

MEMBER DAY HEARING

HEARING BEFORE THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

FRIDAY, SEPTEMBER 20, 2019

Serial No. 116–49

Printed for the use of the Committee on the Judiciary



Available via: <http://judiciary.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2022

COMMITTEE ON THE JUDICIARY

JERROLD NADLER, New York, *Chair*
MARY GAY SCANLON, Pennsylvania, *Vice-Chair*

ZOE LOFGREN, California	DOUG COLLINS, Georgia, <i>Ranking Member</i>
SHEILA JACKSON LEE, Texas	F. JAMES SENSENBRENNER, JR.,
STEVE COHEN, Tennessee	Wisconsin
HENRY C. "HANK" JOHNSON, JR., Georgia	STEVE CHABOT, Ohio
THEODORE E. DEUTCH, Florida	LOUIE GOHMERT, Texas
KAREN BASS, California	JIM JORDAN, Ohio
CEDRIC L. RICHMOND, Louisiana	KEN BUCK, Colorado
HAKEEM S. JEFFRIES, New York	JOHN RATCLIFFE, Texas
DAVID N. CICILLINE, Rhode Island	MARTHA ROBY, Alabama
ERIC SWALWELL, California	MATT GAETZ, Florida
TED LIEU, California	MIKE JOHNSON, Louisiana
JAMIE RASKIN, Maryland	ANDY BIGGS, Arizona
PRAMILA JAYAPAL, Washington	TOM McCLINTOCK, California
VAL BUTLER DEMINGS, Florida	DEBBIE LESKO, Arizona
J. LUIS CORREA, California	GUY RESCHENTHALER, Pennsylvania
SYLVIA R. GARCIA, Texas	BEN CLINE, Virginia
JOE NEGUSE, Colorado	KELLY ARMSTRONG, North Dakota
LUCY McBATH, Georgia	W. GREGORY STEUBE, Florida
GREG STANTON, Arizona	
MADELEINE DEAN, Pennsylvania	
DEBBIE MUCARSEL-POWELL, Florida	
VERONICA ESCOBAR, Texas	

PERRY APELBAUM, *Majority Staff Director & Chief Counsel*
BRENDAN BELAIR, *Minority Staff Director*

C O N T E N T S

FRIDAY, SEPTEMBER 20, 2019

	Page
OPENING STATEMENTS	
The Honorable Mary Gay Scanlon, Vice-Chair of the Committee on the Judiciary from the State of Pennsylvania	1
The Honorable Louie Gohmert, a Member of the Committee on the Judiciary from the State of Texas	2
WITNESSES	
The Honorable Judy Chu, a Member of Congress from the State of California	
Oral Testimony	3
Prepared Testimony	5
The Honorable Elaine G. Luria, a Member of Congress from the State of Virginia	
Oral Testimony	7
Prepared Testimony	9
The Honorable Mike Gallagher, a Member of Congress from the State of Wisconsin	
Oral Testimony	10
The Honorable Greg Gianforte, a Member of Congress from the State of Montana	
Oral Testimony	11
The Honorable Mark Takano, a Member of Congress from the State of California	
Oral Testimony	12
Prepared Testimony	14
The Honorable Dan Newhouse, a Member of Congress from the State of Washington	
Oral Testimony	19
The Honorable Vicky Hartzler, a Member of Congress from the State of Missouri	
Oral Testimony	37
The Honorable Steve King, a Member of Congress from the State of Iowa	
Oral Testimony	39
The Honorable Debra A. Haaland, a Member of Congress from the State of New Mexico	
Oral Testimony	40
Prepared Testimony	43
The Honorable Tom Malinowski, a Member of Congress from the State of New Jersey	
Oral Testimony	45
Prepared Testimony	47
The Honorable Mike Quigley, a Member of Congress from the State of Illinois	
Oral Testimony	50
Prepared Testimony	52
The Honorable John Katko, a Member of Congress from the State of New York	
Oral Testimony	58
The Honorable Steve Stivers, a Member of Congress from the State of Ohio	
Oral Testimony	59
Prepared Testimony	62

IV

	Page
The Honorable Roger Marshall, a Member of Congress from the State of Kansas	
Oral Testimony	66
The Honorable David P. Roe, a Member of Congress from the State of Tennessee	
Oral Testimony	67

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Items for the record submitted by the Honorable Dan Newhouse, a Member of Congress from the State of Washington	
A letter from the Honorable Dan Newhouse, a Member of Congress from the State of Washington	22
A letter from Cheri Kilty, Executive Director, YWCA of Yakima	24
A letter from JoDe Goudy, Chairman, Yakama Nation Tribal Council	25
A letter from Carolyn DeFord, Founder, Missing and Murdered Native Americans	27
A letter from Michelle Gonzalez, Director, Washington State Women's Commission	28
A letter from Shannon F. Wheeler, Chairman, Nez Perce Tribal Executive Committee	30
A letter from Jaison Elkins, Chairman, Muckleshoot Indian Tribe	32
A letter from Thomas D. Wooten, Chairman, Samish Indian Nation	34
A letter from David Z. Bean, Chairman, Puyallup Tribal Council	35
A letter from Rodney Cawston, Chairman, The Confederated Tribes of the Colville Reservation	36

APPENDIX

A statement from the Honorable Lisa Blunt Rochester from the State of Delaware for the record	72
A statement from the Honorable Tony Cárdenas from the State of California for the record	74
A statement from the Honorable Rick Crawford from the State of Arkansas for the record	75
A statement from the Honorable Elijah E. Cummings from the State of Maryland for the record	77
A statement from the Honorable Peter A. DeFazio from the State of Oregon for the record	81
A statement from the Honorable Anna G. Eshoo from the State of California for the record	83
A statement from the Honorable Ro Khanna from the State of California for the record	85
A statement from the Honorable Adam Kinzinger from the State of Illinois for the record	87
A statement from the Honorable Carolyn B. Maloney from the State of New York for the record	89
A statement from the Honorable Lucille Roybal-Allard from the State of California for the record	95
A statement from the Honorable John H. Rutherford from the State of Florida for the record	97
A statement from the Honorable Mike Simpson from the State of Idaho for the record	98
A statement from the Honorable Darren Soto from the State of Florida for the record	100
A statement from the Honorable Randy Weber from the State of Texas for the record	101

MEMBER DAY HEARING

Friday, September 20, 2019

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to call, at 9:13 a.m., in Room 2141, Rayburn House Office Building, Hon. Mary Gay Scanlon presiding.

Present: Representatives Scanlon, Stanton, Gohmert, Jordan, Biggs, and Cline.

Staff Present: Matt Robinson, Counsel; Madeline Strasser, Chief Clerk; Jordan Dashow, Professional Staff Member; John Doty, Senior Advisor; Bobby Parmiter, Minority Deputy Staff Director/Chief Counsel; Tom Stoll, Minority Chief Counsel, IP/Courts Subcommittee; and Erica Barker, Minority Chief Legislative Clerk.

Ms. SCANLON. The House Committee on the Judiciary will come to order. Without objection, the Chair is authorized to declare recesses of the Committee at any time.

We are coming to order.

We welcome everyone to this morning's Member Day hearing, and I will now recognize myself for an opening statement.

Today we have the opportunity to hear the views of our colleagues on both sides of the aisle about their legislative interests and priorities on matters within this committee's jurisdiction.

The Judiciary Committee is responsible for a broad array of issues, including the Federal judiciary, criminal justice, administrative procedure, bankruptcy, civil rights and civil liberties, constitutional amendments, immigration, intellectual property, oversight, antitrust, and much more.

Already, on a bipartisan basis, we have passed several bills to lower prescription drug prices, a number of bankruptcy bills, providing much-needed financial relief for veterans, family farmers, and small businesses, and legislation to permanently reauthorize the 9/11 Victim Compensation Fund.

We have also examined the State of competition in healthcare markets, performed oversight on the Copyright Office and the Patent and Trademark Office, and held a series of hearings as part of the Committee's bipartisan investigation of competition in digital markets.

This is just a small sampling of what the Committee has accomplished this year, and we will continue to have an active and varied agenda over the rest of this Congress. I look forward to hearing

from my colleagues on matters of interest to them to help inform this work. The House of Representatives is fortunate to have a broad and diverse array of views among its Members, and I know that this Committee's work will be strengthened by hearing from our colleagues.

I now recognize the gentleman from Texas, Mr. Gohmert, for his opening statement.

Mr. GOHMERT. I thank the Chair and appreciate all our Member friends being here today.

This is a big deal, and it is important for us to—I think we don't do this in my other Committee, but to be able to come together and talk together like this, hear from people that are outside the Committee. That doesn't happen enough, and so I am grateful we are doing this.

Since we are, I have a case that was just decided which makes some legislation I filed a companion to the Senate bill that would outlaw female genital mutilation, be called the Federal Prohibition of Female Genital Mutilation Act of 2019. We have been told, well, we are not going to take that up because that is in the courts, and it looks like it will take care of itself.

Well, it did, and yesterday we got the report that the Sixth Circuit had struck down Congress' effort to intervene and have female genital mutilation considered illegal. That effort has been struck down.

So, it makes this, H.R. 3583, like I say, it has got a Senate companion, and it is exactly the same, so we could get this into law and start protecting young girls and women very quickly. The Ranking Member, Mr. Collins from Georgia, has cosigned on, as the former Chair, Mr. Sensenbrenner has, and numerous others.

So, I would encourage the majority, let's go ahead and bring this bill. Let's do it.

I found out just before we started the Committee that actually there is a new bill being prepared that is almost identical. It references the Sixth Circuit. So, the majority can file it. Of course, the line here in Washington is it is amazing what you can get done if you don't care who gets the credit.

I think it would be better to use 3583, because it has a Senate companion. We could get this into law. We could be protecting young girls and women from the horrible brutality that so many have had to experience.

One other thing I would like to bring up is I know OGR had a hearing on DC statehood. The Founders carved out this area of the District of Columbia from Maryland and Virginia, 10 square miles, because they did not want any jurisdiction to be able to hold them up and have that kind of power. Statehood would change the entire thinking of the Founders of having this enclave that was a Federal enclave.

It bothered me when I first got to Washington and I saw the license plates taxation without representation. Then I got to thinking about it. Well, wait a minute. That is something very important to us. Ben Franklin said if we don't elect one Member of Parliament, then they have no right to ever put any tax on us.

Then I found out Puerto Rico, they don't have a Federal income tax. Mariana Islands, Guam, all these territories that don't have a

full voting Member, they don't pay Federal income tax. The District of Columbia does not have a full voting Member. They pay Federal income tax. That really isn't right.

So, in all but one of the sessions, since this first came to my attention, I filed a bill, and it should be finished today to refile it again in this session, and that is no Federal income tax for the residents of the District of Columbia. They do not elect a full voting Member of Congress. They should not—just like Puerto Rico, all our other territories—they shouldn't have to pay Federal income tax.

If the majority prevails at some point and they have a full voting Representative, then, yes, it would be okay to have a Federal income tax. I still think it is grossly unfair that we treat them in a way we don't treat any other territory, any other non-State. So, I hope we will do that for the people of Washington, DC. It is really an injustice, and it does bring to mind some of the slogans that fired up people in the Revolution.

So, those are two things that I would hope the majority will take up, protecting girls and women and treating the residents of the District of Columbia like we treat everybody else that doesn't elect a full voting Member. I thank the Chair for her indulgence. Thank you very much and thank you all again.

Ms. SCANLON. Thank you very much.

Before we proceed with the Members, I just want to note that there is a Judiciary bill on the floor right now, so many of the Members of the Committee are there involved in the debate on that bill.

Without objection, all opening statements will be included in the record. We are proceeding today on a first come, first served basis. Please note that each of your written statements will be entered into the record in its entirety, and I would ask that you summarize your testimony in 5 minutes.

We will now hear from the gentlelady from California, Ms. Chu.

STATEMENT OF THE HON. JUDY CHU, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. CHU. Chair Scanlon and Members of the Judiciary Committee, thank you for holding this Member Day hearing today. As a former Member of this Committee, I appreciate the opportunity to speak about some of my priorities, especially around immigration policy over which you have jurisdiction.

I am grateful for the work that this Committee has already done in marking up and passing the Dream and Promise Act of 2019 and holding numerous hearings on the critical issues of family separation and detention.

This Administration has created an unprecedented attack on immigrant communities and through its policies divided families. I am deeply disappointed that the Supreme Court upheld the third iteration of the ban that excludes people from predominantly Muslim-majority countries.

That is why I introduced H.R. 2214, the NO BAN Act, which repeals all iterations of the Muslim ban, the asylum ban, and extreme vetting for the refugee executive order. It also requires the Administration to consult with the State Department and the De-

partment of Homeland Security and to brief Congress before making such suspensions.

My bill has 172 cosponsors, and I am pleased that the Committee is planning to hold a hearing next week to examine the injustice of the Muslim ban policy. I hope the NO BAN Act can be marked up and brought to the House floor for a vote soon.

This Administration is going even further. It is attacking families that already live here in the United States. I am the author of H.R. 3222, the No Federal Funds for Public Charge Act, which would block any funding from being used to implement the discriminatory public charge Rule put forth by the Department of Homeland Security.

Immigrants who use public benefits, like food stamps or Medicaid, benefits that they have paid into through taxes, should not be penalized when they apply for green cards or other adjustments of immigration status. Already we are seeing a decrease in healthcare enrollment in communities fearful of using services that they are actually eligible for. This policy only leads to more sickness and hunger in our communities.

I also believe that we must do better by the immigrant children who are crossing the border and being detained in emergency influx shelters. I personally visited Tornillo last year and was horrified at the conditions at that camp.

My bill, H.R. 1069, the Shut Down Child Prison Camps Act, was introduced with Senator Jeff Merkley of Oregon to make sure that any facilities where children are held, that they comply with the protections in the Flores settlement agreement. Luckily, Tornillo has been shut down, but the facilities like those in Homestead, Florida, continue to be operated.

I also urge this Committee to address the family-based immigration backlog. There are currently over 4 million people in the family immigration backlog waiting to reunite with their loved ones. The average wait time for a permanent resident to sponsor an unmarried son or daughter from Mexico is over 20 years.

My bill, H.R. 3799, the Reuniting Families Act, modernizes our family immigration system and provides relief to families who have been separated for years. Specifically, the bill recaptures unused visas lost over the past two decades, increases per-country limits, and prevents children from aging out and losing their place in line due to bureaucratic delays.

The bill also reforms our immigration-based immigration system by clearing backlogs and increasing the number of visas from 55,000–80,000 visas per year.

Finally, I am planning to reintroduce the Protect Our Workers from Exploitation and Retaliation Act in the coming weeks. The POWER Act protects U visa eligibility for immigrant workers who report unsafe or unfair labor practices. It also strengthens labor agencies' investigative powers and allows a stay of removal and work authorization for workers who file a workplace claim.

Thank you again for allowing me to testify, and I look forward to working with the Committee on passing legislation to address these issues.

[The statement of Ms. Chu follows:]

House Committee on Judiciary Member Day Hearing Testimony
Rep. Judy Chu
September 20, 2019

Chairman Nadler, Ranking Member Collins and Members of the Judiciary Committee,

Thank you for holding this Member Day hearing today. As a former member of this committee, I appreciate the opportunity to speak about some of my priorities, especially around immigration policy that you have jurisdiction over. I am grateful for the work the Committee has already done in marking up and passing the DREAM and Promise Act of 2019 and holding numerous hearings on the critical issues of family separation and detention.

This Administration has created an unprecedented attack on immigrant communities and through its policies divided families. I am deeply disappointed that the Supreme Court upheld the third iteration of the ban that excludes people from predominantly Muslim majority countries. That is why I introduced H.R.2214, the NO BAN Act, which repeals all iterations of the Muslim ban, the asylum ban, and extreme vetting for refugee executive order. It also requires the Administration to consult with the State Department and the Department of Homeland Security and to brief Congress before making such suspensions. My bill has over 170 co-sponsors and I am pleased that the Committee is planning to hold a hearing next week to examine the injustice of the Muslim Ban policy. I hope the NO BAN Act can be marked up and brought to the House floor for a vote soon.

But this administration is going even further, it is also attacking families that already live here in the United States. I am the author of H.R. 3222, the No Federal Funds for Public Charge Act, which would block any funding from being used to implement the discriminatory public charge rule put forth by the Department of Homeland Security. Immigrants who use public benefits like food stamps or Medicaid – benefits they have paid into through taxes - should not be penalized when they apply for green cards or other adjustment of immigration status. Already, we are seeing a decrease in healthcare enrollment in communities fearful of using services that they are eligible for. This policy only leads to more sickness and hunger in our communities.

I also believe that we must do better by the immigrant children who are crossing the border and being detained in emergency influx shelters. I personally visited Tornillo last year and was horrified at the conditions at that camp. My bill, H.R. 1069, the Shut Down Child Prison Camps Act, was introduced with Senator Jeff Merkley of Oregon to make sure that any facilities where children are held comply with the protections in the *Flores* Settlement Agreement. Luckily, Tornillo has been shut down, but facilities like Homestead, Florida continue to be operated.

I also urge this committee to address the family-based immigration backlog. There are currently over 4 million people in the family immigration backlog waiting to reunite with their loved ones. The average wait time for a permanent resident to sponsor an unmarried son or daughter from Mexico is over *twenty years*. My bill, H.R. 3799, the Reuniting Families Act, modernizes our family immigration system and provides relief to families who have been separated for years. Specifically, the bill recaptures unused visas lost over the past two decades, increases per-

country limits, and prevents children from aging out and losing their place in line due to bureaucratic delays. The bill also reforms our employment-based immigration system by clearing the backlogs and increasing the number of visas from 55,000 to 80,000 visas per year.

Finally, I am planning to reintroduce the Protect Our Workers from Exploitation and Retaliation (POWER) Act in the coming weeks. The POWER Act provides U-Visa eligibility for immigrant workers who report unsafe or unfair labor practices. It also strengthens labor agencies' investigative powers and allows a stay of removal and work authorization for workers who file a workplace claim.

Thank you again for allowing me to testify and I look forward to working with the committee on passing legislation to address these issues.

Ms. SCANLON. Thank you very much.

Next we will hear from the gentlelady from Virginia, Ms. Luria.

STATEMENT OF THE HON. ELAINE G. LURIA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Ms. LURIA. Thank you, Madam Chair and the Members of the Judiciary Committee, for giving me this opportunity today.

As the mother of a 10-year-old daughter, I can tell you there is nothing worse than watching your child in pain. We all want what is best for our children, and I trust that the Members of this Committee share my concern for children suffering from rare or debilitating diseases.

The unfortunate reality is that our outdated marijuana laws cause chronically ill children to suffer from unbearable bouts of pain every day. Your Committee can spare these children from this unthinkable agony.

That is why I am here today to encourage the Judiciary Committee to Act quickly to advance legislation to remove marijuana from the Controlled Substances List. It defies logic, science, and compassion that marijuana is classified as a Schedule I drug alongside heroin.

As a mother, I will not stand on the sidelines while our outdated marijuana laws cause an undue hardship on our children and our families. That is why I am here today to make sure that my colleagues hear the impact of inaction in reforming our marijuana laws.

Madison is a 10-year-old girl from Hampton, Virginia. When she was just 5 years old, Madison was diagnosed with a rare form of brain cancer. Only 200 adults and children are diagnosed with this form of cancer every year, and the 10-year survival rate is only 20 percent.

Over the last 4 years, Madison has had multiple major surgeries, severe bouts of pain, and very difficult treatments. After numerous treatments, Madison's family began to experiment with cannabis products to make life more bearable for her, and, thankfully, it worked. Madison is now able to go to school, play with friends, and do things that most 10-year-old girls do.

I would love to say that this is the end, and everyone lived happily ever after, but that is not the case. Our archaic medical marijuana policies prevent Madison from receiving her treatment on a legal basis.

Since cannabis is a Schedule I drug, Madison's mother could be arrested, have her property seized, or lose her daughter to Child Protective Services by doing what is best for her daughter. Madison's mother is risking everything, but she is doing exactly what any mother would do for their child.

Today I ask you, aren't we better than this? Why can't Congress stand up for children like Madison?

Our marijuana laws are not only out of step with the scientific community, but they are also out of step with the American people we were sent here to represent. According to a recent poll, 93 percent of Americans support medical marijuana.

Children like Madison with rare diseases do not have time on their side. I urge the Committee to Act quickly to advance legislation that deschedules marijuana so that we can stand up for children like Madison in our communities.

I thank you for the opportunity to speak before you today.

[The statement of Ms. Luria follows:]

Rep. Luria Testimony for Judiciary Member Day 9/20

Thank you, Chairman Nadler, Ranking Member Collins, and to my colleagues on the committee for giving me this opportunity.

As the mother of a 10-year-old daughter, I can tell you there is nothing worse than watching your child in pain. We all want what's best for our children and I trust that the members of this committee share my concern for children suffering from rare or debilitating diseases.

The unfortunate reality is that our outdated marijuana laws cause chronically ill children to suffer from unbearable bouts of pain every day. Your committee can spare these children from unthinkable agony.

That is why I am here today to encourage the Judiciary Committee to act quickly to advance legislation to remove marijuana from the Controlled Substances Act. It defies logic, science, and compassion that marijuana is classified as a Schedule 1 drug alongside heroin.

As a mother, I will not stand on the sidelines while our outdated marijuana laws cause an undue hardship on children and families. That is why I am here today to make sure my colleagues hear the impact of inaction on reforming our marijuana laws.

Madison is a 10-year-old girl from Hampton, Virginia. When she was just 5 years old, Madison was diagnosed with a rare form of brain cancer. Only 200 adults and children are diagnosed with this form of cancer every year and the 10-year survival rate is only 20 percent.

Over the last four years, Madison has had multiple major surgeries, severe bouts of pain, and difficult treatments.

After numerous treatments, Madison's family began to experiment with cannabis products to make life more bearable for Madison. Thankfully, it worked! Madison is now able to go to school, play with friends, and do things that most 10-year-old girls do.

I would love to say that this is the end and that everybody lived happily ever after. But that is not the case. Our archaic medicinal marijuana policies prevent Madison from receiving her treatment on a legal basis.

Since cannabis is a Schedule I drug, Madison's mother could be arrested, have her property seized, or lose her daughter to child protective services. By doing what is best for her daughter, Madison's mother is risking everything. But she is doing exactly what any mother would do if their child was in pain.

Today, I ask you: Aren't we better than this? Why can't Congress stand up for children like Madison?

Our marijuana laws are not only out of step with the scientific community, they are also out of step with the American people we were sent here to represent. According to a recent poll, 93 percent of Americans support medical marijuana.

Children like Madison with rare diseases do not have time on their side. I urge the committee to act quickly to advance legislation that de-schedules marijuana so that we can stand up for children like Madison in our communities.

Ms. SCANLON. Thank you very much.

We will now hear from the gentleman from Wisconsin, Mr. Gallagher.

STATEMENT OF THE HON. MIKE GALLAGHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. GALLAGHER. Thank you.

I would like to talk today about my bill, H.R. 1522, the Congressional and Executive Foreign Lobbying Ban Act.

This bill would prohibit Members of Congress, high-ranking executive branch officials, and flag and general officers of the Armed Forces from lobbying for foreign principals under the Foreign Agents Registration Act, or FARA, upon their retirement from government service.

Public trust, and we have all heard these statistics, in government has reached near all-time lows. Only 17 percent of Americans say they trust their government in Washington all or most of the time. That figure, just for historical context, was 73 percent when President Eisenhower was in office 60 years ago.

Today, stories of foreign influence and lobbying increasingly dominate the headlines. Americans who are already skeptical of their government see highly trusted former government officials, Representatives, and even Members of the military selling their influence and reputations to represent foreign entities, including some whose interests directly contravene those of the United States.

For example, numerous former Representatives, Senators, and Executive Branch officials have signed up to work on behalf of various State-directed Chinese interests, including Huawei and ZTE, Chinese telecom companies that are in a life-or-death struggle with Western-aligned companies for the future of global communications.

This is not an accident. The Chinese Communist Party's goal—to use the swamp to advance its interests and undermine our national security—is hiding in plain sight. We cannot let them succeed. To better defend ourselves, we need to update our laws regarding foreign influence.

When trusted officials turn around and offer their reputation and experience in service of our adversaries, they damage public trust in our government while advancing hostile interests. Therefore, my Congressional and Executive Foreign Lobbying Ban Act is a targeted reform that aims to prevent some of the worst abuses of access we have seen in recent years.

This is not about restricting freedom of speech. Rather, it is about preventing those with the most extensive insider connections from profiting off those connections to the detriment of our national interest.

Again, this ban extends only to former Members of Congress, high-ranking Executive Branch officials, and flag and general officers.

I believe this legislation is a concrete step that should bring both sides of the aisle together. Passing this bill would show the American people that we are serious about doing away with some of the most egregious peddling of influence that we have seen in the

swamp and certainly the kind that most directly undermines our national security.

So once again, I thank you for giving me this opportunity to speak here today. I hope we can get ahead of this issue, which I worry is going to get worse in the future as this competition with China proceeds, and I urge this Committee to swiftly take up and pass H.R. 1522.

Thank you.

Ms. SCANLON. Thank you, Mr. Gallagher.

I was remiss before. Do any Members of the Committee have questions for our Witness? Hearing none, thank you.

All right. Next, we will hear from the gentleman from Montana, Mr. Gianforte.

STATEMENT OF THE HON. GREG GIANFORTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

Mr. GIANFORTE. Thank you, Madam Chair, for holding this hearing and for Members Day today.

I know this Committee has been busy this Congress with impeachment. The Committee held its first hearing this week, and by all observers, it was a circus. There were clowns, tight walk walkers, fire breathers, and shell games. The only thing missing was the big top.

In addition to this first impeachment hearing, the Committee also held numerous hearings on the work of Special Counsel Robert Mueller. The Committee voted to hold the Attorney General in contempt for following the law. Democrats have spent the last 3 years grasping at straws to reverse the results of the 2016 Presidential election.

That is a shame. There are serious issues confronting our country that this Committee should be focused on. Yet, this Committee is hot under the collar with impeachment fever, driving the Committee to neglect those serious issues.

One of these serious issues is addressing our broken immigration system. The American people said immigration is the most important problem facing our country, according to a Gallup poll.

There is a crisis on our border. In May, Americans saw the highest number of border apprehensions in 1 month in 13 years. Cartels are profiting from drugs and human trafficking.

I visited the southern border in Arizona and saw the crisis firsthand. Ranchers I talked to described finding dead bodies on their properties. When I talked with Border Patrol agents, they told me they need more equipment, better body armor, and physical barriers that actually work.

What it all comes down to is that our immigration system is broken. This Committee focused on fixing it last year, replacing visa lotteries with a merit-based system, ending chain migration, and, yes, building a wall.

What has taken over this Committee this year? Impeachment fever. Episodes of mass violence have shaken our country. Cowardly individuals attack and kill innocent Americans in acts of domestic violence.

To address this crisis, Democrats propose infringing on our Second amendment rights of law-abiding citizens. Don't just take my

word for it. Democrats have claimed for years that nobody's coming for anybody's guns. A progressive Democrat running for President just last week destroyed that myth, admitting on national TV that they are coming for our guns.

Just look at H.R. 8. Democrats created an anti-Second amendment bill. No Subcommittee hearing was held. No Subcommittee markup was held. This Committee held no hearings. It was considered and marked up in one day.

So how would H.R. 8 prevent tragedies of mass violence? It wouldn't. In fact, it would make it illegal for a victim of domestic abuse to borrow a gun for protection. It is a dangerous step towards a national gun registry and ultimately confiscation.

Most recently, this Committee marked up a series of bills that provide no solutions, just false hope. It runs the gamut from imposing arbitrary limits on magazines to depriving law-abiding Americans of their Second amendment rights without due process. These efforts undermine the rights of lawful gun owners.

Do you know who won't be impacted by these false hope laws? Criminals.

So maybe this Committee could reaffirm the importance of enforcing existing laws to keep guns out of the hands of criminals, like forbidding straw purchases or prosecuting convicted criminals who try to buy guns. Maybe it could focus on keeping guns out of the hands of criminals. Maybe it could focus on evidence-based solutions that don't infringe our Second amendment rights.

Instead, this Committee has been taken over with impeachment fever.

Madam Chair, if you have to investigate something, if your fever just won't break, maybe you could bring Inspector General Horowitz from the Justice Department to discuss the actions of the FBI, CIA, and special Counsel. Maybe you could do more than take a shallow look at the deep state.

Thank you for this opportunity to share my views with the Committee.

Ms. SCANLON. Thank you to the gentleman from Montana.

We will now hear from the gentleman from California, Mr. Takano.

STATEMENT OF THE HON. MARK TAKANO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. TAKANO. Chair Scanlon, Mr. Cline, Mr. Collins, and the Members of the Committee, thank you for the opportunity to testify today. I am a little confused by the change of name plates.

I am here to discuss the deportation of noncitizen military veterans. Every day these brave servicemembers risk their lives in service to our country. Their sacrifice should be honored.

In June, the Government Accountability Office, the GAO, released a report at the request of my office and Congressman Juan Vargas to determine the scope of servicemember and veteran deportations. I was deeply alarmed by the findings in the report which shed light on a systemic failure within the Department of Homeland Security to identify and track information on potentially removable veterans.

I was equally troubled to discover that while Immigration and Customs Enforcement, ICE, has certain policies in place to track these veterans, ICE routinely failed to adhere to those policies.

This breakdown has directly resulted in the deportation of veterans who have proudly served our Nation.

I must depart from my script. Many Americans do not believe that our Nation is deporting men and women who have worn the cloth of our Nation. It is true. It has been done. There are many veterans that are living outside of our country who have been deported.

These veterans have dutifully served us, and as a country, we need to fix this grave injustice. Congress has an important role to play in making sure all veterans have access to the benefits they rightfully earned and providing a clear path forward to citizenship for those who dream of becoming citizens. Regardless of where they were born, these veterans have taken an oath to fight and protect this country, and they have proven themselves time after time.

We must not waste another day. Our veterans need help, and they need it now. Steps must be taken to ensure our veterans do not fall through the cracks of a broken immigration system.

I, along with some of my House colleagues, will be presenting a comprehensive package to address the significant and unique challenges our noncitizen veterans face. A comprehensive package would include several provisions that strike at the heart of some of the fundamental root causes of these deportations.

It will be important for this Chamber and this Committee to consider an approach that will take an inventory of all veterans who have been deported from the United States, establish clear protocols to identify and track potential veterans who may be subjected to immigration proceedings and face the specter of deportation, and establish a process to ensure that veterans moving through the judicial system stand a fair chance of being recognized for their service.

A common misconception about veterans is that they are reliably self-identify and announce their veteran status while facing deportation proceedings, though we know that this is simply not true. Under a fair and just system, the totality of a noncitizen veteran's service history would be presented before a judge during any deportation proceedings. However, this is rarely true today.

It is my view that no veteran should be deported without a considerable review of their case and their service to our country. Those who have already been forcibly removed should be given a fair chance to return to the country they love as naturalized citizens.

Our government is failing our noncitizen veterans, and we must do better as a Nation. I urge this Committee to take seriously the issue of deported veterans and urge your utmost consideration once a comprehensive legislative package is brought before this committee.

Thank you, and I yield back.

[The statement of Mr. Takano follows:]

Chairman Nadler, Ranking Member Collins, and Members of the Committee, thank you for the opportunity to testify today.

I am here to discuss the deportation of noncitizen military veterans. Every day, these brave servicemen and women risk their lives in service to our country. Their sacrifice should be honored.

In June, the Government Accountability Office (GAO) released a report at the request of my office and Congressman Juan Vargas to determine the scope of service member and veteran deportations. I was deeply alarmed by the findings in the report, which shed light on a systemic failure within the Department of

Homeland Security (DHS) to identify and track information on potentially removable veterans. I was equally troubled to discover that while Immigration Customs Enforcement (ICE) has certain policies in place to track these veterans, ICE routinely failed to adhere to those policies. This breakdown has directly resulted in the deportation of veterans whom have proudly served our nation.

These veterans have dutifully served us and as a country, we need to fix this grave injustice.

Congress has an important role to play in making sure all veterans have access to the benefits they rightfully earned and providing a clear path forward to citizenship for those who dream of becoming citizens. Regardless of where they were born, these veterans have taken an oath to fight and protect this

country, and they have proven themselves time after time. We must not waste another day – our veterans need help and they need it now.

Steps must be taken to ensure our veterans do not continue to fall through the cracks of a broken immigration system. I, along with some of my House colleagues, will be presenting a comprehensive package to address the significant and unique challenges our noncitizen veterans face. A comprehensive package would include several provisions to strike at the heart of some of the fundamental root causes of these deportations. It will be important for this chamber and this Committee to consider an approach that will take inventory of all veterans who have been deported from the U.S.; establish clear protocols to identify and track potential veterans who may be subjected to immigration proceedings and face the specter of deportation;

and establish a process to ensure that veterans moving through the judicial system stand a fair chance of being recognized for their service.

A common misconception about veterans is that they reliably self-identify and announce their veteran status while facing deportation proceedings, though we know that is simply not true. Under a fair and just system, the totality of a noncitizen veterans' service history would be presented before a judge during any deportation proceedings. However, this is rarely true today.

It is my view that no veteran = should be deported without a considerable review of their case and their service to our country. Those whom have already been forcibly removed should be given a fair chance to return to the country they love

as naturalized citizens. Our government is failing our noncitizens veterans and we must do better as a nation.

I urge this Committee to take seriously the issue of deported veterans and urge your utmost consideration once a comprehensive package is brought before this Committee.

Thank you and I yield back.

Ms. SCANLON. Thank you, Representative Takano.

Next, we will hear from the gentleman from Washington, Mr. Newhouse.

STATEMENT OF THE HON. DAN NEWHOUSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. NEWHOUSE. Good morning. Thank you, Madam Chair Scanlon and Mr. Cline. I appreciate the opportunity to testify in front of the House Judiciary Committee this morning.

I have come to speak on a crisis that affects communities across our Nation, the crisis of missing and murdered indigenous women. Native women throughout the country face a murder rate 10 times higher than the national average with 84 percent experiencing some kind of violence in their lifetimes.

In my home State of Washington, Native Americans make up about 2 percent of the population. A recent survey by the Washington State Patrol shows that indigenous women account for 7 percent of the State's reported missing women. Unlike other crimes, this problem affects communities in both highly populated urban areas as well as rural areas.

My congressional district sits at the epicenter of this crisis in the State of Washington. There are currently 31 open MMIW cases on or near the Yakima Nation in central Washington, including seven cases in just the last 5 years. This is in addition to 71 open cases in the greater Seattle metropolitan area.

Not only is the sheer number of open cases alarming, but the lack of resources and tools law enforcement agencies have to combat this problem is staggering. The complicated jurisdiction between Federal and Tribal and local law enforcement has caused serious issues throughout many investigations, and the families and communities of these victims are left without answers.

I can sit here and continue to spout the heartbreaking statistics or share gruesome details about the women who have gone missing or whose bodies have been found across the country, but the truth is we don't even have the accurate data to truly understand the breadth of this problem.

To truly understand their stories, it is best to hear directly from the communities that are affected. Our community in central Washington has not been silent. Citizens of the Yakima Nation and other local Tribes have hosted rallies and forums to raise awareness of this crisis and demand action.

One of our local newspapers, the Yakima-Herald Republic, has digitally highlighted the response and activism on the ground, providing resources for families and friends of missing Native women.

I am here today in part to draw attention to the request I have made to this Committee to host a field hearing in central Washington to discuss solutions to the MMIW crisis. My written request was delivered in June and has been echoed in letters from numerous Tribes, advocacy groups, and women's organizations, yet we have yet to receive a response. This Committee has held 26 hearings since those letters began arriving on your desks, but we have not been acknowledged.

I would ask unanimous consent to submit for the record copies of the letters my request, as well as letters from the Yakima Na-

tion, the Colville Nation, the Puyallup Nation, the Samish Indian Nation, the Muckleshoot Tribe, the Nez Perce Tribe, the Washington State Women's Commission, the YWCA, as well as the Missing and Murdered Native Americans.

Ms. SCANLON. Those will be received, without objection.

[The information follows:]

MR. NEWHOUSE FOR THE RECORD

DAN NEWHOUSE
4th DISTRICT, WASHINGTON
www.newhouse.house.gov

1414 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
OFFICE (202) 225-5816
FAX (202) 225-3251

VICE-CHAIR
NUCLEAR CLEANUP CAUCUS



Congress of the United States
House of Representatives

HOUSE COMMITTEE ON
APPROPRIATIONS
SUBCOMMITTEE ON ENERGY AND WATER
DEVELOPMENT AND RELATED AGENCIES
SUBCOMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON LEGISLATIVE BRANCH

June 6, 2019

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Doug Collins
Ranking Member
House Committee of the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Raúl Grijalva
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Rob Bishop
Ranking Member
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairmen Nadler and Grijalva and Ranking Members Collins and Bishop,

The crisis of Missing and Murdered Indigenous Women (MMIW) gained national attention after Savanna LaFontaine-Greywind, a 22-year old member of the Spirit Lake Tribe who was pregnant with her first child, was murdered in August 2017. Savanna's story is heartbreaking; and, tragically, her murder is not an isolated incident.

Native American and Alaska Native women face a murder rate ten times higher than the national average, with 84% experiencing some form of violence in their lifetime. Despite this disturbing and persisting trend, there is still no reliable way of knowing how many Native Women go missing each year because of outdated databases and a lack of coordination between law enforcement agencies. This is unacceptable.

To assist in curbing this epidemic affecting Native Women, I introduced *Savanna's Act* with my colleagues Representatives Norma Torres (D-CA) and Deb Haaland (D-OK), to finally empower law enforcement agencies and tribes to effectively address this devastating issue that impacts communities in Central Washington and across the country.

As your committees continue to discuss policies to address the MMIW crisis and consider holding legislative hearings on *Savanna's Act*, I must respectfully stress the importance of hearing directly from communities on the ground who have been harmed by this epidemic.

Indigenous Women in Washington have been particularly impacted by this crisis, with 71 MMIW open cases statewide, 31 of which occurring on or around the Yakama Nation Reservation. This data is only available due to the diligent reporting of the *Yakima-Herald Republic*, which has created an online hub

3100 GEORGE WASHINGTON WAY, SUITE 130
RICHLAND, WA 99354
OFFICE (509) 713-7374

402 EAST YAKIMA AVENUE, SUITE 1000
YAKIMA, WA 98901
OFFICE (509) 452-3243

705 OMAHA DRIVE, SUITE E 413
OMAK, WA 98841
PHONE (509) 433-7760

that lists open cases involving missing and murdered Yakama Nation women, provides resources for the community to report a disappearance, and links to additional stories highlighting the community response to the crisis. It is with these statistics and community efforts in mind that I invite you to hold a field hearing in Central Washington on the MMIW crisis. Hosting a field hearing in Central Washington—particularly on the Yakama Nation Reservation—would be a meaningful opportunity to gather a diverse community of Tribal and law enforcement stakeholders to share their experiences on the front lines of the MMIW crisis and how legislative proposals, like *Savanna's Act*, would help communities serve justice for Native Women and their families.

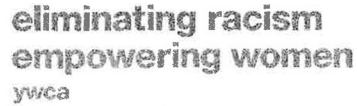
Thank you for your consideration and for your strong leadership and advocacy for our nation's Native communities. I look forward to welcoming you to Central Washington and to addressing this crisis that affects communities across our country.

Sincerely,



Dan Newhouse
Member of Congress

Cc: The Honorable Ruben Gallego, Chairman, House Natural Resources Subcommittee for Indigenous Peoples of the United States
The Honorable Paul Cook, Ranking Member, House Natural Resources Subcommittee for Indigenous Peoples of the United States



YWCA Yakima T: 509-248-7796
818 W Yakima Ave. F: 509-575-5398
Yakima, WA 98902 www.ywcayakima.org

June 18, 2019

Dear Representative Newhouse:

The YWCA of Yakima calls on you and Congress to take aggressive action to find answers and protective solutions to the Missing and Murdered Native Women in Yakima County and throughout our country. We support your efforts with Savanna's Act. It's time for the violence against women to stop.

We request field hearings in Yakima County to learn more from our Yakama Tribal members and others with information on what is happening in Yakima County. We are highly concerned about the level of violence against women in our area.

For 110 years the YWCA of Yakima has been providing services to women and children in our community. Last year alone we helped over 13,000 women, children, and men who were experiencing domestic violence. Our emergency shelter frequently helps Native women reclaim their lives and build new futures for them and their children.

Thank you for leading an effort to bring these issues forward. This is a crisis that needs attention now. How many more women will we allow to go missing or be murdered? How many more children will grow up not knowing where their mother is?

Sincerely,

A handwritten signature in black ink that reads "Cheri Kilty". The signature is written in a cursive, flowing style.

Cheri Kilty
Executive Director

YWCA of Yakima is a 501 (C)3 nonprofit organization, tax-ID #91-0565563, and acknowledge that no goods or services were provided to you in return for your contribution. This letter is your receipt and should be kept with your tax credit reports. The charitable deduction may be disallowed if you are unable to provide this acknowledgement to the IRS upon request.



**Confederated Tribes and Bands
Of the Yakama Nation**

Established by the
Treaty of June 9, 1855

June 20, 2019

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Doug Collins
Ranking Member
House Committee of the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Raul Grijalva
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Rob Bishop
Ranking Member
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Nadler and Grijalva and Ranking Members Collins and Bishop

Shix Patchway. On behalf of the Confederated Tribes and Bands of the Yakama Nation, I am writing to in support of Savannah's Act, H.R. 2733 and to invite the House Committee on the Judiciary and House Committee on Natural Resources to conduct a field hearing on the proposed legislation at the Yakama Reservation.

We are truly to grateful to Representatives Dan Newhouse, Norma Torres and Deb Haaland for introducing Savannah's Act. For many years the Yakama Nation has made formal requests to the Department of Justice and Bureau of Indian Affairs to assist with locating missing persons, and solving the unsolved homicide cases that have occurred on and around the Yakama Reservation – with no response or action by the Governmental Agencies.

The Yakama Nation Tribal Council has formed a Special Committee for this very important issue, The Yakama Nation Missing and Murdered Indigenous Women Committee. The Committee has been gathering community input through informal and formal processes, and working to implement action items in response. On January 14, 2019, the Committee hosted a meeting at the Yakama Nation Legends Casino that gathered input and shared actions item and was well attended by many law enforcement agencies and a representative from Governor Jay Insee's Office.

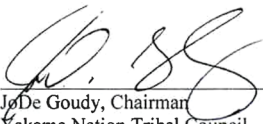
The Yakama Nation has supported the Washington State Legislature's work to address the ongoing MMIW crisis, specifically Washington State HB 2951 and SB 1713. As the Yakama Nation testified in Olympia, there needs to be a genuine response to the reports of missing and murdered Native women and girls across Tribal lands. Also, all new legislation needs to be guided by a clear strategic framework and principles to move beyond the current conditions endangering our lives and future generations of Native women and girls.

Post Office Box 151, Fort Road, Toppenish, WA 98948 (509) 865-5121

The Yakama Nation is formally requesting a field hearing on our Yakama Lands to address the issues relating to the missing and murdered women and peoples and the need for Savanna's Act, H.R. 2733. We would like your Committees to have an opportunity to hear firsthand from our community as well as other impacted Tribes.

The Yakama Nation offers our assistance to the Committees to facilitate true action by the United States to address the crisis facing Native communities nationwide.

Thank you for your time and consideration. We look forward to your response.


JoDe Goudy, Chairman
Yakama Nation Tribal Council



Missing and Murdered Native Americans

16901 Silverbell Ct SE, Yelm, WA 98597
missingandmurderednativeamericans@gmail.com

June 27, 2019

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Doug Collins
Ranking Member
House Committee of the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Raúl Grijalva
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Rob Bishop
Ranking Member
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairmen Nadler and Grijalva and Ranking Members Collins and Bishop:

I am writing as an advocate for families of the missing and murdered and as a family member who has lost my mother and my cousin to share our collective support of Savannah's Act, H. R. 2733. Please accept the invitation to conduct a field hearing on the proposed legislation. The crisis of Missing and Murdered Indigenous Women (MMIW) is gaining momentum across the nation with tragic stories like Savanna LaFontaine-Greywind, who was pregnant with her first child when she was murdered in August 2017. Savanna's story is heartbreaking; and, tragically, there are thousands of these stories across the country. There are over 40 missing or murdered women on the Yakama reservation, each with its share of horrific details and failed investigations.

Native American's are the only race in our country where no thorough data is collected, thus there is no reliable way of knowing how many Native Women go missing. Outdated databases and a lack of coordination between law enforcement agencies are creating a literal joke of "Who's on First" where no one wants to take jurisdiction. This bad joke played out this winter in the death of 14 year old Henny Scott. The family fought to get law enforcement to take a missing report or help find Henny wasting critical time. Henny was found dead by a volunteer search party on the Norther Cheyenne reservation in December 2018. This could have been prevented and is unacceptable, and yet, Henny's is just one story.

The Urban Indian Health Institute reports that Washington State ranks second in the nation for missing and murdered indigenous women. Seattle holds sadly is number one and Tacoma is number two. I must respectfully and urgently request your committees to hear directly from the communities hit the hardest as you discuss policies that will impact them the most.

Thank you for your consideration and for your strong leadership and advocacy for our nation's Native communities. We look forward to your response.

Sincerely,


Carolyn DeFord, Founder

Missing and Murdered Native Americans
MMIW Family Member, Daughter of Leona Kinsey



July 10, 2019

The Honorable Jerrold Nadler
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Doug Collins
House Committee of the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Raúl Grijalva
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Rob Bishop
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairs Nadler and Grijalva and Ranking Members Collins and Bishop:

I am the Director of the Washington State Women's Commission, a government agency focused on eliminating systemic barriers for women. I am writing in support of Savanna's Act (H.R. 2733), introduced by Representatives Dan Newhouse (R-WA), Norma Torres (D-CA), and Deb Haaland (D-OK). Savanna's Act is a bipartisan effort that will help address the crisis of missing and murdered Indigenous women and girls (MMIWG) across the country. I also support holding a field hearing on the Yakama Nation Reservation.

In April 2019, two Native girls, Mary Gates (age 14) and Myra Queahpama (age 15), went missing from Yakima County in Washington state. Every day they are missing makes it more difficult to find them. Their families deserve to be heard. I am writing to support a field hearing on the Yakama Nation reservation to learn more from our Yakima Tribal members about this issue. Of the 56 missing Native American women in Washington, 20 are from Yakima County, according to the National Crime Information Center (NCIC) database.

The Women's Commission shares the concern of many about the level of violence against women in the area. I respectfully request your committees hold a field hearing at the Yakama Reservation, and to support the passage of Savanna's Act.

Thank you for your consideration and for your strong leadership and advocacy for our nation's Native communities.

Sincerely,

Michelle Gonzalez
Michelle Gonzalez
Director

Washington State Women's Commission | Office of the Governor
PO Box 43113, Olympia, WA 98504-3113 | www.wswc.wa.gov | 360.902.8015

CC: The Hon. Dan Newhouse, U.S. House of Representatives
The Hon. Patty Murray, United States Senate
The Hon. Maria Cantwell, United States Senate
Casey Katims, Director of Governor Inslee's Washington, D.C. Office



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

September 18, 2019

The Honorable Jerrold Nadler, Chairman
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington DC 20515

The Honorable Doug Collins, Ranking Member
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington DC 20515

The Honorable Raúl Grijalva, Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington DC 20515

The Honorable Rob Bishop, Ranking Member
House Committee on Natural Resources
1324 Longworth House Office Building
Washington DC 20515

Dear Chairmen Nadler and Grijalva and Ranking Members Collins and Bishop:


As Congressman Newhouse stated in his June 6 letter, Native American and Alaska Native women face a murder rate ten times higher than the national average, with 84% experiencing some form of violence in their lifetime. Still, the tools and resources to document and address this issue are severely lacking in Indian Country due to outdated databases and a lack of coordination between law enforcement agencies. In addition to the Violence Against Women Reauthorization Act of 2019 (H.R. 1585), legislation such as Savanna's Act (H.R. 2733), the Native Youth and Tribal Officer Protection Act (H.R. 958), and the Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act (H.R. 4289) are each distinctly designed to provide an array of solutions to some of these unique problems.

To fully understand the need for this type of legislation and the federal resources and programs necessary to combat violence against women and the resulting issues, it is important to hear directly from communities to learn how reservations, families, and law enforcement are impacted by this crisis. The Nez Perce Tribe has suffered the loss of a number of our tribal citizens as a result of violence. It is for this reason, and because Washington State encompasses some of the Tribe's treaty-reserved homelands, that the Nez Perce Tribe supports Congressman Newhouse's request that either one or both of your committees host field hearings in the state of Washington to examine issues relating to missing and murdered Indian women.

The Honorable Jerrold Nadler
The Honorable Raúl Grijalva
The Honorable Doug Collins
The Honorable Rob Bishop
September 18, 2019
Page 2

Thank you for your consideration of this request.

Sincerely,



Shannon F. Wheeler
Chairman



July 12, 2019

The Honorable Jerrold Nadler
 Chairman
 House Committee on Judiciary
 2141 Rayburn House Office Building
 Washington, D.C. 20515

The Honorable Doug Collins
 Ranking Member
 House Committee on Judiciary
 2141 Rayburn House Office Building
 Washington, D.C. 20515

The Honorable Raul Grijalva
 Chairman
 House Committee on Natural Resources
 Washington, D.C. 20515

The Honorable Rob Bishop
 Ranking Member
 House Committee on Natural Resources
 Washington, D.C. 20515

Re: Missing and Murdered Indigenous Women Epidemic

Dear Chairmen Nadler and Grijalva and Ranking Members Collins and Bishop,

On behalf of the Muckleshoot Indian Tribe ("Tribe"), I am writing to request that the Committee on the Judiciary and Committee on Natural Resources conduct a joint field hearing in Washington State on the Missing and Murdered Indigenous Women ("MMIW") epidemic.

The MMIW crisis is a heart-wrenching problem impacting Indian country. Over recent decades, thousands of American Indian and Alaska Native ("AI/AN") women have disappeared. The Center for Disease Control and Prevention reported that murder is the third-leading cause of death among AI/AN women and that rates of violence on reservations can be up to ten times higher than the national average.

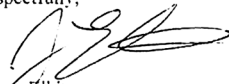
This crisis is plaguing Washington State at an alarming rate. A 2018 report by the Urban Indian Health Institute found that Washington State ranked second in the nation for the number of MMIW cases (71 cases). Further, the study determined that Seattle was the city with the highest number of MMIW cases (45). This is extremely concerning for the Tribe considering we are located less than 30 miles from Seattle.

While there is no single cause for the high rates of MMIW, experts suggest several explanations, including jurisdictional barriers; lack of cross-jurisdictional communication and planning; failure to adequately fund tribal justice systems; and the targeting of Native women by sex traffickers.

Legislation pending in the Judiciary and Natural Resources committees, including Savanna's Act (H.R. 2733) would help address the MMIW crisis. Savanna's Act, introduced by Representatives Norma Torres, Deb Haaland, and Dan Newhouse, would increase coordination among all levels of law enforcement; increase data collection and information sharing; and empower tribal governments with the resources needed in cases involving MMIW.

In closing, the Muckleshoot Indian Tribe strongly encourages the Committee on the Judiciary and Committee on Natural Resources to conduct a joint field hearing in the State of Washington on the Missing and Murdered Indigenous Women epidemic and related legislation.

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Elkins', with a stylized flourish at the end.

Jason Elkins
Chairman
Muckleshoot Indian Tribe

CC: The Honorable Ruben Gallego, Chairman, House Natural Resources' Subcommittee on Indigenous Peoples of the United States

The Honorable Paul Cook, Ranking Member, House Natural Resources' Subcommittee on Indigenous Peoples of the United States



June 18, 2019

The Honorable Jerry Nadler
Chairman
House Committee on Judiciary
2141 Rayburn Office Building
Washington, D.C. 20515

The Honorable Doug Collins
Ranking Member House Committee of the
Judiciary
2141 Rayburn Office Building
Washington, D.C. 20515

The Honorable Raúl Grijalva
Chairman
House Committee on Natural Resources
1324 Longworth Office Building
Washington, D.C. 20515

The Honorable Rob Bishop
Ranking Member
House Committee on Natural Resources
1324 Longworth Office Building
Washington, D.C. 20515

Dear Chairmen Nadler and Grijalva and Ranking Members Collins and Bishop,

I am writing on behalf of the Samish Indian Nation to share the importance to our people of *Savanna's Act*, introduced by Representatives Dan Newhouse (R-WA), Norma Torres (D-CA), and Deb Haaland (D-OK) to address the devastating issue of Missing and Murdered Indigenous Women (MMIW) that impacts tribal communities here in Washington and across the country. I am also writing to underscore the importance of hearing directly from the tribal communities that have been impacted by this epidemic.

Indigenous Women in Washington have especially been impacted by the crisis, with currently 71 open cases statewide. Samish Indian Nation has not escaped this impact, as our late former Chairwoman lost her daughter-in-law in a violent criminal act over 30 years ago, and that case has even to this day never been solved.

With this in mind, we ask you to hold a field hearing in Central Washington to bring together Tribal leaders, local and Tribal law enforcement, and other community stakeholders and hear firsthand accounts of the MMIW crisis and how legislation like *Savanna's Act* would help ensure justice for Native Women and their families.

Thank you for your consideration and for your leadership and advocacy for our Nation's Native Communities. I look forward to welcoming you to Washington and to a collective response to this crisis.

Sincerely,



Thomas D. Wooten
Chairman

MAILING ADDRESS: P.O. BOX 217 • ANACORTES, WA 98221
OFFICE: 2918 COMMERCIAL AVE. • ANACORTES, WA 98221
PHONE: (360) 293-6404 • FAX: (360) 299-0790 • www.samishtribe.nsn.us



June 27, 2019

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Doug Collins
Ranking Member
House Committee of the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Raúl Grijalva
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Rob Bishop
Ranking Member
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairmen Nadler and Grijalva and Ranking Members Collins and Bishop,

I am writing on behalf of the Puyallup Tribe of Indians to share our collective support of Savanna's Act, H. R. 2733 introduced by Representatives Dan Newhouse (R-WA), Norma Torres (D-CA), and Deb Haaland (D-OK). The issue of missing and murdered Indigenous Women (MMIW) has had devastating impacts on tribal communities in Washington State and across Indian Country. The Puyallup Tribe has not been immune to this crisis as we have several missing or murdered tribal members whose cases remain unsolved.

The Urban Indian Health Institute reports that Washington State ranks second in the nation for missing and murdered indigenous women. In data collected on urban areas, Seattle is number one, and Tacoma is number two. With this data in mind we respectfully and urgently stress the importance for the committees to hear directly from the communities hit the hardest as you discuss policies that will impact them the most.

We support Yakama Nation's invitation to the House Committee on the Judiciary and House Committee on Natural Resources to conduct a field hearing on the proposed legislation. Hosting a field hearing in Central Washington would be a meaningful opportunity to gather a diverse community of Tribal leaders, law enforcement, and community stakeholders and hear firsthand how legislation like Savanna's Act is needed to assure justice for Native women and the loved ones they've left behind.

Thank you for your consideration, and advocacy. We look forward to your response.

Sincerely,


David Z. Bean, Chairman
Puyallup Tribal Council

3009 East Portland Ave. • Tacoma, Washington 98404 • 253/597-6200



The Confederated Tribes of the Colville Reservation
P.O. Box 150, Nespelem, WA 99155 (509) 634-2200
FAX: (509) 634-4116



June 19, 2019

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Doug Collins
Ranking Member
House Committee of the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Raúl Grijalva
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Rob Bishop
Ranking Member
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairmen Nadler and Grijalva and Ranking Members Collins and Bishop:


On behalf of the Confederated Tribes of the Colville Reservation ("CCT"), I am writing to request that one or both of your committees hold a field hearing in Washington state to examine issues relating to missing and murdered Indian women and the need for enactment of *Savanna's Act*, H.R. 2733.

The CCT worked with Rep. Dan Newhouse when the House version of H.R. 2733 was being developed. The CCT joins Rep. Newhouse's request that a field hearing be held on the Yakama Nation Reservation as explained in his June 6, 2019, letter to your committees.

As explained in Rep. Newhouse's letter, information on many open cases involving missing and murdered Yakama Nation women was recently made available by local media. Previously, the CCT made personnel from the Colville Tribal Police Department available to assist the Yakama Nation in an attempt to resolve cases of missing Yakama women.

Thank you for your consideration of this request. Please feel free to contact me directly with any questions.

Sincerely,


Rodney Cawston
CHAIRMAN

Mr. NEWHOUSE. Thank you very much.

A field hearing will provide the Members of the Committee the opportunity to hear firsthand from the Tribes, local law enforcement agencies, community Members, and families who are dealing with this crisis every day. A visit to the Yakima Nation would help demonstrate the impact this crisis is having on our communities in central Washington and around the country. I sincerely hope you will consider accepting my invitation.

Thankfully, the current Administration has been actively pursuing this local input. The Department of Interior is conducting a series of roundtable events with Tribes and local law enforcement agencies across the country, most recently in Arizona and Alaska.

While the DOI and the Bureau of Indian Affairs certainly have a role to play here, it is Congress who must pay attention and do our part.

I have worked with colleagues, including Norma Torres and Deb Haaland, as well as others, on proposals that would provide immediate assistance. For instance, Savannah's Act and the BADGES for Native Communities Act would develop guidelines and best practices to enhance the reporting and record keeping of crimes against indigenous women, improve communication between law enforcement and families of victims, and provide resources to Tribal law enforcement to recruit, retain, and train officers to better investigate these crimes.

There is strong bipartisan support for both bills which have been referred to your committee. My colleagues and I stand ready to develop solutions that will work for local Tribal communities and law enforcement. I hope the Members of the Committee will join us in listening to the desperate pleas of these communities in seeking comprehensive solutions and bringing justice on behalf of these women and these families.

I thank you for your attention.

Ms. SCANLON. Thank you very much.

I will now hear from the gentlelady from Missouri, Ms. Hartzler.

STATEMENT OF THE HON. VICKY HARTZLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Ms. HARTZLER. Thank you, Madam Chair, Representative Cline, and distinguished Members of this Committee. So, thank you for giving me this opportunity to address you today.

Today I would like to discuss three of my top priorities: School safety, border security, and combating sex trafficking. These three issues impact every one of our communities. That is why I introduced three bills to offer solutions to these challenges.

The first bill I want to highlight is H.R. 1501, the Police Officers Protecting Children Act. This bill will give school districts the flexibility to allow off-duty law enforcement officers and qualified retired officers to carry a concealed firearm on school grounds.

This issue came to my attention when one of my constituents, a 30-year retired veteran police officer, found that Federal law prohibited him from volunteering to protect his grandchildren while he visited their school.

My bill does not require schools to make any changes, but simply removes a Federal barrier and allows school districts to decide for

themselves if they want to allow otherwise qualified law enforcement officers the ability to protect our children on school property.

For too long, we have witnessed countless and gut-wrenching acts of violence in our schools, and we have mourned, grieved, and called for action. We can no longer afford to stand by and call for action without engaging and offering solutions. That is why I introduced this important piece of legislation.

The next bill I would like to discuss is H.R. 3968, the Eradicate Crossing of Illegal Tunnels or EXIT Act.

Last year, I visited the southern border and spoke directly with Customs and Border Patrol agents in Nogales, Arizona. The lengthy and burdensome process of filling illegal tunnels that cross the border and facilitate the flow of illegal narcotics into our country was a top concern.

An agent explained that once a tunnel was found, it could take months to get through the environmental reviews and bid contracting process necessary to allow a crew to begin filling in a cross-border tunnel. For example, a tunnel was found in the Rio Grande Valley in January of this year and was not filled until nearly 4 months later.

We should not allow bureaucratic red tape to get in the way of dealing with matters of national security, such as filling illegal drug tunnels. My bill expedites the approval process that CBP agents must undergo to destroy tunnels at the border. It allows the Secretary of Homeland Security to waive Federal, State, and local environmental permits and reviews, expedites the contracting process, and clarifies that CBP and ICE have the authority to search for and remediate unlawful cross-border tunnels while patrolling the border.

This bill is a commonsense fix that will save time and resources while also helping to prevent illegal drugs from entering our country.

Finally, I have reintroduced the Empowering Law Enforcement to Fight Sex Trafficking Demand Act, a bipartisan bill that passed this House by voice vote last Congress. My bill, H.R. 1110, supports law enforcement agencies in their efforts to expand and develop sex trafficking demand reduction programs by enabling new funding through the Edward Byrne Justice Assistance Grant Programs or Byrne JAG program.

Since 2007, the National Human Trafficking Hotline has reported 51,919 sex trafficking cases in the United States, underscoring the harsh reality that sex trafficking has roots in thousands of our neighborhoods and cities across our country.

According to leading researchers and law enforcement agencies, a primary cause of the growing number of sex trafficking cases is consumer-level demand. Despite the increase and influence of consumer demand, law enforcement is not being equipped with the proper funding to create or expand demand reduction programs that would put these sex trafficking buyers behind bars.

By expanding the Byrne JAG program, we can provide our State and local law enforcement agencies more flexibility in balancing their resources to combat sex trafficking. We, as Members of Congress, must shed light on this horrendous epidemic and provide our

law enforcement agencies with the adequate resources to attack the sex trafficking industry at its source.

I ask my colleagues to support all three of these crucial efforts, and I thank you for allowing me this time. I yield back.

Ms. SCANLON. Thank you very much.

Next, the Committee will hear from the gentleman from Iowa, Mr. King.

**STATEMENT OF THE HON. STEVE KING, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF IOWA**

Mr. KING. Thank you, Madam Chair and Ranking Member. I appreciate the opportunity to address a number of bills that I would like to see move before this United States Congress, and I will try to get through about four of them in these 5 minutes.

The first would be the Heartbeat Protection Act, which made a lot of progress in the last Congress, up to 172 cosponsors—excuse me, 174 cosponsors—and it had all the votes in this Committee to pass out of Committee without amendment, and it had the votes on the floor.

There was a decision, I think made higher up, not to allow that bill to move forward, which I deeply regret, but the progress that we made in this Congress and the previous Congress did seem to launch or trigger an epidemic of heartbeat bills across the country. At the heart of these heartbeat bills is the idea that once a heartbeat can be detected, the baby is protected.

So, that swept through this Congress almost to the point of sending a bill over to the Senate, but also the States, there are at least 10 States that have passed some version of that, a couple of them before then, a number of them since then, including Iowa, and now we have 25 of the 50 States that have either passed heartbeat legislation or taken action on it.

This is a movement in America, and I would like to see this Congress step up to it and get ahead of it instead of following. I want to see a national legislation so that there is a standard policy for all America just like there is for marriage, only I would like to see it done by the legislature rather than the judicial branch of government, and I think everybody on this Committee would think the same thing with regard to legislation rather than judicial action on large policies.

The second topic I would like to take up is some immigration legislation. One of them is my bill H.R. 140, the Birthright Citizenship Act. It is legislation that I have authored here in this Congress for a number of sessions, and it recognizes this: That there are between—this is according to an old study, more than 10 years old. We had testimony before this Committee in this room that there were between 340,000 and 750,000 babies born in this country when both parents are unlawfully present in America.

That is called birthright citizenship. It has spawned birth tourism. At that time, the turnkey cost of, say, a pregnant woman from China could fly to the United States, stay here, have the baby, receive all the medical care, and be housed for a period of time, fly back to China with a birth certificate for that child for a turnkey price of \$30,000.

That price has gone up a little bit since then, I understand, but we also have a number of these automatic citizenships taking place, automatic births taking place. We know there are people that just come to America to have a baby so that that baby can be a citizen, and then 18 years later the process begins to do the Family Reunification Act.

It is happening with families out of the Middle East that are sometimes of suspicious history as to whether they favor the United States or work against us.

So, that is an important piece of legislation. I recognize the 14th amendment of the Constitution says that all persons born in the United States and subject to the jurisdiction thereof are American citizens. This Congress needs to evaluate that clause, subject to the jurisdiction thereof, and the scholarship that has testified in this room has sided with me on this in that that means owing allegiance too. So, that is where you start this, and I think it needs to happen here.

Second immigration piece is the New IDEA Act. That is H.R. 904. I named it that because there are no new ideas in this Congress. I was a little bit—I guess I thought I would just test that out. It does come together. IDEA, the acronym stands for the Illegal Deduction Elimination Act, and it clarifies that wages and benefits paid to illegals are not tax deductible for Federal income tax purposes. Then it denies those wages and benefits as a business expense to the employer.

So, it is a powerful deterrent, and it moves those dollars from a Schedule C expense back over into the gross receipts column where they show up as net income, taxable interest, and penalty.

It brings the IRS into the immigration enforcement process, and it ties together the Social Security Administration and the Department of Homeland Security. So, the right-, left-, and middle-hand of government all know what each other is doing, and they are working on a common cause.

It also makes E-Verify permanent but not mandatory, and it does give safe harbor for the employers who use E-Verify.

So, this is a smart, costless, effective immigration enforcement.

Then in seconds, I will say H.R. 2260, the E-bonding for Immigration Integrity Act. The President is working on this through executive action. I brought this to him, he agreed. We can apply bonding to people coming in here on visas. With that, the bonding can bring about enforcement and encourage them to go back home.

I conclude my remarks and appreciate the opportunity to testify before this Committee.

Ms. SCANLON. Thank you, sir.

We will now hear from the gentlewoman from New Mexico, Representative Haaland.

STATEMENT OF THE HON. DEBRA A. HAALAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Ms. HAALAND. Good morning, Madam Chair. Thank you for this opportunity to share some key priorities that impact the lives of New Mexicans.

I proudly hail from a majority minority State where nearly half the population is Hispanic. That is why I urge this Committee to consider H.R. 2729, the Protect Immigration Act of 2019.

This bill discontinues the 287(g) program that authorizes State and local law enforcement to collaborate with U.S. Immigration and Customs Enforcement in investigating, apprehending, and detaining undocumented people. This bill clarifies immigration enforcement is solely a function of the Federal Government, as it truly is.

Collaboration between ICE and State and local law enforcement can destroy trust among an entire community. Across the Nation, people don't call law enforcement in emergency situations or seek justice in the court for fear of being profiled, deported, or detained. This is unacceptable and doesn't serve or protect our communities.

Many times, such people are disadvantaged and are not criminals. They are individuals who may make simple mistakes, like the undocumented woman living in my district since 2000 who went to court for a speeding ticket. Instead of being able to present her case and pay her fine, she was arrested by ICE.

Our community should know they can safely call the police, seek justice as a victim, or pay a simple speeding fine. Sowing fear and distrust between communities and law enforcement makes everyone less safe, and that is what happens when we ask local law enforcement to do ICE's job. We cannot place the safety of our communities at risk due to distrust in law enforcement and in our justice system.

As Co-chair of the Native American Caucus and one of the first Native American women elected to Congress, one of my top priorities is to address the epidemic of missing and murdered indigenous women. I want to thank this Committee for supporting my two amendments to VAWA to expand the Tribal Access Program database and to provide victim advocate services to urban Indians.

While this was an important step, homicide continues to be the leading cause of death for Native women between ages 10–24 years old. Tragically, Native women experience murder rates 10 times that of the national average.

That is why I urge you to Act on the Not Invisible Act, which is the first bill in history to be introduced by all four congressional Members of Federally recognized tribes.

This bill will establish an advisory Committee to the Departments of Justice and Interior on violent crime comprised of law enforcement, Tribal leaders, Federal partners, service providers, and survivors.

It would also create best practices for combating the epidemic of missing persons, murder, and trafficking of Native Americans and Alaskan Natives and would create a position for an expert within the Bureau of Indian Affairs charged with improving coordination of violent crime prevention efforts across Federal agencies.

Congress must also address the barriers that stand in the way of efficient law enforcement agency data sharing and officer recruitment and retention, both of which are imperative to address the crisis of missing and murdered indigenous women.

I also urge this Committee to move my BADGES Act, which will increase the effectiveness of Federal missing persons resources and gives Tribes and States the funding to coordinate response efforts.

These bills are important steps to moving toward combating the overwhelming number of domestic violence and gender-based crimes in Indian Country and will move Tribes closer to true self-governance.

Thank you so much for hearing me, and I look forward to working with you to ensure that people from all communities feel safe and free from violence, and I yield.

[The statement of Ms. Haaland follows:]

**House Judiciary Committee Statement
The Honorable Deb Haaland
Members' Day Hearing
September 20, 2019**

Chairman Nadler, Ranking Member Collins, and Members of the House Judiciary Committee, thank you for this opportunity to share some key priorities before this body that impact the lives of New Mexicans.

I proudly hail from a majority minority state, where nearly half the population is Hispanic. That's why I urge this committee to consider H.R. 2729, the PROTECT Immigration Act of 2019. This bill discontinues the 287(g) program that authorizes State and local law enforcement to collaborate with U.S. Immigration and Customs Enforcement in investigating, apprehending and detaining undocumented people. This bill clarifies that immigration enforcement is solely a function of the Federal Government.

Collaboration between ICE and State and Local Law Enforcement can destroy trust among an entire community. Across the nation, people don't call law enforcement in emergency situations or seek justice in court for fear of being deported or detained. This is unacceptable and doesn't serve or protect our communities.

These are not violent criminals. They are people living in abusive situations. They are individuals who make simple mistakes, like the undocumented woman living in my district since 2000 who went to court for a speeding ticket. Instead of being able to present her case, she was arrested by ICE. Our communities should know they can safely call the police, seek justice as a victim, or pay a speeding ticket. Sowing fear and distrust between communities and law enforcement makes everyone less safe, and that is what happens when we ask local law enforcement to do ICE's job. We cannot place the safety of our communities at risk due to distrust in law enforcement and our justice system.

As Co-Chair of the Native American Caucus and one of the first Native American women elected to Congress, one of my top priorities is addressing the epidemic of missing and murdered indigenous women. I want to thank this committee for supporting my two amendments to VAWA to expand the Tribal Access Program database and to provide victim advocate services to urban Indians.

While this was an important step, homicide continues to be the leading cause of death for Native Women between ages 10 and 24. Tragically, Native women experience murder rates 10 times that of the national average. That's why I urge you to act on the Not Invisible Act, which is the first bill in history to be introduced by all 4 Congressional members of federally recognized tribes. This bill will establish an advisory committee to the Departments of Justice and Interior on violent crime comprised of law enforcement, tribal leaders, federal partners, service providers, and survivors. It would also create best practices for combatting the epidemic of missing persons, murder, and trafficking of Native Americans and Alaska Natives, and would create a position for an expert within the Bureau of Indian Affairs charged with improving coordination of violent crime prevention efforts across federal agencies.

Congress must also address the barriers that stand in the way of efficient law enforcement agency data sharing and officer recruitment and retention, both of which are imperative to address the crisis of missing and murdered indigenous women. I urge this committee to move my BADGES Act, which will

increase the effectiveness of federal missing persons resources and give Tribes and States funding to coordinate response efforts so more of us don't vanish.

These bills are important steps to moving towards combatting the overwhelming amount of domestic violence and gender-based crimes in Indian Country and move Tribes closer towards true self-governance.

Thank you for hearing me and I look forward to working with you to people from all communities feel safe and free from violence.

Ms. SCANLON. Thank you, Representative Haaland.

Next, we will hear from Mr. Malinowski, the Representative from New Jersey.

STATEMENT OF THE HON. TOM MALINOWSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. MALINOWSKI. Thank you, Madam Chair, Ranking Member.

I very much appreciate the opportunity to testify before you on behalf of the Seventh District in New Jersey. I am here today to address just one issue: The rising threat of White supremacist terrorism.

Over the past several years, our country has done an extremely good job protecting ourselves against terrorism committed by groups outside the United States like al-Qaida and ISIS. We have not done nearly as well preventing attacks by people who have been radicalized by a neo-Nazi and White supremacist movement that has its origins within the United States that is becoming increasingly transnational.

FBI Director Wray has told us that most of the Bureau's terrorism arrests in the U.S. now involve some form of White supremacy. According to the Anti-Defamation League, virtually every deadly terrorist attack in the United States in the last 2 years was committed by a member of this movement. It is a movement united by a common belief that immigration is causing the so-called replacement of the White race and by determination to create chaos and conflict by attacking Jews, Muslims, Hispanics, and members of other religious and ethnic minority groups.

The threat and the ideology inspiring it is absolutely clear from the deadly attacks in El Paso, in Charleston, in Pittsburgh. In each case, as well as in the horrible terrorist attack committed in Christchurch, New Zealand, the attacker cited exactly the same fear of invasion by immigrants.

It is pretty plain these people are becoming emboldened today. We see this in the crackpot conspiracy theories that are spreading virally on the internet. We see it in swastikas suddenly appearing on the walls of schools. We have had six such incidents in just one town in my district, Summit, New Jersey, in the past year.

We know it is not just about actual loss of life, as bad as that is. It is about the daily fear of loss of life. In my district, virtually every single synagogue and Jewish community center either has armed security or is wrestling with the question of whether to have it. State police come to mosque for Friday prayers.

Now, there are actions we have to take in response to this that fall outside the purview of the Judiciary Committee. I will be leading an effort to try to restore funding for programs at the Department of Homeland Security that combat violent extremism in the United States that were cut a couple of years ago. Many of us are pressing social media companies to do more to combat online radicalization and pressing the State Department to designate foreign White supremacist groups as terrorist organizations.

As busy as the Judiciary Committee is these days—and I know you are busy—I think it is imperative that this Committee do its part.

There is currently legislation pending in the House and Senate that would strengthen our government's ability to defeat domestic terrorism. This includes the Domestic Terrorism Prevention Act, of which I am original cosponsor, which would beef up the Justice Department units responsible for addressing this threat and improve data collection.

There is the DATA Act and the NO HATE Act. We also need to consider the difficult question of whether we should pass a domestic counterterrorism statute. While it is true that acts of mass murder are committed by White supremacists, like hate crimes can be prosecuted as ordinary crimes, I think there is a strong argument for enabling the Justice Department to prosecute these people for what they are, terrorists, and thus signaling that this effort must be a greater priority in terms of protection of our country.

It is also important for this Committee to continue to hold hearings and to conduct its basic oversight work to ensure that the FBI and DOJ pay sufficient attention to this threat and that they know we will have their back when they do. We will provide the resources and the authorities that they need.

Madam Chair, it is far past time that our country starts taking the threat posed by White supremacist terrorism as seriously and as urgently as we have rightly taken the threat posed by terrorist groups based outside the United States. There is not a moment to be lost.

Thank you.

[The statement of Mr. Malinowski follows:]

TESTIMONY OF THE HON. TOM MALINOWSKI

Thank you Chairman Nadler and Ranking Member Collins. I appreciate the opportunity to testify before the House Judiciary Committee on behalf of the 7th District of New Jersey.

I am here today to address the rising threat of white supremacist terrorism.

Over the past several years, we have done an extremely good job protecting the United States against terrorism committed by groups based outside the U.S., like al Qaeda and ISIS. We have not done as well preventing attacks by people radicalized by an increasingly transnational neo-Nazi and white supremacist movement that has its origins within the U.S.

FBI Director Wray has told us that most of the Bureau's terrorism arrests in the U.S. now involve "some form of white supremacy." According the Anti-Defamation League, virtually every deadly terrorist attack in the United States in the last two years was committed by a member of this movement, which is united by a common belief that immigration is leading the so called "replacement" of the white race, and a determination to create conflict by attacking Jews, Muslims, Hispanics and members of other religious or ethnic minority groups. That's plain from the deadly attacks in El Paso, Charleston and Pittsburgh – in each case, the attackers cited the same fear of invasion by immigrants.

It's plain that these people are feeling emboldened today. We see this in the crackpot conspiracy theories spreading virally on social media, the "Unite the Right" marchers in Charlottesville and swastikas suddenly appearing in schools.

Summit, NJ, a city inside my district, has had six such incidents in the past year.

This is not just about actual loss of life. It's about fear. In my district, virtually every synagogue and Jewish Community Center either has armed security or is wrestling with whether to have it. State police come to mosques for Friday prayers.

There are actions we must take in response that fall outside the purview of the Judiciary Committee. I will be leading an effort to restore funding for programs at the Department of Homeland Security that combat violent extremism in the U.S. Many of us are pressing social media companies to do more to combat online radicalization, and the State Department to designate foreign white supremacist groups as terrorist organizations.

But Mr. Chairman, as busy as you are these days, I think it is imperative that this Committee do its part.

There is currently legislation pending in the House and Senate that would strengthen our government's ability to defeat domestic terrorism.

This includes the Domestic Terrorism Prevention Act, of which I am an original cosponsor, which would beef up the Justice Department units responsible for addressing this threat, and improve data collection. There is the DATA Act and the NO HATE Act.

We should also consider passing a domestic counterterrorism statute. While it's true that acts of mass murder committed by white supremacists, like hate crimes, can be prosecuted as ordinary crimes, I think there is a strong argument for enabling the Justice Department to prosecute these people for what they are: terrorists, and for thus signaling that this effort must be a greater priority in terms of protection of our country.

It's also important for the committee to continue to hold hearings and conduct its basic oversight work to ensure that the FBI and DOJ pay sufficient attention to this threat, and that they know we have their back when they do, and provide the resources and authorities they need.

Mr. Chairman, it is far past time that our country starts taking the threat posed by white supremacist terrorists as seriously and as urgently as we rightly take the threat posed by terrorist groups based outside the United States. There is not a moment to be lost.

Thank you.

Ms. SCANLON. Thank you very much.

We will now hear from the gentleman from Illinois, Mr. Quigley.

STATEMENT OF THE HON. MIKE QUIGLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. QUIGLEY. I want to thank the Chair and the Ranking Member, and the Committee for allowing me to speak today.

I hope you will strongly consider and pass two of the bills I currently referred to this committee. The first is H.R. 1671, the NICS Denial Notification Act, which will help State law enforcement better enforce existing gun laws and respond to warning signs of criminal behavior. Keeping dangerous weapons out of the hands of dangerous people is a nonnegotiable priority for my constituents.

Every year in Chicago, nearly 700 children are victims of gun violence. Sixty-six of these children die as a result of injuries sustained from bullets. Across America, 89 people are killed daily. Seven of these 89 are children. Every day, mothers, fathers, sisters, brothers, aunts, uncles, grandparents, and friends, learn that a loved one has been killed by a bullet.

Over the past decade, we have seen mass shooting after mass shooting. In fact, just this summer, in the span of less than 13 hours, two communities in our country were faced with the tragedy of a mass shooting. Thirty-two lives were cut short by gun violence in less than a day. We can do something about this.

On August 31, Midland, Texas, suffered another senseless and tragic mass shooting. As you may know, the perpetrator of that incident failed a background check in 2014 when he attempted to purchase a gun. He later purchased a firearm through a private sale.

Taking action to prevent that scenario from ever happening again is why I have come here today. My bill, the NICS Denial Notification Act, is one of the few bipartisan gun safety bills in Congress and would help State law enforcement better enforce existing gun laws by establishing an alert system to notify them when individuals legally prohibited from purchasing a firearm attempt to do so.

In 37 States and the District of Columbia, which rely on the FBI to run some or all their background checks, State authorities are generally not aware when prohibited persons fail background checks run by the FBI. As a result, these States and DC lack critical law enforcement intelligence that they could use to try to keep their communities safe by automatically notifying State and local law enforcement when a prohibited individual attempts to acquire a gun. We can help law enforcement intercept a dangerous person before they acquire a weapon and commit a violent crime. Had this been the law, there is a chance that the horrific mass shooting in Midland may never have occurred.

On a much different note, I also want to use this time to discuss my bipartisan JOLT Act. H.R. 2187, the Jobs Originating Through Launching Travel Act, is aptly named, as it is designed to give a jolt to the U.S. economy by improving inbound travel to the U.S. while simultaneously improving our national security.

Travel and tourism are crucially important in a district like mine in Chicago but also all over the U.S. Cities, towns, big and small,

benefit from a robust travel and tourism industry. The impacts are felt in food service, lodging, transportation, retail, amusement, and recreation activities.

Our Nation's number one service export, tourism, generates 2.5 trillion in economic activity every year, with nearly 200 billion in spending coming from visa-free travelers alone. Of course, our ports of entry must be fortified and the infrastructure improved to meet the needs and the unique security challenges international travelers pose.

The JOLT Act deals with these issues and opportunities, directly providing for a safer, more prosperous country. It encourages Canadian tourism to the U.S. by increasing the length of stay for Canadian visitors from 180–240 days.

Second, the bill importantly renames the Visa Waiver Program to a more appropriate Security Travel Partnership Program. This name change is more than just branding. It more accurately reflects the mission and security parameters required for qualified countries to participate. This includes maintaining high import security standards, supporting operation for an effective Air Marshal program, and cooperating with the U.S. to fight terrorism by sharing terrorists' next threat.

The bill also makes visa processing more efficient, setting a goal for 15 days for reviews on nonimmigrant visas. Finally, the bill contains reporting requirements for DHS to share with Congress on how many people visited the U.S. under this travel program.

Simply put, we should do everything we can to expand and strengthen this successful program, and I thank you for the opportunity to speak with you today.

[The statement of Mr. Quigley follows:]

Rep. Mike Quigley_Judiciary Member Day Testimony_September 20, 2019

Chairman Nadler, Ranking Member Collins, and members of the Judiciary Committee, thank you for giving me the opportunity to provide testimony on crucial legislative issues affecting constituents in my district and across the country.

My hope is that you will strongly consider and pass two of my bills currently referred to this committee.

The first is H.R. 1671, the **NICS Denial Notification Act**, which will help state law enforcement better enforce existing gun laws and respond to warning signs of criminal behavior.

Keeping dangerous weapons out of the hands of dangerous people is a non-negotiable priority for my constituents.

Every year in Chicago, nearly 700 children are victims of gun violence. 66 of those children die as a result of injuries sustained from bullets. And across America, 89 people are killed daily—7 of those 89 are children.

Every day, mothers, fathers, sisters, brothers, aunts, uncles, grandparents, and friends learn that a loved one has been killed by a bullet.

Rep. Mike Quigley_Judiciary Member Day Testimony_September 20, 2019

Over the past decade, we have seen mass shooting after mass shooting. In fact, just this summer, in a span of less than 13 hours, two communities in our country were faced with the tragedy of a mass shooting.

Thirty-two lives were cut short by gun violence in less than one day. We can do something about this.

On August 31, Midland, Texas suffered another senseless and tragic mass shooting.

As you may know, the perpetrator in that incident failed a federal background check in 2014 when he attempted to purchase a gun.

He later purchased a firearm through a private sale.

Taking action to prevent that scenario from ever happening again is why I have come here today.

My bill, the NICS Denial Notification Act, is one of the few bipartisan gun safety bills in Congress and would help state law enforcement better enforce existing gun laws by establishing an alert system to notify them when individuals legally prohibited from purchasing a firearm attempt to do so.

Rep. Mike Quigley_Judiciary Member Day Testimony_September 20, 2019

In 37 states and the District of Columbia, which rely on the FBI to run some or all of their background checks, state authorities are generally not aware when prohibited persons fail background checks run by the FBI.

As a result, these states and D.C. lack critical law enforcement intelligence that they could use to try to keep their communities safe.

By automatically notifying state and local law enforcement when a prohibited individual attempts to acquire a gun, we can help law enforcement intercept a dangerous person before they acquire a weapon and commit a violent crime.

Had this been law, there is a chance that the horrific mass shooting in Midland may never have occurred.

On a much different note, I also want to use this time to discuss my bipartisan JOLT Act.

H.R. 2187, the **Jobs Originating through Launching Travel Act** is aptly named as it is designed to give a “jolt” to the U.S. economy by improving inbound travel to the U.S., while simultaneously improving our national security.

Rep. Mike Quigley_Judiciary Member Day Testimony_September 20, 2019

Travel and tourism are crucially important to a district like mine in Chicago—but all over the United States, cities and towns, big and small benefit from a robust travel and tourism industry.

The impacts are felt in food service, lodging, transportation, retail, amusement and recreation attractions.

As our nation's number one service export, tourism generates \$2.5 trillion in economic activity every year with nearly \$200 billion in spending coming from visa-free travelers alone.

But of course, our ports of entry must be fortified, and the infrastructure improved in order to meet the needs and unique security challenges international travelers pose.

The JOLT Act deals with these issues and opportunities directly, providing for a safer, more prosperous country.

First, it encourages Canadian tourism to the United States by increasing the length of stay for Canadian visitors from 180 days to 240 days.

Canadian Snowbirds flock to states like South Carolina, Arizona, Florida, Hawaii, Georgia, Arkansas and

Rep. Mike Quigley_Judiciary Member Day Testimony_September 20, 2019

California for the winter months, creating a hugely positive impact for those local economies.

Second, the bill importantly renames the Visa Waiver Program to the more appropriate Secure Travel Partnership Program. This name change is more than rebranding.

It more accurately reflects the mission and security parameters required for qualified countries to participate.

This includes maintaining high airport security standards, supporting operation of an effective air marshal program, and cooperating with the U.S. to fight terrorism by sharing terrorist threat information.

Next, the bill makes visa processing more efficient setting a goal of 15 days for reviews of non-immigrant visas, creating a pilot program for processing visas by secure video conferencing, and better coordinating enrollment for visas and the Global Entry program.

Finally, the bill contains reporting requirements for DHS to share with Congress on how many people visited the United States under the secure travel partnership program, ways the program promotes travel security, and justification for DHS program management.

Rep. Mike Quigley_Judiciary Member Day Testimony_September 20, 2019

Not only does visa-free travel by our allies help to support one million U.S. jobs, but it also enhances international diplomacy and strengthens our national security.

Simply put, we should be doing everything we can to expand and strengthen a successful program that serves as a major component of our strategy to secure borders, building security partnerships and encouraging counterterrorism information sharing between the U.S. and member countries.

Thank you again for the opportunity to provide this testimony. I look forward to working with you on passing these important legislative priorities and look forward to answering any questions you may have.

Ms. SCANLON. Thank you very much.

Next, the chair recognizes the gentleman from northern New York, Mr. Katko.

**STATEMENT OF THE HON. JOHN KATKO, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. KATKO. Good morning. I would like to begin by thanking the Committee for the opportunity to speak today on H.R. 3657, the Bill's Promise Act.

I was proud to introduce H.R. 3657 earlier this Congress with Representative Hank Johnson of Georgia, and I am pleased that the legislation has already received strong bipartisan support from the Committee, including from Ranking Member Collins and Representatives on both sides of the aisle, including Members of Congress Roby, Swalwell, Cline, Sensenbrenner, Dean, Chabot, Buck, and, hopefully soon, Ms. Scanlon.

As a former Federal prosecutor, and one for 20 years, I routinely dealt with pretrial release matters, and they are an important tool for judges, an important tool for prosecutors, important tool for the system to ensure that only those that truly deserve to be incarcerated pending trial are incarcerated pending trial.

When properly administered, the programs help to address the significant resource and capacity restrictions facing our courts. Unfortunately, failures in this system can jeopardize availability of pretrial release services and threaten the safety of victims, the accused, and the men and women who administer these services.

The community that I represent in central New York, knows these consequences all too well. I want to delve into the facts of a particular case to illustrate my point.

In 2013, I was a Federal prosecutor in Syracuse, New York, and one day we received horrific news. Somebody that was charged with possessing child pornography and who was on pretrial release, justifiably so, most likely, because he had no priors, kidnapped a woman and a 10-year-old girl, her daughter, repeatedly raped the girl in front of the mother and then murdered the mother.

As subsequent facts evolved, it was determined that this individual, while on pretrial release and on electronic monitoring, had tampered with his bracelet 46 times before getting out—before actually committing the crime. What was learned was that 46 alarms went to the company, 46 alarms went to probation, and those alarms were largely ignored as an anomaly. He knew this, the defendant, and he eventually took the bracelet off and went and committed the horrific crime that he committed.

What I found out subsequently was this was not an isolated incident. I have spoken to Members on both sides of the aisle all throughout Congress, Sheila Jackson Lee, for example, and many others, who have encountered similar things in their district, stories so ridiculous as electronic monitoring not being monitored 24/7, closing down at 9 o'clock at night and then starting up at 9 o'clock in the morning. One individual knew that, and after 9 o'clock at night, he went out and murdered somebody. There are facts like this all over—and I will spare you some of the gory details.

What this bill tries to do is to address this, not by denigrating pretrial release, but by trying to enhance it, by doing appropriate things. By the way, the bill is named for Bill's Promise, because the individual who came upon this horrific scene and held this woman in his arms as she died made a promise to her that he would make sure it never happened again, and he has made it his lifework.

So, while these circumstances I described in this one case were extreme, they certainly are not isolated, and further oversight is needed to ensure that they are never allowed to occur again.

A recent analysis by the Pew Charitable Trust found a 140-percent increase in the use of electronic monitoring devices nationwide over a 10-year period. As this and other technologies are deployed to improve the Administration of pretrial release programs, Congress must take action to promote accountability, maintain the integrity of our pretrial release system.

The Bill's Promise Act represents a critical step in this process. The legislation would authorize a comprehensive study on the Administration of pretrial release services, with a specific focus on monitoring practices for individuals on pretrial release.

Critically, this legislation would also examine resource and capacity issues impacting the Administration of pretrial release services and call for recommendations to ensure their continued availability.

Having received endorsements from the National Alliance to End Sexual Violence, the Fraternal Order of Police, the National Sheriffs' Association, to name a few, I ask that the Committee strongly consider taking up this legislation.

On a final note, I want to highlight the advocacy of Bill Cregg, the gentleman I described. He is a steadfast advocate for safety in the central New York community and his advocacy has made this legislation possible. He was the first person on the scene, as I said, after this horrific event that occurred in 2013. This experience motivated Bill to make a promise that senseless and preventable acts of violence like those he witnessed would never be incurred again. I am here today asking you, all of you, to help him keep that promise.

Thank you. I yield back.

Ms. SCANLON. Thank you very much.

We will next hear from the gentleman from Ohio, Mr. Stivers.

**STATEMENT OF THE HON. STEVE STIVERS, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO**

Mr. STIVERS. Thank you, Madam Chair and Ranking Member. I appreciate the opportunity to testify before you on intellectual property reforms today.

Our Founding Fathers knew that our Nation's economic success would be hard work—would thrive with the hard work of American inventors and their ideas. That is why in the Constitution, article I, section 8, they gave Congress the power to promote the progress of science and the useful arts, which has been considered the gold standard in the patent system around the world.

Unfortunately, in recent years, some of our unintended consequences from laws and judicial decisions have threatened our status as the leader in innovation. Congress passed the America

Invents Act, which promised a faster, fairer, and cheaper method of challenging the validity of patents that have been granted by the U.S. Patent and Trademark Office. It created the Patent Trial Appeal Board, PTAB, and I support the PTAB.

Unfortunately, what has happened, because the standards that the PTAB are lower than the standards in the court, is we have tipped the scales in favor of those who have the deepest pockets instead of those who have the best ideas. Innovators have always thrived in trying to take down the Goliath of the day with their new slingshot, but the current system denies that opportunity to some because they might not be deep pockets.

That is why, along with Congressman Bill Foster, Tom McClintock, Nydia Velazquez, we have introduced the bipartisan Stronger Patents Act. This legislation seeks to help Congress keep its original promise in the America Invents Acts and create a cheaper, faster, fairer process in the Patent Trial and Appeal Board.

It ensures that the PTAB uses the same standards of construction as the Federal court system. That seems pretty simple. Because the standards are different and you get more protections at the court system, everything from the PTAB ends up getting appealed. When you appeal everything, it costs more money, it takes longer, and deeper pockets win more often.

That contradiction and uncertainty has eroded the confidence in our system. Thankfully, the Director of the U.S. Patent and Trademark Office, Director Iancu, has implemented the harmonization of claim construction through a rulemaking process, but that is temporary, and we need to enshrine it in law. The Stronger Patent Act does just that. I think it is really important.

The second thing the Stronger Patent Act does is it restores injunctive relief. If you are stealing my personal property, I can stop you. If you are stealing my intellectual property today, I might not be able to stop you because I can't get injunctive relief. Again, this just leads things toward the deeper pockets.

In fact, there is a new term out there inside intellectual property, and that term is that they are going to try to take your property until you stop them. It is called efficient infringement. It is only efficient because we don't have injunctions. We need to bring back injunctions and restore the property rights that are enshrined in the Constitution again.

This Committee has an opportunity to discuss and debate these PTO reforms, and I look forward to working with you as we do that. We can restore our Patent and Trademark Office to a place that is the gold standard for the world.

Another thing that the Committee I hope will consider over time is the patent eligibility sections that haven't been updated since 1952, long before jets, artificial intelligence, mapping of the human genome, even the fax machine, were not thought of in 1952.

This absence of Congressional action since 1952 has allowed the courts to set policy on what can and cannot get a patent. So, we need to take a serious look at that, and I hope you will look at that as well. There are some things being discussed and worked on with Senator Thom Tillis, Chris Coons, Chris Collins, Hank Johnson, and I, around patent eligibility to help clarify it. I hope you will take some time to look at it.

Think back to 1952. The three of us probably weren't born in 1952. You don't look like you were. So, think about how long ago that was. Half the pictures in this room weren't up in 1952. That was two generations ago. So, we do need to look at patent eligibility, but I hope you will take a serious look at the Stronger Patents Act because it is really important because it will help keep our economy competitive into the future.

I want to thank the Committee for this opportunity. I am happy to answer any questions and look forward to working with you on intellectual property reforms.

[The statement of Mr. Stivers follows:]

House Judiciary Committee

September 20, 2019

Submitted Testimony of Representative Steve Stivers (OH-15)

Chairman Nadler, Ranking Member Collins, and members of the Committee, thank you for the opportunity to testify before the committee today.

I am here today to urge the committee to consider intellectual property legislation that will enable our country to continue to lead as an innovator and protect the work that powers our economic engine.

Over the history of our nation, our patent system was considered the “gold standard”. Our founding fathers knew that the key to our economic power and progress as a country would rest on the ability to incentivize and reward the hard work of American ideas and innovators. The principle of protecting innovators and their works, “*for the promotion of science and the useful arts*”, helped establish our nation as a global industrial and innovative super power.

Unfortunately, in recent years, changes in our laws and judicial decisions have threatened our stability as the leader in innovation and fractured the confidence in our patent system. Congress passed the America Invents Act, which promised a *faster, fairer, and Cheaper* method of challenging the validity of patents that have been granted by the PTO. I voted for this law myself, in the hope that we were improving the quality of patents and end unfair and frivolous practices in using patents as legal leverage rather than bringing ideas to the public benefit.

The AIA created the Patent Trial and Appeal Board (PTAB) to hear challenges on patents that the PTO had already granted. Let me be clear in my testimony today; I want the PTAB to do its job, and to do its job well. Poorly designed or improperly granted patents have no place in our intellectual property system. Patents that are used purely for the purpose of threatening lawsuits or anti-competitive behavior are not productive in our economy or to our national interest.

However, what we have seen in the years since the AIA is an environment that has tipped the scales too far in favor of those with the deepest pockets and the greatest resources. The largest companies can continue to conduct research and develop new products while also having access to cheaper challenges and quicker methods of invalidating their competitors. I do not wish to deny the market powers that established incumbents enjoy in a free market. Inventors and innovators have always thrived in trying to take down the goliath of the day with a new slingshot of their making. That sort of risk-taking and disruptive behavior has led to the greatest advances in every industry from the lightbulb to the iPhone.

Sadly, the environment that has developed under the AIA has deprived our startups the ability to protect their next great slingshot, and instead have provided avenues for the goliaths to make repeated and unfair attacks against the startup challenging their rule. As a result, startups and individual inventors are forced to spend precious resources fighting challenges instead of going to market, and are forced to play by a rulebook that seems to be stacked against their favor.

This environment is something that should concern every member of this committee if we are hoping to remain competitive and lead in a global economy. U.S innovators face threats from nations who subsidize their own companies or facilitate the outright theft of I.P. in order to undercut our own work in areas such as 5G telecommunication, personalized medicine and diagnostics, artificial intelligence, and quantum

computing. The only way to protect the next great idea, is to ensure our patent system properly protects and rewards those ideas from infringement and unfair competition.

The US Chamber of Commerce, in which the U.S. was consistently the leader in a global economy, last year ranked the U.S. at its lowest rank ever at twelfth in the world. The latest Bloomberg Innovation Index, has us listed at 8th. While the U.S. chamber promoted the U.S. back second earlier this year, following a string of reforms implemented by the current PTO Director Andrea Iancu. However even in second place, we are still tied with eleven other countries. This is not leadership, this is not where America should settle. Simply put, the patent system today, is preventing our country from meeting the potential of American innovation and other global leaders have taken notice.

Investment in venture capital is also heading abroad because of this weakened system. Instead of fostering more innovations in the U.S., American dollars and ideas are leaving our shores as the U.S. share of global venture fell to 40% in 2018, while China's rose to 38%. To contrast in 2010, before Congress passed the America Invents Act, the U.S. share of global venture was over 66%. Other countries are strengthening their patent systems to encourage the type of innovation that led to our dominance. Europe and China are strengthening their domestic patent systems to protect inventions and are happily accepting international products and innovation within their borders. Why should we continue to allow the U.S. to move in the opposite direction?

STRONGER PATENTS ACT

Earlier this Congress, I reintroduced, along with Representative Bill Foster of Illinois, Tom McClintock of California, and Nydia Velazquez of New York, (H.R. 3666) **The STRONGER Patents Act**. This legislation seeks to ensure Congress keeps its original promise made when it passed the America Invents Acts, and provides a truly cheaper, faster, and fairer process at the PTAB. What the AIA lacked in procedural and structural limitations for the new PTAB, the STRONGER Patents Act helps correct.

This bill ensures that the PTAB uses the same standards for claim construction that as has always been used in the Federal Circuit. Patent owners are often challenged through *inter partes review* at the PTAB while still awaiting decisions from District Courts in cases of infringement. While the District Court in many times upholds the patent based on their higher standard for claim construction upon review, the PTAB instead invalidates the same patent using a broad standard. These contradictory decisions deny patent owners the proper defense owed to an already granted U.S. patent and undercuts any defense of that patent in the one venue which should always remain available for a final decision; the district court.

This change in claim construction is just one of the actions that Director Iancu has already implemented through a rule at the PTO since he was confirmed. Despite opposition to this rule change, the PTAB has not been crippled. In fact, the stated reason for the US Chamber's promotion of the U.S. on their patent system score from 12th to 2nd was a result of these rules issued by Director Iancu. Congress should move to codify this improvement.

This legislation also helps address the current practice of a patent owner facing repeated challenges against a single patent or claim by the same or multiple parties. One of the oft repeated defenses of the AIA was to end harassing and repetitive filings of nuisance suits and demand letter behavior by so called "Patent Trolls". Why then should we permit the same type of harassing behavior within our PTO and call that an administrative process?

Our bill also allows for greater discovery of real parties in interest for those that file petitions against a single patent owner. If we want the AIA to live up to its name, we must eliminate gamesmanship of the system. Those who have the most resources can dedicate more than one challenge and overwhelm a small patent owner. If our patent system is supposed to support ideas getting to market and the benefit of the public, we want to ensure patent owners are not constantly driven into administrative procedures by unnecessary and repetitive challenges. Anyone that challenges a patent should do so in good faith and make their first effort, their best effort.

Perhaps the largest decay in our patent system over the last few years, has been the decline of injunctive relief for infringed patents. In all other areas of property law, the property owner has a right to an injunction. If someone wishes to cross my front yard and build their new driveway, I can stop them until we settle the dispute in court and allow the facts to speak for themselves. Instead, over the past few years, our patent system has told intellectual property owners that they must allow someone to continue to dig up their front yard, pour the concrete, and park their car on that property; all before a final decision can be rendered. We must restore balance to ensure intellectual property rights are respected, while ensuring that those protections are not used abused. The granting of a patent is the granting of a right to exclude. In recent years this right has been rendered moot, as owners have lost their partner in the courts in providing the one tool that can exclude; an injunction.

I welcome the opportunity to debate these issues and learn from others on how we can improve our patent system. The reform of the practices at the PTO is one immediate action that can be taken by this committee to help ensure American leadership continues. We can accomplish this reform without throwing out the benefits that the AIA has provided, and we can keep our promises to American inventors by supporting a system that respects the rights of all participants in our patent system regardless of their size and resources. At the PTO, ideas should matter more than resources.

PATENT ELIGIBILITY

I also believe that a worthy cause that this Committee can and should take up is the debate over what reforms are needed to our patent eligibility laws. Congress has not updated the patent eligibility statute since 1952. Since that time, we have witnessed the advance of jet engines, microprocessors, mobile computing, worldwide connected communications, artificial intelligence, mapping the human genome, and hundreds of innovations that were merely science fiction back in 1952.

In order to keep pace with this cycle our courts have produced decisions and provided guidance to innovators and attorneys alike, and unfortunately, we find ourselves in an environment in which cutting edge innovations are being questioned and denied as eligible for the gold standard of a U.S. patent. Worst of all, Congress has been left out of this balance of power in exercising our role to update the law to match our national priorities and the modern age. If we want to promote the discovery of the next cure for rare diseases, or the realization of true artificial intelligence, then we must ensure we are incentivizing and protecting the research and investment that is needed to take us into the future.

I was privileged enough to participate in a roundtable and exploratory process earlier this year convened by Senators Thom Tillis, and Chris Coons, the bipartisan leaders of the Senate's Subcommittee on Intellectual Property. I was joined by Ranking Member Doug Collins and Chairman of the House Judiciary Subcommittee on Intellectual Property, Hank Johnson in lending true bicameral and bipartisan support for this effort. These roundtables and stakeholder sessions explored many of the questions and policy discussions on how we

should update our patent eligibility laws. I am encouraged by the work that Senators Tillis and Coons are continuing in the Senate, and I am here to urge this committee to take up a process of their own to ensure this remains a bicameral effort worthy of Congress full attention. We should echo the efforts in the Senate as the need to provide clarity on patent eligibility is more critical than ever, if we want to see the providence in fields such as diagnostics and genetic therapies. In order for any true update of the law, both Chambers of Congress must have a voice and a process.

This year, the Senate Judiciary Committee has held one hearing on the STRONGER Patents Act and has held three hearings on the issue of subject matter eligibility reforms. The USPTO Director has testified in both Chambers that our eligibility laws need to be updated, and a myriad of court opinions have urged Congress to act on the uncertainty that past decisions have created. The House Judiciary Committee has a vital role to ensure the U.S. does not fall behind. We have not had an opportunity to address these concerns, in open debate and in collaboration with stakeholders from every industry. In order to do this, the committee must have a process and dedicate its resources.

Intellectual Property protections are not a partisan issue. The STRONGER Patents Act enjoys bicameral and bipartisan support, and the efforts to explore patent eligibility reforms remain a bipartisan endeavor. This committee has an opportunity to debate not only the problems that exist for patent holders and practitioners, but in the case of The STRONGER Patents Act; this committee can debate concrete ideas on how to fix them. Americans need to hear from ideas on both sides of the issue, and I welcome both criticisms and constructive thoughts on how to improve them.

This committee defends and ensures our patent laws remain accessible and encouraging to the innovation needed to drive our economy. I urge the Committee to take up these issues and work with me, and advocates on all side of the debate, in creating solutions that keep America in the lead.

I want to thank the committee for this opportunity today, and I remain available to answer any questions members have. My staff and I will assist this committee in carrying out its oversight and role in advancing our intellectual property laws and await the opportunity to do so.

Thank you.

Ms. SCANLON. Thank you very much.

Next, the Committee will hear from Mr. Marshall from Kansas.

STATEMENT OF THE HON. ROGER W. MARSHALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS

Mr. MARSHALL. Thank you, Madam Chair and Ranking Member. Good morning.

The Second amendment is a fundamental right enshrined in our Constitution. As a lifelong sportsman and gun owner, I remain committed to seeing that it is not infringed upon and will strongly oppose any legislation that would attempt to strip that right away from law-abiding citizens.

Americans have a right to protect themselves and those close to them. I cannot imagine living in rural Kansas, where a sheriff's officer is often 60 miles away, without my God-given, constitutionally guaranteed right to protect myself and my family.

Last week, this Committee advanced several anti-Second amendment bills, including one on proposed red flag laws that would allow private citizens to request court orders for officials to confiscate people's legally obtained and constitutionally protected firearms.

Proponents of this type of legislation say they would stop potential mass shootings before they occur, but red flag laws actually result in law-abiding citizens losing their ability to defend their families, all while losing their right to due process. These laws are too vague and will be abused beyond the stated purposes of the legislation by those who want to see a disarmed America.

We, all of us, every Member of Congress, we took an oath to defend and uphold the United States Constitution. I will continue fighting against unconstitutional gun grabs by those who wish to abolish the Second Amendment.

Madam Chair, Ranking Member, last week, I took part in a hearing on the Born-Alive Abortion Survivors Protection Act, which would protect babies born alive following an attempted abortion. I am appalled that the vote on this bill has been blocked 80 times now—80 times—by House leadership.

As an obstetrician who has delivered over 5,000 babies in Kansas, I never thought I would be fighting harder to save babies lives in the halls of Congress than in the delivery room. I am calling on this Committee to hold a hearing on this legislation and advance the bill to the floor for consideration by the Full House.

Kansans and pro-life Americans everywhere are demanding it. This shouldn't be complicated. This shouldn't be controversial. This is commonsense legislation. The fact that this can't get a vote should make all of us hang our heads in shame.

Madam Chair, Ranking Member, perhaps the biggest complaints I hear when I head back home and do townhalls about Congress tend to come from the actions, or really the lack of actions, from this Committee, the financial waste, the waste of time, the petty politics that comes from this room more often than anywhere else on the hill. We have known for months that there was no collusion. We also know that there are key issues that Congress must address on behalf of the American people, like the USMCA NAFTA 2.0 trade agreement. We need to secure our borders. We need an

infrastructure package. Those are just to name a few that the American public want done.

Unfortunately, those of us up here on in far left would rather waste everyone's time and money, their tax dollars, with these senseless hearings about investigations. In all, more than half of all the Democrats in this chamber now support moving forward on impeachment and continue to ignore calls from the public to focus on more pressing matters, such as, again, bringing trade deals to the floor to help our Nation's farmers and ranchers as well as our manufacturers.

There can be no denial that the majority of this Committee's sole agenda item is to buck the will of the American people and continue their attempts to impeach the President. Let's get on with the business of governing. Elections do matter. We are all learning that. We will get another chance in just a year. I am asking that we commit today that, until that election, we actually get something done for the American people and not just work to make another made-for-TV soundbite.

Thank you.

I yield back.

Ms. SCANLON. Thank you. I will just note that votes have been called, there are 11 minutes remaining, so this will be the last Witness.

With that, the gentleman from Tennessee, Mr. Roe.

**STATEMENT OF THE HON. DAVID P. ROE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TENNESSEE**

Mr. ROE. Thank you, Madam Chair.

Too often, as Americans, we tend to take our freedom for granted, but we should never forget that we owe our freedom to our Nation's veterans. That is why it is so egregious that many veterans come home to find that they have to do battle with the VA, the very agency that is supposed to help and support them, to protect their own constitutional rights.

The problem occurs when VA, for whatever reason, determines that a veteran needs assistance managing his or her VA financial benefits and decides to appoint a fiduciary. Now, there are many reasons why a veteran might need a fiduciary, such as a veteran who maybe had a TBI injury and has difficulty with math and struggles to balance his or her checkbook.

Unfortunately, there are serious unintended consequences when VA appoints a fiduciary. This is because, once VA decides that the beneficiary needs help with finances, even though there may be no evidence that the individual may be a danger to himself or others, the Department Sends the Veteran's Name to the FBI, Added to the NICS list.

I want to be clear, any individual who a court rules are a threat to themselves or others should not be permitted to possess a firearm. However, there is no evidence that those who need a fiduciary are a danger to society. It is important to remember that a VA bureaucrat makes this decision, not a judge.

Unfortunately, VA's decision has serious consequences for veterans, including losing his or her Second amendment rights. This means that the veteran can't go hunting, can't shoot at a target

range, or even keep a firearm that has been in the family for generations.

I am also concerned because some recreational therapy programs, like the one at the VA Grand Junction Medical Center in Colorado, have found that hunting trips can be therapeutic for veterans with physical and psychological disabilities. Right now, there are probably veterans who could be helped by these programs but can't participate just because a VA bureaucrat appointed a fiduciary for them.

Moreover, I am troubled that I have heard from veterans that they do not seek care or benefits from VA because they fear that, if they do, they will lose their Second amendment rights.

Just this week, I worked with one of our colleagues to assist a constituent who was so worried about the impact of VA's proposed fiduciary finding, that he stated he would rather give up his VA benefits than lose his firearms.

Barring law-abiding veterans from owning a weapon will not make our communities safer. If anything, it will discourage the veterans who protected our country from receiving the benefits that they have earned.

I have a bill, H.R. 3826, which would prohibit VA from sending veterans' names to the NICS list, unless there is an order from a judge or magistrate that says the person may harm themselves or others.

In 2017, this bill passed the House with bipartisan support. I know we don't always see eye to eye, but we should all agree that veterans who are willing to lay down their lives to protect freedom shouldn't have their own freedoms taken away without appropriate due process.

I urge the Members to support and cosponsor my bill, 3826, and hope you will recommend to the VA Committee Chair Takano to advance the bill.

I would also like to take the opportunity to renew my concerns with House-passed language in H.R. 1112. If H.R. 1112 were enacted, it could expand the list of individuals who cannot possess a firearm to include 1.7 million veterans with an adjudication of service connection for a mental health condition. I hope we can all agree that a VA bureaucrat granting a compensation claim for PTSD or depression in no way equates to a judicial ruling that a veteran is a danger to society. I raised these concerns in February when H.R. 1112 was being debated on the House floor.

I am also grateful the Veterans of Foreign Wars of the United States brought this issue to judiciary Chair Nadler's attention. As a result, he committed to ensuring that as H.R. 1112 proceeds, it will not negatively impact disabled veterans. Today, I would like to ask Chair Nadler to reaffirm the commitment he made on the House floor and request that he provide me with an update on his progress addressing this matter.

As the Chair of the Committee, I have traveled across this country talking to veterans. One of the concerns, Madam Chair, that I have is that—veterans from Long Island to Los Angeles have told me this—they are concerned that, if they have mental health treatment at the VA, that their weapons will be taken away.

I would encourage this Committee to take this up, and I yield back my time. Thank you for the opportunity to be here.

Ms. SCANLON. Thank you very much for your testimony.

This concludes today's hearing. We thank all our Witnesses for participating and discussing important views regarding immigration, criminal justice, gun safety, et cetera.

Without objection, all the Members will have 5 legislative days to submit additional materials for the record.

Without objection, this hearing is adjourned.

[Whereupon, at 10:32 a.m., the Committee was adjourned.]

APPENDIX

CONGRESSWOMAN LISA BLUNT ROCHESTER
DELAWARE AT-LARGE

WASHINGTON OFFICE
1519 LONGWORTH HOB
WASHINGTON, D.C. 20515
(202) 225-4165

WILMINGTON OFFICE
1105 N MARKET ST, STE. 400
WILMINGTON, DE 19801
(302) 830-2330

GEORGETOWN OFFICE
28 THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947
(302) 858-4773



Congress of the United States
House of Representatives
Washington, DC 20515

ASSISTANT WHIP
COMMITTEE ON ENERGY AND COMMERCE

The Honorable Jerrold Nadler
Chairman House Judiciary Committee
2141 Rayburn House Office Building
Washington, D.C. 20515
202-225-3951

Dear Chairman Nadler,

It is clear that our criminal justice system is in need of desperate reform. It's more focused on mass incarceration than rehabilitating those who have completed their prison sentence. We all know by now that the War on Drugs played a heavy role in the development of our modern criminal justice system. The results of this transformation that worked against many Americans is startling - over 100 million Americans, one in three, have some kind of arrest record. Worse still, one in two children have a parent with a criminal record. We know that minor records or arrests can create lifetime barriers. Nine in ten employers, four in five landlords, and three in five colleges use background checks. Those checks will bring up even minor and nonviolent records and arrests. What were nonviolent mistakes - often many years in the past - now have become a life sentence. Put simply, this is not just about criminal justice reform—it is also about our economic viability as a country and government efficiency.

Public correctional agencies like prisons, jails, and those that oversee parole and probation, costs Americans over \$80 billion a year. Reducing unjust and unnecessary incarceration would give states and localities more resources to improve education, infrastructure, and even address the opioid crisis.

Perhaps more startling is that recent estimates suggest the societal barriers associated with criminal records costs our economy \$87 billion annually. Fundamentally, criminal records not only hinder access to essential services and education, but they take away from a justice involved individual, the dignity to be productive.

But there is another way and it **builds on the incredible achievements of the First Step Act**, which we passed last Congress in a bipartisan manner. My legislation with Congressman Guy Reschenthaler, a member of the Judiciary Committee and a former judge, would be a necessary next step to achieving the kind of reform Americans need.

H.R. 2348, the Clean Slate Act, is about providing a second chance to nonviolent offenders, who have completed their sentence so they can return back to society and live a healthy, productive, and meaningful life.

Our bill would:

- Automatically seal an individual's federal criminal record if they have been convicted of simple drug possession or any federal nonviolent offense involving marijuana.
- After two years, it would allow for individuals to re-petition the court if their initial request was denied.
- It authorizes district courts to appoint a public defender to help indigent petitioners file and successfully seal their records.
- Crucially, our bill would automatically seal arrest records if an individual was not charged, exonerated, or acquitted.
- Our bill would also protect employers from liabilities due to misconduct that may relate to a sealed criminal record.
- A law enforcement agency or a court may access a sealed record of a covered individual in the possession of the agency or court, or another law enforcement agency or court.

The fundamental purpose of this bill is to break down barriers to employment, housing, education and essential services. While communities of color have been disproportionately impacted, every community has been negatively affected by the mass incarceration crisis. We must address the human cost of our broken criminal justice system.

My bill doesn't exist in a vacuum. Clean slate proposals have been garnering broad bipartisan support at the state level across the country. The arguments for passing second chance initiatives resonates with the American people and increasingly states are passing their own clean slate laws. Currently, one state, Pennsylvania, has passed clean slate legislation, and four other states are considering similar bills. We have an opportunity to help lead a national movement with this bill and ensure justice is brought to all Americans.

Congressman Guy Reschenthaler and I, alongside the Center for American Progress and FreedomWorks are working to get this done.

It is for these reasons I asked my colleagues on the House Judiciary Committee to support and consider my bill to give our fellow citizens a Clean Slate.

Thank You.

Statement from the Honorable Tony Cárdenas

Thank you, Chairman Nadler and Ranking Member Collins, for giving us the opportunity to come before you today and highlight issues that are important to our constituents and to the American people. I want to come before you to speak about an insidious practice that too often survives in the shadows. That is the use of fines and fees in our juvenile justice system.

Today, in America – the richest country in the world – children are being locked away because they are poor. That may sound like a harsh statement, but it is the reality of what is going on in towns and cities across the country. Currently, most states and many localities – not some, but **most** -- continue to charge juveniles and their families fines and fees within the juvenile justice system. Many families cannot overcome the financial burden of compounding legal charges, which can have devastating effects for these families and their communities. The types of charges faced by these children and their families vary, but include things like: court expenses, fees for a public defender, fees for evaluation and testing, probation supervision fees and costs, fees for participation in diversion programs, treatment costs including mental health treatment and rehabilitative programming, the cost of GPS monitoring, and the cost of care. The list goes on.

These costs create new obstacles for children and their families and are problematic when youth who would otherwise remain at home with their families may be incarcerated solely because they are unable to pay fees. This is true even when they pose no danger to the community and have no immediate need for services. Rather than improving public safety, this practice contributes to increased risks, as a report in Tennessee found that the imposition of fines and fees can significantly increase the likelihood of youth reoffending. Many of these juveniles are too young to have jobs themselves and can be pressured into committing crimes to pay off mounting legal fees -- ultimately landing them back in a juvenile-detention facility. These youth are at risk for lasting physical and psychological injury due to their financial circumstances, as facilities often have high rates of physical and sexual violence. The longer these children and adolescents remain in these environments the greater the risk of harm.

Although these fines and fees are commonplace, the net financial benefit to the governments that use them are typically small or often **lose** money because collection agencies must be hired to try to get money from these families who may never be able to pay.

Many states engage in this practice based on the mistaken belief that it encourages family engagement or serves as an important source of revenue. By establishing a grant program to provide meaningful resources for intervention programs states can actually achieve those goals and even prevent juveniles' initial involvement in the justice system.

That is why I introduced HR 2300, the Eliminating Debtor's Prison for Kids Act. This bill incentivizes states to terminate the harmful practice of using fines and fees in the juvenile justice system by providing grants to mental and behavioral health programs for at-risk youth. Additionally, funds will be utilized to research the effects of fines and fees in the criminal legal system at large to aid policymakers in determining best practices.

Eliminating unnecessary and cumbersome fees and fines from the juvenile criminal justice system can keep many families from falling deeper into debt and keep youths from out of prison. This unfair, broken system needlessly targets low-income families who cannot overcome the burden of these charges and ultimately suffer the consequences. California became the first state to eliminate court costs, fees and fines for juveniles and we need to encourage other states to do the same. This bill has been endorsed by over 40 groups and is co-sponsored by several of the members of this very Committee. I hope we can work together to pass this bill, and to improve the lives of children throughout America. Thank you.

RICK CRAWFORD
1ST DISTRICT, ARKANSAS

COMMITTEE ON AGRICULTURE
CHAIRMAN OF SUBCOMMITTEE ON FARM
COMMODITIES AND RISK MANAGEMENT

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

PERMANENT SELECT
COMMITTEE ON INTELLIGENCE

Congress of the United States
House of Representatives
2422 Rayburn Building
Washington, DC 20515

September 20, 2019

The Honorable Jerry Nadler & The Honorable Doug Collins
Chairman and Ranking Member of the House Committee on the Judiciary
Washington, D.C.

☐ WASHINGTON, DC
2422 RAYBURN HOB
WASHINGTON, DC 20515
PHONE: 202-225-4076
FAX: 202-225-5602

☐ JONESBORO
2400 EAST HIGHLAND
SUITE 300
JONESBORO, AR 72401
PHONE: 870-203-0540
FAX: 870-203-0542

☐ CABOT
112 SOUTH FIRST STREET
CABOT, AR 72023
PHONE: 501-643-3043
FAX: 501-643-4955

☐ MOUNTAIN HOME
1001 HIGHWAY 62 EAST
SUITE 9
MOUNTAIN HOME, AR 72653
PHONE: 870-424-2075
FAX: 870-424-3149

WWW.CRAWFORD.HOUSE.GOV

Chairman Nadler and Ranking Member Collins,

Thank you for considering my testimony for Judiciary Committee Member Day. I intended to testify in person, but unfortunately, I injured my knee at practice for the Congressional football game and was forced to return to Arkansas.

I would like to advocate for three pieces of my legislation that have been referred to your committee; H.Res. 150, H.R. 1132, and H.R. 2980.

H.Res. 150 is a resolution recognizing the 100th Anniversary of the Elaine Massacre, a little-known historical event that occurred in my district, and the worst incident of mass racial violence in American history. On September 30th, 1919, a group of black sharecroppers met at Hoop Spur Church in Elaine, Arkansas, to form a sharecropper union. That attempt at unionization led to backlash, and in the resulting racial riot 100-240 African Americans were murdered. Subsequent sham trials led to the false convictions of other black sharecroppers, and led to the Supreme Court decision of *Moore v. Dempsey*, which set the precedent for Supreme Court review of states' due process in criminal trials. With the impending 100th anniversary just weeks away, I would greatly appreciate the Committee's consideration of this H.Res. I greatly appreciate the assistance of my colleague, friend, and Civil Rights Subcommittee Chairman Steve Cohen up to this point.

H.R. 1132, the Divisional Realignment for the Eastern District of Arkansas Act of 2019, would consolidate the five divisions of the Eastern District of Arkansas into three. For more than two years, the Eastern District has been forced to operate under a contradiction between its organizational statute and the availability of Federal facilities, resulting in two of the five divisions not being served by courthouses. This bill will realign the administrative divisions to meet the infrastructure requirements mandated by law. The bill was previously incorporated into a larger bill marked up by the Committee in the 115th Congress, and even passed the House, but was not taken up by the Senate. The bill has the full endorsement of the Judicial Conference of the United States, the Judicial Council of the United States Court of Appeals for the Eighth District, and the Eastern District of Arkansas.

Finally, I would like to advocate for my original legislation H.R. 2980, the Entry Adjudication through General Legal Expertise, or EAGLE Corps Act. Today, over 869,000 cases are waiting for trial in our immigration courts – each one dragging on for an average of 736 days before a decision is reached. Our border patrol and immigration courts are understaffed and overworked, legal immigrants face daunting wait times, and American taxpayers are asked to bankroll the inefficiency. My bill would allow individuals who recently graduated law school and passed the Bar to gain real work experience in some of the busiest courts in the country. In exchange for serving in one of our 63 immigration courts, members of the EAGLE Corps would receive some student loan repayment.

The EAGLE Corps is meant to be a starting point from which we can address the crippling backlog at our borders while Congress works on an agreement to solve the larger issues within our immigration system. We all want to keep our country safe and continue our national tradition of welcoming those who share our values and ideals. We cannot expect our courts to properly and efficiently handle the cases before them without giving them the tools they need. Let's set our courts up for success. Together, we can focus on good, sensible reforms to our immigration system.

Thank you for consideration of my testimony, and please let me know if you have any questions regarding my legislation.

Sincerely,



Rick Crawford
MEMBER OF CONGRESS

Congressman Elijah E. Cummings (D-MD)
Judiciary Committee Member Day Testimony
September 20, 2019

Chairman Nadler and Ranking Member Collins,

Everyone in our country deserves to be treated with dignity and respect, especially those seeking asylum and a better life in the United States. However, U.S. Immigration and Customs Enforcement (ICE) continues to undercut critical federal detention standards by providing waivers to immigration detention facilities.

That is why I introduced the Waiver Accountability and Transparency Act, H.R. 2489, with Congressman Jamie Raskin (D-MD).

Our legislation will stop ICE's abuse of a waiver system that allows detention facilities to circumvent federal standards. Many of these detention facilities are being run for profit and waiving these standards endangers the health and safety of tens of thousands of immigrants.

In January, the Department of Homeland Security's Office of the Inspector General released a report detailing the excessive use of waivers and lack of accountability for contract facilities. The report found that "ICE has no formal policies and procedures to govern the waiver process, has allowed officials without clear authority to grant waivers, and does not ensure key stakeholders have access to approved waivers."

Detention standards are critical to preventing sexual assault; ensuring proper medical treatment, including for pregnant women; allowing access to legal services; and making sure conditions are safe at immigration detention facilities around the country.

According to the report, 96 percent of the waiver requests that the Inspector General analyzed were approved. ICE even signed off on a waiver to allow the for-profit contractor CoreCivic to use CS gas, a chemical agent 10 times more toxic than pepper spray at the Otay Mesa Detention Center in California.

Additionally, the Otero County Processing Center in New Mexico was given a waiver by ICE allowing them to commingle low-custody and high-custody detainees. Detention standards prohibit commingling detainees with serious criminal histories with those who are non-violent or have only committed immigration-related infractions.

The Waiver Accountability and Transparency Act reforms ICE's waiver process through increased transparency, accountability, and oversight. The bill requires that waiver request and decision documents be posted online and shared with Congress within three days. ICE's leadership would also need to be accountable for waivers and sign off on the granting and renewal of waivers. A corrective action plan would have to be in place in the most serious cases,

such as those impacting due process, medical care, safety, security, and rights, before a waiver could be granted. The legislation would also make it easier to impose financial penalties on contractors running detention facilities and it would implement new disclosures of financial penalties.

I am proud that over 40 of my House colleagues have cosponsored this legislation.

The bill also has the support of organizations such as Amnesty International USA, The Southern Poverty Law Center, National Immigrant Justice Center, Detention Watch Network, Project On Government Oversight, National Immigration Law Center, UnidosUS, U.S. Committee for Refugees and Immigrants, America's Voice, DHS Watch, and CASA, among others.

We must do better. I hope the Judiciary Committee will join me in supporting the Waiver Accountability and Transparency Act so that immigrants in detention are treated with dignity and respect.

Statement for House Judiciary Committee Member Day
Congressman Elijah E. Cummings (MD-07)
September 20, 2019

Chairman Nadler and Ranking Member Collins,

I appreciate the opportunity to share information on legislation that would ensure that returning citizens have the proper documentation they need to successfully navigate society.

When individuals are released from prison, they often realize that their forms of identification are expired, lost, or stolen. Discovering how difficult and costly it can be to obtain identification documents, such as a birth certificate, presents many challenges for those seeking to return to a normal life.

Currently, the Second Chance Act requires the Federal Bureau of Prisons (BOP) to assist prisoners in obtaining identification. However, there have been various levels of effectiveness across the federal prison system, with some facilities effectively carrying out this requirement and others failing to meet their statutory mandate.

The disparities in opportunities and outcomes that we know exist must be acknowledged and acted upon. The future of our nation's prosperity depends on how we respond to these disparities, and how seriously our leaders are about ensuring positive outcomes for all Americans. It is clear that the passage of this provision in the Second Chance Act took a giant step in the right direction, but we still have work to do. This is why I introduced the New Pathways Act.

The New Pathways Act provides more specific guidance for providing formerly incarcerated people re-entering their communities with identification upon release.

Specifically, the New Pathways Act describes how BOP is to provide a photo ID when an inmate is released from federal prison or community confinement. BOP is responsible for obtaining identification documents for citizens, including photo IDs that comply with the REAL ID Act, social security cards, birth certificates, passports, and certificates of naturalization, from federal and state agencies.

For documented noncitizens, BOP is required to work with the U.S. Citizenship and Immigration Services to provide proof of lawful status and, in relevant cases, work authorization documents. In addition, under the bill the Bureau provides forms and instructions, to assist noncitizens in obtaining and completing immigration documents.

In addition to creating this framework, the bill requires the U.S. Probation System to assist returning individuals with developing a release plan.

These tools aid returning individuals with securing housing, obtaining jobs, accessing social services, and applying for educational opportunities. Being able to support themselves and their families is essential to reducing the chances of formerly incarcerated people returning to the prison system.

Our criminal justice system must help returning individuals access the support they need. I am proud that 29 Members agree and have joined me in cosponsoring this commonsense legislation. We all want our constituents to succeed and have a chance to rebuild their lives.

The New Pathways Act is a commonsense way to reduce barriers to education, employment, and benefits, all of which are tools necessary to succeed and prevent recidivism. In this fight for second chances, further delay is not an option. I ask that the Judiciary Committee consider this commonsense criminal justice reform measure.

PETER A. DEFAZIO
4TH DISTRICT, OREGON
TRANSPORTATION AND
INFRASTRUCTURE
CHAIRMAN



Congress of the United States
House of Representatives

The Honorable Peter A. DeFazio
House Judiciary Committee Member Day Hearing
September 20, 2019

PLEASE RESPOND TO:

- ☐ 2134 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3704
(202) 225-8416
- ☐ 405 EAST 8TH AVENUE, #2030
EUGENE, OR 97401
(541) 485-6732
1-800-944-9603
- ☐ 125 CENTRAL AVENUE, #350
COOS BAY, OR 97420
(541) 269-2609
- ☐ 612 SE JACKSON STREET, #9
ROSEBURG, OR 97470
(541) 440-3523
- ☐ defazio.house.gov

Chairman Nadler and Ranking Member Collins:

Thank you for the opportunity to submit testimony as part of the Committee's Member Day hearing. I request that the Committee advance my bipartisan legislation, H.R. 1418, the Competitive Health Insurance Reform Act of 2019, which I introduced with my colleague Representative Paul Gosar. This important legislation would protect consumers from anti-competitive practices by repealing the outdated antitrust exemption for the health insurance industry.

It is crucial to note that H.R. 1418 has wide bipartisan appeal, as well as a strong history of near-unanimous congressional consensus. In fact, legislation identical to H.R. 1418 passed the Republican-led House of Representatives in March 2017 by an overwhelming 416-7 vote. Likewise, in February 2010, at the height of the health care reform debate, and only one month before the Affordable Care Act was signed into law, similar legislation passed the Democratic-led House by a 406-19 vote.

This legislation also enjoys bipartisan Senate support, as Senators Steve Daines and Patrick Leahy have introduced identical legislation, S. 350. This marks the first time that identical, bipartisan legislation to repeal the antitrust exemption for the health insurance industry has been introduced in both chambers of Congress.

As you may know, in 1944 the U.S. Supreme Court ruled in *United States v. South-Eastern Underwriters* that the business of insurance was a form of interstate commerce. This meant that the health insurance industry would be subject to federal antitrust laws and congressional oversight under the Commerce Clause of the Constitution.

Seeing that their industry would be subject to fair competition laws, the insurance industry lobbied Congress to create a special-interest loophole for themselves. This resulted in the McCarran-Ferguson Act, passed in 1945, which exempted the business of insurance from federal antitrust laws.

Fast-forward to the realities of the health insurance industry today, and it is clear that the McCarran-Ferguson Act has not aged well. In today's market, this antiquated exemption has given health insurance companies the power to collude to drive up prices, limit competition, conspire to underpay doctors and hospitals, and price-gouge consumers. The large health insurance companies of today have taken advantage of this exemption to abuse the market and artificially inflate health care costs, meaning consumers are paying higher and higher prices to get the basic health care services they need. This is absurd.

Moreover, any argument by big health insurers persuading that they should continue to be exempt from federal antitrust laws is undercut by the fact that they are one of the only industries to have this exemption. For example, Major League Baseball and a handful of other niche industries have such an exemption. Whatever the merits of antitrust exemptions for these niche industries may be, the health insurance industry today is clearly not niche, and it should be subject to federal antitrust laws just like virtually every other industry.

My legislation, the Competitive Health Insurance Reform Act, would repeal this anachronistic antitrust exemption and give the Department of Justice and the Federal Trade Commission the authority to apply antitrust laws to anti-competitive behavior in the health insurance industry. Specifically, my legislation would authorize greater federal antitrust enforcement in instances where state regulators fail to or cannot act.

My legislation has been endorsed by numerous consumer protection organizations, medical providers, and other stakeholders, including: *Consumer Reports*, *Consumer Federation of America*, *Consumer Action*, *American Dental Association*, *American Hospital Association*, *American Student Dental Association*, *Academy of General Dentistry*, *American Association of Women Dentists*, *American Academy of Pediatric Dentistry*, *American Academy of Oral & Maxillofacial Pathology*, *American Association of Oral and Maxillofacial Surgeons*, *American Optometric Association*, *American College of Surgeons*, *American Association of Endodontists*, *American Academy of Periodontology*, *American Academy of Neurology*, *American Association of Orthopaedic Surgeons*, *National Community Pharmacists Association*, *American Dental Education Association*, *American Association of Orthodontists*, *American Association of Neurological Surgeons*, *Congress of Neurological Surgeons*, *American College of Emergency Physicians*.

It is past time for Congress to rein in skyrocketing health care costs and ensure consumer protections are in place to guard against anti-competitive behavior in the health insurance industry. We are in an ideal position – perhaps more so than ever before – to move this bipartisan legislation forward in both the House and the Senate and finally eliminate this outdated antitrust exemption.

Considering similar bills have passed overwhelmingly in both Democratic and Republican majorities, I urge the Committee to report my legislation as soon as possible and allow it to come to the House floor. H.R. 1418 will restore full transparency, promote oversight, and encourage competition within the health insurance industry. Thank you for your time today and for your attention to this matter.

Testimony of Congresswoman Anna G. Eshoo
House Committee on the Judiciary
Member Day Hearing
September 20, 2019

Thank you, Chairman Nadler and Ranking Member Collins, for the opportunity to testify at the Judiciary Committee's Member Day hearing. Today, I'd like to discuss two of my bills to address our country's broken immigration system.

H.R. 3033, the *H-4 Employment Protection Act* prevents the Department of Homeland Security from revoking work authorization for H-4 visas issued to spouses of H-1B visa holders.

H-4 visas did not provide work authorization until 2015 when the Obama Administration extended work authorization to the spouses of H-1B visa holders who have been approved for permanent residence but are required to stay in their H-1B status due to lengthy green card backlogs.

I support work authorization for H-4 spouses because it reduces their economic burdens as they transition to lawful permanent residents and it allows them to pursue their own professional goals, contribute to the U.S. economy and pay taxes. Many H-4 visa holders are highly skilled professionals who live in high-cost areas where it is nearly impossible for a family to live on one income.

Since the rule was implemented, over 100,000 workers, mainly women, have received employment authorization, improving U.S. competitiveness and lessening the economic burden on thousands of H-1B workers and their families.

Unfortunately, the Department of Homeland Security is expected to rescind this regulation, claiming it hurts American workers. In fact, the CATO Institute found that allowing H-4 visa holders to work has increased wages and employment for American workers, and revoking their work authorization will shrink our economy by \$7.5 billion.

Eliminating this benefit would also hurt our economy and create a terrible choice for many immigrants to either split up their families or return to their home countries, using their talents to compete against American businesses.

I'm grateful to my legislative partner, Congresswoman Zoe Lofgren, the Chair of this Committee's Immigration Subcommittee. Our legislation makes economic sense and it protects family unity, and I urge the Committee to take it up.

I've also introduced H.R. 4151, the *Undocumented Taxpayers Opportunity Act* to provide a pathway to citizenship for undocumented immigrants who are contributing to our economy and paying taxes.

Although workers must be legally present in the U.S. in order to work and pay income taxes legally, some undocumented immigrants do pay taxes using an Individual Taxpayer

Identification Number (ITIN) because no proof of work authorization or legal presence is required to obtain one. According to the Bipartisan Policy Center, the vast majority of the three million federal tax returns filed annually using ITINs are believed to be filed by undocumented immigrants.

The IRS estimates that undocumented immigrants pay over \$9 billion in income taxes annually. My legislation provides them a pathway to citizenship if they can provide five years of income tax returns, pay a fine, and pass a background check.

Our immigration system is clearly broken, but I hope we can all agree that those who work hard and pay taxes should have the opportunity to become American citizens.

While these bills don't eliminate the need for comprehensive immigration reform, both the *H-4 Employment Protection Act* and the *Undocumented Taxpayers Opportunity Act* are important steps toward a fairer immigration system.

Thank you for allowing me to testify to your Committee, and I look forward to working with you to see that these important bills become law.

Representative Ro Khanna (CA-17)**Testimony for Member Day, House Committee on the Judiciary***Warrantless SmartCar Search Legislation*

As we all know, cars are getting smarter and more connected via the cloud and your cell phone. Cars are storing more and more of our personal data: phone calls, songs, gps location, and contacts, to name a few. As we all know, if there is probable cause, law enforcement does not need a warrant to search your car. According to a recent SCOTUS decision, *Riley v. California*, however, law enforcement does need a warrant to search your phone because of the personal information that it holds. Given our cars are essentially becoming driving smartphones, I'm working on a bill to require and clarify that law enforcement must obtain a warrant before searching and downloading the data stored on your car. Right now, as we all know, law enforcement does not need a warrant to search your car if there is probable cause. Given the growth of smart and connected cars, this bill closes the new loophole created by clarifying that law enforcement needs a warrant to obtain data that is stored on your car. This bill does nothing to prohibit law enforcement from obtaining a warrant to download the data on the car if there is good reason to do so. I've been working on it with the ACLU, the Information Technology and Innovation Foundation (ITIF) and Lindsey Barrett at the Georgetown Law School. I plan to introduce this legislation this Fall and hope it is received favorably by this Committee. Thank you for considering this legislation.

Use of Force by Police Must be a Last Resort, Not the First

We recently marked the fifth anniversary of the tragic death of Mike Brown and the beginning of the historic Ferguson uprising. Tragically, despite the best efforts of advocates across the country, there have been far too many unarmed Americans killed by police unnecessarily since that time.

It is unacceptable that African-Americans make up 13 percent of the U.S. population, but account for 25 percent of people fatally shot by police. Black men aged 15–34 are approximately 10 times more likely to be killed by police than other people. And while the racial disparity is the most alarming aspect of the problem, even white Americans are affected by excessive police use of force, as they make up nearly 50 percent of unarmed people killed by police. 99 percent of the officers involved in the 1,165 killings by police officers in 2018 were not charged with a crime. It is time to address one of the root causes of the problem -- the legal standards that govern police use of force.

That is why I have introduced, with Rep. Wm. Lacy Clay and 20 of my colleagues, the Police Exercising Absolute Care with Everyone Act, also known as the PEACE Act, which would change the federal standard for the use of force by federal officers to require that force be used only when necessary to prevent imminent death or serious bodily injury. This legislation would also require states that wish to continue receiving public safety funding from the U.S.

Department of Justice to enact similar legislation to require a comparable standard for local police officers. The legislation builds on California's historic legislation (AB 392, "Act to Save Lives") enshrining the "necessity" standard.

This is not a radical position. National standards in most European countries conform to the European Convention on Human Rights, which impels its 47 signatories to permit only deadly force that is "absolutely necessary" to achieve a lawful purpose. The United Kingdom, France, Norway, and dozens of others conform to the necessity standard.

Evidence indicates that a "necessity" standard for use of force yields positive results for citizens and police officers alike. After the Seattle Police Department was required by President Obama's Justice Department to change its use of force standard to one of necessity in 2012, a comprehensive report by the monitoring team found that the rate of injuries to officers remained flat or went down slightly, demonstrating that "decreased use of force has not placed officers at any higher risk or made officers less able or willing to use force to defend themselves from threats or harm." Meanwhile, there was a net decrease of 743 incidents -- a 60 percent drop -- in the use of moderate and high-level use of force.

Leading civil rights groups have endorsed this legislation, including National Action Network (NAN), NAACP, ACLU, Leadership Conference on Civil and Human Rights NAACP – Legal Defense and Educational Fund (LDF), Amnesty International, among many others.

As Hilary O. Shelton, the Director of the NAACP Washington Bureau explains, "The PEACE Act makes a clear, simple, and yet in too many cases life-saving change. By changing the standard for the acceptable use of force, we will be requiring law enforcement agents to try other options rather than immediately resorting to the reactionary use of lethal force. Furthermore, by incentivizing states and localities to require policies that emphasize non-lethal tactics, the PEACE Act will be spreading its effective ability to enforce the law without the needless taking of lives. Upon enactment, the PEACE Act will help rebuild the trust and perception of integrity between diverse communities and the law enforcement officers whose crucial job it is to protect and serve them. This trust and the presence of integrity is essential."

Thank you kindly for your time and your consideration of this important matter.

ADAM KINZINGER
16TH DISTRICT, ILLINOIS

DEPUTY REPUBLICAN WHIP

COMMITTEE ON
ENERGY & COMMERCE

COMMITTEE ON
FOREIGN AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515-1602

□ 1221 LONGWORTH HOB
WASHINGTON D.C. 20515
(202) 225-3635
FAX: (202) 225-3521

□ 628 COLUMBUS ST., STE 507
OTTAWA, IL 61350
(815) 431-9271
FAX: (815) 431-9383

September 20, 2019

The Honorable Jerrold Nadler
Chairman
House Judiciary Committee
2141 Rayburn House Office Building
Washington, DC 20515

The Honorable Doug Collins
Ranking Member
House Judiciary Committee
2142 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Nadler and Ranking Member Collins,

Thank you for hosting this Member Day hearing to allow for the submission of testimony to the House Judiciary Committee. Enclosed with this letter is my written testimony on the subject of human trafficking—an issue of great importance to my constituents and the people of Illinois.

Thank you again for your thoughtful consideration. If you have any questions, please do not hesitate to contact me.

Sincerely,



Adam Kinzinger
Member of Congress

Congressman Adam Kinzinger
Submitted Testimony
House Judiciary Committee Member Day Hearing
September 20, 2019

Thank you to Chairman Nadler and Ranking Member Collins for allowing me to share my thoughts on the affliction of human trafficking facing our nation.

Illinois ranks among the states with the highest rates of human trafficking across the country. Sex traffickers sell their victims multiple times a day, and these victims are often children. Rockford, the largest city in my district, has the second-highest rate of trafficking in Illinois. While the Administration and Congress have worked on a bipartisan basis to combat this crime, more must be done.

One step Congress can take is passing victim-centered legislation, such as the bipartisan *Reducing the Demand for Human Trafficking Act*, which I introduced with my colleague Representative Robin Kelly. This legislation amends the *Trafficking Victims Protection Act* to give preferences to law enforcement grant applicants who attest they will make efforts to seek out those who purchase or solicit these horrific services and hold them accountable for their crimes. When confronting human trafficking, we must go after the buyers in the human trafficking industry as well as the suppliers.

More broadly, we must help our local communities through grants to combat human trafficking. I am pleased to report that, last year, the City of Rockford was awarded a federal grant of \$450,000 to combat domestic violence and human trafficking within the city. This funding will allow the city to build a single centralized facility to aid victims of domestic violence, sexual assault, and human trafficking. This grant will bring together law enforcement personnel, medical providers, prosecutors, social service representatives, and mental health professionals to assist in mitigating the cycle of human trafficking.

Thank you again for allowing me to share my thoughts, and I appreciate the Committee's work to address this crisis our country faces. I look forward to working with the Committee to get the *Reducing the Demand for Human Trafficking Act* signed into law.

CBM Gun Trafficking Prevention Member Day Testimony

Thank you Chairman Nadler, Ranking member Collins and members of the committee for the opportunity to testify about a glaring void in our federal law.

Every day in this country, 100 Americans are killed by gun violence and hundreds more are shot and injured. Despite these epidemic level statistics, there currently is no federal law specifically designed to combat fire arms trafficking.

Combatting illegal gun trafficking requires a federal response. Data demonstrates that thousands of guns used to commit crimes are sourced from across state lines—often from several states away.

A 2016 report from the Office of the New York State Attorney General showed that from 2010-2015, 74% of New York's crime guns came from

out of state. Most of these guns pass through the “Iron Pipeline” of states with weaker gun laws along I-95 like Virginia and Georgia.

Nationally, 29% of traceable guns used in crimes originated in another state.

These statistics underscore why mayors, chiefs of police, and other law enforcement professionals are looking to Congress to end the flow of illegal guns into their communities.

My bill, H.R. 1670, the Hadiya Pendleton and Nyasia Pryear-Yard Gun Trafficking and Crime Prevention Act of 2019, would be the first bill with bipartisan support specifically designed to combat illegal gun trafficking in the United States.

This bill bears the names of two teenage girls who were killed by trafficked guns in Chicago and New York and, in their honor, addresses concerns raised by law enforcement officials in

testimony before Congress about the lack of a dedicated federal statute prohibiting gun trafficking.

It amends the Federal Criminal Code to make it unlawful to ship or receive two or more firearms where the individual knows or has reason to believe the firearms were unlawfully obtained.

The bill also strengthens penalties for “straw purchasers” who intentionally provide false or misleading material information when they purchase firearms from Federal Firearms Licensees.

This includes a purchaser’s statement that he or she is the actual buyer when he or she is, in fact, purchasing the firearm on behalf of someone else.

The bill also establishes a penalty of up to 20 years imprisonment for making material misstatements.

These increased penalties provide law enforcement officials with tools to encourage straw purchasers to cooperate with prosecutors and provide information regarding other members of their gun trafficking networks.

Additionally, the bill provides enhanced penalties for organizers or managers of firearms trafficking networks, creating a five-year penalty enhancement for these kingpins and recommends that the Sentencing Commission amend the Sentencing Guidelines to impose enhanced penalties for multiple illegal gun purchases.

Importantly, this bill has no impact on legal gun ownership or purchases. It is narrowly focused

on individuals who purchase or transfer firearms with the intent of transferring them to criminals and even includes exceptions for gifts that would not otherwise violate the law and certain transfers at death.

This legislation is currently endorsed by Third Way, Everytown for Gun Safety, New Yorkers Against Gun Violence, Giffords, and the Brady Campaign to Prevent Gun Violence. Previous, but substantially similar versions have been endorsed by the National Law Enforcement Partnership to Prevent Gun Violence, the Violence Policy Center, the Law Enforcement Coalition for Common Sense, and the Association of Prosecuting Attorneys.

For years, law enforcement has been asking Congress to make gun trafficking a federal felony and to impose harsher penalties on straw purchases who buy guns for those who are not allowed to buy guns on their own. This

bill answers those calls and treats gun trafficking and straw purchases as the dangerous acts they are in order to prevent more senseless gun violence.

Thank you again for the opportunity to testify here today and I hope the committee will consider taking action on H.R. 1670, the Hadiya Pendleton and Nyasia Pryear-Yard Gun Trafficking and Crime Prevention Act of 2019.

**Members Hearing Day Before the House Committee on the Judiciary
Congresswoman Lucille Roybal-Allard, CA-40
September 20, 2019**

I want to thank Chairman Nadler, Chairwoman Lofgren, and Congresswoman Jayapal for your support in the markup and passage of my legislation, H.R. 6, the Dream and Promise Act of 2019. As you know, my district holds the largest number of Dreamers of any congressional district in the country, and immigrants are a cherished part of our community. For the first time in history, your collective efforts and dedication, made it possible to secure the passage of the Dream Act through Committee which gave hope to Dreamers, and TPS and DED recipients in my district and across the country.

In the last two years, I have seen my community attacked by xenophobic and anti-immigrant policies inflicted by the Trump Administration. I have heard heartbreaking stories from teachers in my district who find that children are exhibiting signs of PTSD. They are terrified their parents will be taken from them by ice while they are in school.

Their stories are symptoms of a broken immigration system.

One such solution to limit the pain inflicted on children by the Trump Administration is my legislation, H.R. 3451, the Humane Enforcement and Legal Protection for Children Act or the HELP Separated Children Act. By instituting smart, responsible, and humane time of apprehension protocols, the bill will limit the harm to children caused by the detention of parents in our immigration system. It will help also to keep children out of foster care.

Specifically, the bill would ensure parents can say goodbye to their children before they are taken into detention. The HELP Separated Children Act would also require ICE to consider the best interests of children in the release, transfer, or detention of their parents. This includes permitting parents to remain in contact with their children through phone calls and video conferencing during enforcement actions. In such a traumatic time in their lives, children need and deserve the opportunity to hug their parents goodbye before being separated and to talk to them over the phone while separated.

Because detention should never mean an individual ceases to be a parent, the HELP Separated Children Act ensures parents can participate in any family court and child welfare proceedings. Detention

Immigration and child welfare advocacy groups have overwhelmingly supported this vital piece of legislation. In fact, I have attached to this testimony a letter of over 150 organizations across the country who have expressed their support for the HELP Separated Children Act.

In closing, I would like to briefly highlight additional immigration priorities, which will help ensure immigrants are treated with dignity, humanity, and respect and to guarantee immigrants receive medical and mental health care. This also includes humane custody

and welfare standards for children in CBP custody, as outlined in the Child Trafficking Victims Protection and Welfare Act.

I urge you to consider the HELP Separated Children Act in your upcoming immigration agenda, and I look forward to continuing to work with you to ensure that our immigration system is fair and humane.

Congressman John H. Rutherford (FL-4)
House Judiciary Committee: Member Day Testimony
September 20, 2019

Thank you Chairman Nadler and Ranking Member Collins for the opportunity to discuss one of my priorities with the distinguished committee today.

I am here on behalf of the over 100,000 E-2 Visa holders in the U.S. who are creating jobs, abiding by our laws, and are being untreated fairly by our nation's immigration laws.

For those of you unaware, the E-2 visa is a nonimmigrant visa that allows people to enter the U.S. in order to make a substantial investment in our economy by opening or buying a business. In many cases, these visa holders have children in the U.S., build long-standing relationships with the community, and grow our local economies. However, currently no matter how much they invest or how many jobs they create, there is no pathway to citizenship for these hardworking immigrants.

Importantly, under current law, the children of E-2 visa holders are only allowed to stay in the U.S. until they are 21 years old. These children have often been raised in the U.S. for most of their lives and were educated here. They are then forced to take their talents elsewhere just as they are about to enter the workforce. This forces families to make the difficult decision between shuttering their businesses or splitting up their families.

To address these problems, I have introduced H.R. 2124 the E-2 Visa Improvement Act. This would allow up to 10,000 E-2 visa holders per year who have been in the country for 10 years and created at least two jobs to apply for legal permanent residency. It would also allow children of E-2 visa holders to apply for work authorization and stay in the U.S. until they are 26 years old.

As the Judiciary Committee continues to look for the best way to bolster our broken immigration laws and secure our borders, we should not forget those who have come to our country legally, contribute to their communities, and grow our economy. As we consider fixes for DACA and other ways to improve our nation's immigration system, we should consider these legal Dreamers and their families who also face uncertain futures. I ask for your consideration of this important bill.

Thank you, Mr. Chairman, I yield back.

MIKE SIMPSON
 Second District, Idaho
 WASHINGTON OFFICE:
 2084 RAYBURN HOUSE OFFICE BUILDING
 WASHINGTON, DC 20515
 (202) 225-5531
 FAX: (202) 225-8216
 DISTRICT OFFICE:
 802 WEST BANNOCK STREET, SUITE 600
 BOISE, ID 83702
 (208) 334-1953
 FAX: (208) 334-9533
 simpson.house.gov



CONGRESS OF THE UNITED STATES
 HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
 ENERGY AND WATER DEVELOPMENT,
 AND RELATED AGENCIES
 RANKING MEMBER
 INTERIOR, ENVIRONMENT,
 AND RELATED AGENCIES

September 19, 2019

The Honorable Jerrold Nadler, Chairman
 The Honorable Doug Collins, Ranking Member
 Committee on the Judiciary
 United States House of Representatives
 Washington, D.C. 20515

Dear Chairman Nadler and Ranking Member Collins:

I want to start by thanking you for the opportunity to testify about one of the most pressing issues facing my constituents in Idaho's Second Congressional District.

Whether I am in the Magic Valley talking to Idaho dairy farmers or the potato fields outside my home in Idaho Falls, the number one issue I hear about from agriculture is clear: they desperately need immigration reform to stabilize their workforce. The issues are complex and unique to each industry. Potato farmers and other row crops face uncontrollable and unpredictable wage growth in addition to the burdensome and bureaucratic process of accessing H-2A workers under the current system. Dairy farmers don't even have access to a program that fits the needs of their year-round jobs.

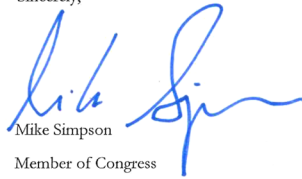
For these reasons and many others, I support the House Judiciary Committee pursuing immigration reform that would resolve the labor force needs of agriculture that allows for a legal process to address the current and future workforce. While I have long been a supporter of comprehensive immigration reform, I believe the current labor crisis in agriculture merits the need to advance a bipartisan bill specifically addressing agriculture workforce immigration reform.

This also is just not about agriculture farmers. It is also about the workers who want the opportunity to work and provide for their families. In some instances, this is the only home they know, in others they want to travel to and from their home countries. A solution needs to address different needs and desires not just for farmers, but for workers too. I also believe this is an animal welfare issue. The thought of dairies not having enough labor to adequately care for cows is a sad thought and I don't think any person wants to see our farms in that dire of a situation.

There is no question that border security, providing certainty the DACA population, and addressing the estimated 11 million plus undocumented migrants should be priorities. However, Idaho's economy is heavily reliant on agriculture and the labor shortage is one of the top issues I hear about in my district no

matter where I go. That is why I look forward to continuing this dialogue as you move forward on crafting immigration reforms this Congress. Once again, I appreciate the opportunity to weigh in on these critical programs.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Simpson". The signature is stylized with a large "M" and "S".

Mike Simpson
Member of Congress

**TESTIMONY OF REP. DARREN SOTO HOUSE COMMITTEE ON JUDICIARY
MEMBERS DAY**

Thank you Chairman Nadler and Ranking Member Collins for the opportunity to testify before the Judiciary Committee on my legislative priorities within the Committee's jurisdiction. Specifically, I like to highlight two bills I've introduced, the Protect Patriot Spouses Act and the bipartisan Guardian Accessibility Act.

H.R. 557, Protect Patriot Spouses Act, 14 Cosponsors

According to American Families United, there are as many as 11,800 active U.S. military service families affected by deportation. The story of Alejandra Juarez is one example. Mrs. Juarez is the wife of former Marine Sgt. Cuauhtemoc Juarez who honorably completed his service in 1999.

The Protect Patriot Spouses Act keeps military and veteran families together. H.R. 557 allows eligible military spouses to stay in the United States while their immigration status is being adjusted. The bill applies to the immediate family of service members who have not committed a serious crime. The service members include active, retired, honorably discharged, and those who have died in the line of duty. The Parole in Place program which once protected military and veteran families from immediate deportation has been reduced, putting military and veteran families at risk. Our veterans and families have made great sacrifices. Our government holds an obligation to serve those who serve us.

H.R. 4174, Guardianship Accountability Act of 2019, 4 Cosponsors

In the United States, 1.3 million adults are under court appointed care by guardians. These include seniors and those with disabilities who require assisted care. Many face personal violations of their rights under the care of their guardians. These violations include financial exploitation of assets, civil right violations, medical neglect, abuse, starvation, and the list go on. These abuses have gone as far as threats to life itself. A Central Florida man was victim to the abuse of power by his court appointed guardian. He died due to his guardian filing a "do not resuscitate" order, against his wishes, and without permission from his family, or the court.

These numerous issues call for enacting protection against abuse and neglect that occur under guardianship which is why I introduced H.R. 4174 with the co-sponsorship of Reps. Bilirakis, Crist, Dingell, and Fitzpatrick. The Guardianship Accountability Act allows for oversight and data to create accountability for the protection of vulnerable Americans from abuse and neglect. H.R. 4174 supports numerous recommendations by the Aging Committees' report such as the establishment of a national resource center, encourages less restrictive approaches for guardianship, information sharing among state and federal entities and other relevant organizations.

Once again, thank you to Chairman Nadler and Ranking Member Collins for the opportunity to testify today. I welcome the opportunity to work with Committee on the bills.

Testimony of Congressman Randy Weber (TX-14)
Before the House Judiciary Committee – Member Day
September 20, 2019

Chairman Nadler, Ranking Member Collins, and Members of the Judiciary Committee, thank you for allowing me the opportunity to discuss priorities and issues of importance to the constituents I represent in the fourteenth district of Texas. I sincerely hope my testimony will resonate with each of you sitting here today.

On November 5, 2017, a gunman opened fired on a group of churchgoers at First Baptist Church in Sutherland Springs, Texas. Twenty-six lives were taken, including an unborn child, and 20 more were wounded. On August 3, 2019, a gunman walked into a Walmart in El Paso, Texas and shot and killed twenty-two people and injured twenty-four. Following the events of El Paso, Texas experienced another tragedy in the city of Odessa when eight were killed and twenty-five injured.

While the attacks just mentioned all occurred in Texas, domestic terrorism and hate are not confined by state lines.

While these crimes appear to meet the existing federal definition of domestic terrorism—a crime of violence intended “to intimidate or coerce a civilian population,” or “to affect the conduct of a government by mass destruction, assassination, or kidnapping”¹—those responsible cannot be charged with a terrorism crime. This is because there is no federal terrorism crime that applies to acts that meet the definition of domestic terrorism in federal criminal code.

To address this inadequacy, I introduced H.R. 4187, the Domestic Terrorism Penalties Act of 2019. My bill seeks to fill the gap that currently exists in federal criminal code by establishing penalties for crimes of domestic terrorism. H.R. 4187 provides federal law enforcement officers and

¹ 18 USC 2331(5)

prosecutors the resources necessary to combat this growing threat. The Domestic Terrorism Penalties Act of 2019 is endorsed by the FBI Agents Association (FBIAA). FBIAA is composed of 14,000 Special Agent members—including approximately 90 percent active Special Agents.

May 18, 2018 is a date that will forever haunt the tight-knit community of Santa Fe, Texas, located right in the heart of my district. On that day, ten innocent lives were taken and thirteen were injured at Santa Fe high school.

Our country is experiencing a crisis that has escalated at an alarming rate. Twenty-four-hour news cycles, and the viral nature of social media are sensationalizing mass shootings, inspiring new acts of mass violence nationally. The shocking uptick in this type of violent crime should invoke federal interest.

H.R. 4207, Justice for Victims of School Shootings Act builds upon the existing federal crime of discharging a firearm in a school zone,² by adding enhanced penalties for, in the course of discharging a firearm in a school zone, “causes harm to or the death of a person through the use of a firearm.”³ Should this bill be enacted, it would be a federal crime to commit a shooting at a school which provides elementary or secondary education, as well as at a college, university, or other postsecondary institution.

A national crisis merits a national response. The families and loved ones of victims deserve justice. This legislation arms prosecutors with the necessary tools to not only bring justice to victims and their families, but to protect all Americans by enhancing penalties for existing laws.

² 18 USC 922(q)(3)

³ [H.R. 4187, Justice for Victims of School Shootings Act](#)

I would like to once again thank the Chairman, Ranking Member, and committee as a whole for the invitation to discuss some of the most important issues of our time. Before I close, I would like to simply say that if any member—Democrat or Republican—has a desire to discuss either of the pieces of legislation mentioned today or engage on the issue, I would welcome that conversation. We stand at a crossroads. Our country is hurting, and it is time for Congress to get our priorities straight. Chairman Nadler, you and you alone can allow for the consideration of these pieces of legislation. I sincerely hope you will choose to prioritize justice for victims of mass violence.

