; an unprecedented 65.3 million men,  
7459 women, and children have been forcibly displaced worldwide.

7460 As a global leader, we have a moral responsibility to  
7461 ensure that our country continues to be a beacon of hope for  
7462 those fleeing war and persecution. According to the  
7463 International Rescue Committee, refugees are vetted more  
7464 than anyone else is. The vetting process involves a minimum  
7465 of 20 steps, and it starts with the United Nations reviews,  
7466 vets, each application before granting them refugee status.  
7467 Among the total number of refugee applicants, only a tiny  
7468 fraction, 1 percent, are actually cleared and referred to  
7469 other countries, including the United States, for further  
7470 screening.

7471 The first step in the U.S. screening process is  
7472 interviews conducted by the State Department contractors.  
7473 Then, there is a background check. Then, there is another

7474 background check. People are then checked against law  
7475 enforcement and intelligence databases for terrorist or  
7476 criminal history. Homeland Security conducts enhanced  
7477 reviews for people from specific countries, including Syria.  
7478 And then, people go through three fingerprint screenings,  
7479 through FBI, Homeland Security, and Department of Defense  
7480 databases.

7481         So, for those of you who have lost count, we are now on  
7482 step 13, which is when the case is then referred to the U.S.  
7483 Citizenship and Immigration Services for review by refugee  
7484 specialists. Syrian applicants must actually go through an  
7485 additional review and any case that is flagged with national  
7486 security indicators go through additional levels of review.  
7487 Then, individuals go through in-person interviews before  
7488 Homeland Security finally approves the case.

7489         Then, we are still not done. Individuals must then  
7490 undergo screening for contagious diseases and cultural  
7491 orientation classes. Refugees are then matched with a U.S.  
7492 resettlement agency. And finally, before leaving for the  
7493 United States, refugees undergo a multi-agency security  
7494 check. When they land in the United States, there is one  
7495 more final security check at the airport.

7496         If any new information emerges at any stage in this  
7497 process, individuals are checked again through the multi-  
7498 agency process that I have described. This is a very long

7499 and grueling process and ultimately, the refugees who do  
7500 make it into the country are among the most in need.

7501           According to Gina Cassem, who oversaw the State  
7502 Department's refugee resettlement program in North Africa  
7503 and the Middle East, the focus is on victims of torture,  
7504 survivors of violence, women-headed households, and people  
7505 with severe medical issues. So, when we talk about making  
7506 it harder for refugees to enter our country or restrict the  
7507 flow of refugees, we are really talking about those who are  
7508 most vulnerable to harm and are truly the most in need of  
7509 refuge and safety.

7510           As I said, refugee resettlement has always been, before  
7511 today, a bipartisan issue. And, as members of this  
7512 committee, it is our duty to make sure that our oversight  
7513 reflects this tremendous screening that is currently in our  
7514 programs. And finally, I would like to submit for the  
7515 record, if there is no objection, Mr. Chairman, this  
7516 document from Human Rights First, outlining the refugee  
7517 vetting process that I described, as well as a letter from  
7518 national security experts on the rigorous nature of our  
7519 vetting programs. I yield back.

7520           Chairman Goodlatte. Without objection, they will be  
7521 made a part of the record.

7522           [The information follows:]

7523

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

7524 Ms. Jayapal. Thank you.

7525 Chairman Goodlatte. A question occurs on the amendment  
7526 offered by the gentlewoman from Washington.

7527 All those in favor, respond by saying aye.

7528 Those opposed, no.

7529 The opinion of the chair, the noes have it. The  
7530 amendment is not agreed to.

7531 Ms. Jayapal. Roll call, please.

7532 Chairman Goodlatte. Roll call vote is requested and  
7533 the clerk will call the roll.

7534 Ms. Adcock. Mr. Goodlatte?

7535 Chairman Goodlatte. No.

7536 Ms. Adcock. Mr. Goodlatte votes no.

7537 Mr. Sensenbrenner?

7538 [No response.]

7539 Mr. Smith?

7540 [No response.]

7541 Mr. Chabot?

7542 Mr. Chabot. No.

7543 Ms. Adcock. Mr. Chabot votes no.

7544 Mr. Issa?

7545 [No response.]

7546 Mr. King?

7547 [No response.]

7548 Mr. Franks?

7549 [No response.]

7550 Mr. Gohmert?

7551 Mr. Gohmert. No.

7552 Ms. Adcock. Mr. Gohmert votes no.

7553 Mr. Jordan?

7554 Mr. Jordan. No.

7555 Ms. Adcock. Mr. Jordan votes no.

7556 Mr. Poe?

7557 [No response.]

7558 Mr. Chaffetz?

7559 [No response.]

7560 Mr. Marino?

7561 Mr. Marino. No.

7562 Ms. Adcock. Mr. Marino votes no.

7563 Mr. Gowdy?

7564 [No response.]

7565 Mr. Labrador?

7566 Mr. Labrador. No.

7567 Ms. Adcock. Mr. Labrador votes no.

7568 Mr. Farenthold?

7569 [No response.]

7570 Mr. Collins?

7571 Mr. Collins. No.

7572 Ms. Adcock. Mr. Collins votes no.

7573 Mr. DeSantis?

7574 [No response.]

7575 Mr. Buck?

7576 [No response.]

7577 Mr. Ratcliffe?

7578 Mr. Ratcliffe. No.

7579 Ms. Adcock. Mr. Ratcliffe votes no.

7580 Mr. Bishop?

7581 Mr. Bishop. No.

7582 Ms. Adcock. Mr. Bishop votes no.

7583 Ms. Roby?

7584 Ms. Roby. No.

7585 Ms. Adcock. Ms. Roby votes no.

7586 Mr. Gaetz?

7587 [No response.]

7588 Mr. Johnson of Louisiana?

7589 Mr. Johnson of Louisiana. No.

7590 Ms. Adcock. Mr. Johnson votes no.

7591 Mr. Biggs?

7592 Mr. Biggs. No.

7593 Ms. Adcock. Mr. Biggs votes no.

7594 Mr. Conyers?

7595 Mr. Conyers. Aye.

7596 Ms. Adcock. Mr. Conyers votes aye.

7597 Mr. Nadler?

7598 Mr. Nadler. Yes.

7599 Ms. Adcock. Mr. Nadler votes yes.  
7600 Ms. Lofgren?  
7601 [No response.]  
7602 Ms. Jackson Lee?  
7603 [No response.]  
7604 Mr. Cohen?  
7605 [No response.]  
7606 Mr. Johnson of Georgia?  
7607 Mr. Johnson of Georgia. Aye.  
7608 Ms. Adcock. Mr. Johnson votes aye.  
7609 Mr. Deutch?  
7610 Mr. Deutch. Aye.  
7611 Ms. Adcock. Mr. Deutch votes aye.  
7612 Mr. Gutierrez?  
7613 [No response.]  
7614 Mr. Richmond?  
7615 [No response.]  
7616 Mr. Jeffries?  
7617 [No response.]  
7618 Mr. Cicilline?  
7619 Mr. Cicilline. Aye.  
7620 Ms. Adcock. Mr. Cicilline votes aye.  
7621 Mr. Swalwell?  
7622 Mr. Swalwell. Aye.  
7623 Ms. Adcock. Mr. Swalwell votes aye.

7624 Mr. Lieu?

7625 Mr. Lieu. Aye.

7626 Ms. Adcock. Mr. Lieu votes aye.

7627 Mr. Raskin?

7628 Mr. Raskin. Aye.

7629 Ms. Adcock. Mr. Raskin votes aye.

7630 Ms. Jayapal?

7631 Ms. Jayapal. Aye.

7632 Ms. Adcock. Ms. Jayapal votes aye.

7633 Mr. Schneider?

7634 Mr. Schneider. Aye.

7635 Ms. Adcock. Mr. Schneider votes aye.

7636 Chairman Goodlatte. The gentleman from Iowa, Mr. King.

7637 Mr. King. No.

7638 Ms. Adcock. Mr. King votes no.

7639 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

7640 Mr. Poe. No.

7641 Ms. Adcock. Mr. Poe votes no.

7642 Chairman Goodlatte. The gentleman from California, Mr.

7643 Issa.

7644 Mr. Issa. No.

7645 Ms. Adcock. Mr. Issa votes no.

7646 Chairman Goodlatte. Has every member voted who wishes

7647 to vote? The clerk will report. The clerk will suspend.

7648 The gentlewoman from Texas is not recorded.

7649 Ms. Jackson Lee. Aye.

7650 Ms. Adcock. Ms. Jackson Lee votes aye.

7651 Chairman Goodlatte. The clerk will report.

7652 Ms. Adcock. Mr. Chairman, 11 members voted aye, 15  
7653 members voted no.

7654 Chairman Goodlatte. And the amendment is not agreed  
7655 to. Are there further amendments? The gentleman from  
7656 Illinois is recognized.

7657 Mr. Schneider. Thank you, Mr. Chairman. I have an  
7658 amendment at the desk.

7659 Chairman Goodlatte. The clerk will report the  
7660 amendment.

7661 Ms. Adcock. Amendment to the oversight plan of the  
7662 House Committee on the Judiciary offered by Mr. Schneider.  
7663 Under the heading Subcommittee on Immigration and Border  
7664 Security, after the section titled Executive Order signed by  
7665 President Trump, insert a new section titled Protections --

7666 [The amendment of Mr. Schneider follows:]

7667 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7668 Chairman Goodlatte. Without objection, the amendment  
7669 is considered as read and the gentleman is recognized for 5  
7670 minutes on his amendment.

7671 Mr. Schneider. Thank you, Mr. Chairman. I would like  
7672 to start by thanking both Chairman Goodlatte and Ranking  
7673 Member Conyers. This is my first hearing since joining the  
7674 Judiciary Committee and I am looking forward to serving with  
7675 both of you in this Congress. Today, I offer an amendment  
7676 to the oversight plan under consideration to require the  
7677 subcommittee on immigration and border security to  
7678 investigate the deportation of any individual who qualifies  
7679 or has previously qualified for deferred action under the  
7680 Deferred Action for Childhood Arrivals Program. Since  
7681 President Obama announced DACA in 2012, more than 752,000  
7682 people have applied and been approved. This program allows  
7683 certain undocumented immigrants brought into this country as  
7684 children to receive a renewable 2-year period of deferred  
7685 action from deportation and allows them to apply for a work  
7686 permit.

7687 Many came to this country so young they have no memory  
7688 of their home country and have grown up no other place but  
7689 here. They are as American as you or I, and deserve to live  
7690 their lives without the fear of deportation. I, and many  
7691 others, support the DREAM Act, which would create a path to  
7692 permanent residency as a more comprehensive solution for

7693 this group. Until the DREAM Act is passed, DACA works is  
7694 stop gap, removing the looming threat of deportation from  
7695 these young people. It allows them to come out of the  
7696 shadows and more fully contribute to our society with  
7697 meaningful employment. However, that momentary security is  
7698 now in jeopardy.

7699         During his campaign, President Trump called DACA  
7700 illegal amnesty and repeatedly vowed to immediately  
7701 terminate it. Recipients worry they will now lose jobs,  
7702 internships, or other services they have gained since the  
7703 program began or even face deportation. Many DACA  
7704 recipients fear the very information they were asked to turn  
7705 over when they applied for the program will now be used by  
7706 the government to track them down for deportations.

7707         In an interview, one recipient spoke of the employment  
7708 authorization card she gained through DACA. "This piece of  
7709 plastic that has given me so much has given me the same  
7710 amount of fear. Now I realize I stepped into a place where  
7711 it is equally dangerous, if not more dangerous. Now they  
7712 can actually find me and identify me." This is an issue we  
7713 need to monitor closely.

7714         Yesterday, the media reported that Daniel Ramirez, a  
7715 23-year-old immigrant who was brought to the United States,  
7716 was arrested by U.S. Immigration and Customs Enforcement in  
7717 Washington State and threatened with deportation despite

7718 being a DACA recipient. It is unacceptable for the United  
7719 States to deport these young people after previously  
7720 promising the -- them relief. I urge my colleagues to adopt  
7721 this amendment into the committee's oversight plan, which  
7722 would require the investigation of the deportation of any  
7723 qualified DACA recipients, and I yield back my time.

7724 Chairman Goodlatte. Question occurs on the amendment  
7725 offered by the gentleman from Illinois. For what purpose  
7726 does the gentlewoman from Texas seek recognition?

7727 Ms. Jackson Lee. Mr. Chairman, I want to rise to  
7728 support the gentleman.

7729 Chairman Goodlatte. The gentlewoman is recognized for  
7730 5 minutes.

7731 Ms. Jackson Lee. I think -- I am sorry. To strike the  
7732 last word. Thank you, Mr. Chairman. I rise to support the  
7733 gentleman from Illinois' very thoughtful amendment.

7734 I have had a strong acknowledgment of the value that  
7735 the DACA executive order provided to individuals who have  
7736 spent most of their life here in the United States. These  
7737 individuals, bar a small percentage, if at all, were  
7738 graduates of high school, moving onto college. I met  
7739 valedictorians. I met individuals who had received honors  
7740 and they had received various scholarships from outstanding  
7741 universities, and they wanted to just seek the American  
7742 Dream.

7743 Over the past couple of weeks since the executive  
7744 order, and as well, the intensified executive order  
7745 regarding deportations, these frightened young people  
7746 undeservingly having their lives turned upside down,  
7747 frightened about the application process, frightened about  
7748 pursuing their dream to be able to contribute to the  
7749 American society. And the vetting for divert action under  
7750 the Deferred Action for Childhood Arrivals Program was  
7751 extensive and very few, if any at all, have been deterred  
7752 and detoured away from their original dream.

7753 I would hope Mr. Schneider's amendment for oversight  
7754 would certainly allow us to make sure that we fix it and  
7755 provide that continuing opportunity, which Mr. Trump, the  
7756 President, has not said that he would do otherwise. In  
7757 fact, I believe I heard a friendly response regarding the  
7758 DACA students.

7759 Let us make sure that we allow that response to go  
7760 forward and that the idea of a deportation of an individual  
7761 who is in the process of application qualifies for DACA, who  
7762 is extensively vetted, that we help the administration with  
7763 the oversight if they can proceed to not deport these  
7764 individuals and to see the value of the DACA students. Then  
7765 continuing to be contributing to the economic engine, the  
7766 intellectual engine of this country.

7767 I think Mr. Schneider has astutely cornered for us or

7768 crafted for us an appropriate way to help these individuals  
7769 and to help the administration as we look to make sure that  
7770 the bad people who are here to do us harm, which was the  
7771 premise of the previous administrations, are deported, but  
7772 individuals like DACA students have the opportunity to  
7773 thrive and to contribute to this great Nation. So I thank  
7774 the gentleman for his work and I ask that his amendment be  
7775 supported and approved. I yield back.

7776 Chairman Goodlatte. Question occurs on the amendment  
7777 offered by the gentleman from Illinois.

7778 All those in favor respond by saying aye.

7779 Those opposed no.

7780 In the opinion of the chair, the noes have it. The  
7781 amendment --

7782 Mr. Swalwell. Mr. Chairman, I ask for a recorded vote.

7783 Chairman Goodlatte. Recorded vote is requested and the  
7784 clerk will call the roll.

7785 Ms. Adcock. Mr. Goodlatte?

7786 Chairman Goodlatte. No.

7787 Ms. Adcock. Mr. Goodlatte votes no.

7788 Mr. Sensenbrenner?

7789 [No response.]

7790 Mr. Smith?

7791 [No response.]

7792 Mr. Chabot?

7793 [No response.]

7794 Mr. Chabot. No.

7795 Ms. Adcock. Mr. Chabot votes no.

7796 Mr. Issa?

7797 [No response.]

7798 Mr. King?

7799 Mr. Issa. No.

7800 Ms. Adcock. Mr. Issa votes no.

7801 Mr. King?

7802 Mr. King. No.

7803 Ms. Adcock. Mr. King votes no.

7804 Mr. Franks?

7805 [No response.]

7806 Mr. Gohmert?

7807 [No response.]

7808 Mr. Jordan?

7809 Mr. Jordan. No.

7810 Ms. Adcock. Mr. Jordan votes no.

7811 Mr. Poe?

7812 [No response.]

7813 Mr. Chaffetz?

7814 [No response.]

7815 Mr. Marino?

7816 Mr. Marino. No.

7817 Ms. Adcock. Mr. Marino votes no.

7818 Mr. Gowdy?  
7819 [No response.]  
7820 Mr. Labrador?  
7821 Mr. Labrador. No.  
7822 Ms. Adcock. Mr. Labrador votes no.  
7823 Mr. Farenthold?  
7824 Mr. Farenthold. No.  
7825 Ms. Adcock. Mr. Farenthold votes no.  
7826 Mr. Collins?  
7827 Mr. Collins. No.  
7828 Ms. Adcock. Mr. Collins votes no.  
7829 Mr. DeSantis?  
7830 [No response.]  
7831 Mr. Buck?  
7832 Mr. Buck. No.  
7833 Ms. Adcock. Mr. Buck votes no.  
7834 Mr. Ratcliffe?  
7835 Mr. Ratcliffe. No.  
7836 Ms. Adcock. Mr. Ratcliffe votes no.  
7837 Mr. Bishop?  
7838 Mr. Bishop. No.  
7839 Ms. Adcock. Mr. Bishop votes no.  
7840 Ms. Roby?  
7841 Ms. Roby. No.  
7842 Ms. Adcock. Ms. Roby votes no.

7843 Mr. Gaetz?

7844 [No response.]

7845 Mr. Johnson of Louisiana?

7846 Mr. Johnson of Louisiana. No.

7847 Ms. Adcock. Mr. Johnson votes no.

7848 Mr. Biggs?

7849 Mr. Biggs. No.

7850 Ms. Adcock. Mr. Biggs votes no.

7851 Mr. Conyers?

7852 Mr. Conyers. Aye.

7853 Ms. Adcock. Mr. Conyers votes aye.

7854 Mr. Nadler?

7855 Mr. Nadler. Aye.

7856 Ms. Adcock. Mr. Nadler votes aye.

7857 Ms. Lofgren?

7858 [No response.]

7859 Ms. Jackson Lee?

7860 [No response.]

7861 Mr. Cohen?

7862 Mr. Cohen. Aye.

7863 Ms. Adcock. Mr. Cohen votes aye.

7864 Mr. Johnson of Georgia?

7865 Mr. Johnson of Georgia. Aye.

7866 Ms. Adcock. Mr. Johnson votes aye.

7867 Mr. Deutch?

7868 Mr. Deutch. Aye.

7869 Ms. Adcock. Mr. Deutch votes aye.

7870 Mr. Gutierrez?

7871 [No response.]

7872 Ms. Bass?

7873 [No response.]

7874 Mr. Richmond?

7875 [No response.]

7876 Mr. Jeffries?

7877 Mr. Jeffries. Aye.

7878 Ms. Adcock. Mr. Jeffries votes aye.

7879 Mr. Cicilline?

7880 Mr. Cicilline. Aye.

7881 Ms. Adcock. Mr. Cicilline votes aye.

7882 Mr. Swalwell?

7883 Mr. Swalwell. Aye.

7884 Ms. Adcock. Mr. Swalwell votes aye.

7885 Mr. Lieu?

7886 Mr. Lieu. Aye.

7887 Ms. Adcock. Mr. Lieu votes aye.

7888 Mr. Raskin?

7889 Mr. Raskin. Aye.

7890 Ms. Adcock. Mr. Raskin votes aye.

7891 Ms. Jayapal?

7892 Ms. Jayapal. Aye.



7918 Ms. Adcock. Mr. Chairman, 12 members voted aye, 18  
7919 members voted no.

7920 Chairman Goodlatte. And the amendment is not agreed  
7921 to. Are there further amendments to the oversight plan?

7922 Mr. Swalwell. Mr. Chairman, I have an amendment at the  
7923 desk.

7924 Chairman Goodlatte. The clerk will report the  
7925 amendment.

7926 Ms. Adcock. Amendment to the oversight plan of the  
7927 House Committee on the Judiciary offered by Mr. Swalwell.  
7928 Under the heading full committee, after the section titled  
7929 Protecting Congress's Constitutional Powers, insert a new  
7930 section titled Integrity of the 2016 Federal Election that  
7931 reads as follows: the committee will conduct oversight of  
7932 the Department of Justice and its component agencies.

7933 [The amendment of Mr. Swalwell follows:]

7934 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7935 Chairman Goodlatte. Without objection, the amendment  
7936 is considered as read and the gentleman is recognized for 5  
7937 minutes on his amendment.

7938 Mr. Swalwell. Thank you, Mr. Chairman and in light of  
7939 the chairman's earlier comments, I would ask that the  
7940 chairman indicate whether or not he would accept this  
7941 amendment. It does seem in line with his belief that we  
7942 should investigate Russian interference in the last election  
7943 and that would include oversight of DOJ and FBI, and I would  
7944 yield to the chairman.

7945 Chairman Goodlatte. The chair would just simply say to  
7946 the gentleman that this is very similar to the amendment  
7947 that I offered as amended by the gentleman from Rhode Island  
7948 and I see no purpose in further amendment to that, and  
7949 therefore, I would oppose the amendment.

7950 Mr. Swalwell. Well, Mr. Chairman, I appreciate that  
7951 and I wanted to make sure that everyone on the committee was  
7952 given an opportunity to state whether they believe we should  
7953 conduct oversight of DOJ and FBI with respect to the Russian  
7954 interference in our election. It has been stated a number  
7955 of times today, and I am not going to dwell on it because I,  
7956 and other members, have expressed our concerns that we were  
7957 attacked. It was from Russia. It was ordered by Vladimir  
7958 Putin. They sought to help Donald Trump and that we should

7959 always put country ahead of party to get to the bottom of  
7960 that. And with that, Mr. Chairman, I will yield back.

7961 Chairman Goodlatte. Question occurs on the amendment  
7962 offered by the gentleman from California.

7963 Mr. Raskin. Mr. Chairman --

7964 Chairman Goodlatte. Who seeks recognition?

7965 Mr. Raskin. Oh, yeah. I would like to speak on behalf  
7966 of the amendment.

7967 Chairman Goodlatte. The gentleman from Maryland is  
7968 recognized for 5 minutes.

7969 Mr. Raskin. Mr. Chairman, thank you very much. I  
7970 think this is an important amendment. Over the course of  
7971 our fascinating conversation today, it was suggested a  
7972 number of times that it did not make any difference whether  
7973 or not Vladimir Putin and the Russians intervened in our  
7974 Presidential election campaign process because there was no  
7975 proof or evidence that they had actually hacked into the  
7976 election machinery or stuffed ballot boxes.

7977 And I just want to resist that very much and underscore  
7978 the importance of this amendment because you can steal a  
7979 people's democracy away from them even without touching the  
7980 ballot box. You can completely alter the dynamics of the  
7981 political campaign. You can change what is discussed in the  
7982 campaign. You can alter the content of the debates. You  
7983 can change the way that the election is being covered and

7984 what we say in the United States in 2016 with Russia  
7985 intervention is what lots of liberal democracies across the  
7986 world are seeing with deliberate efforts by Russia to  
7987 subvert and undermine the democratic process.

7988         So what I like very much about the wording of Mr.  
7989 Swalwell's amendment is that it identifies our oversight  
7990 function in supervising research into attempts by the  
7991 Russian Government to influence the election, not  
7992 necessarily just to steal the ballot box, but to influence  
7993 the election. Because we know now from the report of 16 or  
7994 17 intelligence agencies including the CIA, the FBI, the  
7995 NSA, the DIA, and many other U.S. intelligence agencies, we  
7996 know that there was an effort not just to hack into the DNC  
7997 and to release those emails, but there was an effort to  
7998 promote fake news, to insert propaganda into the campaign,  
7999 and otherwise distort the dynamics of American Presidential  
8000 democracy.

8001         The American people were tremendously anxious and  
8002 concerned about what has taken place and we have got to get  
8003 on top of that. With that, I will yield back to the author  
8004 of the amendment.

8005         Mr. Swalwell. Thank you and I appreciate the professor  
8006 yielding. He, I think, is a great addition to our  
8007 committee, especially with these constitutional questions.  
8008 Mr. Chairman, I would also ask to submit to the record, with

8009 the unanimous consent, a Lawfare February 15th, 2017 story.  
8010 The treatment of Flynn's phone calls complies with FISA  
8011 minimization procedures and Lawfare, as the committee  
8012 probably knows, is a source that the president cited himself  
8013 last week with respect to the Muslim ban ruling. So I would  
8014 ask consent --

8015 Chairman Goodlatte. Without objection, the document  
8016 will be made a part of the record.

8017 Mr. Swalwell. And I ask to submit that because it has  
8018 been suggested by some on this committee and others in  
8019 congress that we should be concerned that the FBI or law  
8020 enforcement were eavesdropping on a U.S. citizen and this  
8021 article makes it clear that when a U.S. citizen talks to the  
8022 Russian ambassador, that that is not a problem.

8023 And I also would ask anyone who has a problem with the  
8024 United States listening to a foreign adversary's ambassador,  
8025 would they have a problem if a member of ISIL called a U.S.  
8026 citizen? Are they suggesting that we should just turn off  
8027 the tape and not listen or would we want to learn more? And  
8028 I think the answer to that is that we would want to keep  
8029 listening.

8030 I would also as, Mr. Chairman, to submit into the  
8031 record a statement bipartisan experts call for independent  
8032 investigation into foreign election interference. It is a  
8033 statement of 14 individuals, bipartisan individuals,

8034 secretaries of state, Former Defense Secretary Panetta,  
8035 former ambassadors, elections officials, former member of  
8036 congress Ellen Tauscher, calling for a bipartisan  
8037 independent appointed commission on foreign election  
8038 interference. If we can send that to the record, Mr.  
8039 Chairman.

8040 Mr. Raskin. I am just going to reclaim the remainder  
8041 of my time for the record.

8042 Chairman Goodlatte. Without objection, it will be made  
8043 a part of the record.

8044 Mr. Swalwell. And thank you to the gentleman from  
8045 Maryland.

8046 Mr. Raskin. It is my pleasure. I just want to remind  
8047 the committee that Vladimir Putin is an autocrat and a  
8048 dictator, a serial violator of people's human rights, who  
8049 has declared that the single greatest catastrophe of the  
8050 20th century was the dissolution of the Soviet Union.

8051 He is busily rebuilding a league of dictators and  
8052 tyrants, right wing white nationalist movements around the  
8053 world. And we do not want to have any part of that and we  
8054 do not want our democracy to be undermined by Mr. Putin and  
8055 by the KGB. And for those reasons, I think we should  
8056 certainly support the thoughtful amendment from Mr.  
8057 Swalwell. I yield back.

8058 Chairman Goodlatte. Question occurs on the amendment

8059 offered by the gentleman from California.

8060 All those in favor respond by saying aye.

8061 Those opposed no.

8062 In the opinion of the chair, the noes have it. The  
8063 amendment is not agreed to.

8064 Mr. Swalwell. May we have a recorded vote?

8065 Chairman Goodlatte. Recorded vote is requested and the  
8066 clerk will call the roll.

8067 Ms. Adcock. Mr. Goodlatte?

8068 Chairman Goodlatte. No.

8069 Ms. Adcock. Mr. Goodlatte votes no.

8070 Mr. Sensenbrenner?

8071 [No response.]

8072 Mr. Smith?

8073 [No response.]

8074 Mr. Chabot?

8075 Mr. Chabot. No.

8076 Ms. Adcock. Mr. Chabot votes no.

8077 Mr. Issa?

8078 Mr. Issa. No.

8079 Ms. Adcock. Mr. Issa votes no.

8080 Mr. King?

8081 Mr. King. No.

8082 Ms. Adcock. Mr. King votes no.

8083 Mr. Franks?

8084 [No response.]

8085 Mr. Gohmert?

8086 Mr. Gohmert. No.

8087 Ms. Adcock. Mr. Gohmert votes no.

8088 Mr. Jordan?

8089 [No response.]

8090 Mr. Poe?

8091 [No response.]

8092 Mr. Chaffetz?

8093 [No response.]

8094 Mr. Marino?

8095 Mr. Marino. No.

8096 Ms. Adcock. Mr. Marino votes no.

8097 Mr. Gowdy?

8098 [No response.]

8099 Mr. Labrador?

8100 Mr. Labrador. No.

8101 Ms. Adcock. Mr. Labrador votes no.

8102 Ms. Adcock. Mr. Farenthold?

8103 Mr. Farenthold. No.

8104 Ms. Adcock. Mr. Farenthold votes no.

8105 Mr. Collins?

8106 Mr. Collins. No.

8107 Ms. Adcock. Mr. Collins votes no.

8108 Mr. DeSantis?

8109 Mr. DeSantis. No.

8110 Ms. Adcock. Mr. DeSantis votes no.

8111 Mr. Buck?

8112 Mr. Buck. No.

8113 Ms. Adcock. Mr. Buck votes no.

8114 Mr. Ratcliffe?

8115 Mr. Ratcliffe. No.

8116 Ms. Adcock. Mr. Ratcliffe votes no.

8117 Mr. Bishop?

8118 Mr. Bishop. No.

8119 Ms. Adcock. Mr. Bishop votes no.

8120 Ms. Roby?

8121 Ms. Roby. No.

8122 Ms. Adcock. Ms. Roby votes no.

8123 Mr. Gaetz?

8124 [No response.]

8125 Mr. Johnson of Louisiana?

8126 Mr. Johnson of Louisiana. No.

8127 Ms. Adcock. Mr. Johnson votes no.

8128 Mr. Biggs?

8129 Mr. Biggs. No.

8130 Ms. Adcock. Mr. Biggs votes no.

8131 Mr. Conyers?

8132 Mr. Conyers. Aye.

8133 Ms. Adcock. Mr. Conyers votes aye.

8134 Mr. Nadler?  
8135 [No response.]  
8136 Ms. Lofgren?  
8137 [No response.]  
8138 Ms. Jackson Lee?  
8139 Ms. Jackson Lee. Aye.  
8140 Ms. Adcock. Ms. Jackson Lee votes aye.  
8141 Mr. Cohen?  
8142 Mr. Cohen. Aye.  
8143 Ms. Adcock. Mr. Cohen votes aye.  
8144 Mr. Johnson of Georgia?  
8145 [No response.]  
8146 Mr. Deutch?  
8147 Mr. Deutch. Aye.  
8148 Ms. Adcock. Mr. Deutch votes aye.  
8149 Mr. Gutierrez?  
8150 [No response.]  
8151 Ms. Bass?  
8152 [No response.]  
8153 Mr. Richmond?  
8154 [No response.]  
8155 Mr. Jeffries?  
8156 Mr. Jeffries. Aye.  
8157 Ms. Adcock. Mr. Jeffries votes aye.  
8158 Mr. Cicilline?

8159 Mr. Cicilline. Aye.

8160 Ms. Adcock. Mr. Cicilline votes aye.

8161 Mr. Swalwell?

8162 Mr. Swalwell. Aye.

8163 Ms. Adcock. Mr. Swalwell votes aye.

8164 Mr. Lieu?

8165 Mr. Lieu. Aye.

8166 Ms. Adcock. Mr. Lieu votes aye.

8167 Mr. Raskin?

8168 Mr. Raskin. Aye.

8169 Ms. Adcock. Mr. Raskin votes aye.

8170 Ms. Jayapal?

8171 Ms. Jayapal. Aye.

8172 Ms. Adcock. Ms. Jayapal votes aye.

8173 Mr. Schneider?

8174 Mr. Schneider. Aye.

8175 Ms. Adcock. Mr. Schneider votes aye.

8176 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

8177 Mr. Poe. No.

8178 Ms. Adcock. Mr. Poe votes no.

8179 Chairman Goodlatte. Has every member voted who wishes

8180 to vote? Clerk will report.

8181 Ms. Adcock. Mr. Chairman, 11 members voted aye; 17

8182 members voted no.

8183 Chairman Goodlatte. And the amendment is not agreed

8184 to. Are there further amendments to the oversight plan?

8185 Mr. Swalwell. Mr. Chairman, I have an amendment at the  
8186 desk.

8187 Chairman Goodlatte. Clerk will report the amendment.

8188 Mr. Swalwell. Amendment Number 2.

8189 Ms. Adcock. Amendment to the oversight plan of the  
8190 House Committee on the Judiciary, offered by Mr. Swalwell.  
8191 Under the heading, "Full Committee," after the line titled,  
8192 "U.S. Department of Justice," insert a new section entitled,  
8193 "Access to Classified Information that Reads as Follows."

8194 [The amendment of Mr. Swalwell follows:]

8195 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

8196 Chairman Goodlatte. Without objection, the amendment

8197 will be considered as read, and the gentleman is recognized  
8198 for 5 minutes on his amendment.

8199 Mr. Swalwell. Thank you, Mr. Chairman. And if anyone  
8200 is keeping score today, I have the tally at about Russia, 4,  
8201 United States, zero. This amendment would require the  
8202 committee to examine the role of the Department of Justice,  
8203 including the FBI, regarding its current and past practices  
8204 in conducting background checks, foreign ties, including  
8205 Russia, who are seeking access to classified information.

8206 The FBI is authorized to conduct investigations  
8207 relating to security clearances. It is the belief of the  
8208 congressional Research Service that this role, as well as  
8209 providing clearance recommendations, extends to officials  
8210 within Presidential transition teams and the executive  
8211 office of the President. As such, the FBI's role in  
8212 security clearances is a proper area of inquiry for the  
8213 Judiciary Committee.

8214 On January 31, journalist Jeffrey Stein of Newsweek  
8215 sued multiple agencies within the Federal Government,  
8216 including DOJ and the FBI, to gain access to the information  
8217 used to determine the suitability of 15 individuals which  
8218 the Trump transition team likely sought to have access to  
8219 classified information. They included General Michael  
8220 Flynn, Rudy Giuliani, and Rex Tillerson. The National  
8221 Security Council has certain criteria used to determine who

8222 should be granted access to classified information.  
8223 Connections with foreign powers or suggestions that a person  
8224 prefers a foreign nation to the United States are supposed  
8225 to raise security concerns. The connections of some of the  
8226 people at issue in that lawsuit to foreign powers should  
8227 have raised these concerns. Whether it did is the question  
8228 Mr. Stein is seeking to answer.

8229         With respect to General Flynn, now the former National  
8230 Security Advisor, we know all too well his connections to  
8231 Russia. Among other contacts, he was paid by the Russian  
8232 Government to speak at a Russian State news agency event in  
8233 2015. He sat right next to President Putin.

8234         In 2016, General Flynn had multiple conversations with  
8235 Russia's ambassador before and after the election. It has  
8236 now been reported that he suggested that Russia may get a  
8237 better deal regarding sanctions that President Obama had put  
8238 on the Russian Government.

8239         General Flynn then misrepresented the nature of those  
8240 conversations to administration officials, including Vice  
8241 President Pence. The White House was notified of this  
8242 deception, but took weeks to act. Under these  
8243 circumstances, how was Mr. Flynn allowed to obtain or  
8244 maintain his security clearance. What investigation or  
8245 recommendation did the FBI provide?

8246         Mr. Flynn is not the only person with ties around the

8247 world, including in Russia. For example, Rex Tillerson, now  
8248 our Secretary of State, negotiated extensively with Russian  
8249 President Putin when he led Exxon. The next year, he was  
8250 awarded the Russian Order of Friendship.

8251 And Rudy Giuliani, who is now a cybersecurity advisor  
8252 to President Trump, was paid for a speech by the MEK, an  
8253 Iranian group once designated as a terrorist organization,  
8254 and his company advised countries like Qatar, Singapore, and  
8255 Canada. Providing these people security clearances raises  
8256 serious questions about how the FBI may be conducting  
8257 background investigations and making recommendations  
8258 regarding security clearances, and I am open to their  
8259 explanation, but I think that would warrant us having the  
8260 authority to launch an investigation, ask them questions,  
8261 and bring them before us.

8262 Foreign connections which should raise concerns in most  
8263 cases seem to be brushed aside. What does this mean going  
8264 forward? How many more General Flynn's will be given access  
8265 to classified materials? It is incumbent upon the Judiciary  
8266 Committee to ensure the FBI is doing its job when it comes  
8267 to ensuring only people we can trust 100 percent are  
8268 provided access to our Nation's most sensitive information.

8269 I urge my colleagues to support my amendment, which  
8270 will make such oversight an explicit part of this  
8271 committee's responsibilities in Congress. I yield back the

8272 balance of my time.

8273 Chairman Goodlatte. Question occurs on the amendment

8274 offered by the gentleman from California.

8275 All those in favor, respond by saying aye.

8276 Those opposed no.

8277 Opinion of the chair, the noes have it. The amendment

8278 is not agreed to. A recorded vote is requested. The clerk

8279 will call the roll.

8280 Ms. Adcock. Mr. Goodlatte?

8281 Chairman Goodlatte. No.

8282 Ms. Adcock. Mr. Goodlatte votes no.

8283 Mr. Sensenbrenner?

8284 [No response.]

8285 Mr. Smith?

8286 [No response.]

8287 Mr. Chabot?

8288 Mr. Chabot. No.

8289 Ms. Adcock. Mr. Chabot votes no.

8290 Mr. Issa?

8291 Mr. Issa. No.

8292 Ms. Adcock. Mr. Issa votes no.

8293 Mr. King?

8294 Mr. King. No.

8295 Ms. Adcock. Mr. King votes no.

8296 Mr. Franks?

8297 [No response.]

8298 Mr. Gohmert?

8299 Mr. Gohmert. No.

8300 Ms. Adcock. Mr. Gohmert votes no.

8301 Mr. Jordan?

8302 [No response.]

8303 Mr. Poe?

8304 Mr. Poe. No.

8305 Ms. Adcock. Mr. Poe votes no.

8306 Mr. Chaffetz?

8307 [No response.]

8308 Mr. Marino?

8309 Mr. Marino. No.

8310 Ms. Adcock. Mr. Marino votes no.

8311 Mr. Gowdy?

8312 [No response.]

8313 Mr. Labrador?

8314 [No response.]

8315 Mr. Farenthold?

8316 Mr. Farenthold. No.

8317 Ms. Adcock. Mr. Farenthold votes no.

8318 Mr. Collins?

8319 Mr. Collins. No.

8320 Ms. Adcock. Mr. Collins votes no.

8321 Mr. DeSantis?

8322 Mr. DeSantis. No.

8323 Ms. Adcock. Mr. DeSantis votes no.

8324 Mr. Buck?

8325 Mr. Buck. No.

8326 Ms. Adcock. Mr. Buck votes no.

8327 Mr. Ratcliffe?

8328 Mr. Ratcliffe. No.

8329 Ms. Adcock. Mr. Ratcliffe votes no.

8330 Mr. Bishop?

8331 Mr. Bishop. No.

8332 Ms. Adcock. Mr. Bishop votes no.

8333 Ms. Roby?

8334 Ms. Roby. No.

8335 Ms. Adcock. Ms. Roby votes no.

8336 Mr. Gaetz?

8337 [No response.]

8338 Mr. Johnson of Louisiana?

8339 Mr. Johnson of Louisiana. No.

8340 Ms. Adcock. Mr. Johnson votes no.

8341 Mr. Biggs?

8342 Mr. Biggs. No.

8343 Ms. Adcock. Mr. Biggs votes no.

8344 Mr. Conyers?

8345 Mr. Conyers. Aye.

8346 Ms. Adcock. Mr. Conyers votes aye.

8347 Mr. Nadler?

8348 Mr. Conyers. Aye.

8349 Ms. Adcock. Mr. Nadler votes aye.

8350 Ms. Lofgren?

8351 [No response.]

8352 Ms. Jackson Lee?

8353 [No response.]

8354 Mr. Cohen?

8355 Mr. Cohen. Aye.

8356 Ms. Adcock. Mr. Cohen votes aye.

8357 Mr. Johnson of Georgia?

8358 [No response.]

8359 Mr. Deutch?

8360 Mr. Deutch. Aye.

8361 Ms. Adcock. Mr. Deutch votes aye.

8362 Mr. Gutierrez?

8363 [No response.]

8364 Ms. Bass?

8365 [No response.]

8366 Mr. Richmond?

8367 [No response.]

8368 Mr. Jeffries?

8369 Mr. Jeffries. Aye.

8370 Ms. Adcock. Mr. Jeffries votes aye.

8371 Mr. Cicilline?

8372 Mr. Cicilline. Aye.

8373 Ms. Adcock. Mr. Cicilline votes aye.

8374 Mr. Swalwell?

8375 Mr. Swalwell. Aye.

8376 Ms. Adcock. Mr. Swalwell votes aye.

8377 Mr. Lieu?

8378 Mr. Lieu. Aye.

8379 Ms. Adcock. Mr. Lieu votes aye.

8380 Mr. Raskin?

8381 Mr. Raskin. Aye.

8382 Ms. Adcock. Mr. Raskin votes aye.

8383 Ms. Jayapal?

8384 Ms. Jayapal. Aye.

8385 Ms. Adcock. Ms. Jayapal votes aye.

8386 Mr. Schneider?

8387 Mr. Schneider. Aye.

8388 Ms. Adcock. Mr. Schneider votes aye.

8389 Chairman Goodlatte. The gentleman from Texas, Mr.

8390 Smith.

8391 Mr. Smith. Mr. Chairman, I vote no.

8392 Ms. Adcock. Mr. Smith votes no.

8393 Chairman Goodlatte. The gentleman from Arizona, Mr.

8394 Franks?

8395 Mr. Franks. No.

8396 Ms. Adcock. Mr. Franks votes no.

8397 Ms. Jackson Lee. Mr. Chairman.  
8398 Chairman Goodlatte. The gentlewoman from Texas, Ms.  
8399 Jackson Lee.  
8400 Ms. Jackson Lee. I vote aye.  
8401 Ms. Adcock. Ms. Jackson Lee votes aye.  
8402 Chairman Goodlatte. Has every member voted who wishes  
8403 to vote? The clerk will report.  
8404 Ms. Adcock. Mr. Chairman, 12 members voted aye. 19  
8405 members voted no.  
8406 Chairman Goodlatte. And the amendment is not agreed  
8407 to. Are their further amendments to the oversight plan?  
8408 Mr. Swalwell. Yes, thank you, Mr. Chairman. I have an  
8409 amendment at the desk labeled Swalwell Amendment Number 3.  
8410 Chairman Goodlatte. Clerk will report.  
8411 Ms. Adcock. Amendment to the Oversight Plan of the  
8412 House Judiciary offered by Rep. Swalwell. Under the heading  
8413 "Subcommittee on the Constitution and Civil Justice," at the  
8414 end of the section titled --  
8415 [The amendment of Mr. Swalwell follows:]  
8416 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*  
8417 Chairman Goodlatte. For what purpose does the

8418 gentleman from Iowa seek recognition?

8419 Mr. King. Mr. Chairman, I reserve a point of order.

8420 Chairman Goodlatte. Point of order has been reserved.

8421 Without objection, the amendment is considered as read, and  
8422 the gentleman is recognized for 5 minutes on his amendment.

8423 Mr. Swalwell. Thank you, Mr. Chairman. My amendment  
8424 would require the Subcommittee on the Constitution and Civil  
8425 Justice to examine any attempt by the President to expand  
8426 the authorization for use of military force, or AUMF, beyond  
8427 the limits provided by existing authorizations from  
8428 Congress. And this is quite timely.

8429 As we sit here today, it is being reported that the  
8430 Pentagon is considering recommending combat troops in Syria.  
8431 Congress enacted the current AUMF in 2001 as a response to  
8432 the September 11 terrorist attacks on our country.  
8433 President Trump has expressed a dangerous interest in  
8434 expanding the AUMF beyond its intended purpose, to fight the  
8435 terrorist organizations involved in September 11 to prevent  
8436 another attack from happening here.

8437 It is not a blank check to make war around the globe as  
8438 the President sees fit. This subcommittee's jurisdiction is  
8439 not to pass final judgment on the current authorized use of  
8440 military force, or to solely create a new AUMF, however, it  
8441 is to ensure sufficient oversight of the President and his  
8442 adherence to the United States Constitution. Our role in

8443 Congress is that of one of the three branches of our Federal  
8444 Government. Checks and balances. And it is our job now to  
8445 check the power of the President in his pursuit to expand  
8446 the U.S. Military's activities around the world.

8447 It is particularly important that this President,  
8448 because through his bellicose and belligerent remarks, he  
8449 has inflamed tensions and insinuated that he would like to  
8450 take us beyond the current law.

8451 For example, he has alluded to an interest in using  
8452 nuclear weapons, saying, "We are going to hit them, and we  
8453 are going to hit them hard. I am talking about a surgical  
8454 strike on these ISIL strongholds using Trident missiles."  
8455 Now, I, and most members on this committee are not opposed  
8456 to going after ISIL wherever they are. However, it is the  
8457 role of Congress to expand any use of the AUMF.  
8458 Furthermore, he has taken the idea of offensive strikes  
8459 beyond known terrorists, saying, "You have to take out their  
8460 families. When you get these terrorists, you have to take  
8461 out their families." And certainly, I do not believe anyone  
8462 here believes that we should be targeting civilian non-  
8463 combatant populations.

8464 In reference to our ally in the fight against  
8465 terrorism, Iraq, and specifically its oilfields, President  
8466 Trump has recently remarked, "They have some in Syria, some  
8467 in Iraq. I would bomb the shit out of 'em. I would just

8468 bomb those suckers. That is right, I would blow up the  
8469 pipes." We have a duty to ensure that our military does not  
8470 fall into another war through its histrionics. I urge all  
8471 members to support my amendment to ensure Congress maintains  
8472 our Constitutional control over the power to authorize the  
8473 use of military force. I yield back the balance of my time.

8474 Chairman Goodlatte. Does the gentleman from Iowa  
8475 insist on his point of order?

8476 Mr. King. Yes, I do, Mr. Chairman.

8477 Chairman Goodlatte. Gentleman will state his point of  
8478 order.

8479 Mr. King. Thank you, Mr. Chairman, and in reading this  
8480 amendment, some of the language in it says "beyond the  
8481 limits provided by," but I would apply that to the  
8482 jurisdiction of this committee. This amendment goes beyond  
8483 the limits provided by the jurisdiction of the Judiciary  
8484 Committee and into the realm of the Foreign Affairs  
8485 Committee.

8486 And so I think it is very clear an AUMF and the  
8487 addressing nuclear weapons, the use of military force, and  
8488 the full language of this amendment is completely in the  
8489 jurisdiction of the foreign affairs committee, and outside  
8490 the jurisdiction of this committee. So I would insist on my  
8491 point of order, and I yield back the balance of my time.

8492 Chairman Goodlatte. Does the gentleman from California

8493 wish to respond to the point of order?

8494 Mr. Swalwell. Yes, thank you, Mr. Chairman. I am  
8495 shocked that anyone on this committee would, at a time that  
8496 the President is seeking to expand authorities to put combat  
8497 troops in Syria would object to us exerting our  
8498 Constitutional right to have a check on executive power.  
8499 This amendment is not about an authorization of use of  
8500 military force. It is really a Constitutional question. It  
8501 is about whether the President has exceed the authority  
8502 delegated to him by Congress under Article I of the  
8503 Constitution. I yield back.

8504 Chairman Goodlatte. The chair is prepared to rule on  
8505 the reservation of a point of order on the part of the  
8506 gentleman from Iowa. Quite frankly, the gentleman from  
8507 California may have wanted to be on this committee in past  
8508 years to raise that concern with regard to actions taken by  
8509 the former President in Syria and Libya and other places,  
8510 but the fact of the matter is, he really should serve on the  
8511 Armed Services Committee, because this is not germane to the  
8512 oversight plan of the House Judiciary Committee and the  
8513 chair will rule this out of order.

8514 Mr. Swalwell. And Mr. Chairman, respectfully, I would  
8515 like to appeal the ruling of the chair.

8516 Chairman Goodlatte. The ruling of the chair has been  
8517 appealed.

8518 Mr. Swalwell. And I would ask for a roll call vote.

8519 Mr. Poe. Mr. Chairman, I move to table.

8520 Chairman Goodlatte. The gentleman from Texas has moved  
8521 to table the appeal of the ruling of the chair.

8522 All those in favor of tabling the appeal will respond  
8523 by saying aye.

8524 All those opposed no.

8525 In the opinion of the chair, the ayes have it.

8526 Mr. Swalwell. And I would ask for a roll call vote.

8527 Chairman Goodlatte. Roll call vote is requested.

8528 Clerk will call the roll.

8529 Ms. Adcock. Mr. Goodlatte?

8530 Chairman Goodlatte. Aye.

8531 Ms. Adcock. Mr. Goodlatte votes aye.

8532 Mr. Sensenbrenner?

8533 [No response.]

8534 Mr. Smith?

8535 Mr. Smith. Aye.

8536 Ms. Adcock. Mr. Smith votes aye.

8537 Mr. Chabot?

8538 Mr. Chabot. Aye.

8539 Ms. Adcock. Mr. Chabot votes Aye.

8540 Mr. Issa?

8541 Mr. Issa. Aye.

8542 Ms. Adcock. Mr. Issa votes aye.

8543 Mr. King?

8544 Mr. King. Aye.

8545 Ms. Adcock. Mr. King votes aye.

8546 Mr. Franks?

8547 [No response.]

8548 Mr. Gohmert?

8549 [No response.]

8550 Mr. Jordan?

8551 [No response.]

8552 Mr. Poe?

8553 Mr. Poe. Yes.

8554 Ms. Adcock. Mr. Poe votes yes.

8555 Mr. Chaffetz?

8556 [No response.]

8557 Mr. Marino?

8558 Mr. Marino. Yes.

8559 Ms. Adcock. Mr. Marino votes yes.

8560 Mr. Gowdy?

8561 [No response.]

8562 Mr. Labrador?

8563 Mr. Labrador. Yes.

8564 Ms. Adcock. Mr. Labrador votes yes.

8565 Mr. Farenthold?

8566 Mr. Farenthold. Yes.

8567 Ms. Adcock. Mr. Farenthold votes yes.

8568 Mr. Collins?  
8569 Mr. Collins. Yes.  
8570 Ms. Adcock. Mr. Collins votes yes.  
8571 Mr. DeSantis?  
8572 [No response.]  
8573 Mr. Buck?  
8574 Mr. Buck. Yes.  
8575 Ms. Adcock. Mr. Buck votes yes.  
8576 Mr. Ratcliffe?  
8577 Mr. Ratcliffe. Yes.  
8578 Ms. Adcock. Mr. Ratcliffe votes yes.  
8579 Mr. Bishop?  
8580 Mr. Bishop. Yes.  
8581 Ms. Adcock. Mr. Bishop votes yes.  
8582 Ms. Roby?  
8583 Ms. Roby. Aye.  
8584 Ms. Adcock. Ms. Roby votes aye.  
8585 Mr. Gaetz?  
8586 [No response.]  
8587 Mr. Johnson of Louisiana?  
8588 [No response.]  
8589 Mr. Biggs?  
8590 Mr. Biggs. Aye.  
8591 Ms. Adcock. Mr. Biggs votes aye.  
8592 Mr. Conyers?

8593 Mr. Conyers. No.

8594 Ms. Adcock. Mr. Conyers votes no.

8595 Mr. Nadler?

8596 Mr. Conyers. No.

8597 Ms. Adcock. Mr. Nadler votes no.

8598 Ms. Lofgren?

8599 [No response.]

8600 Ms. Jackson Lee?

8601 [No response.]

8602 Ms. Jackson Lee. No.

8603 Ms. Adcock. Ms. Jackson Lee votes no.

8604 Mr. Cohen?

8605 Mr. Cohen. Np.

8606 Ms. Adcock. Mr. Cohen votes no.

8607 Mr. Johnson of Georgia?

8608 [No response.]

8609 Mr. Deutch?

8610 Mr. Deutch. No.

8611 Ms. Adcock. Mr. Deutch votes no.

8612 Mr. Gutierrez?

8613 [No response.]

8614 Ms. Bass?

8615 [No response.]

8616 Mr. Richmond?

8617 [No response.]

8618 Mr. Jeffries?  
8619 Mr. Jeffries. No.  
8620 Ms. Adcock. Mr. Jeffries votes no.  
8621 Mr. Cicilline?  
8622 Mr. Cicilline. No.  
8623 Ms. Adcock. Mr. Cicilline votes no.  
8624 Mr. Swalwell?  
8625 Mr. Swalwell. No.  
8626 Ms. Adcock. Mr. Swalwell votes no.  
8627 Mr. Lieu?  
8628 Mr. Lieu. No.  
8629 Ms. Adcock. Mr. Lieu votes no.  
8630 Mr. Raskin?  
8631 Mr. Raskin. No.  
8632 Ms. Adcock. Mr. Raskin votes no.  
8633 Ms. Jayapal?  
8634 Ms. Jayapal. No.  
8635 Ms. Adcock. Ms. Jayapal votes no.  
8636 Mr. Schneider?  
8637 Mr. Schneider. No.  
8638 Ms. Adcock. Mr. Schneider votes no.  
8639 Chairman Goodlatte. The gentleman from Louisiana.  
8640 Mr. Johnson of Louisiana. Aye.  
8641 Ms. Adcock. Mr. Johnson votes aye.  
8642 Chairman Goodlatte. Has everyone voted who wishes to

8643 vote? The gentleman from Arizona, Mr. Franks?

8644 Mr. Franks. Aye.

8645 Ms. Adcock. Mr. Franks votes aye.

8646 Chairman Goodlatte. Has every member voted who wishes  
8647 to vote? The clerk will report.

8648 Mr. Swalwell. And Mr. Chairman, while she is  
8649 reporting, I do not want to serve on the Armed Services  
8650 Committee. I want to serve with you.

8651 Chairman Goodlatte. Good. All we need to do is follow  
8652 the rules.

8653 Ms. Adcock. Mr. Chairman, 17 members voted aye; 12  
8654 members voted no.

8655 Chairman Goodlatte. And the appeal of the ruling of  
8656 the chair is tabled. Are there further amendments to the  
8657 oversight plan? For what purpose does the gentleman from  
8658 Florida seek recognition?

8659 Mr. Deutch. For a question, Mr. Chairman. From a  
8660 point of parliamentary inquiry.

8661 Chairman Goodlatte. Gentleman will state his  
8662 parliamentary inquiry.

8663 Mr. Deutch. As we complete our debate of the oversight  
8664 plan, given the important role that our ability to question  
8665 both the director of the FBI and the Attorney General in  
8666 this committee. I wonder just if I could inquire, when the  
8667 chairman believes we will next have that opportunity in this

8668 committee.

8669 Chairman Goodlatte. Well, first of all, as was  
8670 announced a couple of times earlier, maybe the gentleman was  
8671 not present, but I have requested that the committee be  
8672 briefed by the Department of Justice and by the FBI. We  
8673 have not yet received response to that request, but on the  
8674 Flynn matter, there is customarily an opportunity for the  
8675 committee to conduct oversight of both the Department of  
8676 Justice and the Federal Bureau of Investigation with the  
8677 Attorney General and the director being present at their  
8678 respective oversight hearings, but those have not yet been  
8679 set. But we fully anticipate that we will take advantage of  
8680 that opportunity. But that is the most I can tell you at  
8681 this point in time.

8682 Mr. Deutch. Okay. Thank you, Mr. Chairman.  
8683 Obviously, I appreciate your efforts on the first, and hope  
8684 that the latter can happen as quickly as possible.

8685 Chairman Goodlatte. A quorum being present, the  
8686 question is on the motion to adopt the Authorization and  
8687 Oversight Plan for the 115th Congress as amended.

8688 All those in favor, respond by saying aye.

8689 Those opposed no.

8690 The ayes have it, and the Authorization Oversight Plan  
8691 -- recorded vote is requested, and the clerk will call the  
8692 roll.

8693 Ms. Adcock. Mr. Goodlatte?  
8694 Chairman Goodlatte. Aye.  
8695 Ms. Adcock. Mr. Goodlatte votes aye.  
8696 Mr. Sensenbrenner?  
8697 [No response.]  
8698 Mr. Smith?  
8699 [No response.]  
8700 Mr. Chabot?  
8701 Mr. Chabot. Aye.  
8702 Ms. Adcock. Mr. Chabot votes Aye.  
8703 Mr. Issa?  
8704 Mr. Issa. Aye.  
8705 Ms. Adcock. Mr. Issa votes aye.  
8706 Mr. King?  
8707 Mr. King. Aye.  
8708 Ms. Adcock. Mr. King votes aye.  
8709 Mr. Franks?  
8710 Mr. Franks. Aye.  
8711 Ms. Adcock. Mr. Franks votes aye.  
8712 Mr. Gohmert?  
8713 [No response.]  
8714 Mr. Jordan?  
8715 [No response.]  
8716 Mr. Poe?  
8717 Mr. Poe. Yes.

8718 Ms. Adcock. Mr. Poe votes yes.  
8719 Mr. Chaffetz?  
8720 [No response.]  
8721 Mr. Marino?  
8722 Mr. Marino. Yes.  
8723 Ms. Adcock. Mr. Marino votes yes.  
8724 Mr. Gowdy?  
8725 [No response.]  
8726 Mr. Labrador?  
8727 Mr. Labrador. Yes.  
8728 Ms. Adcock. Mr. Labrador votes yes.  
8729 Mr. Farenthold?  
8730 Mr. Farenthold. Yes.  
8731 Ms. Adcock. Mr. Farenthold votes yes.  
8732 Mr. Collins?  
8733 Mr. Collins. Aye.  
8734 Ms. Adcock. Mr. Collins votes aye.  
8735 Mr. DeSantis?  
8736 [No response.]  
8737 Mr. Buck?  
8738 Mr. Buck. Yes.  
8739 Ms. Adcock. Mr. Buck votes yes.  
8740 Mr. Ratcliffe?  
8741 Mr. Ratcliffe. Yes.  
8742 Ms. Adcock. Mr. Ratcliffe votes yes.

8743 Mr. Bishop?

8744 Mr. Bishop. Yes.

8745 Ms. Adcock. Mr. Bishop votes yes.

8746 Ms. Roby?

8747 Ms. Roby. Aye.

8748 Ms. Adcock. Ms. Roby votes aye.

8749 Mr. Gaetz?

8750 [No response.]

8751 Mr. Johnson of Louisiana?

8752 Mr. Johnson of Louisiana. Aye.

8753 Ms. Adcock. Mr. Johnson votes aye.

8754 Mr. Biggs?

8755 Mr. Biggs. Aye.

8756 Ms. Adcock. Mr. Biggs votes aye.

8757 Mr. Conyers?

8758 Mr. Conyers. No.

8759 Ms. Adcock. Mr. Conyers votes no.

8760 Mr. Nadler?

8761 Mr. Nadler. No.

8762 Ms. Adcock. Mr. Nadler votes no.

8763 Ms. Lofgren?

8764 [No response.]

8765 Ms. Jackson Lee?

8766 Ms. Jackson Lee. No.

8767 Ms. Adcock. Ms. Jackson Lee votes no.

8768 Mr. Cohen?  
8769 Mr. Cohen. No.  
8770 Ms. Adcock. Mr. Cohen votes no.  
8771 Mr. Johnson of Georgia?  
8772 [No response.]  
8773 Mr. Deutch?  
8774 Mr. Deutch. No.  
8775 Ms. Adcock. Mr. Deutch votes no.  
8776 Mr. Gutierrez?  
8777 [No response.]  
8778 Ms. Bass?  
8779 [No response.]  
8780 Mr. Richmond?  
8781 [No response.]  
8782 Mr. Jeffries?  
8783 Mr. Jeffries. No.  
8784 Ms. Adcock. Mr. Jeffries votes no.  
8785 Mr. Cicilline?  
8786 Mr. Cicilline. No.  
8787 Ms. Adcock. Mr. Cicilline votes no.  
8788 Mr. Swalwell?  
8789 Mr. Swalwell. No.  
8790 Ms. Adcock. Mr. Swalwell votes no.  
8791 Mr. Lieu?  
8792 Mr. Lieu. No.

8793 Ms. Adcock. Mr. Lieu votes no.

8794 Mr. Raskin?

8795 Mr. Raskin. No

8796 Ms. Adcock. Mr. Raskin votes no.

8797 Ms. Jayapal?

8798 Ms. Jayapal. No.

8799 Ms. Adcock. Ms. Jayapal votes no.

8800 Mr. Schneider?

8801 Mr. Schneider. No.

8802 Ms. Adcock. Mr. Schneider votes no.

8803 Chairman Goodlatte. The gentleman from Texas, Mr.

8804 Smith?

8805 Mr. Smith. Chairman, I vote yes.

8806 Ms. Adcock. Mr. Smith votes yes.

8807 Chairman Goodlatte. Members are advised that we have

8808 one more bill to deal with.

8809 Ms. Jackson Lee. Chairman?

8810 Chairman Goodlatte. Yes. The gentlewoman from Texas.

8811 Ms. Jackson Lee. Chairman, I ask unanimous consent to

8812 speak out of order. Just a comment --

8813 Chairman Goodlatte. I would like to report the bill.

8814 Ms. Jackson Lee. I am sorry, Mr. Chairman.

8815 Chairman Goodlatte. Are there any other members who

8816 wish to vote and have not voted?

8817 The clerk will report.

8818 Ms. Adcock. Mr. Chairman, 17 members voted aye; 12  
8819 voted no.

8820 Chairman Goodlatte. The ayes have it, and the  
8821 Authorization and Oversight Plan as amended is adopted  
8822 without objection.

8823 The Authorization and Oversight Plan is adopted as a  
8824 single amendment in the nature of a substitute,  
8825 incorporating all amendments. Staff is authorized to make  
8826 technical and conforming changes. Pursuant to notice, I now  
8827 call up --

8828 Ms. Jackson Lee. Mr. Chairman?

8829 Chairman Goodlatte. For what purpose does the  
8830 gentlewoman from Texas seek recognition?

8831 Ms. Jackson Lee. To make an inquiry to the chairman,  
8832 please. Thank you.

8833 Mr. Chairman, I noticed that the amendment that did not  
8834 pass, Mr. Schneider raised a very important issue, as I  
8835 indicated in my comments. Many of the DREAMers' status is  
8836 expiring. Those will represent thousands of young people.  
8837 My only question -- and I would appreciate the chairman's  
8838 consideration. This is not only an executive decision; it  
8839 is a decision of this committee because, in the work that  
8840 Ms. Lofgren is doing, I know this is an issue that has been  
8841 raised by the immigration subcommittee.

8842 But the point is that we do not have an answer for the

8843 thousands of DACA students who will be having their status  
8844 expiring. That means we do not have an answer for close to  
8845 a million young people. And I really believe it is a duty  
8846 and obligation of this committee to seriously review what  
8847 will be the next steps because I think all of us, without  
8848 those who wish to admit it, would regret the massive  
8849 deportation of these young people: valedictorians,  
8850 salutatorians, students across the nation. And again, we  
8851 know that they came to this country through no fault of  
8852 their own.

8853         So, I do not know, Mr. Chairman, I yield to you. Is  
8854 there some interest in having a hearing or having an  
8855 assessment of this situation?

8856         Chairman Goodlatte. As the gentlewoman knows, the  
8857 Judiciary Committee has jurisdiction over all immigration  
8858 matters, and at the appropriate time, the committee can  
8859 consider immigration matters in the future. But that is all  
8860 the chair can tell the gentlewoman at this time.

8861         Ms. Jayapal. I thank the chairman and look forward to  
8862 that immediate response. Thank you.

8863         Chairman Goodlatte. Pursuant to notice, I know call up  
8864 H.R.985 for purposes of markup and move that the committee  
8865 report the bill favorably to the house.

8866         The clerk will report the bill.

8867         Ms. Adcock. H.R.985, to amend the procedures used in

8868 Federal court class actions and multidistrict litigation  
8869 proceedings to assure fairer, more efficient outcomes for  
8870 claimants and defendants, and for other purposes.

8871 [The bill follows:]

8872 \*\*\*\*\* INSERT 2 \*\*\*\*\*

8873

8874 Chairman Goodlatte. Without objection, the bill is  
8875 considered as read and open for amendment at any time. And  
8876 I will begin by recognizing myself for an opening statement.

8877 Recently an independent research firm surveyed  
8878 companies in 26 countries and found that 80 percent of those  
8879 that were subject to a class action lawsuit are U.S.  
8880 companies, putting those U.S. companies at a distinct  
8881 economic disadvantage when competing with companies  
8882 worldwide. But the problem of overbroad class actions does  
8883 not just affect U.S. companies. It affects consumers in the  
8884 United States who are forced into lawsuits they do not want  
8885 to be in.

8886 How do we know that? We know that because the median  
8887 rate at which consumer class action members take the  
8888 compensation offered in a settlement is an incredibly low:  
8889 0.23 percent. That is right; only the tiniest fraction of  
8890 consumer class action members bother to claim the  
8891 compensation awarded them in a settlement. That's clear  
8892 proof that vastly large numbers of class members are  
8893 satisfied with the product they've purchased, don't want  
8894 compensation, and don't want to be lumped into a gigantic  
8895 class action lawsuit.

8896 Federal judges are crying out for Congress to reform  
8897 the class action system, which currently allows trial  
8898 lawyers to fill classes with hundreds and thousands of

8899 unmeritorious claims, and use those artificially inflated  
8900 classes to force defendants to settle the case.

8901 Liberal Justice Ruth Bader Ginsburg has recognized that  
8902 "a court's decision to certify a class places pressure on  
8903 the defendant to settle even unmeritorious claims." Judge  
8904 Diane Wood of the Seventh Circuit Court of Appeals,  
8905 appointed by President Clinton, has explained that class  
8906 certification is "in effect, the whole case."

8907 And as one appeals court judge nominated by President  
8908 Obama wrote, in his dissent in a recent class action case,  
8909 "the chief difficulty we confront in this case arises from  
8910 the fact that some of the members of the class have not  
8911 suffered the injury upon which this entire case is  
8912 predicated, and that could constitute as many as 24,000  
8913 consumers who would have no valid claim against the  
8914 defendants under the state laws, even if the named  
8915 plaintiffs win on the merits."

8916 He went on to chastise the other judges who allowed the  
8917 class action to proceed, writing, "If the district court  
8918 does not identify a culling method to ensure that the class,  
8919 by judgment, includes only members who are actually injured,  
8920 this court has no business simply hoping that one will  
8921 work." The purpose of a class action is to provide a fair  
8922 means of evaluating similar meritorious claims, not to  
8923 provide a way for lawyers to artificially inflate the size

8924 of a class, to extort a larger settlement fee for  
8925 themselves, siphoning money away from injured parties, and  
8926 increasing prices for everyone.

8927         This bill includes several reforms. It prevents people  
8928 from being forced into class actions with other uninjured or  
8929 minimally injured members, only to have the compensation of  
8930 injured parties reduced. It prevents trial lawyers from  
8931 using incestuous litigation factory arrangements to gin up  
8932 lawsuits. It requires courts to use objective criteria in  
8933 determining who's injured in a class action and how  
8934 compensation will actually reach injured victims. It  
8935 requires that injured victims get paid first, before the  
8936 lawyers and that lawyer fees be limited to a reasonable  
8937 percentage of the money injured victims actually receive.

8938         It requires judges to itemize exactly who gets what in  
8939 a class action settlement, and who's paying and controlling  
8940 the lawyers. It requires that all the rules governing class  
8941 action be followed, that expensive pre-trial proceedings be  
8942 put on hold while the court determines if the case can't  
8943 meet class certification requirements, and allows appeals of  
8944 class certification orders so justice can be done faster.

8945         It ensures lawyers do not add plaintiffs just for forum  
8946 shopping purposes. And it requires the verification of  
8947 allegations in multi-district pre-trial proceedings,  
8948 ensuring defendants receive due process, while plaintiffs,

8949 not lawyers, get the benefits of any cost savings achieved  
8950 by the multi-district pre-trial process. And it does all  
8951 this in about 10 pages of legislative text.

8952 Please join me in supporting this bill on behalf of  
8953 consumers and injured parties everywhere.

8954 It is now my pleasure to recognize the ranking member  
8955 of the Judiciary Committee, the gentleman from Michigan, Mr.  
8956 Conyers, for his opening statement.

8957 [The prepared statement of Chairman Goodlatte follows:]

8958 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

8959 Mr. Conyers. Thank you, Mr. Chairman. Members of the  
8960 committee, this is one of the most important considerations  
8961 that we will be dealing with, as we move to a close. And I  
8962 am sorry to say that I begin with a letter directed to  
8963 myself and Chairman Goodlatte, which lists dozens of  
8964 organizations.

8965 How many pages is this? I ask unanimous consent to  
8966 include, in my statement, the individuals and organizations  
8967 opposing H.R.985: the Bar American Association for Justice,  
8968 American Bar Association, advocacy groups, disability  
8969 groups, civil rights groups. This is approximately 10  
8970 groups of organizations.

8971 I ask unanimous consent, Mr. Chairman, to include this  
8972 in my statement.

8973 Mr. Smith. [Presiding.] Without objection, that will  
8974 be made part of the record.

8975 [The information follows:]

8976 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

8977 Mr. Conyers. Thank you. I am disappointed that this  
8978 fairness in class action litigation is the latest, boldest  
8979 attempt to tilt the civil justice playing field in favor of  
8980 corporate defendants and to deny Americans access to  
8981 justice. It would effectively eliminate the use of class  
8982 actions by imposing unnecessary, burdensome requirements for  
8983 the certification and consideration of class action  
8984 lawsuits.

8985 This is a huge decision that is bold and not, to me,  
8986 very considerate of the fairness that ought to accompany the  
8987 legal process in this country. You see, class actions make  
8988 it feasible to pursue claims that are too small or too  
8989 burdensome to litigate individually, but nonetheless have  
8990 merit. And they are an important enforcement tool in civil  
8991 rights employment and consumer protection cases.

8992 Yet, the bill would effectively undermine the  
8993 availability of this critical litigation device in numerous  
8994 respects, even in the absence of any evidence warranting  
8995 such dramatic relief. To being with, this measure, like  
8996 most others that have been considered in this Congress, is  
8997 searching for a solution.

8998 Federal rule of Civil Procedure 23 already sets forth  
8999 extensive and rigorous requirements that plaintiffs must  
9000 meet in order to obtain class certification. And H.R. 985's  
9001 proponents so far have offered no evidence that Federal

9002 courts have ignored or refused to apply these standards.  
9003 Rather, H.R.985, it seems to me to be a very thinly veiled  
9004 attempt to skew the current standards decisively in favor of  
9005 corporate defendants.

9006 It accomplishes this goal by making it even more  
9007 difficult for victims to obtain relief through class  
9008 actions. And it does it by imposing vague, infeasible  
9009 procedural requirements, any one of which would make it  
9010 nearly impossible to proceed with class actions.

9011 This is a bold and, to me, arrogant step in making the  
9012 process of justice more difficult to be obtained. These  
9013 requirements will undoubtedly generate further litigation,  
9014 increase the costs for plaintiffs, and provide more chances  
9015 for defendants to have cases dismissed or to delay and deny  
9016 justice to plaintiffs.

9017 For instance, and I am going to put the rest of this in  
9018 the record, but for instance, the bill forces plaintiffs to  
9019 demonstrate that they have the same type and scope of injury  
9020 on behalf of all punitive class members before  
9021 certification. In many cases, this would be an impossible  
9022 undertaking to measure injury with such precision. In fact,  
9023 it may not even be possible to identify all the class  
9024 members at a certification.

9025 The foremost scholar in the Nation on Federal practice  
9026 and procedure, Arthur Miller, warned that just this one

9027 provision alone would undermine the goals of judicial  
9028 efficiency and access to courts that class actions were  
9029 designed to promote.

9030         And finally, 985 will further strain already limited  
9031 Federal judiciary resources, unnecessarily restrict judicial  
9032 discussion, and circumvent the rules enabling that process.  
9033 The bill's novel and vaguely-drafted standards will foster  
9034 extensive litigation and further burdening the Federal  
9035 courts.

9036         This is a strikingly wrong way to improve the justice  
9037 process in this country, and I am disappointed that this  
9038 would be brought up as the last measure tonight, with the  
9039 complexity that's involved. I am sure somebody's going to  
9040 find out that we have had hearings on this. But this is a  
9041 shocking, absolutely unacceptable proposal that this  
9042 Judiciary Committee is called upon to consider. And I thank  
9043 the gentleman.

9044         [The prepared statement of Mr. Conyers follows:]

9045

9046 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

9047 Mr. Smith. Thank you, Mr. Conyers. And the gentleman  
9048 from Iowa, Mr. King, is recognized for his opening  
9049 statement.

9050 Mr. King. Thank you, Mr. Chairman. And I would arise  
9051 in support of H.R.985, the Fairness in Class Action  
9052 Litigation Act. And I would point out that we could have  
9053 brought this up as a last measure this morning had we  
9054 focused on that earlier today. But there are many ways in  
9055 which Federal courts have implored Congress to step in and  
9056 remedy class action and multi-district litigation abuse, as  
9057 this bill does.

9058 The Supreme Court has recognized that, "Even a small  
9059 chance of a devastating loss," inherent in most decisions to  
9060 certify a class produces "in terrorem" effect that often  
9061 forces settlement independent of the merits of a case. Just  
9062 last year, the Seventh Circuit Court of Appeals wrote the  
9063 following: "One possible solution to this problem is  
9064 requiring judges to do some threshold level of review of the  
9065 merits of a class action before allowing certification, that  
9066 is, approval of a class.

9067 It is cases like the one before us that demonstrate  
9068 precisely why the courts and Congress ought to be on the  
9069 lookout for ways to correct class action abuses. We must  
9070 frankly, identify situations where we suspect the lawyers,  
9071 rather than the claimants, are the only potential

9072 beneficiaries.”

9073           As the Third Circuit Court of Appeals said in a recent  
9074 opinion, it’s unfair to absent class members if there’s a  
9075 significant likelihood their recovery will be deluded by  
9076 fraudulent or inaccurate claims. For example, when the  
9077 Subway sandwich chain was sued in a class action because  
9078 trial lawyers complained their foot-long subs usually  
9079 weren’t a full foot long, the settlement was appealed to the  
9080 Seventh Circuit Court of Appeals, and during oral arguments  
9081 in September of 2016, Judge Diane Sykes remarked that “a  
9082 class action that seeks only worthless benefits for the  
9083 class, should be dismissed out of hand. That’s what should  
9084 have happened here. This is a racket.”

9085           Elaine v. Facebook, which arose out of alleged privacy  
9086 violations by Facebook, the company agreed to settle the  
9087 case by spending \$6.5 million to establish a new charity  
9088 called the Digital Trust Foundation. The Ninth Circuit  
9089 affirmed this deal, but in a withering dissent, Judge  
9090 Kleinfeld observed that “Facebook users who had suffered  
9091 damages got no money, not a nickel from the defendants,  
9092 while class counsel, on the other hand, got millions.”

9093           Regarding third party funding of class action lawsuits,  
9094 another problem this bill addresses, Judge Susan Illston of  
9095 the Northern District of California explained, in ordering  
9096 the disclosure of the third-party litigation arrangement at

9097 issue in that case. She explained this: "The funding  
9098 agreement is relevant to the adequacy of representation  
9099 determination requirement for class certification and should  
9100 be required for class certification and should be produced  
9101 to the defendant," close quote. Regarding multi-district  
9102 litigation, last year one Federal MDL judge, Chief Judge  
9103 Clay Land of the U.S. District Court for the Middle District  
9104 of Georgia, became so disgusted with the breakdown of the  
9105 MDL process as it exists today that he issued an opinion  
9106 that included the following comments.

9107       And I quote, "Some lawyers seem to think that their  
9108 cases will be swept into the MDL, where a global settlement  
9109 will be reached, allowing them to retain recovery without  
9110 the individual merit of their case being scrutinized as  
9111 closely as it would if it proceeded as a separate individual  
9112 action. This attitude explains why many cases are filed  
9113 with so little pre-filing preparation that counsel  
9114 apparently has no idea whether or how he or she will prove  
9115 causation.

9116       Based on 15 years on the Federal bench and a front row  
9117 seat as an MDL transferee judge, I am convinced that MDL  
9118 consolidation for product liability actions does have the  
9119 unintended consequence of producing more new case filings of  
9120 marginal merit in Federal court, many of which would not  
9121 have been filed otherwise," close quote. This bill stands

9122 for the simple principle that the justice system should be  
9123 about justice. Our courts adjudicate cases in controversies  
9124 between plaintiffs and defendants; it is not a system  
9125 designed to enrich creative trial attorneys. Each time the  
9126 rules are manipulated for unjust outcomes, the courts are  
9127 disgraced, consumers are harmed, companies are fleeced, and  
9128 real victims are ignored.

9129 Mr. Chairman, I look forward to supporting this  
9130 legislation, which would go a long way towards solving so  
9131 many other problems highlighted by so many Federal judges,  
9132 and I would yield back the balance of my time.

9133 [The prepared statement of Mr. King follows:]

9134 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

9135 Mr. Smith. Thank you, Mr. King, and the gentleman from  
9136 Tennessee, Mr. Cohen, is recognized for his statement.

9137 Mr. Cohen. Thank you, Mr. Chair. I strongly oppose  
9138 H.R.985, the misnamed Fairness in Class Action Litigation  
9139 Act of 2017. This bill, like every other tort bill that the  
9140 committee has considered, is a gift to corporate lobbyists,  
9141 the Chamber of Commerce, business interests, the powerful,  
9142 and the greedy, and designed not to ensure fairness but to  
9143 skew the playing field precisely for defendants by  
9144 effectively eliminating the use of class actions, thereby  
9145 hurting consumers and benefitting people who have made  
9146 products that may be defective and cause injuries and  
9147 damages, among other types of claims. Class actions are a  
9148 vital tool for ensuring the plaintiffs have their day in  
9149 court.

9150 Oftentimes corporate wrongdoing results in damages that  
9151 are too small for individuals to make a lawsuit worth  
9152 pursuing, but that does not make the corporate misconduct  
9153 any less illegal, or damages to the individuals any less  
9154 existent. That is where class actions come in. By  
9155 consolidating numerous cases raising the same claims against  
9156 the same defendant based on the same misconduct, class  
9157 actions make it financially feasible to hold corporate  
9158 defendants accountable. Otherwise, they will not be.

9159 This is why corporate interests would love to see

9160 H.R.985 become law, just like most of the rules we have that  
9161 are being repealed, because it gives corporations and  
9162 businesses an opportunity to run rampant, make profits, and  
9163 not be concerned about the voodoo that they do so well.

9164       By opposing many new, vague, and often impossible-to-  
9165 meet standards for the certification and consideration of  
9166 class actions, H.R.985 presents one obstacle after another  
9167 to plaintiffs pursuing justice through class action  
9168 litigation. The end result will be a sharp increase in  
9169 costs over the litigation of the meaning and application of  
9170 these new standards, resulting in justice delayed and  
9171 ultimately justice denied.

9172       Any one of the bill's class action provisions would  
9173 make class actions exceedingly difficult to pursue. For  
9174 instance, the bill has the, quote, "stay of discovery," end  
9175 quote, provision that automatically stays discoveries in  
9176 response to any motion to dispose of class action  
9177 allegations.

9178       This provision essentially gives defendants easy  
9179 opportunities to engage in a war of attrition against  
9180 plaintiffs and relying on often-superior litigation  
9181 resources to win. Another provision, as audited by appeals  
9182 of an order granting or denying class certification will no  
9183 time limit prescribed when such appeal should be or must be  
9184 files. Currently, such appeals happen only at an appeals

9185 court discretion and must be made within 14 days of the  
9186 order. This provision too allows defendants to delay  
9187 resolution of a plaintiff's case, filing appeals at any  
9188 moment after class certification.

9189 Finally, the bill has several provisions aimed at the  
9190 payment of fees to class counsel, either delaying payment of  
9191 fees until certain strict, and sometimes impossible,  
9192 conditions are met, or applying vague, unreasonable  
9193 standards to the assessment of such fees that only will lead  
9194 to further litigation.

9195 The fact is, good lawyers cost money. They will not  
9196 take on a complex and time-consuming matter like class  
9197 action where there is a high risk they will not be paid.  
9198 That is the same kind of way it is in business. The  
9199 ultimate effect would be to dissuade lawyers from plaintiffs  
9200 who seek to pursue class actions, make it hard for  
9201 plaintiffs to get an adequate legal representation, and  
9202 torts to continue to occur.

9203 For these and many other reasons, a broad spectrum of  
9204 organizations oppose H.R.985, including that traditional  
9205 liberal organization, the American Bar Association, a  
9206 coalition of 120 civil rights groups, a coalition of 72  
9207 consumer groups, environmental advocates, and labor unions,  
9208 pharmaceutical wholesalers and other antitrust plaintiffs in  
9209 a coalition of 37 disability rights groups.

9210           Nevertheless, disability groups, civil rights groups,  
9211 consume groups, and the American Bar Association attitudes  
9212 and opinions will probably not be ceded as this bill goes  
9213 forward. Class actions must already meet stringent  
9214 certification requirements, and courts may apply those  
9215 rigorously. This bill is completely unnecessary, will  
9216 overburden the Federal courts, and deny access to justice  
9217 for consumers, workers, people with disabilities, and other  
9218 ordinary Americans looking for the courts to give them some  
9219 sense of justice. I urge the committee to reject this bill.  
9220 Further, I sayeth not.

9221           [The prepared statement of Mr. Cohen follows:]

9222           \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

9223 Mr. Johnson of Georgia. Mr. Chair?

9224 Chairman Goodlatte. Are there any amendments to --

9225 Mr. Johnson of Georgia. Mr. Chairman?

9226 Chairman Goodlatte. For what purpose does the

9227 gentleman from Georgia seek recognition?

9228 Mr. Johnson of Georgia. I move to strike the last

9229 word.

9230 Chairman Goodlatte. The gentleman is recognized for 5

9231 minutes.

9232 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I

9233 rise in opposition to H.R.985, the Fairness in Class Action

9234 Litigation Act. As my colleagues have pointed out, despite

9235 the very familiar name, this is the first time that we are

9236 seeing this bill. Quite simply, what we have here is an

9237 attack on the civil justice system through the systematic

9238 dismantling of rule 23.

9239 Class action lawsuits have been successfully used by

9240 employees to remedy patterns of racial, age, and gender

9241 discrimination. They have been used to compensate

9242 homeowners hurt by an environmental disaster; they have been

9243 used to ensure that manufacturers are punished for producing

9244 dangerous drugs and other products, and to make whole

9245 investors who have lost their savings due to fraud committed

9246 by corporate executives. However, not only is this bill a

9247 class-action killer for the little guys, such as those

9248 injured by GM's faulty ignition lock, but it also hurts  
9249 American businesses.

9250       It is not uncommon for foreign businesses to engage in  
9251 price-fixing schemes for products sold in the U.S., and the  
9252 only effective way to combat these unfit practices is  
9253 through large class action settlements where American  
9254 businesses are the primary plaintiffs. We have had no  
9255 hearing on this bill, despite the fact that it is  
9256 substantially different from the same-named one from last  
9257 year's Congress. So, there are many sections of the text  
9258 that I think need to be examined in great detail by this  
9259 committee.

9260       The new class certification requirements make it nearly  
9261 impossible for anyone suffering from a medical, physical, or  
9262 financial injury to qualify as a class. It also makes it  
9263 impossible for individuals proactively looking to void  
9264 injury, such as class participants who discover that they  
9265 own a faulty car, to be eligible.

9266       The bill also raises serious concerns about the right  
9267 to contract freely with an attorney of your choosing. If  
9268 this legislation passes, it would ban an individual  
9269 plaintiff from using the same lawyer in a subsequent class  
9270 action. This same prohibition is not imposed on  
9271 corporations when they get sued, however, which causes on to  
9272 ask the question: Why are we putting plaintiffs into a

9273 Houdini-style straightjacket while leaving the rich and  
9274 powerful corporations free to use this very legislation to  
9275 avoid accountability to the people that they hurt?

9276       Finally, we have the Retroactivity Provision of  
9277 H.R.985, which will allow for these new requirements to  
9278 apply to pending cases. This section appears to pander to  
9279 the new President and his well-documented legal troubles.  
9280 While the Trump University case is settled, the Trump  
9281 National Golf/Club Jupiter class action is still pending.  
9282 Club Jupiter plans to appeal a recent Federal judgment of  
9283 \$5.7 million. If H.R.985 becomes law, it is likely that  
9284 Trump's lawyers will try to reargue the case, and the class  
9285 action certification, in the hopes of throwing out the case.

9286       Unfortunately, this bill is another attempt to restrict  
9287 access to a fair and effective judicial system for the  
9288 injured, the battered, and the disenfranchised. I ask my  
9289 colleagues to oppose H.R.985, and I yield back.

9290       Mr. Conyers. Would the gentleman yield?

9291       Mr. Johnson of Georgia. I will yield to the gentleman.

9292       Mr. Conyers. I want to thank you very much for your  
9293 strong statement. I am speechless that this matter of such  
9294 significance could be brought up as the last item on people  
9295 who are trying desperately to conclude a long and burdensome  
9296 day's worth of judicial activity. It is an insult to the  
9297 committee to be considering something of this magnitude

9298 without any hearings.

9299 I mean, if someone told me that this could possibly  
9300 occur in the United States House of Representatives on the  
9301 Judiciary Committee, I would have either laughed or become  
9302 angry that we would be insulted in this kind of way. This  
9303 is a huge matter that changes the administration of law in  
9304 this country, and we are taking it up -- it is unbelievable  
9305 that there would be a promotion of ending, or making even  
9306 more possible, the class actions litigation that is so  
9307 important to this judicial process. And I thank the  
9308 gentleman for yielding to me.

9309 Chairman Goodlatte. Okay. Are there any amendments to  
9310 H.R. --

9311 Mr. Cicilline. Mr. Chairman. Move to strike the last  
9312 word.

9313 Chairman Goodlatte. For what purpose does the  
9314 gentleman from Rhode Island seek recognition?

9315 Mr. Cicilline. Thank you. I seek a time in  
9316 opposition.

9317 Chairman Goodlatte. Gentleman is recognized for 5  
9318 minutes.

9319 Mr. Cicilline. Thank you, Mr. Chairman. I just want  
9320 to associate myself with the remarks of our ranking member.  
9321 It is not only offensive to this committee, but, frankly,  
9322 offensive to the American people that, without the benefit

9323 of a hearing, we are undertaking an effort to substantially  
9324 overhaul our civil justice system as it relates to class  
9325 actions.

9326         And I asked to join the Judiciary Committee because I  
9327 understood that this was a committee that would provide me  
9328 an opportunity to promote justice and to provide access to  
9329 the courts. The idea that, at this hour, we are taking up a  
9330 bill that we have never had a hearing on, that will  
9331 effectively eliminate class actions without expressly  
9332 stating its intention to do so -- and this is sadly one more  
9333 effort to really tilt the civil justice system in favor of  
9334 powerful corporate special interests, and to make it more  
9335 difficult for ordinary Americans to access justice and for  
9336 consumers to seek relief.

9337         As you know, Mr. Chairman, members of this committee,  
9338 class actions are a really important part of our system that  
9339 allows those that have been injured by corporations to seek  
9340 some justice, even those their injury is real, but it may  
9341 not be big enough to permit them to finance litigation  
9342 alone. And so it allows individuals who may have small  
9343 claims to come together to bring their claims to court for  
9344 consideration collectively.

9345         There is already in rule 23 a stringent set of  
9346 guidelines that must be satisfied before a class action can  
9347 be certified as such, and the examples of individuals who

9348 have received the relief that they were entitled to because  
9349 they were harmed is too long to list. But some examples  
9350 are small investors who were defrauded of their hard-earned  
9351 money, have used class actions to seek relief.

9352 Individuals who have been harmed as a result of  
9353 defective medical devices have received relief by use of  
9354 class actions. Individuals who have been harmed by  
9355 environmental damage caused by big oil companies have used  
9356 class actions to seek relief. Those who have been  
9357 discriminated against based on gender, against some of the  
9358 biggest corporations in this country, have used class  
9359 actions to seek relief. And those who have been injured by  
9360 the defective production or the defective manufacturing of a  
9361 product have used class actions to seek relief.

9362 This is a system that works, and works well, and  
9363 ensures that people have access to our civil justice system.  
9364 This legislation is something that heads in the opposite  
9365 direction, that will make it more difficult and almost  
9366 impossible for people to seek class actions, and as a  
9367 result, many, many people will be denied access to justice.  
9368 This is not something we should be doing. I urge my  
9369 colleagues to reject this legislation. And with that, I  
9370 yield the balance of my time to Mr. Raskin.

9371 Mr. Raskin. Thank you very much. Mr. Chairman, I do  
9372 want to renew the point that I made earlier in the day.

9373 There are nine members of this committee, Republicans and  
9374 Democrats alike, who have never seen any version of this  
9375 bill before. We have never heard any testimony on this  
9376 bill; we have never seen any witnesses on this bill, and we  
9377 have been given a day or two simply to look at the  
9378 legislation as kind of a bare skeleton of what we should be  
9379 understanding.

9380 This means that this committee -- and I understand that  
9381 this bill is actually significantly different even from the  
9382 bills that were introduced in the past. So really no member  
9383 of the committee has had the opportunity to hear any  
9384 testimony on this, and I would challenge each of us to go  
9385 back to our home states -- many of us served in our State  
9386 legislatures, but go back in our own states and ask State  
9387 legislators whether they would pass a bill of this dimension  
9388 and scope and significance without any hearing at all.

9389 I mean, I think the American people should be shocked  
9390 and stunned and appalled that we would even consider  
9391 completely overthrowing the class action mechanism in the  
9392 United States of America without even having so much as a  
9393 hearing on the bill. This means we have not heard from  
9394 victims of asbestos poisoning; we have not heard from  
9395 victims of lead poisoning, victims of breast implants,  
9396 victims of toxic torts, victims of mass consumer fraud,  
9397 victims of civil rights discrimination, sexual harassment,

9398 investor fraud on Wall Street, and so on. We have not heard  
9399 from the people for whom class action law created.

9400 This legislation would slam the door shut in the face  
9401 of people trying to form class actions to get justice.  
9402 Millions of Americans are going to be harmed by this. The  
9403 class action vehicle was created in the wake of Brown vs.  
9404 Board in the Civil Rights Movement because there were lots  
9405 of judges ruling on civil rights cases just for the  
9406 individual plaintiffs themselves.

9407 And so committees in this Congress said we need  
9408 mechanisms by which lots of people can get relief when their  
9409 rights have been violated. And now, through a series of  
9410 procedural restrictions, this legislation would put the  
9411 class action mechanism in a stifling straightjacket, and I  
9412 oppose it very strongly for that reason. I yield back.

9413 Chairman Goodlatte. Are there any amendments to  
9414 H.R.985? For what purpose does the gentleman from Rhode  
9415 Island seek recognition?

9416 Mr. Cicilline. Mr. Chairman, I have an amendment at  
9417 the desk.

9418 Chairman Goodlatte. The clerk will report the  
9419 amendment.

9420 Oh, I am sorry. Since we cannot quite find the  
9421 gentleman from Rhode Island's amendment, we will recognize  
9422 the gentleman from Michigan and the Clerk will report his

9423 amendment.

9424 Mr. Conyers. Thank you. I do have an amendment, Mr.

9425 Chairman.

9426 Ms. Adcock. Amendment to H.R.985 offered by Mr.

9427 Conyers of Michigan. Page 8, line 21, insert after "civil

9428 procedure" the following.

9429 [The amendment of Mr. Conyers follows:]

9430 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

9431 Chairman Goodlatte. Without objection, the amendment  
9432 is considered as read and the gentleman is recognized for 5  
9433 minutes on his amendment.

9434 Mr. Conyers. Thank you, Mr. Chairman. Members of the  
9435 committee, this amendment would exempt from the bill the  
9436 unnecessary and burdensome class action provisions, all  
9437 class actions asserting civil rights claims. As my previous  
9438 colleagues have explained, there are incredible amounts of  
9439 litigation that would be compromised.

9440 I mean, I cannot believe that we are here after pushing  
9441 civil rights legislation for the past several decades, and  
9442 now we come up in the evening of February 2017 and say we  
9443 are now going to essentially eliminate the class action  
9444 remedy, you know, in broad daylight. This is unbelievable,  
9445 and what we are doing in my Amendment -- because of the  
9446 importance of this litigation to -- that anyone who has  
9447 suffered injury can come together and create public policy;  
9448 that is so very important.

9449 While the damages awarded pursuant to a single  
9450 plaintiff might not be nearly large enough to deter  
9451 employers' alleged wrongdoing, aggregated damages awards to  
9452 plaintiffs as a result of class action would have an  
9453 important and necessary deterrent effect.

9454 Unfortunately, H.R.985 requires class action plaintiffs  
9455 to prove at the certification stage that every potential

9456 class member suffered the same type and same scope of  
9457 injury, a requirement that is obviously impossible and cost-  
9458 prohibitive to meet. This onerous requirement would  
9459 effectively deter employment discrimination, civil rights  
9460 act, activities of nearly every stripe.

9461 And, as if this provision were not onerous enough, it  
9462 would also harm civil rights plaintiffs by making it  
9463 virtually impossible to pursue issue class actions pursuant  
9464 to rule 23(c)(4) of the Federal Rules of Civil Procedure.  
9465 All Federal appeals courts interpret that provision as  
9466 allowing courts to certify a class limited to one issue in a  
9467 case, such as liability, without having to certify a  
9468 putative class for the entire cause of action. Allowing  
9469 courts to decide common questions within a case while  
9470 permitting other issues to be determined on an individual  
9471 basis would promote judicial efficiency, which is also one  
9472 of the principal benefits of class actions.

9473 H.R.985, however, would prohibit certification of such  
9474 issue class actions, unless the putative class, for the  
9475 entire cause of the action is certified, which would only  
9476 further delay and possibly deny justice. This provision  
9477 would have a devastating impact on civil rights class  
9478 actions that can only be maintained as to particular issues  
9479 such liability.

9480 And the fact that we are marking this legislation up

9481 without a hearing on the need, having come so far in the  
9482 civil rights cases, and progress of equality and fairness, I  
9483 plead with this committee to adopt my amendment and reject  
9484 the bill. Thank you, Mr. Chairman.

9485 Chairman Goodlatte. The chair recognizes himself in  
9486 opposition to the amendment. This amendment would subject  
9487 certain class members to unfair treatment and should be  
9488 rejected. The purpose of a class action is to provide a  
9489 fair means of evaluating like claims; not to provide a means  
9490 of artificially inflating the size of a class to extort a  
9491 larger settlement value.

9492 Exempting a subset of cases from the bill, as this  
9493 amendment would do, would serve only to incentivize the  
9494 creation of artificially large classes to extort larger and  
9495 unfair settlements from innocent parties for the purpose of  
9496 disproportionately awarding uninjured parties. Why should  
9497 only the claimants covered by the amendment be subject to  
9498 particularly unfair treatment by being allowed to be forced  
9499 into a class action with other uninjured or minimally  
9500 injured members, only to see their own compensation reduced?  
9501 That does a disservice to those claimants. Yet, that is  
9502 exactly what this amendment would do.

9503 Further, the bill's provision on attorneys' fees will  
9504 not affect fee awards in civil rights cases at all because  
9505 both the monetary and equitable relief, attorneys' fees

9506 provisions in Vicala are qualified with the initial phrase  
9507 "unless otherwise specified by Federal statute."

9508         The Civil Rights Attorneys' Fee Award Act of 1976  
9509 allows the court, in its discretion, to award reasonable  
9510 attorneys' fees as part of the cost of a prevailing party in  
9511 Federal civil rights lawsuits, including cases brought under  
9512 28 U.S.C. 1983, the statute most commonly used to assert  
9513 civil rights claims. Consequently, this bill will not  
9514 affect attorneys' fees in civil rights case class actions at  
9515 all, including of course, cases brought under the Americans  
9516 with Disabilities Act, which has its own attorneys' fees  
9517 provision.

9518         The conflicts of interest provision reflects a valid  
9519 concern in all class actions. The courts need to know how  
9520 the named plaintiffs came to be involved in class actions in  
9521 all types of cases to ensure there are not conflicts and  
9522 that the due process rights of all class members are  
9523 protected.

9524         The issues class provision will not disrupt the manner  
9525 in which civil rights cases are normally litigated.  
9526 Discovery stage, while dispositive motions are pending, will  
9527 not disrupt civil rights cases. Like any other case, the  
9528 plaintiffs need to show they have a facially valid compliant  
9529 before discovery should commence. Disclosure of third-party  
9530 funding is no less important in civil rights cases than in

9531 other class actions.

9532 And the appeals provision benefits both plaintiffs and  
9533 defendants, giving either side the right to appeal if class  
9534 certification is granted or denied. And I urge my  
9535 colleagues to oppose this amendment. Question occurs on the  
9536 -- for what purpose does the gentleman from Rhode Island  
9537 seek recognition?

9538 Mr. Cicilline. Mr. Chairman, I seek time in support of  
9539 the amendment.

9540 Chairman Goodlatte. The gentleman is recognized for 5  
9541 minutes.

9542 Mr. Cicilline. Thank you, Mr. Chairman. I wanted to  
9543 just quickly state that the notion that this amendment is  
9544 unnecessary because it would be unfair to other categories  
9545 of cases I think misses the mark. I think the ranking  
9546 member would agree, and I think has said unequivocally he  
9547 does not support this legislation, and in fact, it is  
9548 legislation, frankly, a solution in search of a problem.

9549 Rule 23 already requires a plaintiff seeking class  
9550 action certification to make very substantial showings,  
9551 including commonality of factual and legal questions and  
9552 typicality of the putative representative's claims compared  
9553 to those of putative class members. So, there are already  
9554 requirements that require those findings. And there is no  
9555 evidence that has been put before this committee that this

9556 is a system that has been abused or has not functioned  
9557 properly.

9558         And so, what is particularly concerning is in the area  
9559 of civil rights; the consequences for closing off class  
9560 actions will be devastating. And if there is any question  
9561 about that, in a prior Congress, since we did not have a  
9562 hearing in this Congress, we heard from a number of  
9563 organizations in strong opposition to a similar bill: the  
9564 American Association for Justice, the American Civil  
9565 Liberties Union, AFSCME, the American Anti-Trust Institute,  
9566 the Center for Effective Government, the Center for Science  
9567 in the Public Interest, the Consumer Federation of America,  
9568 Consumer's Union, the NAACP, the National Association of  
9569 Consumer Advocates, the National Consumer Law Center, the  
9570 National Employment Law Project, the National Fair Housing  
9571 Alliance, the National Immigration Law Center, the Natural  
9572 Resources Defense Council, Public Citizen, Public Justice,  
9573 and the Southern Poverty Law Center.

9574         In addition to that, the Leadership Conference on Civil  
9575 and Human Rights wrote in opposition to that earlier bill,  
9576 again similar to this bill, and they wrote, and I quote, "It  
9577 would undermine the ability of civil rights litigants to  
9578 bring class action cases to vindicate their legal rights."

9579         And so, I think there is ample evidence that at least  
9580 those that are responsible for bringing civil rights actions

9581 see that this legislation in its present form would  
9582 undermine the ability of litigants to have their hurts  
9583 claimed effectively and, in fact, this amendment at least  
9584 would mitigate some of the harm caused by the legislation in  
9585 its current form. And so, I urge my colleagues, while it  
9586 will not save a seriously flawed bill that will make it  
9587 substantially more difficult for our constituents to access  
9588 our system of justice, the amendment will at least reduce  
9589 some of that harm; and I urge my colleagues to support the  
9590 amendment. And I yield the balance of my time to Mr.  
9591 Raskin.

9592 Mr. Raskin. Thank you very much, Mr. Cicilline. It  
9593 also is beyond me to remain silent as we are about to see  
9594 the dismantling of the class action remedy, which has been  
9595 so central to the advancement of civil rights, consumer  
9596 rights, investor rights in the United States. The amendment  
9597 makes a terrible piece of legislation marginally better by  
9598 carving out at least civil rights, which was the genesis of  
9599 the class action vehicle originally, because there were lots  
9600 of judges who would find that there was discrimination or  
9601 segregation taking place and then say that the remedy  
9602 applied only to one person, or another person.

9603 So, the class action vehicle has been a critical  
9604 instrument for allowing us to combine people's claims,  
9605 combine plaintiffs who are in a similar situation, and

9606 streamline the judicial process, to promote judicial  
9607 efficiency and real justice. And this is an attempt to put  
9608 the whole thing in a straightjacket.

9609       Because we have not had a hearing on this bill, because  
9610 there is not a member in this committee who has heard any  
9611 witnesses on this bill, because some of us have never heard  
9612 any witnesses or hearings on any bills even similar to it, I  
9613 wonder if there is any member who is supporting the  
9614 legislation who would demonstrate what we would lose by  
9615 adding Congressman Conyers's amendment. He is simply  
9616 saying, "Let's carve out the civil rights domain." Are  
9617 there any civil rights cases you can think of that have  
9618 created the kinds of problems that have been invoked? And I  
9619 do not know if they are being invoked apocryphally about,  
9620 you know, the hot coffee and the silly litigation lawsuits,  
9621 which are easily punishable by courts with sanctions today,  
9622 under rule 11, and under provisions that exist.

9623       But, can you identify one case in the United States  
9624 where there has been abuse of a class action by civil rights  
9625 plaintiffs who are suffering sex discrimination, sexual  
9626 harassment, race discrimination, and so on? I will gladly  
9627 yield to any member who can answer that.

9628       Then I would yield my time back, then, to the gentleman  
9629 from Rhode Island.

9630       Mr. Cicilline. And I am just noting that there was no

9631 response then I yield back the balance of my time, too.

9632 Chairman Goodlatte. Question occurs on the amendment

9633 offered by the gentleman from Michigan.

9634 All those in favor, respond by saying aye.

9635 Those opposed, no.

9636 Opinion of the chair, the noes have it. The amendment

9637 is not agreed to.

9638 Mr. Conyers. Record vote, please.

9639 Chairman Goodlatte. Record vote is requested and the

9640 clerk will call the roll.

9641 Ms. Adcock. Mr. Goodlatte?

9642 Chairman Goodlatte. No.

9643 Ms. Adcock. Mr. Goodlatte votes no.

9644 Mr. Sensenbrenner?

9645 [No response.]

9646 Mr. Smith?

9647 Mr. Smith. No.

9648 Ms. Adcock. Mr. Smith votes no.

9649 Mr. Chabot?

9650 Mr. Chabot. No.

9651 Ms. Adcock. Mr. Chabot votes no.

9652 Mr. Issa?

9653 Mr. Issa. No.

9654 Ms. Adcock. Mr. Issa votes no.

9655 Mr. King?

9656 Mr. King. No.

9657 Ms. Adcock. Mr. King votes no.

9658 Mr. Franks?

9659 [No response.]

9660 Mr. Gohmert?

9661 [No response.]

9662 Mr. Jordan?

9663 Mr. Jordan. No.

9664 Ms. Adcock. Mr. Jordan votes no.

9665 Mr. Poe?

9666 [No response.]

9667 Mr. Chaffetz?

9668 [No response.]

9669 Mr. Marino?

9670 Mr. Marino. No.

9671 Ms. Adcock. Mr. Marino votes no.

9672 Mr. Gowdy?

9673 [No response.]

9674 Ms. Adcock. Mr. Labrador?

9675 Mr. Labrador. No.

9676 Ms. Adcock. Mr. Labrador votes no.

9677 Mr. Farenthold?

9678 Mr. Farenthold. No.

9679 Ms. Adcock. Mr. Farenthold votes no.

9680 Mr. Collins?

9681 [No response.]

9682 Ms. Adcock. Mr. DeSantis?

9683 [No response.]

9684 Mr. Buck?

9685 Mr. Buck. No.

9686 Ms. Adcock. Mr. Buck votes no.

9687 Mr. Ratcliffe?

9688 Mr. Ratcliffe. No.

9689 Ms. Adcock. Mr. Ratcliffe votes no.

9690 Mr. Bishop?

9691 [No response.]

9692 Ms. Roby?

9693 Ms. Roby. No.

9694 Ms. Adcock. Ms. Roby votes no.

9695 Mr. Gaetz?

9696 [No response.]

9697 Mr. Johnson of Louisiana?

9698 Mr. Mr. Johnson of Louisiana. No.

9699 Ms. Adcock. Mr. Johnson votes no.

9700 Mr. Biggs?

9701 Mr. Biggs. No.

9702 Ms. Adcock. Mr. Biggs votes no.

9703 Mr. Conyers?

9704 Mr. Conyers. Aye.

9705 Ms. Adcock. Mr. Conyers votes aye.

9706 Mr. Nadler?

9707 Mr. Nadler. Aye.

9708 Ms. Adcock. Mr. Nadler votes aye.

9709 Ms. Lofgren?

9710 [No response.]

9711 Ms. Jackson Lee?

9712 Ms. Jackson Lee. Aye.

9713 Ms. Adcock. Ms. Jackson Lee votes aye.

9714 Mr. Cohen?

9715 [No response.]

9716 Mr. Johnson of Georgia?

9717 Mr. Johnson of Georgia. Aye.

9718 Ms. Adcock. Mr. Johnson votes aye.

9719 Mr. Deutch?

9720 [No response.]

9721 Mr. Gutierrez?

9722 [No response.]

9723 Ms. Bass?

9724 [No response.]

9725 Mr. Richmond?

9726 [No response.]

9727 Mr. Jeffries?

9728 [No response.]

9729 Mr. Cicilline?

9730 Mr. Cicilline. Aye.

9731 Ms. Adcock. Mr. Cicilline votes aye.

9732 Mr. Swalwell?

9733 Mr. Swalwell. Aye.

9734 Ms. Adcock. Mr. Swalwell votes aye.

9735 Mr. Lieu?

9736 Mr. Lieu. Aye.

9737 Ms. Adcock. Mr. Lieu votes aye.

9738 Mr. Raskin?

9739 Mr. Raskin. Aye.

9740 Ms. Adcock. Mr. Raskin votes aye.

9741 Ms. Jayapal?

9742 [No response.]

9743 Mr. Schneider?

9744 Mr. Schneider. Aye.

9745 Ms. Adcock. Mr. Schneider votes aye.

9746 Chairman Goodlatte. Gentleman is not recorded.

9747 Ms. Adcock. Mr. Cohen votes aye.

9748 Chairman Goodlatte. Gentleman from Florida, Mr.

9749 Deutch?

9750 Ms. Adcock. Mr. Deutch votes aye.

9751 Chairman Goodlatte. Has every member voted who wishes

9752 to vote? Clerk will report.

9753 Ms. Adcock. Mr. Chairman, 11 members voted aye; 14

9754 members voted no.

9755 Chairman Goodlatte. And the amendment is not agreed

9756 to.

9757 Ms. Jackson Lee. Mr. Chairman?

9758 Chairman Goodlatte. For what purpose does the  
9759 gentlewoman from Texas seek recognition?

9760 Ms. Jackson Lee. Mr. Chairman, I have an amendment at  
9761 the desk, listed as Jackson Lee Number 72.

9762 Chairman Goodlatte. The clerk will report the  
9763 amendment.

9764 Ms. Adcock. Amendment to H.R.985 offered by Ms.  
9765 Jackson Lee of Texas. Page 12, Line 23, strike --

9766 [The amendment of Ms. Jackson Lee follows:]

9767 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

9768 Chairman Goodlatte. Without objection, the amendment  
9769 is considered as read and the gentlewoman is recognized for  
9770 5 minutes on her amendment.

9771 Ms. Jackson Lee. I thank you very much. Mr. Chairman,  
9772 class actions have historical precedent and they were  
9773 constructed to be a remedy for what had been an unequal  
9774 system of government and justice when landed people and  
9775 others would have the opportunity to petition the courts,  
9776 and I am giving a somewhat historical perspective, then by  
9777 metaphor, and others could not seek justice.

9778 This instance of class actions is when someone has been  
9779 damaged and they are joined by a class of people equally  
9780 damaged. And in order to receive justice, they have been  
9781 allowed to join their interests, providing the court with a  
9782 broad story of injury. And so, H.R.985, if enacted, could  
9783 undermine plaintiffs' ability to pursue many kinds of class  
9784 actions.

9785 And as Mr. Conyers has indicated, and I associate  
9786 myself with his remarks, it substantially reduces the  
9787 ability of people who have been harmed to seek justice. And  
9788 clearly, those of us who are reminded of the civil rights  
9789 fights recognize the vitality and the need for class action.  
9790 The Jackson Lee amendment simply delays the effective date  
9791 of this bill until the completion of the Administrative  
9792 Office of the U.S. Courts study on potential harm to

9793 plaintiffs and the judicial process that aids them.

9794       Class action are a means of leveling the playing field  
9795 between large organizations, like corporations or large  
9796 governments, or entities that would deny someone their civil  
9797 liberties or civil rights, and individuals or relatively  
9798 small institutions or businesses on the other hand.

9799       Class actions enable small claimants to band together  
9800 to fight back against deep-pocketed defendants and  
9801 situations where the individuals by themselves may lack the  
9802 means to do so. Litigation is expensive. Discovery is more  
9803 expensive. The idea of being able to subpoena and to  
9804 provide or to engage in depositions of large corporations  
9805 versus the little guy, you need to be armed with all the  
9806 resources necessary to have your case heard.

9807       You may be all the right. You may have equity on your  
9808 side. But if the court cannot understand your case, if you  
9809 are not able to enquire and find, yes, the smoking gun, then  
9810 you are deprived of justice. In a class action, one or more  
9811 named plaintiffs stand up for the entire group of similarly  
9812 harmed persons during the course of the litigation, since  
9813 all have been injured by a common act or set of actions.

9814       Read the history books and look at the thalidomide  
9815 cases of maimed babies in the 1950s, when they were injured  
9816 unknown as to the source, at least at the beginning, when  
9817 mothers started giving birth to these precious little ones

9818 that were so damaged physically because of a drug that had  
9819 been given to the pregnant mother. That is the case of the  
9820 little guy against the big guy.

9821 Another advantage of the class action is that it keeps  
9822 the court system from getting clogged up with hundreds, if  
9823 not thousands, of cases that could be resolved at one time  
9824 and in one case. And any of us who know the Federal court,  
9825 they have taken these cases under the structure where they  
9826 are glad to have these cases presented in this manner, or  
9827 they appreciate the ability for these cases to move through  
9828 class action. And we know many of them have been drug  
9829 company cases. They have been auto cases. And they have  
9830 benefited the consumer, and save lives.

9831 This bill is particularly inappropriate when the  
9832 rulemaking process established by Congress is currently  
9833 analyzing Federal class action practice, considering  
9834 possible amendments. Specifically, the bills propose  
9835 limitations on class certification, both to the definition  
9836 and scope of injury, will function to limit the ability of  
9837 victims to vindicate their rights.

9838 Rule 23 of the Federal Rules of civil procedure has  
9839 effectively governed the adjudication of class action claims  
9840 for decades. Under the Rules Enabling Act, Congress vested  
9841 the Judicial Conference Advisory Committee on Civil Rules  
9842 with the authority to make changes to the Federal rules.

9843 Let's wait on their thoughtful assessment. There is no  
9844 reason to circumvent this process now. But, before  
9845 embarking on such a dramatic change of Rule 23 that H.R.985  
9846 would impose, it is proper and prudent to at least wait for  
9847 the administrative office to provide us with the answers  
9848 that can further guide us before moving forward with this  
9849 sweeping legislation. Where are the litigants? Where are  
9850 the lawyers who engage in this? Where are the judges that  
9851 are now advocating for us to make these changes now?

9852 I ask my colleagues to yield to the Jackson Lee  
9853 amendment or consider it a thoughtful approach and that is  
9854 to wait until the Administrative Office of the United States  
9855 Courts complete an assessment of the likely financial  
9856 resource course of the bill on litigants and courts. With  
9857 that ---

9858 Mr. Conyers. Will the gentlelady yield?

9859 Ms. Jackson Lee. I will be happy to yield to the  
9860 gentleman.

9861 Mr. Conyers. I just want to add one point to your  
9862 excellent statement. The bill would require the parties  
9863 seeking a class action litigate the merits of their claims  
9864 twice, once at the certification stage and once during the  
9865 trial on the merits of the case. I thank the gentlelady.

9866 Chairman Goodlatte. The time for the gentlewoman has  
9867 expired. Chair recognizes himself in opposition to the

9868 amendment. I oppose the amendment because it would gut the  
9869 bill, as it would give Federal courts the power to veto this  
9870 legislation. Congress has never relinquished its  
9871 constitutional authority to create and alter rules of  
9872 Federal Court procedure, and it has a duty to do so to  
9873 address pressing problems.

9874 Even Congresses that are controlled by the Democratic  
9875 Party have made it clear that Congress and not the Federal  
9876 Judiciary is the ultimate arbiter of court rule changes as  
9877 evidenced by various democratic congresses' actions  
9878 regarding court rules and such things as privileges and the  
9879 service of process.

9880 Further, while a subcommittee of the Judicial  
9881 Conference is considering some changes to Rule 23, there is  
9882 no indication that the Judicial Conference is reviewing any  
9883 of the pressing issues addressed by this legislation. It is  
9884 time for Congress to act in the interest of fairness and to  
9885 act in the interest of seeing that those who are comparably  
9886 injured get the forum and the compensation they deserve, and  
9887 I urge my colleagues to oppose this amendment. The question  
9888 occurs on the -- for what purpose does the gentleman from  
9889 Georgia seek recognition?

9890 Mr. Johnson of Georgia. I move to strike the last  
9891 word.

9892 Chairman Goodlatte. The gentleman is recognized for 5

9893 minutes.

9894 Mr. Johnson of Georgia. I yield such time to the  
9895 gentlelady from Houston as she consumes.

9896 Ms. Jackson Lee. I think the gentleman for his  
9897 kindness. What I just want to emphasize, Mr. Chairman, is  
9898 that I would not as you have indicated yield our  
9899 jurisdiction or our authority as a Congress and legislative  
9900 body to the administrative office, but what I would say as  
9901 an expert on the issue dealing with these rule of civil  
9902 procedure, it would be helpful to have their insight and  
9903 review what is the need to move with such urgency.

9904 There is no immediate crisis, and I would echo the  
9905 words of the ranking member. Having to litigate twice.  
9906 That is what this legislation will generate, and the cost  
9907 would be prohibited for most patients. It would be  
9908 prohibited for three women who are suing the Sandia National  
9909 Laboratory for systemic and pervasive discrimination against  
9910 female employees in a Federal class action suit filed in  
9911 Albuquerque in recent times.

9912 And so, what is their remedy? Or, to the persons with  
9913 disabilities? So, I offer this amendment from the  
9914 Albuquerque Journals Sandia Labs sued for discrimination  
9915 against female employees as unanimous consent. Mr.  
9916 Chairman.

9917 Chairman Goodlatte. Without objection, it will be made

9918 a part of the record.

9919 [The information follows:]

9920 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

9921 Ms. Jackson Lee. I also ask unanimous consent to  
9922 include in the record unanimous consent a letter from the  
9923 Disability Rights Organization, individuals with  
9924 disabilities and their family members who oppose HR 985 as  
9925 unanimous consent to submit this into the record.

9926 Chairman Goodlatte. Without objection, it will be made  
9927 a part of the record.

9928 [The information follows:]

9929 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

9930 Ms. Jackson Lee. With that in mind, and might I say,  
9931 that some of the signers include the American Council of the  
9932 Blind, The Center for Accessible Technology, Autistic Self-  
9933 Advocacy Network, The Disability Law Center of Colorado,  
9934 Disability Law Center of Virginia, Disability Rights in  
9935 California, The Disabled Parents Rights, Legal Aide,  
9936 National Association of the Deaf, National Disability Rights  
9937 Network, National Federation of the Blind, Paralyzed  
9938 Veterans of America.

9939 So, I would thank you for allowing this to be submitted  
9940 into the record, but let me conclude my remarks, and I will  
9941 be happy to yield to the gentleman. Well, I will yield back  
9942 to Mr. Johnson. Let me conclude my remarks by saying, I  
9943 think that the urgency is questionable and that we can work  
9944 together and that we would be best suited by listening to  
9945 experts who are assessing this rule, and the one thing we  
9946 would be better at is not causing plaintiffs who are  
9947 vulnerable having to litigate twice when they are  
9948 desperately in need of relief.

9949 With that, I will yield back to Mr. Johnson. I know  
9950 someone else is seeking for you to yield to them, sir.

9951 Mr. Johnson of Georgia. I will yield to the gentleman  
9952 from Maryland.

9953 Mr. Raskin. Thank you for your kindness. I want to  
9954 remark a poignant irony about the gentlelady's excellent

9955 amendment here which does not in any way preclude or  
9956 blockade the enforcement of the new act but simply says that  
9957 we should wait until such time as the Administrative Office  
9958 of the United States Courts completes an assessment of the  
9959 cost imposed on litigants.

9960         It struck me that yesterday when the majority passed  
9961 another bill that we had no hearing on and no witnesses on,  
9962 the justification for creating a new entity with \$30 million  
9963 of the taxpayers' money to act as a roving commission to  
9964 find regulations that would be fast tracked to the floor in  
9965 a jumbo package for repeal was to prevent costs to the  
9966 economy.

9967         Now, those costs of course were the cost to polluters  
9968 of having to comply with regulations under the Clean Air Act  
9969 or the Clean Water Act or the cost to corporations of  
9970 complying with consumer regulations and so on. That  
9971 legislation did not consider the cost to society or the  
9972 benefits to society of having these regulations. Now, the  
9973 gentlelady comes forward with amendment which is structured  
9974 exactly the same way.

9975         Let's look at the impact of the costs of this new  
9976 legislation of stripping the class action remedy from  
9977 millions of people. Let's look at what the costs are  
9978 imposed on litigants in courts. And yet, it seems as if  
9979 there is resistance to it, but I do not see why. If we are

9980 looking at costs and benefits and we are looking at costs to  
9981 the people who are most affected by this who are the victims  
9982 of breast implants or the victims of asbestos poisoning or  
9983 the victims of lead poisoning, let's go right to the cost of  
9984 the people who are most directly harmed by it. With that, I  
9985 really feel very strongly we should adopt this amendment. I  
9986 yield back.

9987 Chairman Goodlatte. The question occurs on the  
9988 amendment offered by the gentleman from Texas.

9989 All those in favor respond by saying aye.

9990 Those opposed, no.

9991 Ms. Jackson Lee. A roll call, Mr. Chairman.

9992 Chairman Goodlatte. Roll call has been requested, and  
9993 the clerk will call the roll.

9994 Ms. Adcock. Mr. Goodlatte.

9995 Chairman Goodlatte. No.

9996 Ms. Adcock. Mr. Goodlatte votes no.

9997 Mr. Sensenbrenner?

9998 [No response.]

9999 Mr. Smith?

10000 Mr. Smith. No.

10001 Ms. Adcock. Mr. Smith votes no.

10002 Mr. Chabot?

10003 Mr. Chabot. No.

10004 Ms. Adcock. Mr. Chabot votes no.

10005 Mr. Issa?  
10006 Mr. Issa. No.  
10007 Ms. Adcock. Mr. Issa votes no.  
10008 Mr. King?  
10009 [No response.]  
10010 Mr. Franks?  
10011 Mr. Franks. No.  
10012 Ms. Adcock. Mr. Franks votes no.  
10013 Mr. Gohmert?  
10014 Mr. Gohmert. No.  
10015 Ms. Adcock. Mr. Gohmert votes no.  
10016 Mr. Jordan?  
10017 Mr. Jordan. No.  
10018 Ms. Adcock. Mr. Jordan votes no.  
10019 Mr. Poe?  
10020 [No response.]  
10021 Mr. Chaffetz?  
10022 [No response.]  
10023 Mr. Marino?  
10024 Mr. Marino. No.  
10025 Ms. Adcock. Mr. Marino votes no.  
10026 Mr. Gowdy?  
10027 [No response.]  
10028 Mr. Labrador?  
10029 Mr. Labrador. No.

10030 Ms. Adcock. Mr. Labrador votes no.  
10031 Mr. Farenthold?  
10032 [No response.]  
10033 Mr. Collins?  
10034 Mr. Collins. No.  
10035 Ms. Adcock. Mr. Collins votes no.  
10036 Mr. DeSantis?  
10037 Mr. DeSantis. No.  
10038 Ms. Adcock. Mr. DeSantis votes no.  
10039 Mr. Buck?  
10040 Mr. Buck. No.  
10041 Ms. Adcock. Mr. Buck votes no.  
10042 Mr. Ratcliffe?  
10043 Mr. Ratcliffe. No.  
10044 Ms. Adcock. Mr. Ratcliffe votes no.  
10045 Mr. Bishop?  
10046 [No response.]  
10047 Ms. Roby?  
10048 Ms. Roby. No.  
10049 Ms. Adcock. Ms. Roby votes no.  
10050 Mr. Gaetz?  
10051 [No response.]  
10052 Mr. Johnson of Louisiana?  
10053 Mr. Johnson of Louisiana. No.  
10054 Ms. Adcock. Mr. Johnson votes no.

10055 Mr. Biggs?

10056 Mr. Biggs. No.

10057 Ms. Adcock. Mr. Biggs votes no.

10058 Mr. Conyers?

10059 Mr. Conyers. Aye.

10060 Ms. .Adcock. Mr. Conyers votes aye.

10061 Mr. Nadler?

10062 Mr. Nadler. Aye.

10063 Ms. Adcock. Mr. Nadler votes aye.

10064 Ms. Lofgren?

10065 [No response.]

10066 Ms. Jackson Lee?

10067 Ms. Jackson Lee. Aye.

10068 Ms. Adcock. Ms. Jackson Lee votes aye.

10069 Mr. Cohen?

10070 [No response.]

10071 Mr. Johnson of Georgia?

10072 Mr. Johnson of Georgia. Aye.

10073 Ms. Adcock. Mr. Johnson votes aye.

10074 Mr. Deutch?

10075 Mr. Deutch. Mr. Deutch votes aye.

10076 Mr. Gutierrez?

10077 [No response.]

10078 Ms. Bass?

10079 [No response.]

10080 Mr. Richmond?

10081 [No response.]

10082 Mr. Jeffries?

10083 [No response.]

10084 Mr. Cicilline?

10085 Mr. Cicilline. Aye.

10086 Ms. Adcock. Mr. Cicilline votes aye.

10087 Mr. Swalwell?

10088 Mr. Swalwell. Aye.

10089 Ms. Adcock. Mr. Swalwell votes aye.

10090 Mr. Lieu?

10091 Mr. Lieu. Aye.

10092 Ms. Adcock. Mr. Lieu votes aye.

10093 Mr. Raskin?

10094 Mr. Raskin. Aye.

10095 Ms. Adcock. Mr. Raskin votes aye.

10096 Ms. Jayapal?

10097 Ms. Jayapal. Aye.

10098 Ms. Adcock. Ms. Jayapal votes aye.

10099 Mr. Schneider?

10100 Mr. Schneider. Aye.

10101 Ms. Adcock. Mr. Schneider votes aye.

10102 Chairman Goodlatte. Gentleman from Iowa.

10103 Mr. King. No.

10104 Ms. Adcock. Mr. King votes no.

10105 Chairman Goodlatte. The gentleman from Tennessee.  
10106 Mr. Cohen. Aye.  
10107 Ms. Adcock. Mr. Cohen votes aye.  
10108 Chairman Goodlatte. Has every member votes who wishes  
10109 to vote? The clerk will report.  
10110 Ms. Adcock. Mr. Chairman, 12 members voted aye; 17  
10111 members voted no.  
10112 Chairman Goodlatte. And the amendment is not agreed  
10113 to. Are there other amendments to H.R.985?  
10114 Mr. Johnson of Georgia. Mr. Chairman, I have an  
10115 amendment at the desk.  
10116 Chairman Goodlatte. Clerk will report the amendment.  
10117 Ms. Adcock. Amendment to H.R.985 offered by Mr.  
10118 Johnson of Georgia, page 8, line 21.  
10119 [The amendment of Mr. Johnson of Georgia follows:]  
  
10120 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

10121 Chairman Goodlatte. Without objection the amendment is  
10122 considered as read, and the gentleman is recognized for 5  
10123 minutes.

10124 Mr. Johnson of Georgia. Thank you, Mr. Chairman. My  
10125 amendment ensures that this latest attack on the civil  
10126 justice system will not apply to cases alleging fraud.  
10127 Corporate malfeasance and fraudulent practices are an  
10128 ongoing problem facing American consumers.

10129 We saw this firsthand with the recent Wells Fargo case.  
10130 In response to the company opening over \$2 million in fake  
10131 bank and credit accounts, thousands of account holders  
10132 certified as a class to take the company to court. If this  
10133 bill becomes law, then class action law suits like the one  
10134 filed against Wells Fargo will be derailed at the class  
10135 certification phase because the bill does not clearly define  
10136 exactly how similar the scope and type of injury a class  
10137 member must suffer because each individual Wells Fargo  
10138 accountholder endured varying degrees of financial harm from  
10139 this fraudulent scandal.

10140 It is unclear if they would be considered a class under  
10141 these new rules, and judges who share the leanings of Judge  
10142 Neil Gorsuch, a proven anti-class action, corporate-loving,  
10143 anti-plaintiff judge who the president has nominated to  
10144 serve on the Supreme Court of the United States, would be  
10145 free to deny class certification without adequate recourse.

10146 The Volkswagen scandal is another example of a fraud case  
10147 that would be at risk under these new rules. The German  
10148 company defrauded thousands of consumers by selling cars  
10149 that did not meet EPA emission standards. The cars were  
10150 instead outfitted with software that allowed them to  
10151 circumvent the built-in emissions control systems during  
10152 laboratory testing. As part of the class action settlement,  
10153 consumers were able to recoup their losses through a buy-  
10154 back program.

10155       As currently drafted, H.R.985 would have made such a  
10156 settlement unlikely because of the restrictions on cases  
10157 involving financial injuries. Finally, we have the example  
10158 of the Trump University class action. In this case, class  
10159 certification was granted for the thousands of individuals  
10160 who were hurt by the President's allegedly fraudulent for-  
10161 profit scheme. Over 7,000 students were eligible for the  
10162 class action because they were cheated into thinking they  
10163 would earn the hard-selling skills to concur the real estate  
10164 market. Instead, each student lost thousands of dollars and  
10165 wasted valuable time in these fake classes.

10166       The President and the now defunct Trump University  
10167 opted for a \$25 million settlement to avoid any admission of  
10168 wrongdoing or to face a jury trial. Because of the  
10169 Draconian H.R.985 certification requirements, it is not a  
10170 far stretch to assume Trump University's lawyers would have

10171 been successful in avoiding class certification, and the  
10172 7,000 students who were hurt would have been deprived of  
10173 adequate redress. We cannot allow corporations, whether  
10174 foreign or domestic, whether controlled by an unnamed board  
10175 or by the President, to defraud consumers with impunity.

10176 My amendment would protect Americans in mass fraud  
10177 cases and allow them to move forward in the courts as a part  
10178 of a class action. I ask that my colleagues support this  
10179 amendment. I think the chairman, and I yield back.

10180 Chairman Goodlatte. The chair thanks the gentleman and  
10181 recognizes himself in opposition to the amendment. The  
10182 amendment would subject certain class members to unfair  
10183 treatment and should be rejected. The purpose of a class  
10184 action is to provide a fair means of evaluating like claims,  
10185 not provide a means of artificially inflating the size of a  
10186 class to extort a larger settlement value.

10187 Exempting a subset of cases from the bill as this  
10188 amendment would do would only serve to incentivize the  
10189 creation of artificially large classes to extort larger and  
10190 unfair settlements from innocent parties for the purpose of  
10191 disproportionately awarding uninjured parties. Why should  
10192 only the claimants covered by the amendment be subject to  
10193 particularly unfair treatment by being allowed to be forced  
10194 into a class action with other uninjured or minimally  
10195 injured members only to see their own compensation reduced?

10196 That does a disservice to those claimants, yet that is  
10197 exactly what this amendment would do.

10198       Regardless of the subject matter, class action  
10199 plaintiffs are increasingly inclined to include fraud claims  
10200 in their complaints. If they are suing about an allegedly  
10201 defective product, they will add fraud claims alleging that  
10202 the manufacturer committed fraud by not disclosing the  
10203 defect. If they are suing for breach of contract, they will  
10204 add fraud allegations saying that the defendant did not  
10205 disclose the alleged breach, and so on.

10206       Thus, this amendment would affectively gut the entire  
10207 bill since to avoid its important reforms, class action  
10208 lawyers would simply add fraud claims to their complaints as  
10209 they are increasingly prone to do so in any event. I urge  
10210 my colleagues to defeat this gutting amendment.

10211       Mr. Conyers. Mr. Chairman?

10212       Chairman Goodlatte. For what purpose does the  
10213 gentleman from Michigan seek to be recognized?

10214       Mr. Conyers. I rise in support of the Johnson  
10215 amendment.

10216       Chairman Goodlatte. The gentleman is recognized for 5  
10217 minutes.

10218       Mr. Conyers. I merely want to add to the excellent  
10219 presentation of the gentleman from Georgia that fraud claims  
10220 go to the heart of why our civil justice system permits

10221 class actions in the first place. To allow a few to seek  
10222 justice on behalf of the many individuals who have been  
10223 harmed by wrongdoing but may not be able to bring individual  
10224 claims because it is not financially feasible. Often fraud  
10225 victims are targeted by unscrupulous actors because they are  
10226 already financially desperate or otherwise vulnerable. We  
10227 should not make it more difficult for victims to file suit  
10228 and be made whole, and so I support the amendment. I yield  
10229 back the balance of my time.

10230 Chairman Goodlatte. The question occurs on the  
10231 amendment offered by the gentleman from Georgia.

10232 All those in favor respond by saying aye.

10233 Those opposed, no.

10234 The noes have it, and the amendment is not agreed to.

10235 Are there further amendments to H.R.985? For what  
10236 purpose does the gentleman from Florida seek recognition?

10237 Mr. Deutch. I have an amendment at the desk.

10238 Chairman Goodlatte. The clerk will report the  
10239 amendment.

10240 Ms. Adcock. Amendment to H.R.985 offered by Mr. Deutch  
10241 of Florida, Page 8, strike line 3 and all that follows  
10242 through Line 10.

10243 [The amendment of Mr. Deutch follows:]

10244 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

10245 Chairman Goodlatte. Without objection, the amendment  
10246 is considered as read, and the gentleman is recognized for 5  
10247 minutes on his amendment.

10248 Mr. Deutch. Thank you, Mr. Chairman. The Fairness in  
10249 Class Action Litigation Act would undermine the essential  
10250 role of class actions in our Nation's judicial system.  
10251 Class actions ensure that people who would not otherwise  
10252 have an opportunity or the means to file and pursue a case  
10253 in court can have their claims heard and considered by a  
10254 judge.

10255 In addition, class actions provide an opportunity for  
10256 people who are not financially in a position to file and  
10257 pursue their own law suite, to join a class and have a court  
10258 adjudicate their claims as part of a group of similarly  
10259 situated people. Class actions also assist courts in  
10260 efficiently administering their dockets to resolve cases  
10261 involving a large number of people who are being harmed by a  
10262 similar practice. Courts with finite financial resources  
10263 can marshal many similar claims into a single case.

10264 Our legal system already provides strong oversight on  
10265 the use of class actions to protect from abuse. Under rule  
10266 23 of the Federal Rules of Civil Procedure, courts must make  
10267 numerous findings before being granted class certification.  
10268 In making these findings, the court can permit limited  
10269 discovery in support of certifying a class, can conduct

10270 hearings on class certification involving hearings from  
10271 witnesses, and consider evidence on whether a class should  
10272 be certified. Based on the evidence and the testimony  
10273 received, the judge is tasked with deciding whether  
10274 certifying a class is appropriate. This provides a built-in  
10275 mechanism to weed out the frivolous claims that this bill  
10276 says it wishes to address. However, in fact, this bill that  
10277 is before the committee would effectively end class actions  
10278 by creating an unworkable system.

10279       My amendment would strike section 1721 of the bill.  
10280 This section would stay all discovery and other proceedings  
10281 in any class action during dependency of a motion to  
10282 transfer, motion to dismiss, motion to strike class  
10283 allegations or other motion to dispose of class allegations.

10284       This section has an extremely limited exception in  
10285 which discovery could proceed only if it is particularized  
10286 to preserve evidence or to prevent undue prejudice to that  
10287 party. There is no exception under this section to permit  
10288 limited discovery and limited evidence gathering to assist  
10289 the court in informing its determination whether class  
10290 certification is appropriate.

10291       Indeed, this section is so constraining on the courts  
10292 that it undermines the other provisions of the bill. For  
10293 example, section 1716B of the bill requires judges to  
10294 conduct a rigorous analysis of evidence to determine if each

10295 of the proposed class members suffer the same type and scope  
10296 of injury as the named representatives, but the stay on all  
10297 discovery renders such rigorous inquiry by the court nearly  
10298 impossible. Closing discovery to both parties in a case  
10299 would require the court to guess and to make an uninformed  
10300 decision on whether the proposed class member suffered the  
10301 same scope and same type of injuries as the named  
10302 representatives.

10303         The same rigorous analysis of evidence is also required  
10304 of the court in section 1720 of the bill. When analyzing if  
10305 the issues of the case satisfy the prerequisites of Rule 23  
10306 of the Rules of Civil Procedure, again, this bill ban to  
10307 discovery would leave the court in the dark when making its  
10308 factual based determination.

10309         And of even greater concern is the chaos that an  
10310 immediate ban and discovery would create in our Nation's  
10311 courtrooms. Section 7 makes the provisions of the bill  
10312 apply to any pending, ongoing litigation. The bill's ban on  
10313 discovery would upend ongoing litigation that is currently  
10314 engaged in limited class certification discovery and raise  
10315 numerous questions on whether the evidence already collected  
10316 in a class certification discovery could actually be used by  
10317 a court in its rule 23 analysis for certifying a class. It  
10318 is for these reasons, Mr. Chairman, that I urge support for  
10319 my amendment, and I yield back.

10320 Mr. Conyers. Would the gentleman yield?

10321 Mr. Deutch. I would be glad to.

10322 Mr. Conyers. I think the Deutsch amendment strikes the  
10323 bill's stay of discovery provision, and I think that is  
10324 extremely important because stripping away the judge's  
10325 discretion makes us stay on discovery. The default outcome  
10326 under unclear circumstances -- in other words, all this does  
10327 is further penalize the petitioner because discovery is not  
10328 stayed if the court finds upon motion on any party that  
10329 particularized discovery is necessary to preserve evidence  
10330 or to prevent undue prejudice to that party. And so I think  
10331 it is very important that we not -- in a bill of this  
10332 magnitude in terms of unfairness we -- strip away the  
10333 judge's discretion in addition to that, so I support the  
10334 amendment.

10335 Mr. Deutch. I thank the ranking member, and I, again,  
10336 urge my colleagues both to vote for this amendment in order  
10337 to avoid chaos in our courtrooms and to ensure that the  
10338 balance of this bill actually does what the sponsors of the  
10339 bill intended to do. And with that, Mr. Chairman, I yield  
10340 back.

10341 Chairman Goodlatte. Thanks, gentlemen, and I recognize  
10342 myself in opposition to the amendment. The discovery  
10343 process, the pre-trial process in a lawsuit in which trial  
10344 lawyers demand documents and other things from the people

10345 they are suing imposes huge costs on defendants.  
10346 Particularly because the astronomical cost associated with  
10347 the discovery of electronic information, such as e-mails,  
10348 law technology news has reported that the total cost of  
10349 electronic discovery rose from \$2 billion in 2006 to \$2.8  
10350 billion in 2009 and estimated that the total cost would rise  
10351 10 to 15 percent annually over the next 4 years.

10352 In a more recent case study of Fortune 500 companies,  
10353 the Iran Institute found that the median total cost for  
10354 electronic discovery among participants totaled \$1.8 million  
10355 per case. And these costs are asymmetric. While defendants  
10356 typically are subject to gigantic discovery cost, because  
10357 they are large organizations possessing large amounts of  
10358 data, plaintiffs have little information in their positions  
10359 and, therefore, are subject to a very small financial burden  
10360 during the discovery process.

10361 Moreover, discovery conducted before a motion dismissed  
10362 is decided is unfair. Why should defendants bear the burden  
10363 of paying for discovery before a complaint is held legally  
10364 sufficient especially when the threat of huge cost may  
10365 coerce an unjustified settlement? The reality for most  
10366 civil litigation is the defendant's obligation to bear these  
10367 exorbitant discovery costs incentivizes plaintiffs to serve  
10368 burdensome discovery requests on defendants with zero  
10369 downside risk to themselves.

10370           As Professor Martin Reddish has explained, "The fact  
10371 that a party's opponent will have to bear the financial  
10372 burden of preparing the discovery response actually gives  
10373 litigants an incentive to make discovery requests, and the  
10374 bigger the expense to be borne by the opponent, the bigger  
10375 the incentive to make the request. And because defendants  
10376 seek to avoid these exorbitant costs, discovery all too  
10377 often is used as a weapon to coerce settlement of claims  
10378 regardless of their merit."

10379           Even the Supreme Court has recognized this problem,  
10380 lamenting that "the threat of discovery expense will push  
10381 cost conscious defendants to settle even anemic cases before  
10382 reaching trial." The subsection of Vicala entitled "Stay of  
10383 Discovery" would stop the use of discovery to coerce  
10384 unjustified settlements by requiring Federal courts to stay  
10385 discovery pending resolution of rule 12 motions. That is  
10386 motions to dismiss for failure to stay to claim, motions to  
10387 strike class actions, motions to transfer, and other motions  
10388 that would dispose of class actions unless the court finds  
10389 that particular discovery is necessary to preserve evidence  
10390 or to prevent undue prejudice to a party.

10391           This amendment should be defeated. I urge my  
10392 colleagues to join me in doing so.

10393           The question occurs on the amendment offered by the  
10394 gentleman from Florida.

10395 All those in favor, respond by saying aye.  
10396 Those opposed, no.  
10397 In the opinion of the chair, the noes have it.  
10398 The amendment is not agreed to. A recorded vote is  
10399 requested, and the court will call the role.  
10400 Ms. Adcock. Mr. Goodlatte?  
10401 Chairman Goodlatte. No.  
10402 Ms. Adcock. Mr. Goodlatte votes No.  
10403 Mr. Sensenbrenner?  
10404 [No response.]  
10405 Mr. Smith?  
10406 [No response.]  
10407 Mr. Chabot?  
10408 Mr. Chabot. No.  
10409 Ms. Adcock. Mr. Chabot votes no.  
10410 Mr. Issa?  
10411 [No response.]  
10412 Mr. King? Mr. King votes no.  
10413 Mr. Franks?  
10414 Mr. Franks. No.  
10415 Ms. Adcock. Mr. Franks votes no.  
10416 Mr. Gohmert?  
10417 Mr. Gohmert. No.  
10418 Ms. Adcock. Mr. Gohmert votes no.  
10419 Mr. Jordan?

10420 Mr. Jordan. No.

10421 Ms. Adcock. Mr. Jordan votes no.

10422 Mr. Poe?

10423 [No response.]

10424 Mr. Chaffetz?

10425 Mr. Chaffetz. No.

10426 Ms. Adcock. Mr. Chaffetz votes no.

10427 Mr. Marino?

10428 Mr. Marino. No.

10429 Ms. Adcock. Mr. Marino votes no.

10430 Mr. Gowdy?

10431 [No response.]

10432 Mr. Labrador?

10433 Mr. Labrador. No.

10434 Ms. Adcock. Mr. Labrador votes no.

10435 Mr. Farenthold?

10436 [No response.]

10437 Mr. Collins?

10438 Mr. Collins. No.

10439 Ms. Adcock. Mr. Collins votes no.

10440 Mr. DeSantis?

10441 Mr. DeSantis. No.

10442 Ms. Adcock. Mr. DeSantis votes no.

10443 Mr. Buck?

10444 Mr. Buck. No.

10445 Ms. Adcock. Mr. Buck votes no.  
10446 Mr. Ratcliffe?  
10447 Mr. Ratcliffe. No.  
10448 Ms. Adcock. Mr. Ratcliffe votes no.  
10449 Mr. Bishop?  
10450 [No response.]  
10451 Ms. Roby?  
10452 Ms. Roby. No.  
10453 Ms. Adcock. Ms. Roby votes no.  
10454 Mr. Gaetz?  
10455 [No response.]  
10456 Mr. Johnson of Louisiana.  
10457 Mr. Johnson of Louisiana. No.  
10458 Ms. Adcock. Mr. Johnson votes no.  
10459 Mr. Biggs?  
10460 Mr. Biggs. No.  
10461 Ms. Adcock. Mr. Biggs votes no.  
10462 Mr. Conyers?  
10463 Mr. Conyers. Aye.  
10464 Ms. Adcock. Mr. Conyers votes aye.  
10465 Mr. Nadler?  
10466 Mr. Nadler. Aye.  
10467 Ms. Adcock. Mr. Nadler votes aye.  
10468 Ms. Lofgren?  
10469 [No response.]

10470 Ms. Jackson Lee?

10471 Ms. Jackson Lee. Aye.

10472 Ms. Adcock. Ms. Jackson Lee votes aye.

10473 Mr. Cohen?

10474 [No response.]

10475 Mr. Johnson of Georgia?

10476 Mr. Johnson of Georgia. Aye.

10477 Ms. Adcock. Mr. Cohen votes aye, and Mr. Johnson votes

10478 aye.

10479 Mr. Deutch?

10480 Mr. Deutch. Aye.

10481 Ms. Adcock. Mr. Deutch votes aye.

10482 Mr. Gutierrez?

10483 [No response.]

10484 Ms. Bass?

10485 [No response.]

10486 Mr. Richmond?

10487 [No response.]

10488 Mr. Jeffries?

10489 [No response.]

10490 Mr. Cicilline?

10491 Mr. Cicilline. Aye.

10492 Ms. Adcock. Mr. Cicilline votes aye.

10493 Mr. Swalwell?

10494 Mr. Swalwell. Aye.

10495 Ms. Adcock. Mr. Swalwell votes aye.

10496 Mr. Lieu?

10497 Mr. Lieu. Aye.

10498 Ms. Adcock. Mr. Lieu votes aye.

10499 Mr. Raskin?

10500 Mr. Raskin. Aye.

10501 Ms. Adcock. Mr. Raskin votes aye.

10502 Ms. Jayapal?

10503 Mr. Jayapal. Aye.

10504 Mr. Jayapal votes aye.

10505 Mr. Schneider?

10506 Mr. Schneider. Aye.

10507 Ms. Adcock. Mr. Schneider votes aye.

10508 Chairman Goodlatte. The gentleman from Wisconsin?

10509 Mr. Sensenbrenner. No.

10510 Ms. Adcock. Mr. Sensenbrenner votes no.

10511 Chairman Goodlatte. The gentleman from Texas?

10512 Mr. Smith. No.

10513 Ms. Adcock. Mr. Smith votes no.

10514 Chairman Goodlatte. The gentleman from California?

10515 Mr. Issa. No.

10516 Ms. Adcock. Mr. Issa votes no.

10517 Chairman Goodlatte. The gentleman from Georgia?

10518 Ms. Adcock. Yes.

10519 Chairman Goodlatte. Has every member voted who wishes

10520 to vote? The clerk will report. You are recorded.

10521 Ms. Adcock. Mr. Chairman, 12 members voted aye; 19

10522 members voted no.

10523 Chairman Goodlatte. And the amendment is not agreed

10524 to. Are there further amendments to H.R.985? For what

10525 purpose does the gentleman from Rhode Island seek

10526 recognition?

10527 Mr. Cicilline. Mr. Chairman, I have an amendment at

10528 the desk.

10529 Chairman Goodlatte. The clerk will report the

10530 amendment.

10531 Ms. Adcock. Amendment H.R.985 offered by Mr.

10532 Cicilline: add at the end of the bill --

10533 [The amendment of Mr. Cicilline follows:]

10534 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

10535 Chairman Goodlatte. Without objection, the amendment  
10536 is considered as read, and the gentleman is recognized for 5  
10537 minutes on his amendment.

10538 Mr. Cicilline. Thank you, Mr. Chairman. My amendment  
10539 will exempt claims made for injuries resulting from firearms  
10540 from this piece of legislation, and I know that proponents  
10541 of this bill have argued that it will improve our legal  
10542 system, but I think it really does ignore -- the arguments  
10543 today have really ignored the bill's insidious and far-  
10544 reaching consequences.

10545 If it passes in its present form, this legislation  
10546 would only serve to take away citizens' rights to sue as a  
10547 class and challenge the actions of powerful corporate  
10548 special interest, and really another example of trying to  
10549 rig our judicial system in favor of the most powerful  
10550 corporations in this country.

10551 This outcome is especially disturbing when a person or  
10552 their family suffers gun violence at the hands of the gun  
10553 industry. And that is why my amendment would exempt any  
10554 class action lawsuit permitted by law concerning injury by a  
10555 firearm. Current Federal law broadly prohibits civil  
10556 lawsuits against gun manufacturers and dealers.

10557 My amendment would apply to the six exceptions to the  
10558 gun industry's blanket immunity from civil liability. For  
10559 example, my amendment would protect legal actions against a

10560 gun dealer that transferred a gun to a person with knowledge  
10561 that they intended to use it in a crime of violence. Under  
10562 this exception, state courts in Indiana and New York have  
10563 allowed lawsuits to proceed against gun manufacturers that  
10564 knowingly sold firearms to straw purchasers who were, in  
10565 turn, selling firearms to criminals.

10566 My amendment would also allow a lawsuit to proceed when  
10567 members of a class suffer death, physical injury, or  
10568 property damage stemming from a defect in the design or  
10569 manufacturer of a firearm.

10570 For example, in 2015, a Federal judge approved a \$239  
10571 million settlement against pistol manufacturer Taurus  
10572 International for a design defect in nine of the company's  
10573 handgun models. Specifically owners of Taurus Firearms  
10574 reported that their handguns were capable of firing even  
10575 when the safety was on, and that Taurus was aware of the  
10576 defect since 2007.

10577 This legislation, because it requires plaintiffs to  
10578 suffer the same type and scope of injury, would have  
10579 prevented individuals from forming a class action suit if  
10580 they owned different Taurus handgun models with similar  
10581 defects. My amendment would provide some relief to victims  
10582 of gun violence caused by the unlawful or responsible action  
10583 of gun manufacturers and dealers.

10584 However, because of the Federal restrictions on holding

10585 gun manufacturers and sellers accountable, my amendment can  
10586 only extend so far. I am referring, of course, to the  
10587 Protection of Lawful Commerce and Arms Act, PLCAA, which was  
10588 enacted in 2005. This breathtakingly broad and virtually  
10589 unprecedented law has eliminated almost any civil claim that  
10590 someone might bring against the firearm industry.

10591 Because of the PLCAA, gun manufacturers and sellers can  
10592 escape accountability to victims even if their business  
10593 practices are unreasonably dangerous and cause harm. In  
10594 addition to taking away people's legal options, the PLCAA  
10595 means that gun manufacturers and dealers have no incentive  
10596 to self-regulate in order to avoid liability.

10597 The law is so sweeping it inoculates gun manufacturers  
10598 from litigation for both past and future misconduct. In  
10599 fact, no other industry, including tobacco and motor vehicle  
10600 companies, enjoy such extensive immunity from civil  
10601 lawsuits. The result is also that victims of mass shootings  
10602 may have no recourse in our legal system. For example,  
10603 families affected by the massacre at Sandy Hook Elementary  
10604 School, which left 20 children and six teachers dead, tried  
10605 to file a class action suit against the manufacturer of the  
10606 AAR15 used by Adam Lanza. The families argued that the  
10607 assault rifle should have never been made available to the  
10608 public, but the court dismissed their case, invoking  
10609 Federal law that shields the gun industry.

10610           To overturn the PLCAA, I have co-sponsored the Equal  
10611 Access to Justice for Victims of Gun Violence Act last  
10612 Congress, authored by Congressman Schiff. This legislation  
10613 would allow civil cases to go forward against irresponsible  
10614 gun manufacturers and dealers in state and Federal courts  
10615 just as they would if they were involved in any other  
10616 product. Like the legislation before us today regarding  
10617 class actions, laws that protect gun manufacturers stop  
10618 everyday citizens from being able to hold special interest  
10619 accountable.

10620           I urge my colleagues to support this amendment and to  
10621 stop giving the gun industry yet another free pass, and  
10622 provide some small measure of justice by not also denying  
10623 those victims access to class actions. And with that, I  
10624 urge my colleagues to support this amendment and yield back  
10625 the balance of my time.

10626           Chairman Goodlatte. The chair thanks the gentleman and  
10627 recognizes himself in opposition to the amendment. Again,  
10628 this amendment would subject certain class members to unfair  
10629 treatment and should be rejected. The purpose of a class  
10630 action is to provide a fair means of evaluating like claims,  
10631 not to provide a means of artificially inflating the sides  
10632 of a class to extort a larger settlement value. Exempting a  
10633 subset of cases from the bill, as this amendment would do,  
10634 would serve only to incentivize the creation of artificially

10635 large classes to extort larger and unfair settlements from  
10636 innocent parties for the purpose of disproportionately  
10637 awarding uninjured parties.

10638         Why should only the claimants covered by the amendment  
10639 be subject to particularly unfair treatment by being allowed  
10640 to be forced into a class action with other uninjured or  
10641 minimally injured members only to see their own compensation  
10642 reduced? That does a disservice to those claimants, yet  
10643 that is exactly what this amendment would do. I urge my  
10644 colleagues to oppose it. For what purpose does the  
10645 gentleman from Michigan seek recognition?

10646         Mr. Conyers. Mr. Chairman, I rise in support of the  
10647 amendment.

10648         Chairman Goodlatte. The gentleman is recognized for 5  
10649 minutes.

10650         Mr. Conyers. The bill -- this unbelievable bill --  
10651 requires class representatives to prove that every class  
10652 member suffered the same type and scope as the injury.  
10653 Injuries caused by firearms are not necessarily of the exact  
10654 same type or scope. Usually, they are not, and so it would  
10655 be impossible for members of the same class to establish the  
10656 same type or scope of injury, and so I think this is an  
10657 excellent amendment and urge its support. I yield back.

10658         Chairman Goodlatte. From what purpose does the  
10659 gentlewoman from Texas seek recognition?

10660 Ms. Jackson Lee. To strike the last word, Mr.  
10661 Chairman.

10662 Chairman Goodlatte. The gentlewoman is recognized for  
10663 5 minutes.

10664 Ms. Jackson Lee. I would like to applaud the gentleman  
10665 from Rhode Island for a very astute and narrowly drawn  
10666 amendment reflecting on the few aspects of litigation that  
10667 is allowed or laws that are allowed lawsuits against gun  
10668 manufacturers as relates to injuries by firearms.

10669 So, Mr. Chairman, I would say that I think, in fact,  
10670 that Mr. Cicilline has drawn an appropriate amendment, and I  
10671 think the point that Mr. Conyers has made is that gun  
10672 injuries do not necessarily show themselves to be the same  
10673 in each victim, but they are catastrophic. And we have seen  
10674 instances of the damage of mass shootings in this country  
10675 from San Bernardino to Texas Tech.

10676 Excuse me, to Virginia Tech to Orlando and many other  
10677 places, and I cannot understand why this would not be an  
10678 appropriate amendment because the injuries are so  
10679 catastrophic, and they involve so many different forms of  
10680 the tragedy of gun violence from the type of violence  
10681 against children in New Town to the terrorist attacks that I  
10682 mentioned just previously. Why would we not want to ensure  
10683 that those victims have the ability to persist in a class  
10684 action?

10685 Mr. Cicilline is limited to those aspects of Federal  
10686 law that allow a lawsuit's dealing with guns, and I would  
10687 hope that in the class action, that we would exempt from  
10688 this legislation the heavy burden to those who are either  
10689 deceased, and their families are standing in their place, or  
10690 those who have been so badly wounded that it would be hard  
10691 for them to recover, and so disadvantaged with the resources  
10692 that are necessary to file these lawsuits against a large  
10693 gun lobby that is necessary to exempt them.

10694 I think this is a very appropriate amendment, a fair  
10695 amendment, and one that responds to the catastrophic  
10696 injuries that one can see by gun violence in this country.  
10697 I ask and join Mr. Cicilline in asking for the support of  
10698 his amendment. I yield back.

10699 Chairman Goodlatte. Question occurs on the amendment  
10700 offered by the gentleman from Rhode Island.

10701 All those in favor, respond by saying aye.

10702 Those opposed, no.

10703 In the opinion of the chair, the noes have it.

10704 Mr. Cicilline. Mr. Chairman, I request a recorded  
10705 vote.

10706 Chairman Goodlatte. And the clerk will call the roll.

10707 Ms. Adcock. Mr. Goodlatte?

10708 Chairman Goodlatte. No.

10709 Ms. Adcock. Mr. Goodlatte votes no.

10710 Mr. Sensenbrenner?  
10711 Mr. Sensenbrenner. No.  
10712 Ms. Adcock. Mr. Sensenbrenner votes no.  
10713 Mr. Smith?  
10714 Mr. Smith. No.  
10715 Ms. Adcock. Mr. Smith votes no.  
10716 Mr. Chabot?  
10717 Mr. Chabot. No.  
10718 Ms. Adcock. Mr. Chabot votes no.  
10719 Mr. Issa?  
10720 Mr. Issa. No.  
10721 Ms. Adcock. Mr. Issa votes no.  
10722 Mr. King?  
10723 Mr. King. No.  
10724 Ms. Adcock. Mr. King votes no.  
10725 Mr. Franks?  
10726 Mr. Franks. No.  
10727 Ms. Adcock. Mr. Franks votes no.  
10728 Mr. Gohmert?  
10729 [No response.]  
10730 Mr. Jordan?  
10731 Mr. Jordan. No.  
10732 Ms. Adcock. Mr. Jordan votes no.  
10733 Mr. Poe?  
10734 [No response.]

10735 Mr. Chaffetz?  
10736 Mr. Chaffetz. No.  
10737 Ms. Adcock. Mr. Chaffetz votes no.  
10738 Mr. Marino?  
10739 Mr. Marino. No.  
10740 Ms. Adcock. Mr. Marino votes no.  
10741 Mr. Gowdy?  
10742 [No response.]  
10743 Mr. Labrador?  
10744 Mr. Labrador. No.  
10745 Ms. Adcock. Mr. Labrador votes no.  
10746 Mr. Farenthold?  
10747 [No response.]  
10748 Mr. Collins?  
10749 Mr. Collins. No.  
10750 Ms. Adcock. Mr. Collins votes no.  
10751 Mr. DeSantis?  
10752 Mr. DeSantis. No.  
10753 Ms. Adcock. Mr. DeSantis votes no.  
10754 Mr. Buck?  
10755 Mr. Buck. No.  
10756 Ms. Adcock. Mr. Buck votes no.  
10757 Mr. Ratcliffe?  
10758 Mr. Ratcliffe. No.  
10759 Ms. Adcock. Mr. Ratcliffe votes no.

10760 Mr. Bishop?  
10761 [No response.]  
10762 Ms. Roby?  
10763 Ms. Roby. No.  
10764 Ms. Adcock. Ms. Roby votes no.  
10765 Mr. Gaetz?  
10766 [No response.]  
10767 Mr. Johnson of Louisiana?  
10768 Mr. Johnson of Louisiana. No.  
10769 Ms. Adcock. Mr. Johnson votes no.  
10770 Mr. Biggs?  
10771 Mr. Biggs. No.  
10772 Ms. Adcock. Mr. Biggs votes no.  
10773 Mr. Conyers?  
10774 Mr. Conyers. Aye.  
10775 Ms. Adcock. Mr. Conyers votes aye.  
10776 Mr. Nadler?  
10777 Mr. Nadler. Aye.  
10778 Ms. Adcock. Mr. Nadler votes aye.  
10779 Ms. Lofgren?  
10780 [No response.]  
10781 Ms. Jackson Lee?  
10782 Ms. Jackson Lee. Aye.  
10783 Ms. Adcock. Ms. Jackson Lee votes aye.  
10784 Mr. Cohen?

10785 Mr. Cohen. Aye.

10786 Ms. Adcock. Mr. Cohen votes aye.

10787 Mr. Johnson of Georgia?

10788 Mr. Johnson of Georgia. Aye.

10789 Ms. Adcock. Mr. Johnson votes aye.

10790 Mr. Deutch?

10791 Mr. Deutch. Aye.

10792 Ms. Adcock. Mr. Deutch votes aye.

10793 Mr. Gutierrez?

10794 [No response.]

10795 Ms. Bass?

10796 [No response.]

10797 Mr. Richmond?

10798 [No response.]

10799 Mr. Jeffries?

10800 [No response.]

10801 Mr. Cicilline.

10802 Mr. Cicilline. Aye.

10803 Ms. Adcock. Mr. Cicilline votes aye.

10804 Mr. Swalwell?

10805 Mr. Swalwell. Aye.

10806 Ms. Adcock. Mr. Swalwell votes aye.

10807 Mr. Lieu?

10808 Mr. Lieu. Aye.

10809 Ms. Adcock. Mr. Lieu votes aye.

10810 Mr. Raskin?

10811 Mr. Raskin. Aye.

10812 Ms. Adcock. Mr. Raskin votes aye.

10813 Ms. Jayapal?

10814 Ms. Jayapal. Aye.

10815 Ms. Adcock. Mr. Jayapal votes aye.

10816 Mr. Schneider.

10817 Mr. Schneider. Aye.

10818 Ms. Adcock. Mr. Schneider votes aye.

10819 Chairman Goodlatte. Has every member voted who wishes

10820 to vote? The clerk will report. For what purpose does the

10821 gentleman from Texas seek recognition?

10822 Ms. Adcock. Mr. Gohmert votes no.

10823 Chairman Goodlatte. The gentleman will be recorded.

10824 The clerk will report.

10825 Ms. Adcock. Mr. Chairman, 12 members voted aye; 19

10826 members voted no.

10827 Chairman Goodlatte. And the amendment is not agreed

10828 to. Are there further amendments to H.R.985? For what

10829 purpose does the gentlewoman from Washington seek

10830 recognition?

10831 Ms. Jayapal. I have an amendment at the desk.

10832 Chairman Goodlatte. The clerk will report the

10833 amendment.

10834 Ms. Adcock. Amendment to H.R.985 offered by Ms.

10835 Jayapal Washington: page 7, strike 13 --

10836 [The amendment of Ms. Jayapal follows:]

10837 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

10838 Chairman Goodlatte. Without objection, the amendment  
10839 is considered read, and the gentlewoman is recognized for 5  
10840 minutes on her amendment.

10841 Ms. Jayapal. Thank you, Mr. Chairman. I must agree  
10842 with our ranking member that it is an enormous outrage that  
10843 we are discussing this bill at 8:00 at night and without a  
10844 hearing. I come from Washington State Senate where I did  
10845 serve in the minority, but I will tell you that we never  
10846 actually voted on something that did not get a hearing, so  
10847 this is new for me, and I am trying to adjust, but hopefully  
10848 not adjust too much.

10849 This bill is an assault, I think, on the little guys,  
10850 the everyday people who have suffered. It is a misguided  
10851 effort that creates a problem where there is none. My  
10852 amendment tries to make a very bad bill a little bit better  
10853 by ensuring that issue-based class action lawsuits continue.  
10854 These types of class action lawsuits are necessary to  
10855 challenge injustice in particular for women, people of  
10856 color, and immigrants. We saw how important these types of  
10857 class action lawsuits are just a few weeks ago in the 24  
10858 hours following the release of the administration's Muslim  
10859 ban that we discussed earlier.

10860 Fortunately, the American Civil Liberties Union quickly  
10861 filed an emergency stay of removal on behalf of several  
10862 named plaintiffs and other similarly situated individuals to

10863 make sure that our country did not deport men, women, and  
10864 children who had received authorization to enter the  
10865 country. Many of these people had family members waiting to  
10866 reunite with them. Some were even long-time green card  
10867 holders, and others had waited years in the refugee  
10868 screening system. This case resulted in a nationwide stay  
10869 that prevented countless people from being wrongfully  
10870 deported.

10871         This bill would have made it impossible to move  
10872 forward, which is even more troubling in light of the fact  
10873 that courts across the country have, indeed, issued rulings  
10874 stating that there is a great likelihood that removing these  
10875 individuals would violate due process and equal protection  
10876 rights guaranteed by the US Constitution.

10877         But immigrants are not the only ones who would be  
10878 negatively impacted by the bill, Mr. Chairman. It would  
10879 also have a chilling effect on cases impacting those who  
10880 experienced discrimination based on gender and race. In the  
10881 case of McReynolds vs. Merrill Lynch, a black broker who had  
10882 worked for Merrill Lynch for 30 years, sued stating that the  
10883 company had a segregated workforce and policies that drove  
10884 black brokers into clerical positions and reassigned their  
10885 accounts to white workers. This happened despite a 30-year  
10886 old consent decree that the company had signed with the US  
10887 Equal Employment Opportunity Commission that required the

10888 company to increase its proportion of black brokers to 6.5  
10889 percent. At the time of the lawsuit, only 2 percent of the  
10890 brokers at Merrill Lynch were black.

10891           Ultimately, Merrill Lynch settled for \$160 million.  
10892 Class actions are a critical tool to ensure that everyone's  
10893 rights are respected, and our courts already do their due  
10894 diligence to comply with the extremely rigorous requirements  
10895 to certify class actions. This committee should be making  
10896 it easier and not harder for people to pursue justice. I  
10897 urge my colleagues to support my amendment and protect the  
10898 ability of issue-based class actions to continue. I yield  
10899 back the balance of my time.

10900           Chairman Goodlatte. The chair thanks the gentlewoman  
10901 and recognized himself in opposition to the amendment. Rule  
10902 23 of the Federal Rules of Civil Procedure and the Supreme  
10903 Court's recent interpretations of rule 23 in Walmart Stores  
10904 Incorporated vs. Dukes and Comcast Corporation vs. Behrend  
10905 recognized that class actions are an exception to the  
10906 ordinary rules of litigation and that the class action  
10907 system may be used only when the rules requirements are  
10908 satisfied, particularly that issues common to all class  
10909 members predominate over individualized issues that must be  
10910 resolved on a plaintiff by plaintiff basis.           Some lower  
10911 courts, however, encouraged by trial lawyers, are  
10912 circumventing these rulers by permitting the certification

10913 of so-called issues classes in which a single, legal or  
10914 factual issue may be determined for the whole class even  
10915 though the claims are dominated by individualized issues  
10916 that require case by case evaluations.

10917         As the US Court of Appeals for the 5 Circuit explained  
10918 in a case called Castano, "Reading Rule 23(c)(4) as allowing  
10919 a court to sever issues would eviscerate the predominance  
10920 requirement of Rule 23(b)(3). Result would be automatic  
10921 certification in every case where there is a common issue, a  
10922 result that could not have been intended."

10923         That unintended result has manifested itself in the  
10924 decisions of some courts, which have certified class actions  
10925 to resolve general issues regarding a product when the  
10926 result is to create a huge class in which the vast majority  
10927 of class members have no complaint against the product. In  
10928 some circuits, class certification is ordered over the issue  
10929 of whether the product was defective before there was any  
10930 evaluation of whether the class members actually experienced  
10931 a problem with their products.

10932         That is incompatible with rule 23(b), which requires  
10933 that "questions of law or fact common to class members  
10934 predominate over any questions affecting only individual  
10935 members and that a class action is superior to other  
10936 available methods for fairly and efficiently adjudicating  
10937 the controversy." Issues of law or fact cannot be held in

10938 common by a class if the class consists largely of people  
10939 who do not have any injuries at all. And, consequently,  
10940 have no legal or factual basis for being in the class other  
10941 than to pad the trial lawyers' pockets by increasing their  
10942 fees in proportion to the size of the class. I urge my  
10943 colleagues to join me in rejecting this amendment. The  
10944 question occurs on the amendment are offered by the  
10945 gentlewoman from Washington.

10946 All those in favor, respond by saying aye.

10947 Those opposed, no.

10948 In the opinion of the chair, the noes have it. The  
10949 amendment is not agreed to. A recorded vote is requested,  
10950 and the clerk will call the roll.

10951 Ms. Adcock. Mr. Goodlatte?

10952 Chairman Goodlatte. Aye.

10953 Ms. Adcock. Mr. Goodlatte votes aye.

10954 Mr. Sensenbrenner?

10955 Mr. Sensenbrenner. Aye.

10956 Ms. Adcock. Mr. Sensenbrenner votes aye.

10957 Mr. Smith?

10958 Mr. Smith. Aye.

10959 Ms. Adcock. Mr. Smith votes aye.

10960 Mr. Chabot?

10961 Mr. Chabot. Aye.

10962 Ms. Adcock. Mr. Chabot votes aye.

10963 Mr. Issa?

10964 Mr. Issa. Aye.

10965 Ms. Adcock. Mr. Issa votes aye.

10966 Mr. King?

10967 Mr. King. Aye.

10968 Ms. Adcock. Mr. King votes aye.

10969 Mr. Franks?

10970 Mr. Franks. Aye.

10971 Ms. Adcock. Mr. Franks votes aye.

10972 Mr. Gohmert?

10973 [No response.]

10974 Mr. Jordan?

10975 Mr. Jordan. Yes.

10976 Ms. Adcock. Mr. Jordan votes yes.

10977 Mr. Poe?

10978 [No response.]

10979 Mr. Chaffetz?

10980 Mr. Chaffetz. Aye.

10981 Ms. Adcock. Mr. Chaffetz votes aye.

10982 Mr. Marino?

10983 Mr. Marino. Yes.

10984 Ms. Adcock. Mr. Marino votes yes.

10985 Mr. Gowdy?

10986 [No response.]

10987 Mr. Labrador?

10988 Mr. Labrador. Yes.

10989 Ms. Adcock. Mr. Labrador votes yes.

10990 Mr. Farenthold?

10991 [No response.]

10992 Mr. Collins?

10993 Mr. Collins. Yes.

10994 Ms. Adcock. Mr. Collins votes yes.

10995 Mr. DeSantis?

10996 Mr. DeSantis. Yes.

10997 Ms. Adcock. Mr. DeSantis votes yes.

10998 Mr. Buck?

10999 Mr. Buck. Yes.

11000 Ms. Adcock. Mr. Buck votes yes.

11001 Mr. Ratcliffe?

11002 Mr. Ratcliffe. Yes.

11003 Ms. Adcock. Mr. Ratcliffe votes yes.

11004 Mr. Bishop?

11005 [No response.]

11006 Ms. Roby?

11007 Ms. Roby. Aye.

11008 Ms. Adcock. Ms. Roby votes aye.

11009 Mr. Gaetz?

11010 [No response.]

11011 Mr. Johnson of Louisiana?

11012 Mr. Johnson of Louisiana. Aye.

11013 Ms. Adcock. Mr. Johnson votes aye.  
11014 Mr. Biggs?  
11015 Mr. Biggs. Aye.  
11016 Ms. Adcock. Mr. Biggs votes aye.  
11017 Mr. Conyers?  
11018 Mr. Conyers. No.  
11019 Ms. Adcock. Mr. Conyers votes no.  
11020 Mr. Nadler?  
11021 Mr. Nadler. No.  
11022 Ms. Adcock. Mr. Nadler votes no.  
11023 Ms. Lofgren?  
11024 [No response.]  
11025 Ms. Jackson Lee?  
11026 Ms. Jackson Lee. No.  
11027 Ms. Adcock. Ms. Jackson Lee votes no.  
11028 Mr. Cohen?  
11029 Mr. Cohen. No.  
11030 Ms. Adcock. Mr. Cohen votes no.  
11031 Mr. Johnson of Georgia?  
11032 Mr. Johnson of Georgia. No.  
11033 Ms. Adcock. Mr. Johnson votes no.  
11034 Mr. Deutch?  
11035 Mr. Deutch. No.  
11036 Ms. Adcock. Mr. Deutch votes no.  
11037 Mr. Gutierrez?

11038 Chairman Goodlatte. The clerk will suspend. Will  
11039 members please allow the clerk to continue the roll so  
11040 members can be heard when they vote?  
11041 Ms. Adcock. Mr. Gutierrez?  
11042 [No response.]  
11043 Ms. Bass?  
11044 [No response.]  
11045 Mr. Richmond?  
11046 [No response.]  
11047 Mr. Jeffries?  
11048 [No response.]  
11049 Mr. Cicilline?  
11050 Mr. Cicilline. No.  
11051 Ms. Adcock. Mr. Cicilline votes no.  
11052 Mr. Swalwell?  
11053 Mr. Swalwell. No.  
11054 Ms. Adcock. Mr. Swalwell votes no.  
11055 Mr. Lieu?  
11056 Mr. Lieu. No.  
11057 Ms. Adcock. Mr. Lieu votes no.  
11058 Mr. Raskin?  
11059 Mr. Raskin. No.  
11060 Ms. Adcock. Mr. Raskin votes no.  
11061 Ms. Jayapal?  
11062 Ms. Adcock. Ms. Jayapal votes no.

11063 Mr. Schneider?

11064 Mr. Schneider. No.

11065 Ms. Adcock. Mr. Schneider votes no.

11066 Chairman Goodlatte. Has every member voted who wishes  
11067 to vote? The gentleman from Texas?

11068 Mr. Gohmert. Aye.

11069 Ms. Adcock. Mr. Gohmert votes aye.

11070 Chairman Goodlatte. The clerk will report.

11071 Ms. Adcock. Mr. Chairman, 19 members voted aye; 12  
11072 members voted no.

11073 Chairman Goodlatte. The ayes have it, and the bill is  
11074 ordered reported favorably to the House. Members will have  
11075 2 days to submit views.

11076 This concludes our business for today. I sincerely  
11077 thank all the members for attending this lengthy markup, and  
11078 the markup is adjourned.

11079 [Whereupon, at 8:22 p.m., the committee adjourned  
11080 subject to the call of the chair.]