

RPTR JOHNSON

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MEETING ON REQUEST FOR DHS DEPARTMENTAL

REPORT ON THE BENEFICIARY OF H.R. 1237

Thursday, January 18, 2018

House of Representatives,

Subcommittee on Immigration

and Border Security,

Committee on the Judiciary,

Washington, D.C.

The subcommittee met, pursuant to call, at 5:37 p.m., in Room 2141, Rayburn House Office Building, Hon. Raul R. Labrador [chairman of the subcommittee] presiding.

Present: Representatives Labrador, King, Johnson, Lofgren, Jayapal, and Raskin

Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian; George Fishman, Chief Counsel, Subcommittee on Immigration and Border

Security; Joe Edlow, Counsel, Subcommittee on Immigration and Border Security; Alley Adcock, Clerk; David Shahoulian, Minority Chief Counsel, Subcommittee on Immigration and Border Security; and Rosalind Jackson, Minority Professional Staff Member.

Mr. Labrador. The Subcommittee on Immigration and Border Security will come to order. Without objection, the chair is authorized to declare a recess at any time.

Pursuant to notice, we will now consider whether to request a report from the Department of Homeland Security on the beneficiary of H.R. 1237. I will begin by recognizing myself for an opening statement.

Good afternoon. ICE Acting Director Thomas Homan sent Chairman Goodlatte a letter last May stating that, quote, "ICE will consider an issue of stay of removal only if the chair of the full committee or subcommittee expressly makes a written request that ICE stay the beneficiary of a private immigration bill's removal independent of any request for an investigative report. A request for an investigative report will no longer trigger an automatic stay of removal. ICE will not grant the beneficiary more than one stay of removal through the private immigration bill process. The duration of a stay removal will be limited to 6 months. However, the ICE director, at his or her discretion, can provide a one-time 90-day extension. ICE will take appropriate action, including the removal of the alien beneficiary in cases where ICE discovers derogatory information about an alien beneficiary after issuing a stay of removal," close quote.

In addition, rules 4 and 5 of this subcommittee's rules for private immigration bills state that the subcommittee will not intervene in deportation proceedings and will not request stays of deportation on behalf of beneficiaries of private bills except that

the subcommittee may at a formal meeting entertain a motion to request that the Department of Homeland Security provide the subcommittee with a Departmental report on a beneficiary of a private bill.

Today we are voting to request the DHS Departmental report on Amer Numan Othman, the beneficiary of H.R. 1237. Pursuant to the rules, we adopted ICE's policy. If the subcommittee so votes, then the committee will request that ICE stay Mr. Othman's removal for the 6-month period set forth in ICE's letter to Chairman Goodlatte. Then once we receive ICE's report, we can decide whether to markup H.R. 1237.

I now turn to our ranking member, Zoe Lofgren.

[The statement of Mr. Labrador follows:]

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

Ms. Lofgren. Mr. Chairman, I concur with your recommendation that we seek Departmental information, understanding that the policy that you have referred to by Mr. Homan is the current situation. There may be further discussion at a later date about the wisdom of that, but it is not pertinent for this matter. And I would ask that my statement be made a part of the record.

[The statement of Ms. Lofgren follows:]

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

Mr. Labrador. Thank you. I now move that the subcommittee request a Departmental report on H.R. 1237 pursuant to rule 5 of our rules, the procedure for private immigration bills --

Mr. King. Mr. Chairman?

Mr. Labrador. Yes. I recognize the gentleman from Iowa.

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

I am catching up with the information here, so I am not going to present myself as being fully informed. But I wanted to say into the record here that I anticipate H.R. 1237 is a private bill that we anticipate coming before this committee maybe 6 months down the road if there is a 6 months' extension that is offered by this subcommittee. And I am fairly familiar with the standards that we have established in the past on private bills. And one of those circumstances is that those cases be unique.

When I read through this material that I see, I suspect it is not going to meet those standards. And so I haven't heard a case that is very strong about moving procedurally on this that might say that there is an anticipation that this case could qualify within our standards for a private bill. And the downside of allowing another 6 months is not that that doesn't trouble me considerably, except it is kind of an implicit promise that we are going to move forward on H.R. 1237 should be there an ICE report come back that is not negative.

And so I would be happy to yield to the chairman to respond to my inquiry, because I am not solid enough on the evidence in front of

me to support this motion.

Mr. Labrador. We are just asking for the report. We are not implicitly guaranteeing that we are going to be moving forward on the motion or on the private bill. And the gentleman is welcome to vote either way on this motion. That is why we have a committee and a subcommittee. And I am not here to make an argument for or against the private bill, because I don't think we have sufficient information to know.

Mr. King. And reclaiming my time, and appreciating the chairman's response, I would say into the record that in all my 15 years on this Immigration Committee, I haven't seen such a weak case come before this subcommittee and advocating for an ICE extension and a report. And I don't believe there is a case of a private bill of this nature that has been supported by this Congress.

And so with that in mind, I do intend to register a no vote on this because I want the record to show that. And the good side of that would be that the subject of this bill then will know that there is sincere concern, and not have their aspirations and their hopes raised higher and then perhaps dashed later. So that will be my intent and the purpose of it. It now is in the record.

And I thank the chairman. And I yield back the balance of my time.

Mr. Labrador. Thank you very much. Any other debate or discussion on this motion? Hearing none, the question is on the motion to request a Departmental report.

Those in favor say aye.

Those opposed say no.

The ayes have it, and the subcommittee --

Mr. King. Mr. Chairman, I request a recorded vote.

Mr. Labrador. The ayes have it, and the subcommittee will request a report.

A recorded vote has been requested. The clerk will call the roll.

Ms. Adcock. Mr. Labrador?

Mr. Labrador. Yes.

Ms. Adcock. Mr. Labrador votes yes.

Mr. Sensenbrenner?

[No response.]

Ms. Adcock. Mr. Smith?

[No response.]

Ms. Adcock. Mr. King?

Mr. King. No.

Ms. Adcock. Mr. King votes no.

Mr. Jordan?

[No response.]

Ms. Adcock. Mr. Buck?

[No response.]

Ms. Adcock. Mr. Johnson?

Mr. Johnson. Yes.

Ms. Adcock. Mr. Johnson votes yes.

Mr. Biggs?

[No response.]

Ms. Adcock. Ms. Lofgren?

Ms. Lofgren. Yes.

Ms. Adcock. Ms. Lofgren votes yes.

Mr. Gutierrez?

[No response.]

Ms. Adcock. Ms. Jayapal?

Ms. Jayapal. Yes.

Ms. Adcock. Ms. Jayapal votes yes.

Ms. Jackson Lee?

[No response.]

Ms. Adcock. Mr. Raskin?

Mr. Raskin. Yes.

Ms. Adcock. Mr. Raskin votes yes.

Mr. Labrador. The ayes have it, and the committee will request a report from the Department of Homeland Security on H.R. 1237.

This concludes our business for today. Thanks to all of our members for attending. And the meeting is adjourned.

[Whereupon, at 5:44 p.m., the subcommittee was adjourned.]