

control, or was placed in the possession, custody, or control of a third party.

11. If any document responsive to this request was, but no longer is, in your possession, custody or control, state:

- a. how the document was disposed of;
- b. the name, current address, and telephone number of the person who currently has possession, custody or control over the document;
- c. the date of disposition;
- d. the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.

12. If any document responsive to this request cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.

13. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

14. The request is continuing in nature and applies to any newly discovered document, regardless of the date of its creation. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

15. All documents should be Bates-stamped sequentially and produced sequentially. In a cover letter to accompany your response, you should include a total page count for the entire production, including both hard copy and electronic documents.

16. Four sets of documents should be delivered, one set to the majority staff and one set to the minority staff. The Committee on the Budget majority set should be delivered to the majority staff in * * *, and the Committee on the Budget minority set should be delivered to the minority staff in * * *. The Appropriations Committee majority set should be delivered to the majority staff in * * *, and the Appropriations Committee minority set should be delivered to the minority staff in * * *. You should consult with Committee staff regarding the method of delivery prior to sending any materials.

17. In the event that a responsive document is withheld on any basis, including a claim of privilege, you should provide a log containing the following information concerning every such document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; (e) the relationship of the author and addressee to each other; and (f) any other description necessary to identify the document and to explain the basis for not producing the document. If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

(a) Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.

(b) In complying with the request, be apprised that (unless otherwise determined by the Committees) the Committees do not recognize: any purported non-disclosure privileges associated with the common law in-

cluding, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.

(c) Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committees (or the chairs of the Committees, if authorized) has consented to recognize the assertion as valid.

18. If the request cannot be complied with in full, it should be complied with to the extent possible, which should include an explanation of why full compliance is not possible.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committees or identified in a privilege log provided to the Committees.

DEFINITIONS

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail ("e-mail"), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, power point presentations, spreadsheets, and work sheets. The term "document" includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto.

2. The terms "and" and "or" should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

3. The terms "referring" or "relating," with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

4. The term "border wall" means a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier along the contiguous land border between the United States and Mexico, including all points of entry, including the wall described in Executive Order 13767 (Jan. 25, 2017) and the Administration Fact Sheet entitled "President Donald J. Trump's Border Security Victory."

5. The term "President's executive action plan" means and refers to the plan to build

a border wall announced by the Administration involving up to approximately \$6.725 billion that would be used sequentially as follows: \$601 million from the Treasury Forfeiture Fund, up to \$2.5 billion under the Department of Defense funds transferred for Support for Counterdrug Activities (10 U.S.C. §284), and up to \$3.6 billion reallocated from Department of Defense military construction projects under the President's declaration of a national emergency (10 U.S.C. §2808).

6. The term "Administration" means and refers to any department, agency, division, office, subdivision, entity, official, administrator, employee, attorney, agent, advisor, consultant, staff, or any other person acting on behalf or under the control or direction of the Executive Branch.

7. "You" or "your" means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, contractors, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.

PERSONAL EXPLANATION

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Mr. SENSENBRENNER. Madam Speaker, due to a previously scheduled engagement, I was physically absent from the House of Representatives on January 27, 2020. On that day, I missed 2 recorded votes. Had I been present, I would have voted as follows: on Roll Call No. 23 on the Passage of H.R. 943, I would have voted Yea, and on Roll Call No. 24 on the Passage of H.R. 4704, I would have voted Yea.

HONORING THE SERVICE OF CHIEF WARRANT OFFICER DOUGLAS ENGLÉN

HON. MARK E. GREEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Mr. GREEN of Tennessee. Madam Speaker, I rise today to recognize Chief Warrant Officer Douglas Englen for his distinguished career in service to this nation.

Over the course of more than three decades in the United States Army, Chief Douglas Englen has demonstrated exceptional skill, unwavering bravery, and valor in defense of freedom. As a helicopter pilot with the 160th Special Operations Aviation Regiment, the elite unit tasked with helicopter support of special operations forces, Chief Englen has flown over 2,500 combat missions in every major U.S. conflict since Operation Desert Storm.

Chief Englen's intrepid leadership played a crucial role in many key engagements and operations, most notably Operation Neptune Spear. Englen served first as one of four key planners for this daring nighttime raid to take out Osama bin Laden, America's most wanted terrorist. During the mission, he served as the flight lead for the strike force, for which he

was awarded his second Silver Star—the U.S. military's third-highest combat decoration. Englen's adept piloting through mountainous terrain enabled the strike force to approach bin Laden's compound undetected and take out the man responsible for the deadliest terrorist attack in human history.

Englen's exploits in defense of the country have resulted in his admittance into the Army Aviation Association of America Aviation Hall of Fame—an honor he shares with accomplished Army Aviators, including his fellow Night Stalker Michael Durant and numerous Medal of Honor recipients. Prior to retirement, Mr. Englen was noteworthy for being the most decorated Army Aviator on active duty. Doug Englen is a hero to heroes.

It is altogether fitting that we honor Chief Englen as he concludes a remarkable career marked by his steadfast commitment to duty and country. He leaves the 160th SOAR with two Silver Stars, one Distinguished Service Medal, three Distinguished Flying Crosses, two Legions of Merit, two Bronze Stars, and eight Air Medals. On behalf of the United States Congress, I wish to commend Chief Englen for his faithful service to our nation, and I congratulate him on the occasion of his retirement from the United States Army.

SUPPORT FOR NO BAN ACT AND
PREVENTING FUTURE DISCRIMINATORY BANS

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 29, 2020

Ms. JACKSON LEE. Madam Speaker, let me offer my appreciation and thanks to Congresswoman TLAIB of Michigan for anchoring an important special order on the National Origin-Based Antidiscrimination for Non-immigrants Act or "No Ban Act," legislation which terminates the Trump Administration's so-called Muslim Ban and prevents future discriminatory bans.

As a senior member of the committees on the Judiciary and on Homeland Security, and the vice-Chair of Congressional Progressive Caucus, and the Chair of the Congressional Pakistan Caucus and the Congressional Nigeria Caucus, I am proud to support the No Ban Act because it broadens Section 202(a) of the Immigrant and Nationality Act to include a nondiscrimination provision which includes protection from religious discrimination and applies to all individuals traveling to the United States.

Specifically, the No Ban Act ensures that this nondiscrimination provision applies to non-immigrant visas, entry into the United States, or the approval or revocation of any immigration benefit.

The legislation mandates that restrictions or suspensions entry must be supported by reliable and compelling evidence and that it is tailored to the specified purpose and requires the consultation and input of the Secretary of State and Secretary of Homeland Security when suspending or restricting entry under Section 212(f).

The No Ban Act preserves the President's ability to use this authority when the Secretary of State determines, based on credible facts, that entry should be suspended or restricted to

address specific acts that undermine the security or public safety of the United States or of human rights or of democratic processes or institutions or endangers international stability.

These permissible uses of Section 212(f) have been employed by previous Democratic and Republican presidents.

The No Ban Act requires specific evidence supporting the use of Section 212(f), including evidence that is connected with the duration of the suspension or restriction and requires that the suspension or restriction must be narrowly tailored to address a compelling governmental interest, using the least restrictive means possible.

Waivers for class-based restrictions and suspensions must be considered and the bill provides that there is a rebuttable presumption in favor of family-based and humanitarian waivers.

The bill repeals the unilateral executive actions and three Muslim ban executive orders and presidential proclamations that have harmed the Muslim American community and damaged our standing in the world.

I also approve the legislation's repeal of the Trump executive order that instituted extreme vetting for refugees, as well as an asylum presidential proclamation that abused the Section 212(f) authority.

Another salutary aspect of the bill is that it ensures there will be congressional consultation and periodic reporting for any future use of Section 212(f) to ensure that Congress has data on visa applications and refugee admissions to conduct critical oversight.

If a briefing is not provided within 48 hours and updated every 30 days thereafter, the emergency suspension or action will terminate absent congressional action.

Finally, the No Ban Act requires backward-looking reporting on how each of the executive orders and presidential proclamations was implemented to ensure a complete reckoning.

Given the harm created by the Muslim Ban upheld by the Supreme Court in its 5–4 decision in *Trump v. Hawaii*, 585 U.S. —, No. 17–965 (June 26, 2018), is it any wonder that the NO BAN Act enjoys broad support from nearly 400 civil rights, faith-based, and community organizations, as well as the legal community, the ACLU, the National Immigration Law Center, the NAACP, the Leadership Conference on Civil and Human Rights, Church World Service, Amnesty International, and the International Refugee Assistance Project.

It is useful to review how we got to this point.

During the 2016 presidential campaign, then-candidate Donald Trump pledged at a political rally in Mount Pleasant, South Carolina that, if elected, he would ban Muslims from entering the United States and was "calling for a total and complete shutdown of Muslims entering the United States."

On January 27, 2017, as President, Trump signed Executive Order No. 13,769 (EO–1), which, among other things, suspended entry for 90 days of foreign nationals from seven countries identified by Congress or the Executive as presenting heightened terrorism-related risks, which was immediately challenged and enjoined nationwide by a federal district court.

Rather than continuing to litigate the matter, the government announced that it would revoke that order and issue a new one.

On March 6, 2017, President Trump issued Executive Order No. 13,780 (EO–2), section

2(c) of EO–2 of which directed that entry of nationals from six of the seven countries designated in EO–1 be suspended for 90 days from the effective date of the order, citing a need for time to establish adequate standards to prevent infiltration by foreign terrorists.

Section 6(a) of that executive order directed that applications for refugee status and travel of refugees into the United States under the United States Refugee Admissions Program (USRAP) be suspended for 120 days from the effective date "to review the adequacy of USRAP application and adjudication procedures" and section 6(b) suspended the entry of any individual under USRAP once 50,000 refugees have entered the United States in fiscal year 2017.

On June 14, just before Section 2(c) of EO–2 was by its terms set to expire, President Trump issued a memorandum to Executive Branch officials declaring the effective date of each enjoined provision of EO–2 to be the date on which the injunctions in these cases "are lifted or stayed with respect to that provision." The government sought review in both cases, making arguments both on the merits of the cases and on procedural issues.

On September 24, 2017, the President issued a Proclamation restricting travel to the United States by citizens from eight countries, which along with the previous executive orders was struck down by the Ninth Circuit before the United States Supreme Court granted certiorari and reversed the lower court by the narrow 5–4 margin.

Let me share a story of how the President's Muslim Ban affects people in real life, living in the real world, one of whom lived in my congressional district.

A few days after the first Muslim Ban was issued on January 27, 2017, I got a call to go to the George Bush Intercontinental Airport in my district.

ICE had detained a Katy High School student from Jordan following President Trump's immigration ban.

His name was Mohammad Abu Khadra.

He was detained in Houston at the airport and then spirited away to Chicago when he returned from his native country a day after President Donald Trump issued his immigration ban.

He was an innocent child who had gone home to renew the documents that allowed him to be in America.

They had expired after he spent a few months living in the United States with his older brother.

Mohammad Abu Khadra was just a young man who wanted to come to the United States, as many others do.

The teenager looked every bit the part of an increasingly diverse America, with hair cut stylishly short on the sides and long on top, wearing a slim-fitting shirt, buttoned up to the collar, with rolled-up jeans and a big, blue wristwatch.

His 37-year-old brother had lived in America for five years at the time.

Mohammad had been taking courses in English as a second language.

When Mohammad came to Texas on a tourist visa a few months prior, he had no trouble and had the documents required.

When he returned to renew his paperwork, he was doing exactly what was required of him.

Landing back again in Houston, however, Mohammad had been swept up needlessly in