professionally and serve their communities well, and there are so many exemplary officers committed to addressing head-on the inherent bias and the problems in the culture of policing that lead some to commit acts of misconduct.

Still, millions of people live in fear simply because of the color of their skin and because of the history of police misconduct against African Americans in our country.

Madam Speaker, we must never accept this norm. Indeed, in his last public appearance, John Lewis visited Black Lives Matter Plaza in Washington and then encouraged Americans to stand up for social justice. He said this: ''We must continue to be bold, brave, courageous, push and pull till we redeem the soul of America and move closer to a community at peace with itself.''

His wise words continue to inspire Americans to be courageous in standing up, speaking out, and working to lift our country up to the highest of our ideals.

In order to make sure that all voices are being heard in Congress and in this national discourse, I launched a website to make it easier for Americans to share their own stories, learn about the legislation we passed, and share their thoughts on our bill. It is a platform for people to contribute to this work of redeeming the soul of America, as John Lewis urged us to do. That site is JusticeinPolicing.us.

Already, Madam Speaker, thousands of Americans from nearly every State have visited the site, and many have shared their own wrenching stories about why we need to pass this bill.

One woman in my district wrote about how, as the mother of 2 young Black men, she worries every day about them encountering the police. That should not be the case in America. That isn't good for families. It isn't good for the police. It isn't good for our communities. And as I said, it is not good for our country.

Another wrote about how her elderly parents were pulled over in Oklahoma because the officer couldn't believe that her African-American father was married to her White mother. Both were in their eighties. That was just 3 years ago.

One person from Iowa posted about being a lifelong Republican who is tired of her party's failure to tackle police misconduct and systemic racism in our country. That person is right. And it is not Republicans alone whom I am sure she is concerned with.

The Senate could act today on the George Floyd Justice in Policing Act. The Senate ought to act today. But it is sitting on Leader MCCONNELL's desk or someplace else gathering dust while our site continues to gather stories of real lives impacted by these injustices.

Madam Speaker, I hope Americans will continue to speak out and give compelling and concrete examples of why action is necessary.

And I might say, we need to speak out on the extraordinarily good actions that are taken by our law enforcement officers as well. We need to be balanced. But we do not need to be balanced to the extent of ignoring the carnage that has occurred because of the color of skin. These stories need to be told.

In his very powerful New York Times column last month on the five crises facing America at this moment in our history, the extraordinarily insightful David Brooks wrote: ''All Americans, but especially White Americans, are undergoing a rapid education on the burdens African Americans carry every day. This education,'' he said, ''is continuing, but already, public opinion is shifting with astonishing speed.'' It is right that it does so.

The more we hear of the stories of personal experiences with systemic bias, the better equipped we will be as a Nation to confront this challenge together. As more people visit JusticeinPolicing.us to speak up and support this bill, I will be sharing their names and stories with this House and its Members, making sure that Members hear from their constituents on this issue.

We are the people's House. We are the people's voice. We are the protectors of democracy, yes, of our Constitution and our laws, but the soul and character of our country are in our hands as well.

As long as people of color continue to face dangerous and deadly systemic bias in our country, we will not stop pushing for the reforms that are so sorely needed.

FOSTERING UNDERGRADUATE TALENT BY UNLOCKING RESOURCES FOR EDUCATION ACT

Ms. JAYAPAL. Madam Speaker, pursuant to House Resolution 891, I call up the bill (H.R. 2486) to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Fostering Undergraduate Talent by Unlocking Resources for Education Act'' or the ''FUTURE Act''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. CONTINUED SUPPORT FOR MINORITY-SERVING INSTITUTIONS.

Section 371(b)(1)(A) (20 U.S.C. 1067q(b)(1)(A)) is amended by striking ''for each of the fiscal years 2008 through 2019.'' and all that follows through the end of the subparagraph and inserting ''for fiscal year 2020 and each fiscal year thereafter.''.

SEC. 3. SECURE DISCLOSURE OF TAX-RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (13) of section 6103(l) of the Internal Revenue Code of 1986 is amended to read as follows:

''(13) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.—

''(A) INCOME-CONTINGENT OR INCOME-BASED REPAYMENT AND TOTAL AND PERMANENT DISABILITY DISCHARGE.—The Secretary shall, upon written request from the Secretary of Education, disclose to officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purpose of (and to the extent necessary in) establishing enrollment, renewing enrollment, administering, and conducting analyses and forecasts for estimating costs related to income-contingent or income-based repayment programs, and the discharge of loans based on a total and permanent disability (within the meaning of section 437(a) of the Higher Education Act of 1965), under title IV of the Higher Education Act of 1965, the following return information (as defined in subsection (b)(2)) with respect to taxpayers identified by the Secretary of Education as participating in the loan programs under title IV of such Act, for taxable years specified by such Secretary:

''(i) Taxpayer identity information with respect to such taxpayer.

''(ii) The filing status of such taxpayer.

''(iii) The adjusted gross income of such taxpayer.

''(iv) Total number of exemptions claimed, or total number of individuals and dependents claimed, as applicable, on the return.

''(v) Number of children with respect to which tax credits under section 24 are claimed on the return.

''(B) FEDERAL STUDENT FINANCIAL AID.—The Secretary shall, upon written request from the Secretary of Education, disclose to officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purpose of (and to the extent necessary in) determining eligibility for, and amount of, Federal student financial aid under programs authorized by parts A, C, and D of title IV of the Higher Education Act of 1965 (as in effect on the date of the enactment of the Fostering Undergraduate Talent by Unlocking Resources for Education Act) and conducting analyses and forecasts for estimating costs related to such programs, the following return information (as defined in subsection (b)(2)) with respect to taxpayers identified by the Secretary of Education as applicants for Federal student financial aid under such parts of title IV of such Act, for taxable years specified by such Secretary:

''(i) Taxpayer identity information with respect to such taxpayer.

''(ii) The filing status of such taxpayer.

''(iii) The adjusted gross income of such taxpayer.

''(iv) The amount of any net earnings from self-employment (as defined in section 1402), wages (as defined in section 3121(a) or 3401(a)), taxable income from a farming business (as defined in section 236A(e)(4)), and investment income for the period reported on the return.

''(v) The total income tax of such taxpayer.

''(vi) Total number of exemptions claimed, or total number of individuals and dependents claimed, as applicable, on the return.

''(vii) Number of children with respect to which tax credits under section 24 are claimed on the return.

''(viii) Amount of any credit claimed under section 25A for the taxable year.

''(ix) Amount of individual retirement account distributions not included in adjusted gross income for the taxable year.

''(x) Amount of individual retirement account contributions and payments to self-employed SEP, Keogh, and other qualified plans which were deducted from income for the taxable year.

''(xi) The amount of tax-exempt interest.

''(xii) Amounts from retirement pensions and annuities not included in adjusted gross income for the taxable year.

''(xiii) If applicable, the fact that any of the following schedules (or equivalent successor schedules) were filed with the return:

''(I) Schedule A.

''(II) Schedule B.

''(III) Schedule D.

''(IV) Schedule E.

''(V) Schedule F.

''(VI) Schedule H.

''(xiv) If applicable, the fact that Schedule C (or an equivalent successor schedule) was filed with the return showing a gain or loss greater than $10,000.

''(xv) If applicable, the fact that there is no return filed for such taxpayer for the applicable year.

''(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—

''(i) IN GENERAL.—Return information disclosed under subparagraphs (A) and (B) may be used by officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purposes and to the extent necessary described in such subparagraphs and for mitigating risks (as defined in clause (ii)) relating to the programs described in such subparagraphs.

''(ii) MITIGATING RISKS.—For purposes of this subparagraph, the term 'mitigating risks' means, with respect to the programs described in subparagraphs (A) and (B),

''(I) oversight activities by the Office of Inspector General of the Department of Education as authorized by the Inspector General Act of 1978, as amended, and

''(II) reducing the net cost of improper payments to Federal financial aid recipients.

Such term does not include the conduct of criminal investigations or prosecutions.

''(iii) REDISCLOSURE TO INSTITUTIONS OF HIGHER EDUCATION, STATE HIGHER EDUCATION AGENCIES, AND DESIGNATED SCHOLARSHIP ORGANIZATIONS.—The Secretary of Education, and officers, employees, and contractors of the Department of Education, may disclose return information received under subparagraph (B), solely for the use in the application, award, and administration of student financial aid or aid awarded by such entities as the Secretary of Education may designate, to the following persons:

''(I) An institution of higher education with which the Secretary of Education has an agreement under subpart 1 of part A, part C, or part D of title IV of the Higher Education Act of 1965.

''(II) A State higher education agency.

''(III) A scholarship organization which is designated by the Secretary of Education as of the date of the enactment of the Fostering Undergraduate Talent by Unlocking Resources for Education Act as an organization eligible to receive the information provided under this clause.

The preceding sentence shall only apply to the extent that the taxpayer with respect to whom the return information relates provides consent for such disclosure to the Secretary of Education as part of the application for Federal student financial aid under title IV of the Higher Education Act of 1965.

''(D) REQUIREMENT OF NOTIFICATION OF REQUEST FOR TAX RETURN INFORMATION.—Subparagraphs (A) and (B) shall apply to any disclosure of return information with respect to a taxpayer only if the Secretary of Education has provided to such taxpayer the notification required by section 494 of the Higher Education Act of 1965 prior to such disclosure.''.

(2) CONFIDENTIALITY OF RETURN INFORMATION.—Section 6103(a)(3) of such Code is amended by inserting '', (13)(A), (13)(B)'' after ''(12)''.

(3) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code is amended—

(A) by inserting ''(A), (13)(B)'' after ''(13)'' each place it occurs, and

(B) by inserting '', (13)(A), (13)(B)'' after ''(l)(10)'' each place it occurs.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made under section 6103(l)(13) of the Internal Revenue Code of 1986 (as amended by this section) after the date of the enactment of this Act.

SEC. 4. NOTIFICATION OF REQUEST FOR TAX RETURN INFORMATION.

(a) IN GENERAL.—Part G of title IV (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

''SEC. 494. NOTIFICATION OF REQUEST FOR TAX RETURN INFORMATION.

''The Secretary shall advise students and borrowers who submit an application for Federal student financial aid under this title or for the discharge of a loan based on permanent and total disability, as described in section 437(a), or who request an income-contingent or income-based repayment plan on their loan (as well as parents and spouses who sign such an application or request or a Master Promissory Note on behalf of those students and borrowers) that the Secretary has the authority to request that the Internal Revenue Service disclose their tax return information (as well as that of parents and spouses who sign such an application or request or a Master Promissory Note on behalf of those students and borrowers) to officers, employees, and contractors of the Department of Education as authorized under section 6103(1)(13) of the Internal Revenue Code of 1986, to the extent necessary for the Secretary to carry out this title.''.

(b) CONFORMING AMENDMENT.—Section 484(q) (20 U.S.C. 1091(q)) is amended to read as follows:

''(q) reserved''.

SEC. 5. INCREASED FUNDING FOR FEDERAL PELL GRANTS.

Section 401(b)(7)(A)(iv) (20 U.S.C. 1070a(b)(7)(A)(iv)) is amended—

(1) in subclause (X), by striking ''$1,430,000,000'' and inserting ''$1,455,000,000''; and

(2) in subclause (XI), by striking ''$1,145,000,000'' and insert ''$1,170,000,000''.

SEC. 6. REPORTS ON IMPLEMENTATION.

(a) IN GENERAL.—Not later than each specified date, the Secretary of Education and the Secretary of the Treasury shall issue joint reports to the Committees on Health, Education, Labor, and Pensions and Finance of the Senate and the Committees on Education and Labor and Ways and Means of the House of Representatives regarding the amendments made by this Act. Each such report shall include, as applicable—

(1) an update on the status of implementation of the amendments made by this Act,

(2) an evaluation of the processing of applications for Federal student financial aid, and applications for income-based repayment and income contingent repayment, under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), in accordance with the amendments made by this Act, and

(3) implementation issues and suggestions for potential improvements.

(b) SPECIFIED DATE.—For purposes of subsection (a), the term ''specified date'' means—

(1) the date that is 90 days after the date of the enactment of this Act,

(2) the date that is 120 days after the first day that the disclosure process established under section 6103(l)(13) of the Internal Revenue Code of 1986, as amended by section 3(a) of this Act, is operational and accessible to officers, employees, and contractors of the Department of Education (as specifically authorized and designated by the Secretary of Education), and

(3) the date that is 1 year after the report date described in paragraph (2).

MOTION TO CONCUR

Ms. JAYAPAL. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Ms. Jayapal moves that the House concur in the Senate amendment to H.R. 2486 with the amendments specified in section 4 of House Resolution 891.

The SPEAKER pro tempore. Pursuant to House Resolution 891, the question shall be divided among two House amendments.

AMENDMENT SPECIFIED IN SECTION 4(A) OF HOUSE RESOLUTION 891

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 891, the portion of the divided question comprising the amendment specified in section 4(a) of House Resolution 891 shall be considered first.

The text of House amendment to Senate amendment specified in section 4(a) of House Resolution 891 is as follows:

In the matter proposed to be inserted by the amendment of the Senate, strike sections 1, 2, and 3 and insert the following:

TITLE I—NO BAN ACT

SEC. 101. SHORT TITLES.

This title may be cited as the ''National Origin-Based Antidiscrimination for Nonimmigrants Act'' or the ''NO BAN Act''.

SEC. 102. EXPANSION OF NONDISCRIMINATION PROVISION.

Section 202(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(1)(A)) is amended—

(1) by inserting ''or a nonimmigrant visa, admission or other entry into the United States, or the approval or revocation of any immigration benefit'' after ''immigrant visa'';

(2) by inserting ''religion,'' after ''sex,''; and

(3) by inserting '', except if expressly required by statute, or if a statutorily authorized benefit takes into consideration such factors'' before the period at the end.

SEC. 103. TRANSFER AND LIMITATIONS ON AUTHORITY TO SUSPEND OR RESTRICT THE ENTRY OF A CLASS OF ALIENS.

Section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) is amended to read as follows:

''(f) AUTHORITY TO SUSPEND OR RESTRICT THE ENTRY OF A CLASS OF ALIENS.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of State, in consultation with the Secretary of Homeland Security, determines, based on specific and credible facts, that the entry of any aliens or any class of aliens into the United States would undermine the security or public safety of the United States or the preservation of human rights, democratic processes or institutions, or international stability, the President may temporarily—

''(A) suspend the entry of such aliens or class of aliens as immigrants or nonimmigrants; or

''(B) impose any restrictions on the entry of such aliens that the President deems appropriate.

''(2) LIMITATIONS.—In carrying out paragraph (1), the President, the Secretary of

State, and the Secretary of Homeland Security shall—

''(A) only issue a suspension or restriction when required to address specific acts implicating a compelling government interest in a factor identified in paragraph (1);

''(B) narrowly tailor the suspension or restriction, using the least restrictive means, to achieve such compelling government interest;

''(C) specify the duration of the suspension or restriction; and

''(D) consider waivers to any class-based restriction or suspension and apply a rebuttable presumption in favor of granting family-based and humanitarian waivers.

''(3) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—Prior to the President exercising the authority under paragraph (1), the Secretary of State and the Secretary of Homeland Security shall consult Congress and provide Congress with specific evidence supporting the need for the suspension or restriction and its proposed duration.

''(B) BRIEFING AND REPORT.—Not later than 48 hours after the President exercises the authority under paragraph (1), the Secretary of State and the Secretary of Homeland Security shall provide a briefing and submit a written report to Congress that describes—

''(i) the action taken pursuant to paragraph (1) and the specified objective of such action;

''(ii) the estimated number of individuals who will be impacted by such action;

''(iii) the constitutional and legislative authority under which such action took place; and

''(iv) the circumstances necessitating such action, including how such action complies with paragraph (2), as well as any intelligence informing such actions.

''(C) TERMINATION.—If the briefing and report described in subparagraph (B) are not provided to Congress during the 48 hours that begin when the President exercises the authority under paragraph (1), the suspension or restriction shall immediately terminate absent intervening congressional action.

''(D) CONGRESSIONAL COMMITTEES.—The term 'Congress', as used in this paragraph, refers to the Select Committee on Intelligence of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives.

''(4) PUBLICATION.—The Secretary of State and the Secretary of Homeland Security shall publicly announce and publish an unclassified version of the report described in paragraph (3)(B) in the Federal Register.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, an individual or entity who is present in the United States and has been harmed by a violation of this subsection may file an action in an appropriate district court of the United States to seek declaratory or injunctive relief.

''(B) CLASS ACTION.—Nothing in this Act may be construed to preclude an action filed pursuant to subparagraph (A) from proceeding as a class action.

''(6) TREATMENT OF COMMERCIAL AIRLINES.—Whenever the Secretary of Homeland Security finds that a commercial airline has failed to comply with regulations of the Secretary of Homeland Security relating to requirements of airlines for the detection of fraudulent documents used by passengers traveling to the United States (including the training of personnel in such detection), the Secretary of Homeland Security may suspend the entry of some or all aliens transported to the United States by such airline.

''(7) RULE OF CONSTRUCTION.—Nothing in this section may be construed as authorizing the President, the Secretary of State, or the Secretary of Homeland Security to act in a manner inconsistent with the policy decisions expressed in the immigration laws.

''(8) CLARIFICATION.—For purposes of paragraph (1), the term 'public safety of the United States' includes efforts necessary to contain a communicable disease of public health significance (as defined in section 34.2(b) of title 42, Code of Federal Regulations (or any successor regulation)).''.

SEC. 104. TERMINATION OF CERTAIN EXECUTIVE ACTIONS.

(a) TERMINATION.—Presidential Proclamations 9645, 9822, and 9983 and Executive Orders 13769, 13780, and 13815 shall be void beginning on the date of the enactment of this Act.

(b) EFFECT.—All actions taken pursuant to any proclamation or executive order terminated under subsection (a) shall cease on the date of the enactment of this Act.

SEC. 105. VISA APPLICANTS REPORT.

(a) INITIAL REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal agencies, shall submit a report to the congressional committees referred to in section 212(f)(3)(D) of the Immigration and Nationality Act, as amended by section 103 of this title, that describes the implementation of each of the presidential proclamations and executive orders referred to in section 104.

(2) PRESIDENTIAL PROCLAMATION 9645 AND 9983.—In addition to the content described in paragraph (1), the report submitted with respect to Presidential Proclamation 9645, issued on September 24, 2017, and Presidential Proclamation 9983, issued on January 31, 2020, shall include, for each country listed in such proclamation—

(A) the total number of individuals who applied for a visa during the time period the proclamation was in effect, disaggregated by country and visa category;

(B) the total number of visa applicants described in subparagraph (A) who were approved, disaggregated by country and visa category;

(C) the total number of visa applicants described in subparagraph (A) who were refused, disaggregated by country and visa category, and the reasons they were refused;

(D) the total number of visa applicants described in subparagraph (A) whose applications remain pending, disaggregated by country and visa category;

(E) the total number of visa applicants described in subparagraph (A) who were granted a waiver, disaggregated by country and visa category;

(F) the total number of visa applicants described in subparagraph (A) who were denied a waiver, disaggregated by country and visa category, and the reasons such waiver requests were denied;

(G) the total number of refugees admitted, disaggregated by country; and

(H) the complete reports that have been submitted to the President every 180 days in accordance with section 4 of Presidential Proclamation 9645 in its original form, and as amended by Presidential Proclamation 9983.

(b) ADDITIONAL REPORTS.—Not later than 30 days after the date on which the President exercises the authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)), as amended by section 103 of this title, and every 30 days thereafter, the Secretary of State, in coordination with the Secretary of Homeland Security and heads of other relevant Federal agencies, shall submit a report to the congressional committees referred to in paragraph (3)(D) of such section 212(f) that identifies, with respect to countries affected by a suspension or restriction, the information described in subparagraphs (A) through (H) of subsection (a)(2) of this section and specific evidence supporting the need for the continued exercise of presidential authority under such section 212(f), including the information described in paragraph (3)(B) of such section 212(f). If the report described in this subsection is not provided to Congress in the time specified, the suspension or restriction shall immediately terminate absent intervening congressional action. A final report with such information shall be prepared and submitted to such congressional committees not later than 30 days after the suspension or restriction is lifted.

(c) FORM; AVAILABILITY.—The reports required under subsections (a) and (b) shall be made publicly available online in unclassified form.

TITLE II—AFFORDABLE PRESCRIPTIONS FOR PATIENTS ACT OF 2020

SEC. 201. SHORT TITLE.

This title may be cited as the ''Affordable Prescriptions for Patients Act of 2020''.

SEC. 202. PRODUCT HOPPING.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 26 (15 U.S.C. 57c–2) the following:

''SEC. 27. PRODUCT HOPPING.

''(a) DEFINITIONS.—In this section:

''(1) ABBREVIATED NEW DRUG APPLICATION.—The term 'abbreviated new drug application' means an application under subsection (b)(2) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).

''(2) BIOSIMILAR BIOLOGICAL PRODUCT.—The term 'biosimilar biological product' means a biological product licensed under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)).

''(3) BIOSIMILAR BIOLOGICAL PRODUCT LICENSE APPLICATION.—The term 'biosimilar biological product license application' means an application submitted under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)).

''(4) FOLLOW-ON PRODUCT.—The term 'follow-on product'—

''(A) means a drug approved through an application or supplement to an application submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) or a biological product licensed through an application or supplement to an application submitted under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) for a change, modification, or reformulation to the same manufacturer's previously approved drug or biological product that treats the same medical condition; and

''(B) excludes such an application or supplement to an application for a change, modification, or reformulation of a drug or biological product that is requested by the Secretary or necessary to comply with law, including sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c).

''(5) GENERIC DRUG.—The term 'generic drug' means a drug approved under an application submitted under subsection (b)(2) or (j) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).

''(6) LISTED DRUG.—The term 'listed drug' means a drug listed under section 505(j)(7) of

the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)).

''(7) MANUFACTURER.—The term 'manufacturer' means the holder, licensee, or assignee of—

''(A) an approved application for a drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)); or

''(B) a biological product license under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

''(8) REFERENCE PRODUCT.—The term 'reference product' has the meaning given the term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

''(9) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(10) ULTIMATE PARENT ENTITY.—The term 'ultimate parent entity' has the meaning given the term in section 801.1 of title 16, Code of Federal Regulations, or any successor regulation.

''(b) PROHIBITION ON PRODUCT HOPPING.—

''(1) PRIMA FACIE.—Except as provided in paragraph (2), a manufacturer of a reference product or listed drug shall be considered to have engaged in an unfair method of competition in or affecting commerce in violation of section 5(a) if the Commission demonstrates by a preponderance of the evidence in a proceeding initiated by the Commission under subsection (c)(1)(A), or in a suit brought under subparagraph (B) or (C) of subsection (c)(1), that, during the period beginning on the date on which the manufacturer of the reference product or listed drug first receives notice that an applicant has submitted to the Commissioner of Food and Drugs an abbreviated new drug application or biosimilar biological product license application and ending on the date that is 180 days after the date on which that generic drug or biosimilar biological product is first marketed, the manufacturer engaged in either of the following actions:

''(A) The manufacturer engaged in a hard switch, which shall be established by demonstrating that the manufacturer engaged in either of the following actions:

''(i) Upon the request of the manufacturer of the listed drug or reference product, the Commissioner of Food and Drugs withdrew the approval of the application for the listed drug or reference product or placed the listed drug or reference product on the discontinued products list and the manufacturer marketed or sold a follow-on product.

''(ii) The manufacturer of the listed drug or reference product—

''(I)(aa) announced withdrawal of, discontinuance of the manufacture of, or intent to withdraw the application with respect to the drug or reference product in a manner that impedes competition from a generic drug or a biosimilar biological product, as established by objective circumstances; or

''(bb) destroyed the inventory of the listed drug or reference product in a manner that impedes competition from a generic drug or a biosimilar biological product, which may be established by objective circumstances; and

''(II) marketed or sold a follow-on product.

''(B) The manufacturer engaged in a soft switch, which shall be established by demonstrating that the manufacturer engaged in both of the following actions:

''(i) The manufacturer took actions with respect to the listed drug or reference product other than those described in subparagraph (A) that unfairly disadvantage the listed drug or reference product relative to the follow-on product described in clause (ii) in a manner that impedes competition from a generic drug or a biosimilar biological product that is highly similar to, and has no clinically meaningful difference with respect to safety, purity, and potency from, the reference product, which may be established by objective circumstances.

''(ii) The manufacturer marketed or sold a follow-on product.

''(2) JUSTIFICATION.—

''(A) IN GENERAL.—Subject to paragraph (3), the actions described in paragraph (1) by a manufacturer of a listed drug or reference product shall not be considered to be an unfair method of competition in or affecting commerce if—

''(i) the manufacturer demonstrates to the Commission or a district court of the United States, as applicable, by a preponderance of the evidence in a proceeding initiated by the Commission under subsection (c)(1)(A), or in a suit brought under subparagraph (B) or (C) of subsection (c)(1), that—

''(I) the manufacturer would have taken the actions regardless of whether a generic drug that references the listed drug or biosimilar biological product that references the reference product had already entered the market; and

''(II)(aa) with respect to a hard switch under paragraph (1)(A), the manufacturer took the action for reasons relating to the safety risk to patients of the listed drug or reference product;

''(bb) with respect to an action described in item (aa) or (bb) of paragraph (1)(A)(ii)(I), there is a supply disruption that—

''(AA) is outside of the control of the manufacturer;

''(BB) prevents the production or distribution of the applicable listed drug or reference product; and

''(CC) cannot be remedied by reasonable efforts; or

''(cc) with respect to a soft switch under paragraph (1)(B), the manufacturer had legitimate pro-competitive reasons, apart from the financial effects of reduced competition, to take the action.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) may be construed to limit the information that the Commission may otherwise obtain in any proceeding or action instituted with respect to a violation of this section.

''(3) RESPONSE.—With respect to a justification offered by a manufacturer under paragraph (2), the Commission may—

''(A) rebut any evidence presented by a manufacturer during that justification; or

''(B) establish by a preponderance of the evidence that, on balance, the pro-competitive benefits from the conduct described in subparagraph (A) or (B) of paragraph (1), as applicable, do not outweigh any anti-competitive effects of the conduct, even in consideration of the justification so offered.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—If the Commission has reason to believe that any manufacturer has violated, is violating, or is about to violate this section, the Commission may take any of the following actions:

''(A) Institute a proceeding—

''(i) that, except as provided in paragraph (2), complies with the requirements under section 5(b); and

''(ii) in which the Commission may impose on the manufacturer any penalty that the Commission may impose for a violation of section 5.

''(B) In the same manner and to the same extent as provided in section 13(b), bring suit in a district court of the United States to temporarily enjoin the action of the manufacturer.

''(C) Bring suit in a district court of the United States, in which the Commission may seek—

''(i) to permanently enjoin the action of the manufacturer;

''(ii) any of the remedies described in paragraph (3); and

''(iii) any other equitable remedy, including ancillary equitable relief.

''(2) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Notwithstanding any provision of section 5, any manufacturer that is subject to a final order of the Commission that is issued in a proceeding instituted under paragraph (1)(A) may, not later than 30 days after the date on which the Commission issues the order, petition for review of the order in—

''(i) the United States Court of Appeals for the District of Columbia Circuit; or

''(ii) the court of appeals of the United States for the circuit in which the ultimate parent entity of the manufacturer is incorporated.

''(B) TREATMENT OF FINDINGS.—In a review of an order issued by the Commission conducted by a court of appeals of the United States under subparagraph (A), the factual findings of the Commission shall be conclusive if those facts are supported by the evidence.

''(3) EQUITABLE REMEDIES.—

''(A) DISGORGEMENT.—

''(i) IN GENERAL.—In a suit brought under paragraph (1)(C), the Commission may seek, and the court may order, disgorgement of any unjust enrichment that a person obtained as a result of the violation that gives rise to the suit.

''(ii) CALCULATION.—Any disgorgement that is ordered with respect to a person under clause (i) shall be offset by any amount of restitution ordered under subparagraph (B).

''(iii) LIMITATIONS PERIOD.—The Commission may seek disgorgement under this subparagraph not later than 5 years after the latest date on which the person from which the disgorgement is sought receives any unjust enrichment from the effects of the violation that gives rise to the suit in which the Commission seeks the disgorgement.

''(B) RESTITUTION.—

''(i) IN GENERAL.—In a suit brought under paragraph (1)(C), the Commission may seek, and the court may order, restitution with respect to the violation that gives rise to the suit.

''(ii) LIMITATIONS PERIOD.—The Commission may seek restitution under this subparagraph not later than 5 years after the latest date on which the person from which the restitution is sought receives any unjust enrichment from the effects of the violation that gives rise to the suit in which the Commission seeks the restitution.

''(4) RULES OF CONSTRUCTION.—Nothing in this subsection may be construed as—

''(A) requiring the Commission to bring a suit seeking a temporary injunction under paragraph (1)(B) before bringing a suit seeking a permanent injunction under paragraph (1)(C); or

''(B) affecting any other authority of the Commission under this Act to seek relief or obtain a remedy with respect to a violation of this Act.''.

(b) APPLICABILITY.—Section 27 of the Federal Trade Commission Act, as added by subsection (a), shall apply with respect to any—

(1) conduct that occurs on or after the date of enactment of this Act; and

(2) action or proceeding that is commenced on or after the date of enactment of this Act.

(c) ANTITRUST LAWS.—Nothing in this section, or the amendments made by this section, shall modify, impair, limit, or supersede the applicability of the antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), and of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that it applies to unfair methods of competition.

(d) RULEMAKING.—The Federal Trade Commission may issue rules under section 553 of title 5, United States Code, to carry out section 27 of the Federal Trade Commission Act, as added by subsection (a), including by defining any terms used in such section 27 (other than terms that are defined in subsection (a) of such section 27).

(e) CONFIRMATION.—Upon the request of the Commission, the Secretary shall provide confirmation of—

(1) any request made by the Secretary to the manufacturer for an application or supplement to an application for a change, modification, or reformulation of a drug or biological product;

(2) any withdrawal by the manufacturer of an application for a drug or reference product; or

(3) any request made by a manufacturer to the Secretary for withdrawal of an approval of the application for a drug or reference product or a request for placement of a drug or reference product on the discontinued products list.

SEC. 203. TITLE 35 AMENDMENTS.

(a) IN GENERAL.—Section 271(e) of title 35, United States Code, is amended—

(1) in paragraph (2)(C), in the flush text following clause (ii), by adding at the end the following: ''With respect to a submission described in clause (ii), the act of infringement shall extend to any patent that claims the biological product, a method of using the biological product, or a method or product used to manufacture the biological product.''; and

(2) by adding at the end the following:

''(7)(A) Subject to subparagraphs (C), (D), and (E), if the sponsor of an approved application for a reference product, as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)) (referred to in this paragraph as the 'reference product sponsor'), brings an action for infringement under this section against an applicant for approval of a biological product under section 351(k) of such Act that references that reference product (referred to in this paragraph as the 'subsection (k) applicant'), the reference product sponsor may assert in the action a total of not more than 20 patents of the type described in subparagraph (B), not more than 10 of which shall have issued after the date specified in section 351(l)(7)(A) of such Act.

''(B) The patents described in this subparagraph are patents that satisfy each of the following requirements:

''(i) Patents that claim the biological product that is the subject of an application under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)) (or a use of that product) or a method or product used in the manufacture of such biological product.

''(ii) Patents that are included on the list of patents described in section 351(l)(3)(A) of the Public Health Service Act (42 U.S.C. 262(l)(3)(A)), including as provided under section 351(l)(7) of such Act.

''(iii) Patents that—

''(I) have an actual filing date of more than 4 years after the date on which the reference product is approved; or

''(II) include a claim to a method in a manufacturing process that is not used by the reference product sponsor.

''(C) The court in which an action described in subparagraph (A) is brought may increase the number of patents limited under that subparagraph—

''(i) if the request to increase that number is made without undue delay; and

''(ii)(I) if the interest of justice so requires; or

''(II) for good cause shown, which—

''(aa) shall be established if the subsection (k) applicant fails to provide information required under section 351(l)(2)(A) of the Public Health Service Act (42 U.S.C. 262(l)(2)(A)) that would enable the reference product sponsor to form a reasonable belief with respect to whether a claim of infringement under this section could reasonably be asserted; and

''(bb) may be established—

''(AA) if there is a material change to the biological product (or process with respect to the biological product) of the subsection (k) applicant that is the subject of the application;

''(BB) if, with respect to a patent on the supplemental list described in section 351(l)(7)(A) of Public Health Service Act (42 U.S.C. 262(l)(7)(A)), the patent would have issued before the date specified in such section 351(l)(7)(A) but for the failure of the Office to issue the patent or a delay in the issuance of the patent, as described in paragraph (1) of section 154(b) and subject to the limitations under paragraph (2) of such section 154(b); or

''(CC) for another reason that shows good cause, as determined appropriate by the court.

''(D) In determining whether good cause has been shown for the purposes of subparagraph (C)(ii)(II), a court may consider whether the reference product sponsor has provided a reasonable description of the identity and relevance of any information beyond the subsection (k) application that the court believes is necessary to enable the court to form a belief with respect to whether a claim of infringement under this section could reasonably be asserted.

''(E) The limitation imposed under subparagraph (A)—

''(i) shall apply only if the subsection (k) applicant completes all actions required under paragraphs (2)(A), (3)(B)(ii), (5), (6)(C)(i), (7), and (8)(A) of section 351(l) of the Public Health Service Act (42 U.S.C. 262(l)); and

''(ii) shall not apply with respect to any patent that claims, with respect to a biological product, a method for using that product in therapy, diagnosis, or prophylaxis, such as an indication or method of treatment or other condition of use.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to an application submitted under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)) on or after the date of enactment of this Act.

The SPEAKER pro tempore. This portion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentlewoman from Washington (Ms. JAYAPAL) and the gentleman from Arizona (Mr. BIGGS) each will control 30 minutes.

The Chair recognizes the gentlewoman from Washington.

□ 1030

GENERAL LEAVE

Ms. JAYAPAL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2486.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Ms. JAYAPAL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to bring forward the No BAN Act amendment, and I thank Congresswoman CHU for her leadership on this bill.

In January 2017, President Trump issued the first Muslim ban, a xenophobic policy that has inflicted irreparable harm on Muslims here at home and around the world, a policy that says to Muslims that they are not to be trusted. This is hurtful, harmful to our global relationships, and deeply untrue.

When the ban was implemented, I rushed to the Seattle airport along with Chairman NADLER in New York City. We joined thousands of people in protest. Thanks to these efforts, we successfully secured the release in Seattle of two individuals. But the chaos and the pain that the ban cast upon American citizens, lawful residents, and international visitors can never truly be undone.

Today, new iterations of the Muslim ban and the most recent African ban have kept families separated; American businesses and research institutions can't recruit the best minds from abroad; and our Nation's doors are closed to people seeking safety from violence, war, and persecution.

The bans have hurt our relationships with other countries, harmed refugees, isolated us from our allies, and given extremists propaganda for recruitment. Most important, they do not make our country safer.

And let's be clear: A pandemic is not the time to push forward these xenophobic bans.

Citizens from Muslim-majority nations made up 4.5 percent of the U.S. physician workforce in 2019; and yet, between 2016 and 2018, the number of applicants to the Educational Commission for Foreign Medical Graduates from Muslim-majority countries decreased by 15 percent, a decrease that exacerbates existing gaps in the U.S. physician workforce which is so desperately needed in a time of COVID–19.

It is time to pass the No BAN Act to repeal President Trump's bans and stop any future President from implementing discriminatory bans that send the repugnant message that our foundational values of freedom of religion and liberty and justice for all do not apply.

Today is historic, as the No BAN Act is the first bill to pass the House that directly addresses Muslim civil rights. And we would not be here today without the courage of Muslims and allies across the country, especially the very important people at Muslim Advocates who work to repudiate the Muslim ban and move Congress to action.

This bill sends an important message to Muslims everywhere that America believes in liberty and welcomes people regardless of race or religion.

Madam Speaker, I reserve the balance of my time, and I ask unanimous consent that the gentleman from New York (Mr. NADLER) control the remainder of that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mr. BIGGS. Madam Speaker, I yield myself such time as I may consume.

I rise in opposition to this amendment to H.R. 2486. The majority is actually playing procedural games here by including a nongermane provision to satisfy certain requirements.

The two immigration bills that we are considering today are expensive, make no doubt about it. According to the CBO, the NO BAN Act will increase direct spending by $290 million over the next 10 years and increase deficits by $307 million over the same period. And a preliminary estimate from CBO notes that the Access to Counsel Act, which we will debate later today, will increase discretionary spending by at least $1 billion over the next 5 years.

So the majority had to come up with a pay-for. They opted for prescription drug legislation, but chose to discard bipartisan committee past text to instead include a flawed prescription bill that will stifle investment and research, prevent new medications from coming to market, block truthful advertising, and disincentivize improvements in patient care.

This Congress has unanimously passed six bipartisan bills out of committee to address the costs of prescription drugs. But today, instead of using bipartisan-negotiated text, my colleagues across the aisle have made prescription drugs a partisan issue in an effort to pass partisan immigration bills.

Our President has consistently taken decisive action to help ensure the security of our immigration programs and, thus, the safety of our country. Every time he does so, my Democratic friends cry foul. They attempt to block the President's actions and threaten to take away the President's power.

The Department of Homeland Security has identified several types of information that it needs in order to make a reliable decision regarding the admissibility of a foreign country's nationals seeking entry to the United States. This includes things like:

Does the country report lost or stolen identity documents, including passports, to Interpol, and how often do they do so?

Does the country share information about their known or suspected terrorists or about their criminals with us?

Does the country issue modern electronic passports?

These are clearly important things to know when determining whether to let a foreign national enter our country.

Instead of expressing appreciation for what this President has been able to accomplish with regard to security, my colleagues have decided to consider this No BAN Act, which effectively eviscerates the ability of the administration to take quick and decisive action to protect our homeland when concerns arise, even action to prevent entry of aliens based on a global health crisis like COVID–19.

Until the President signed the first travel executive order in January of 2017, very few had ever heard of the Immigration and Nationality Act section 212(f) authority. This provision provides the President broad latitude to impose restrictions on the entry of aliens or classes of aliens into the United States when such entry ''would be detrimental to the interests of the United States.'' And this authority has been used successfully by Presidents Ronald Reagan, Barack Obama, and others.

Pursuant to the travel executive order, the President required the Secretary of DHS and Secretary of State, along with the Director of National Intelligence to determine what countries failed to meet international standards of information sharing or identity management or were at a risk of terrorism or public safety concern and to report their findings to him.

Based on that assessment and the recommendations of the Secretaries, the President placed travel restrictions on seven nations. Pursuant to the continued review of countries and an updated report in January, the President issued a proclamation imposing narrowly tailored travel restrictions on six additional countries: Burma, Eritrea, Kyrgyzstan, Nigeria, Sudan, and Tanzania.

It is important to understand that such restrictions are not permanent. When a country comes into compliance with the information sharing and other requirements, they can be removed from the list of restricted countries, and that has actually happened under this administration, for instance, Chad in 2018. And press reports note that the Government of Nigeria immediately began working to come into compliance.

The President's use of 212(f) authority has helped improve our security and the vetting of foreign nationals seeking entry into the United States. As the DHS Assistant Secretary for Threat Prevention and Security Policy testified last September: ''One country reinstituted a dormant program to help identify convicted criminals. Three countries have adopted more secure e-Passports. Two countries obtained access to Interpol databases for the first time. And eight countries began reporting lost and stolen passports to Interpol for the first time or they improved the regularity of that reporting.''

These are not insignificant improvements to the world's security. The No BAN Act would take 212(f) authority from the elected President and give it to an unelected subordinate who is not accountable to voters.

Under this bill, only the Secretary of State can determine that the entry of aliens is a threat to the U.S. This is problematic in instances where other Cabinet officials should be involved, such as Health and Human Services or Treasury.

The bill's undefined and broad terms, ''least restrictive means'' and the ''notion of harm,'' are ripe for litigation, especially considering the bill's expansive judicial review provision and explicit class action allowance.

The No BAN Act also contains onerous reporting requirements, consultation with Congress before the President can act, and Federal Register publication of information about the action taken and the circumstances necessitating the action. But does it make sense for the U.S. Government to broadcast the deficiencies they have identified since those would likely be exploited by bad actors seeking to do us harm?

Perhaps the most ridiculous of the bill's provisions is section 4, which not only terminates the travel executive orders in place but, incredibly, ceases all actions taken pursuant to any proclamation or executive order terminated by the bill. That means that information sharing on terrorists, criminals, and other security threats that has developed between the United States and other countries with travel restrictions would end.

This bill is a knee-jerk response by my Democratic colleagues because of the disapprobation of President Trump, and it would undermine the safety and security of Americans.

I urge my colleagues to oppose the No BAN Act, and I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2214, the National Origin-Based Antidiscrimination for Nonimmigrants Act, or the No BAN Act, is critical legislation that will stop executive overreach, defend Congress' role in establishing our Nation's immigration laws, and right one of the original sins of the Trump administration: the Muslim ban.

When the Trump administration issued its first version of the ban in January 2017, it was immediately apparent that it was unconstitutional, discriminatory, and morally reprehensible. Its chaotic rollout only magnified the cruelty underlying this policy.

When news first broke that people were being detained at the airports, I immediately rushed to JFK Airport that morning along with Congresswoman VELÁZQUEZ. Within hours, we were joined by hundreds of demonstrators demanding justice. What we found was chaos and heartbreak. Refugees, people with valid visas, and even legal permanent residents, people who had assisted American troops and saved their lives in Iraq were prevented from entering the country or even speaking with their attorneys.

We met people like Hameed Khalid Darweesh, an Iraqi who put his life on the line for 10 years to work with American and coalition forces as a translator. He underwent a years-long extensive vetting process to secure a

Special Immigrant Visa granted to people who assist our military in Iraq and Afghanistan. In return for his efforts, this hero was welcomed to the United States with a door slammed in his face and a grueling ordeal at the airport as he pleaded for his freedom.

I am pleased that Congresswoman VELÁZQUEZ and I were able to work with officials in New York and Washington to secure his release eventually, but we should never have had to do that. That is not the country we are proud to represent in Congress. We do not betray those who save American troops.

Although the President's initial Muslim ban was ultimately blocked by numerous courts, in 2018, after protracted litigation and several court injunctions, the Supreme Court unfortunately upheld the third version of the ban, Presidential Proclamation 9645.

The Court reached this decision based on its broad reading of section 212(f) of the Immigration and Nationality Act, which authorizes the President to ''suspend the entry of all aliens or any class of aliens'' when the President finds that such entry ''would be detrimental to the interests of the United States.''

I strongly disagree with the Court's broad interpretation of that provision. Section 212(f) was intended to give the President discretion to quickly address emergent issues involving public health, national security, public safety, or international stability. It was not intended to provide carte blanche authority to the President to ban large categories of individuals without justification or to rewrite immigration laws with which he disagrees.

That is why this legislation is so important. H.R. 2214 will repeal these shameful bans and stop executive overreach by amending 212(f) to prevent any President from using it in a manner that is unlawful or unconscionable.

The United States has always been and must continue to be a place that welcomes and embraces people of all religions and all nationalities. But as a result of the Muslim ban, our country's reputation as a beacon of hope, tolerance, and inclusion for those fleeing persecution, reuniting with their families, or simply seeking a better life has been forever tarnished.

I would like to thank my friend and colleague Representative CHU for introducing this legislation and for her leadership and commitment to this issue.

I also want to thank the NO BAN coalition, led by Muslim Advocates, and all of the many organizations whose support was vital to bringing this bill to the floor today. It is long overdue.

Madam Speaker, I urge all of my colleagues to support the NO BAN Act, and I reserve the balance of my time.

□ 1045

Mr. BIGGS. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GOODEN).

Mr. GOODEN. Madam Speaker, I thank Congressman BIGGS for yielding.

I rise today in opposition to the NO BAN Act, which would tie the hands of our executive branch, restricting our ability to act quickly and decisively to defend America from her enemies.

The President must have authority to act when our national security is at risk. When a situation demands we halt travel into our country, whether that be to protect us from a pandemic or other national security issue, the President must have the power to do so.

Democrats, on March 11 of this year, debated this very measure in the form of a bill, ironically, the same day that President Trump instituted his ban on European travel. Because they knew the optics would look bad, they pulled the bill down. If it was a bad bill then, it is a bad bill today.

Congress gave the President the authority we are discussing today when we passed, many decades ago, the Immigration and Nationality Act. In the years since, our courts have affirmed that authority on numerous occasions.

So why, then, do my Democratic colleagues want to take this critical authority away?

I would like to read an excerpt from a 1986 decision out of the D.C. Circuit, in which the court stated that the very authority we are debating today ensures that ''the Executive would not be helpless in the face of such a threat'' of an alien who posed a danger to the United States.

Furthermore, the court stated that ''the President's sweeping proclamation power thus provides a safeguard against the danger posed'' to our national security.

What far right extremist, ultraconservative judge wrote those words? No other than Ruth Bader Ginsberg.

The safety and security of the American people should not be a partisan issue. It ought to be everyone's highest priority. We should not jeopardize the well-being of our citizens for the sake of political victories. If enacted, the NO BAN Act would put American lives and our country's national security at risk.

Madam Speaker, I will be opposing this dangerous policy, and I urge my colleagues to oppose it is as well.

Mr. NADLER. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. JUDY CHU), the sponsor of the bill.

Ms. JUDY CHU of California. Madam Speaker, I thank Chairman NADLER for his leadership in bringing the NO BAN Act for a vote on the floor today.

Three years ago, when President Trump first took office, within 1 week, he announced the first Muslim ban.

I will never forget that terrible day in January of 2017. I was on my way to a community event when I received a frantic call about 50 Muslims with green cards who were being detained at LAX for hours, with no end in sight.

At that moment, I decided to drop everything and help in any way I could. I rushed over to LAX to advocate for these people. Once I arrived, I found out that, indeed, there were scores of people with a legal right to be here kept for hours without food and blocked from receiving legal advice from an attorney.

With this action, Trump was immediately creating chaos and separating families with no justification. It was outrageous. When I pressed Customs and Border Protection for answers, they resisted and blocked me. I even got them on the phone, only to have them hang up on me.

I had never been more disrespected as a Member of Congress, but disrespect and chaos is what this Muslim ban is all about. Since then, the administration has steadily worked to make it harder and harder for individuals to come to the United States, which has meant keeping families and loved ones apart.

Partners and spouses have been kept apart for years at a time. Children have missed parent's funerals. Parents have missed children's weddings, birthdays, and graduations. Families have been languishing, wondering when they will be reunited, all because of a policy born from prejudice. This is a cruel abuse of power that must be stopped.

The NO BAN Act repeals all versions of the Muslim ban, including the travel ban imposed in February of this year that includes many African countries. It limits the President's authority to ban people from entering the United States unless there is a clear justification. The President would have to consult with the Departments of Homeland Security and State before implementing a ban and would have to brief Congress within 48 hours.

Let me make clear that this bill would not have impacted our ability to fight the COVID–19 pandemic in any way, as it does not interfere with the ability of a President to restrict immigration due to public health concerns.

Madam Speaker, I urge all my colleagues to vote in favor of this historic legislation which sends a strong message to our communities that you cannot be discriminated against based on your religion or national origin.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for his leadership in bringing this legislation to the floor.

Madam Speaker, I pay special tribute to Congresswoman CHU, the chair of the caucus in the House that represents the Asian Pacific American community, and PRAMILA JAYAPAL, a member of the Judiciary Committee, instrumental in bringing this legislation as well, the NO BAN Act, and, again, the right to counsel legislation.

As I was thinking of this legislation today—I have a statement for the record, but I was thinking back to the

''rump'' hearing that we had under the leadership of the Judiciary Committee at the time the NO BAN was announced. The distinguished chair, Ms. CHU, talked about how people reacted at the airports and the rest—among them, John Lewis—going to the airport.

But at this hearing, it was so remarkable, because people turned out. Diplomats showed up and spoke for their colleagues who were still in the diplomatic service, saying how wrong this was. They took professional risk as members of our diplomatic corps. There were around a thousand of them who signed a statement opposing this ban.

The military was there, our men and women in uniform. They were there saying: You are hurting us. We have made promises to interpreters and others who have helped us in Iraq and Afghanistan—they were Muslim—and now they can't come to the United States? It is wrong on its face, but we are not even keeping our word. Who will trust us? Who will trust us if we don't have respect for people?

Some military who were Muslim—actually Khizr Khan was there, a Gold Star father, he came and was very brief in his testimony. He had some good advice about what we could do about this.

But our men and women in uniform who are Muslim were hearing this, in Khizr Khan's case, a Gold Star family whose son had given his life for our country, a Muslim, and now we were saying there is going to be a Muslim ban.

What was interesting, though, was that a leader of the evangelical community was there. And this bill is sending a strong message. It is repealing all versions of the Muslim ban, the refugee ban, and the asylum ban, rescinding each cruel version of the President's discriminatory bans, including his executive order mandating extreme vetting for refugees and asylum seekers.

Well, the person who was there, and the record will show, representing the evangelicals, he said in his testimony that the United States Refugee Resettlement Program is the crowning glory of American humanitarianism, and here this President is rejecting that focus of who we are as a country and the model we should be.

In fact, all this administration has done is diminish the opportunities for those who would come here—some for fear of persecution, others because they had helped us, and others because of the Statue of Liberty, again, a beacon of hope to the world that is constantly undermined by this administration.

So, Madam Speaker, I salute the maker of this amendment, Chairwoman JUDY CHU. I salute PRAMILA JAYAPAL, who has been relentless, persistent on this matter, and I thank all of our colleagues who fought so hard.

Just to recall, we remember the day after the inauguration that women turned out in huge numbers not only in Washington, but all over the country and all over the world. They knew the power of their presence.

So, when this came shortly thereafter, people understood the power of their presence, and people showed up at airports and wherever a manifestation of support for our Muslim community was needed. It was really quite a defining time for our country, because people knew their power and the power of their presence, being there, being there for everyone in our country.

So, Madam Speaker, I am very grateful to the makers of this motion, to the Judiciary Committee. And to Chairman NADLER, I thank him for giving us this opportunity to honor what the Statue of Liberty means to us and to the world.

Then just go look at Ronald Reagan's statements about the Statue of Liberty and the beacon of hope that it is to the world and contrast it to the attitude that we see coming out of this White House now.

I hope we have a good, bipartisan vote on this repeal of the Muslim ban and the access to counsel that goes with this legislation.

Madam Speaker, on the base of the Statue of Liberty, which is a beacon of freedom and hope for the world, are inscribed these words: ''Give me your tired, your poor/ Your huddled masses yearning to breathe free/ Send these, the homeless, tempest-tossed to me.''

I rise to join my colleagues in support of the ''NO BAN'' Act to rescind the President's Muslim ban, which betrays everything the Statue of Liberty and our nation stand for.

I salute Congresswoman JUDY CHU, Chair of the Congressional Asian Pacific American Caucus, and the lead on this legislation—which is the first Muslim civil rights bill in our nation's history.

Thank you also to Congresswoman PRAMILA JAYAPAL for her leadership to ensure that those unjustly detained have access to legal counsel.

It is particularly senseless that the President continues to inflict his Muslim ban on the country as we face the COVID–19 pandemic.

These bans harm the economy and public health by depriving our nation of the researchers, scientists, physicians and other medical professionals desperately needed to crush the virus.

More than 100,000 medical professionals in our country are from just two of the countries included in the ban.

Overall, the ban has led to a 15 percent drop in new physicians from Muslim-majority countries coming to America.

These bans fuel anti-Muslim discrimination, which sadly, the White House is encouraging, when it misleads the public and says that the bans are needed to keep us safe—when in reality, the bans only weaken our response, by banning doctors and medical professionals from our shores.

At the same time, the bans erode our national security and devastate families: separating families and preventing thousands from attending loved ones' births, graduations, marriages and funerals. One study finds that these bans have prevented more than 9,000 family members of U.S. citizens from entering the country, including more than 5,500 children.

More than 400 national, state and local civil rights, faith-based, national security and community groups, from AFSCME and Amnesty International to United We Dream and Veterans for Peace, have spoken out to demand passage of the NO BAN Act to ''end the harmful Muslim Ban and put in place vital protections against future discriminatory bans.''

''The NO BAN Act is a clear and unequivocal response to the Muslim Ban that would ensure no one can be banned from our country based on religious or nationality-based discrimination ever again.

''Regrettably, the Muslim Ban validates the worst stereotypes about Muslims; that they are inherently foreign and violent and pose such a threat to the United States they should be banned.

''The ban on Muslims comes after generations of politicians hostile to religious minorities have attempted to ban Jews, Catholics, and Latter-day Saints. Congress now has an opportunity to take action against the Muslim Ban and this troubling history by sending a strong message that our nation rejects religious bigotry.''

With this bill, Congress is sending that strong message. We are:

Repealing all versions of the Muslim ban, the refugee ban, and the asylum ban—rescinding each cruel version of the President's discriminatory bans, including his executive order mandating ''extreme vetting'' for refugees and asylum seeking;

Strengthening immigration law to explicitly prohibit discrimination based on religion—and ensuring that it applies to non-immigrant visas, entry into the U.S. and the approval of any immigrant benefit; and

Limiting executive authority to prevent any president from issuing future bans like the Muslim ban—imposing strict requirements before any future restrictions can be issued & enacting reporting requirements to Congress to create an oversight mechanism for the future.

The Democratic House will always stand up to defend our values. As Pope Francis said, ''It's hypocrisy to call yourself a Christian and chase away a refugee or someone seeking help.''

I urge a strong bipartisan vote to put an end to this act of callousness and discrimination from the White House.

Madam Speaker, I urge a strong ''yes'' vote.

Mr. BIGGS. Madam Speaker, I appreciate the Speaker's invoking President Reagan, because in 1981, President Reagan used 212(f) authority to suspend entry of undocumented aliens from the high seas, so I appreciate her reminding us of the use of 212(f) by Reagan.

Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Madam Speaker, I thank Representative BIGGS for yielding.

Representative BIGGS just highlighted, frankly, the problem, Madam Speaker, that we see in this, and it has been reiterated over and over again.

This is not about a policy. This is about a person. It is about a person, the President, who the other side, and especially this committee that I have served as ranking member on and now

serve as a member of, has consistently gone after for, now, almost 19 months.

It has nothing to do with policies that at one point they did or did not believe in because, if this were true, we would have had a mass outcry in 2011 when President Obama used this authority to keep out folks because of human rights issues and other things.

So, again, the problem here is it is great to couch this in political terms; it is great to couch this in great, deep policy issues; but, for 18 months, this is all that we have heard.

I heard my chairman just a minute ago speak about how these policies that he disagrees with and doesn't like that are found under the law and that we are dealing with here today in this so-called NO BAN Act have tarnished us. Well, I will tell everybody what is tarnishing us in this country. It is acts like this and the constant back-and-forth.

There are times I have wondered—and I know my friend from Arizona has as well. We have talked about this a little bit. I have wondered why we have sort of kept the House locked down for the last 5 or 6 months, but if this is what we come back to do, maybe we should just stay away, because if this is what we are doing, it is, frankly, frustrating, because November 3 will be the chance to talk about this.

It is very policy and politically driven when we come to this floor on anything that really has to do with a political agenda, when there is a date on the calendar, as I talked about before, more than actually changing policy, because when you look at this, I will almost guarantee you that my friends currently in the majority, if they had a President of their party in the White House, they would come back on this very quickly and be very scared of messing with this power Presidentially.

This is a problem that we are seeing over and over and over and over again.

This NO BAN Act would strip the President of his ability to use the Immigration and Nationality Act to ban travel from certain countries that present national security concerns.

Ironically, as I said earlier, this is the very power that President Trump used in January to deal with the coronavirus in China. If this were in place, he may not have had the ability to actually work on what we know now as the pandemic early on to help stop the spread.

There are consequences to political legislation. This is one of them. We saved countless lives because of that, and now they want to strip the President of the authority to do that.

Now, others may say, well, we have got exceptions and we have got this. I am not taking anything from this committee on exceptions for this President. There have not been any. It is simply a partisan attack.

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The Department of Homeland Security has identified several types of information that it needs in order to make a reliable decision regarding the admissibility of a foreign country's nationals to seek entry into the United States; things like: Does the country report lost or stolen identity documents, including passports, to Interpol, and how often they do so?

Does the country share information about their known or suspected terrorists or about their criminals with us?

And does the country issue modern electronic passports?

Why would we want to restrict the President, any President, from considering this information when determining whether to let a foreign national into our country?

Instead of appreciating what has been done here by this President with regard to our national security, like addressing the crisis on our border and China's increasingly hostile behavior, the Democrats have decided to move forward with this act, which we have talked about before in our committee and have pointed out many of the problems of this act. It eviscerates the ability of any administration to take nimble and decisive action to protect our homeland when cause for concern arises, like the threat of COVID–19.

What is even more ironic, and I touched on this when I first started, Madam Speaker, is that the very power that the majority wants to strip from this President was used successfully by President Barack Obama and also—as was pointed out by my friend from Arizona—by the Speaker of this House, currently, and Ronald Reagan.

When we understand this, this actually clarifies—it actually crystallizes it. So when you see every other President has used this in some form over the years, and it has only become a concern now because we do not like the current President, Donald Trump, and we have an election coming up very quickly, then we start seeing stuff like this.

In January 2017, President Trump signed an executive order to restrict travel from certain countries that were at a high risk of terrorism and were public safety concerns, based off recommendations from the Secretaries of DHS and State, along with the DNI.

It is important to understand these restrictions are not permanent. This is, again, another thing that permeates even some conversations I have heard already that we are making permanent changes. These are not permanent. They are there until the country gets it in order and are actually able to answer our security concerns, which is not going to be talked about today. We are not talking about security. We are trying to make it feel like it is something else against certain groups and ethnic groups. This is about security.

When you look at the law, and it says, when those public safety concerns are removed, they are removed from the restricted list, such as Chad was in 2018.

Let me be clear; there is no doubt the President's use of the 212(f) authority has helped us improve our security and the vetting of foreign nationals seeking entry into the U.S. Some countries restricted by this order have taken positive steps to come into compliance with the information-sharing and public safety standards and have worked to participate in protecting international security.

Is that not what we would want? Or is what is being said by the majority today that we prefer lax standards for those coming here; we prefer less safety for our people of people coming here. Is that the standard being left here?

I don't think the majority wants to go there, but it is seemingly implied by what is being said. Because this is actually working with countries to come into modern-day compliance with known safety and international safety regulations.

This bill would take authority away from the President and give it to a subordinate. Again, strange move here; taking the Presidential authority. It goes back and shows the real intent of this bill is about this President, not about the law.

It would also outrageously terminate ''all actions taken pursuant to any proclamation or executive order,'' effectively shutting down the information sharing on terrorism, criminals, and security threats that have come from these restrictions. This is dangerous, Madam Speaker, and it is a bad policy.

This bill is just another response, knee-jerk response, by the majority because they don't like the President and they don't like the decisions he makes on behalf of the country. Unfortunately, their never-ending desire to take him down comes at the expense of American security and safety if this bill were to become law.

Fortunately, we know it will not; another day of political posturing on the floor of the House, wreaking havoc on our borders, backlogging our customs process. And here is the interesting one that nobody has talked about that I have heard so far. I may have missed it, but I don't think I did.

Me and the gentleman from Arizona, we understand something. Everything coming here today has a price tag. This one does as well, $1 billion.

But then this is really where it gets concerning, Madam Speaker, because I have tried my best over the years to work with the majority, and I see some of my friends over there that we have passed legislation with that have made an impact in this country.

But here is what really bothers me. How do they pay for it? How does the majority pay for this?

The majority, Democrats, have decided to include in this bill a prescription drug measure that could have been by bipartisan, and was bipartisan, if only they had abided by the agreed-upon text negotiated by Members in both parties.

Instead, we are considering an old, partisan version of a prescription drug

bill that will undermine critical innovation. We negotiated bipartisan changes to stop gaming while preserving the research that benefits patients, but the Democrats in the majority have abandoned that and, with this bill, they have abandoned any hope of showing the American people they truly want to legislate, instead of just constantly attacking this President.

But what is of deeper concern here, especially when it comes to prescription drug costs—because I don't want to hear my friends in the majority now talk about how they want to save money, and how they want to encourage innovation. When they put this into this bill, they have torn down bipartisan work that could actually save money. They have got to pay for it somehow.

I know their counsel; I know they are struggling right now. We have to pay for it somehow.

Well, then why not go back to the bipartisan process of working on prescription drugs, instead of throwing it into this NO BAN Act?

The majority's moral underpinning is severely damaged when you look at the fact that they are trying to play games with the prescription drug issue in our country on this bill; when we know, for a fact, that bipartisanship was the way forward on this, and I had worked with, and others had worked to bring a bipartisan solution. And now we throw it out the door because we are so bent on making a political statement on this floor that bipartisanship is gone. We might as well pack it up and wait for November 3. That hurts this body.

As the chairman of this committee in this House talked about just a moment ago about tarnishing the work in the world standing by what the President has done, are we really not going to have a conversation, Madam Speaker, about what is happening?

And I know—Madam Speaker, you do as well—concern about what happens here, concern about actually getting something done, concern about the very people that are lifted up by the majority and the minority, saying we are here for the American people. But when I see pay-fors like this, when I see the pay-for happening here, I know that this is not anything but another day on the campaign trail.

We are here today, making a political statement, and you know who is going to suffer? The very ones—I don't want to hear it from anybody in the majority today talking about how they want to help healthcare; how they want to bring prescription drug costs down; how they want to get at the very issues that we are dealing with. Because today you are going to go on record when you vote for this, by saying we don't care about the American people's fixing prescription drugs and getting healthy in this country. This today proves you have nothing to do.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank Congresswoman CHU for this important statement that is necessary for the American people: In God, We Trust. And the God we trust is a merciful God.

144,000 people dead from COVID–19. It is important when an administration, no matter who it is, fails the American people, the United States Congress must be the one that deals with that failure, and that is what the NO BAN Act stands for. It stands for expanding the INA's nondiscrimination provision to prohibit discrimination based on religion and extends the prohibition on discrimination beyond the issuance of immigrant visas to include the issuance of nonimmigrant visas, entry, admission to the United States, and the approval or revocation thereof.

I had an amendment that is added to this that makes it a surety that the administration report to Congress on the impacts of positive, negative, and unintended actions by the President. We must have oversight.

I stand in the name of Ali, a 17-year-old. When I landed from Washington, I went straight to the terminal immediately on that Friday. My tears were coming to my eyes as I saw little Ali denied entry into the United States.

That is why I am here. I support the NO BAN Act.

Madam Speaker, as an original cosponsor and senior member of the Committee on the Judiciary, I rise in strong and enthusiastic support of H.R. 2214, the "National Origin-Based AntiDiscrimination For Non-Immigrants Act, or No BAN Act, which stops executive overreach by preventing the president from abusing his authority to restrict the entry of non-citizens into the United States under section 212(f) of the Immigration and Nationality Act (INA).

This legislation also repeals several of the President's section 212(f)-based executive actions, including his original Muslim ban as well as the most recent expansion of the ban announced in January 2020.

Madam Speaker, I support this legislation because the NO BAN Act amends section 212(f) of the INA to place checks and balances on the President's authority to temporarily suspend or restrict the entry of aliens or classes of aliens into the United States, when it is determined that such individuals "would undermine the security or public safety of the United States or the preservation of human rights, democratic processes or institutions, or international stability."

Specifically, the bill requires the President to find and document that any suspension or restriction: (1) is based on specific and credible facts; (2) is narrowly tailored; (3) specifies a duration; and (4) includes waivers.

The NO BAN Act expands the INA's nondiscrimination provision to prohibit discrimination based on religion and extends the prohibition on discrimination beyond the issuance of immigrant visas to include the issuance of nonimmigrant visas, entry and admission into the United States, and the approval or revocation of any immigration benefit.

The NO BAN Act terminates several of President Trump's proclamations and executive orders invoking section 212(f) authority, including Presidential Proclamation 9645, also known as the "Muslim Ban," and Presidential Proclamation 9983, barring the entry of immigrants from Burma (Myanmar), Eritrea, Kyrgyzstan, and Nigeria, and suspending participation in the Diversity Visa program for nationals of Sudan and Tanzania.

Madam Speaker, I am pleased that the NO BAN Act includes an important amendment I offered during the committee markup of the legislation, which requires the Administration to report to Congress on the impacts—positive, negative, and unintended—of any action taken by the President pursuant to executive orders he has or will issue pursuant to section 212(f) of the INA.

I strongly support the provision in the legislation that nullifies the President's latest executive order which adds the countries of Belarus, Myanmar, Eritrea, Kyrgyzstan, Nigeria, Sudan and Tanzania to the President's new and offensive Muslim Ban.

As a co-chair of the Congressional Nigerian Caucus, the United States cannot afford to hamper diplomatic relations with Nigeria due to its importance in the region.

Nigeria is the largest economy and most populous country in Africa with an estimated population of more than 190 million, which is expected to grow to 400 million by 2050 and become the third most populous country in the world after China and India.

The United States is the largest foreign investor in Nigeria, with U.S. foreign direct investment concentrated largely in the petroleum and mining and wholesale trade sectors.

At $2.2 billion in 2017, Nigeria is the second largest U.S. export destination in Sub-Saharan Africa and the United States and Nigeria have a bilateral trade and investment framework agreement.

In 2017, the two-way trade in goods between the United States and Nigeria totaled over $9 billion.

Due to many of the residents of these countries practicing Islam, the President's executive order has been appropriately nicknamed the "Muslim Ban", and only exemplifies the xenophobic and prejudiced mindset that is unacceptable in this country.

With countries such as Nigeria, Sudan, Tanzania, and Eritrea, being considered as additions to the travel ban list, I strongly oppose this discriminatory act.

Tanzania is also an important partner of the United States, and through numerous presidential initiatives, the United States has provided development and other assistance to Tanzania for capacity building to address health and education issues, encourage democratic governance promote broad-based economic growth, and advance regional and domestic security to sustain progress.

Although Sudan has had some internal issues during the last decade, the U.S. was a major donor in the March 1989 "Operation Lifeline Sudan," which delivered 100,000 metric tons of food into both government and rebel held areas of the Sudan, thus, averting widespread starvation.

The United States established diplomatic relations with Eritrea in 1993, following its independence and separation from Ethiopia.

The United States supported Eritrea's independence and through a concerted, mutual effort that began in late 2017 and continues today, there are vast improvements to the bilateral relationship.

U.S. interests in Eritrea include supporting efforts for greater integration of Eritrea with

the rest of the Horn of Africa, encouraging Eritrea to contribute to regional stability and partner on shared peace and security goals, urging progress toward a democratic political culture, addressing human rights issues and promoting economic reform and prosperity.

Although the law contains a waiver program that allows residents of these countries to enter the country if they meet certain standards, this program is arbitrary and unfairly creates a separation of families, provides less work opportunities and greatly reduces the opportunity to apply for visas in the future, unless it is repealed.

A comprehensive and coordinated strategy needs to be developed in coordination with the United States Congress to ensure that each country affected by this law may peacefully have its residents enter the United States and complete visa and asylum applications.

We live in a nation of laws but we also live in a nation that seeks to establish and maintain diplomatic ties to these important African nations and imposing a discriminatory and arbitrary ban would adversely affect foreign relations with a critical continent for decades to come.

Madam Speaker, in light of the crisis presented by current COVID–19 pandemic, the NO BAN Act contains a provision to ensure that the President can use section 212(f) to protect the United States from the spread of communicable diseases, including the 2019 coronavirus, by suspending the entry of a class of individuals if the President determines their entry would undermine the public safety of the United States.

However, to remove any perceived ambiguity and avoid the propensity of this president to abuse delegated authority, the legislation includes language to clarify that the term ''public safety'' ''includes efforts necessary to contain a communicable disease of public health significance.''

Madam Speaker, the NO BAN Act is supported by a bipartisan coalition of the nation's leading immigrants' rights organizations, faith-based organizations, and civil rights organizations, including the following:

American Civil Liberties Union; Church World Service; U.S. Conference of Catholic Bishops; Muslim Advocates Immigration Hub; Asian Americans Advancing Justice Association; Americans United for Separation of Church and State; Bend the Arc; Center for American Progress; The Public Affairs Alliance of Iranian Americans; Interfaith Immigration Coalition; Human Rights Campaign; Franciscan Action Network; HIAS; Jewish and Muslims and Allies Acting Together; Religious Action Center of Reform Judaism; National Council of Jewish Women; National Iranian American Organization Action; National Immigration Law Center; International Refugee Assistance Project; Friends Committee on National Legislation; Engage Action; and Airbnb.

I urge all Members to vote for H.R. 2214 and send a powerful message to the President and the American people that this House will not stand idly by as this Administration tries to abandon America's well-earned and long-established reputation of being the most welcoming nation on earth.

Mr. BIGGS. Madam Speaker, may I inquire as to how much time is left?

The SPEAKER pro tempore. The gentleman from Arizona has 11 minutes remaining. The gentleman from New York has 17½ minutes remaining.

Mr. BIGGS. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. SCALISE), the minority whip.

Mr. SCALISE. Madam Speaker, I thank the gentleman from Arizona for yielding.

Madam Speaker, I rise in strong opposition to this bill. And when you think about where we are as a country, we are in the middle of a global pandemic. And at the beginning of this, after China lied—and let's be very clear—China lied, not only to the United States, but to the entire world about this disease that started in Wuhan.

And what they did, while they were lying, they corrupted the World Health Organization, that entity that typically we all would look to for guidance, and WHO literally was regurgitating the Chinese Communist Party's talking points, saying it wasn't spread from human-to-human contact, which was a lie. And we now have evidence to show that they manipulated and deceived the rest of the world.

While they were doing that, Madam Speaker, they were hoarding PPE. They were not only buying it up around the world, they make most of it in China. We need to change that, by the way.

We should be spending our time here on the House floor, not limiting the President's ability to keep Americans safe, which, fortunately, President Trump was able to do. He did so effectively, properly; he stopped flights coming in from China when we knew the disease was coming from China, for goodness sake.

Why would you want to stop the President from being able to keep Americans safe?

What we should be spending our time on right now, Madam Speaker, is bringing more manufacturing back to America so we don't need to rely on China, because they told even American companies like 3M that were making PPE, you can't ship it back to the United States when our nurses and doctors need it.

So President Trump said, we are going to use the Defense Production Act. We are going to start making more of that here in America.

We need to put incentives to bring more of that back from China, so we are not relying on them.

But no, we are not spending our time on that today, Madam Speaker. We are spending our time with this bill that would limit and make it more difficult for the President of the United States, any President—just because some people don't like this President, they are going to make it harder for any President to keep Americans safe, whether it is from terrorists abroad, or whether it is for health pandemics that might break out again in the future.

This is lunacy that we would be trying to make it harder for a President to keep Americans safe. Thank goodness President Trump used his executive powers to act like he did to stop the disease from spreading more into this country. He saved thousands of lives.

If China wouldn't have lied to him, we would have had a few more weeks. There is data that shows scientifically that tens of thousands of lives would have been saved in America.

But at least the President was able to act when he had the proper information. I know people like Joe Biden said it was xenophobic, for goodness sake; criticized the President stopping people from coming in from the place where the disease started. And others criticized him for doing it as well. But it was the right thing to do. I am glad he took that action.

The last thing we need to be doing in the middle of this pandemic is making it harder for the President to keep Americans safe. I urge everybody to vote ''no'' on this bill.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. Madam Speaker, America is a Nation of immigrants; some voluntary, others involuntary. John Lewis would often remind us, however, that while we may have come over on different ships, we are all in the same boat now.

We are a gorgeous mosaic of people from throughout the world, different races, different regions, yes, different religions; that is what makes America a great country, not xenophobia.

Donald Trump's hateful Muslim ban is unacceptable, unconscionable, and un-American. It is inconsistent with the principles of religious freedom and tolerance embedded in the First Amendment of the United States Constitution. That is why we are going to make it unlawful.

Vote ''yes'' on the NO BAN Act.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Madam Speaker, I rise in strong support of H.R. 2214, legislation that will repeal the President's shameful Muslim ban, and strengthen our immigration system by ensuring immigration decisions are not made on the basis of religious discrimination.

In the face of religious intolerance, Roger Williams established the great State of Rhode Island on the principles of religious liberty and separation of church and State. These are important principles that were ultimately incorporated into our founding documents.

In fact, President Washington, addressing the Hebrew congregation at Touro Synagogue, wrote in a famous letter in 1790, when they asked, Will we have religious freedom in this new country? He wrote those words: ''For happily the Government of the United States gives to bigotry no sanction, to persecution no assistance.''

And what has been the result of this religious discrimination, this Muslim ban? It has resulted in mothers and fathers being separated from their American children. Foreign students are prevented from studying at our Nation's great universities; and doctors from countries under the ban aren't able to come here to provide care to patients in the United States, despite healthcare shortages across the Nation during a global health pandemic.

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In addition to that, Madam Speaker, this legislation violates the founding principles of this country of religious freedom. I am very proud that this legislation is being brought to the floor so that we can reaffirm that important principle not only in the founding documents of our country but in the present immigration laws and their application.

In addition to that, there has been a lot of discussion about how we are paying for this. I am very proud that this legislation includes provisions of the Affordable Prescriptions for Patients Through Promoting Competition Act, which will save taxpayers over half a billion dollars in the form of lower prescription drug prices. All across the country, prescription costs are skyrocketing. People are going bankrupt and even dying because they can't afford prescription medication.

H.R. 2214 addresses product hopping, an anticompetitive tactic used by Big Pharma to protect and extend their monopolies over certain prescription drugs, leading to dramatically higher prices. This legislation expressly prohibits hopping under the FTC Act, and the bill is subject to the same equitable remedies, including restitution and disgorgement of profits. So, all this talk about folding into the pay-for would actually produce lower prescription drug prices for Americans, and somehow that is a bad idea? Give me a break.

This bill reasserts the prohibition against religious discrimination, one of the most important founding principles of this country, and it pays for it by delivering lower prescription drug prices for the American people.

Madam Speaker, I thank Chairman NADLER, Congresswoman CHU, and Congresswoman JAYAPAL for their great work, and I urge my colleagues to pass this bill.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Madam Speaker, let us not forget who we are. Our Framers rebelled against centuries of religious oppression, Inquisition, Holy Crusades, witchcraft trials, and state religion. They conceived America as a haven of refuge for people fleeing from religious and political persecution from all over the world. It would become an ''asylum for humanity,'' said Tom Paine—not an insane asylum, mind you, but an asylum for freedom.

The President's Muslim ban desecrates this vision with the kind of religious discrimination that our Nation was created to oppose.

The NO BAN Act now strikes down the President's infamous Muslim ban proclamation and restores the principle of no religious discrimination to the immigration process. It will be a proud day for this Congress when we invalidate the President's infamous and ugly attempt to scapegoat people based on their religion.

Mr. BIGGS. I reserve the balance of my time, Madam Speaker.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. CORREA).

Mr. CORREA. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, in January of 2017, when President Trump issued his first Muslim ban executive order, I immediately rushed to LAX to help those individuals who were being held at LAX. These were individuals who had been cleared by our State Department to enter the United States. Let me repeat: These were individuals who had been cleared by our State Department to enter the United States, and then they were blocked by the President's random order.

I immediately introduced my first bill, the DIRe Act, to provide due process guaranteed by our Constitution for Dreamers, immigrants, and refugees, due process that has been systematically denied by a President.

Our Nation is built by immigrants who dare to dream better, immigrants who came to this country with nothing but their dreams of a better life.

Madam Speaker, I urge passage of this bill.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from Colorado (Mr. NEGUSE).

Mr. NEGUSE. Madam Speaker, today, I rise in support of the NO BAN Act, a powerful bill that preserves the promise of America and rejects this administration's xenophobic and anti-Muslim immigration policies.

The President's reckless bans on majority Muslim and African countries do not align with our American values or the unique promise that this country has offered immigrants and refugees for centuries. It will not make us safer, and it is yet another example of this administration's haphazard and cruel immigration policies.

I am proud that I was able to successfully offer an amendment during the Judiciary Committee's markup, with the chairman's support, that added this President's latest ban to the underlying bill. It is not only the right thing to do for our country but also a matter very personal to me.

As many in this Chamber know, my parents came to America nearly 40 years ago as refugees from Eritrea, one of the very countries that this President has targeted in his latest ban. My parents' ability to start a new life in this country offered me and my family freedom, opportunity, and the privilege to truly experience the American Dream. There are countless success stories like my family's waiting to be told, stories that won't be written if this body does not pass this NO BAN Act today.

Madam Speaker, I urge my colleague to support it.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. ROSE).

Mr. ROSE of New York. Madam Speaker, I rise in support of the NO BAN Act to finally repeal the racist and discriminatory Muslim bans that have stained our Nation for the past 3 years.

The Muslim ban undermines everything that this great country stands for, the greatest country in the history of the world.

It has torn apart my constituents' families and trapped their loved ones in war zones and refugee camps. It has made Muslim Americans feel like second class citizens in their very own country. They are Americans just as much as I.

This ban has done nothing to make us safe. Senator John McCain, in fact, once called the ban a self-inflicted wound in the fight against terrorism.

The administration's own officials admit this does absolutely nothing to protect our country. The State Department says that just one-tenth of 1 percent of the people blocked from this country under the Muslim ban was deemed a security risk. Those stats do not lie. DHS cannot point to a single threat that our existing immigration policies and systems would not have handled.

If we are going to fight for this country to fulfill its promise, this ban must be overturned.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Minnesota (Ms. OMAR).

Ms. OMAR. Madam Speaker, it gives me great pride to rise today in support of the NO BAN Act.

Our friends on the other side of the aisle might try to obscure the reality here by pointing to the Muslim countries that are not on the ban. The White House has tried to wrap their hateful policy up in a false story about national security, but we know the truth.

I have spoken countless times, both before and since I have entered this office, about the hateful brutality of the Muslim ban.

Today, I want to celebrate the work that brought us to this point. I want to

celebrate the countless Americans who went to the airport the day the first ban was announced. I want to celebrate the thousands of State Department employees who signed the dissent memo and those who resigned in protest. I want to celebrate Congresswoman CHU and Senator COONS for their tireless work on overturning this ban.

Today's vote is a culmination of all of their work, starting at the grassroots level. We have been in the struggle together, and we will continue to be in it until this ban is in the dustbin of history.

Mr. BIGGS. I reserve the balance of my time, Madam Speaker.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Michigan (Mrs. DINGELL).

Mrs. DINGELL. Benjamin Franklin once famously said that those who would give up liberty for security deserve neither.

My home, Dearborn, Michigan, is home to the largest population of Arab Americans in this country. They are constantly targeted very irrationally. Yet, Michigan, unfortunately, also lays claim to the Michigan Militia, which was responsible for one of the worst acts of terrorism in this country.

Muslims, Arab Americans, are my neighbors. They are my friends. They are doctors, teachers, and pharmacists. They are part of this country.

Policies like the Muslim travel ban have no place in the United States of America. It disrespects freedom of religion, and it is unconstitutional.

National security experts have been clear that the Muslim ban has made our country less safe. In fact, strong national security policies include protecting the fundamental pillars of our democracy: freedom of religion, freedom of speech, compassion, and justice. We must stand together as Americans against unjust policies like this.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore (Ms. LEE of California). Both sides have 8 minutes remaining.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. MALINOWSKI).

Mr. MALINOWSKI. Madam Speaker, when President Trump first announced the Muslim ban, we were told it was temporary, 90 days, according to the executive order, or until we ''figure out what the hell is going on,'' in the President's own words.

It has been 3½ years. Hundreds of thousands of Americans, including many of my own constituents, are still cut off from their loved ones, missing births, missing weddings, and missing funerals.

We are still not admitting refugees to this country for the first time since we turned back Jews fleeing Hitler before World War II. And by now, we know exactly what is going on.

It has nothing to do with national security, and it never did. There has never been a deadly terrorist attack carried out in America by someone from any of these countries. One of them is Iran, after all, a country whose people have themselves been targeted for extinction by ISIS.

How many times do we hear from the administration that we stand by the people of Iran even as we ban them from visiting our country?

These good people were sacrificed for a cheap campaign promise. They were hurt, and our country's ideals were betrayed, because someone decided it would be easier to seek scapegoats than solutions to our country's problems. It is wrong, and it should stop.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE of California. Madam Speaker, I thank Chairman NADLER for yielding and for his tremendous leadership. Also, I want to thank Congresswomen Chu and Jayapal for their tremendous and steady leadership and strong support of H.R. 2214, the NO BAN Act.

This important legislation would end the Muslim ban and prohibit discrimination and migration on the basis of religion and national origin.

Let me be clear. This is a landmark piece of civil rights legislation not only for Muslims but for our country's values. Our Nation was founded by, shaped by, and continues to be influenced by our immigrant communities who contribute so much to this country. Equating Muslims with terrorists is against our values as a nation. It is despicable.

Make no mistake, the NO BAN Act would help ensure that this kind of discrimination ceases, prevents future such discrimination, and promotes our core values of religious freedom.

Madam Speaker, we cannot allow President Trump's White nationalist agenda to continue. We must ensure that our country is open to everyone, not just those whom Trump deems acceptable. I urge my colleagues to vote ''yes'' on this bill.

The SPEAKER pro tempore (Mrs. DINGELL). Members are reminded to refrain from engaging in personalities toward the President.

□ 1130

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. ESPAILLAT).

Mr. ESPAILLAT. Madam Speaker, when we heard of the Muslim ban being implemented, many New Yorkers, including our chairman, Congressman NADLER, rushed to JFK Airport to help families. What I witnessed there in many cases was, in fact, Muslim members of our Armed Forces were trying to be reunited with their mother, with their spouse, and they were being denied.

As I entered the space, I was surrounded by Customs and Border Patrol officers, and we fought to make sure that these folks could unite. And so we witnessed the pain of a spouse without a husband, a son without a mother, a father without a child.

Madam Speaker, this is not American. This is not American at all. But what was witnessed there and across the country was the best of our Nation, the spirit of our Nation, the fact that we would not be split along racial, ethnic, or religious lines.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Michigan (Ms. TLAIB).

Ms. TLAIB. Madam Speaker, I rise today to declare loudly and clearly to every Muslim and every African person in Michigan's 13th District, in America, and around the world that the United States House of Representatives is taking action to end this administration's racist ban.

Madam Speaker, I rise to send a message to marginalized communities everywhere that, in repealing the Muslim and African ban, we are also preventing discriminatory bans from ever happening again.

Madam Speaker, I rise as a mother of two wonderful Muslim-American boys, Adam and Yousif, to say that Muslims and Muslim Americans are our family members, our friends, and our neighbors—and, yes, they are Members of Congress.

Madam Speaker, it appears that this White House might not like that fact very much because this racist ban is a Federal endorsement of anti-Muslim rhetoric and discrimination in our country, but today we are coming together to finally put a stop to this.

End the Muslim and African ban.

End all discriminatory bans forever.

Mr. BIGGS. Madam Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Madam Speaker, I rise in strong support of the NO BAN Act.

I remember when the Muslim ban was first implemented in January 2017, I went to JFK Airport with Chairman NADLER to demand the release of travelers being detained there. One of them was an Iraqi translator who had risked his life working for the U.S. Army in Iraq. His reward was being caught up in this hateful Trump administration policy.

At the airport that day, I saw two Americas: Inside the airport was an America characterized by prejudice, weakness, and fear; but outside, where

thousands gathered to oppose this hateful policy, I saw the America I know, an America of strength and compassion.

Madam Speaker, today, as we vote on this bill, we are being asked to choose between these two visions. We can choose a weak, bigoted America that says there is no place for our Muslim brothers and sisters or for Black people, or we can choose an America that lives up to its highest ideals, that welcomes those from around the world seeking a better life.

Mr. BIGGS. Madam Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. BEYER).

Mr. BEYER. Madam Speaker, I rise in support of JUDY CHU's NO BAN Act.

In the words of John Lewis: ''When you see something that is not right, not fair, not just, you have to speak up; you have to do something.''

The NO BAN Act is doing something. It is stating in clear, powerful legislation that America will never again let racism or religious intolerance be a barrier to lawful immigration. We will not allow ignorance or xenophobia to dictate America's immigration policies.

Our strength has always—always—been our diversity.

A functional Muslim ban or a ban of entire countries simply because they comprise a race or a religion that some President does not like is not just evil, it is stupid. Watch which American communities recover most quickly from the pandemic—those with the most diverse populations.

Madam Speaker, I stand here today, as I stood at the airport at the onset of the ban, to ensure our immigration system cannot be hijacked by hatred.

Mr. BIGGS. Madam Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Madam Speaker, I rise today in support of the NO BAN Act.

Today is about our commitment to the most sacred of American ideals: to celebrate our diversity. But this administration has embarked on a crusade to demonize immigrants and our Muslim-American community.

Americans and their families have been targeted because of their religious beliefs, their race, and their ethnicity. Because of this bigotry, families and loved ones have been separated, unable to celebrate milestones or face hardships together.

Madam Speaker, I stand here today because one of the greatest and most beautiful things about our country is the diversity of people, views, and perspectives. We cannot allow an administration to upend our immigration system and upend our ideals. We must always stand up and speak out.

Madam Speaker, I remember my grandparents' and parents' stories about World War II, when they were ostracized and ultimately removed to internment camps. Let's not forget this past xenophobic history.

Madam Speaker, I am proud to support this bill, and I urge my colleagues to do the same.

Mr. BIGGS. Madam Speaker, I am prepared to close, and I yield myself such time as I may consume.

Madam Speaker, you have heard a lot of incendiary language regarding the travel restrictions. The most incendiary language is always calling it ''incendiary,'' ''a white nationalist agenda,'' ''racist,'' ''hateful,'' et cetera.

Was it xenophobic, was it racist, was it hateful when the Obama administration implemented travel bans to the same seven nations?

Was it?

No. Nor is it here either.

Madam Speaker, that kind of language is meant to incite public ridicule and distract from the real issue here.

As the Supreme Court noted, the text in this bill says nothing about religion. And as they went on to say: ''The policy covers just 8 percent of the world's Muslim population and is limited to countries that were previously designated by Congress or prior administrations''—read, Obama administration—''as posing national security risks.''

That is not a Muslim ban. This is a legitimate travel restriction implemented for the safety of this Nation.

Additionally, I heard from multiple friends across the aisle a straw man argument, a true straw man argument here, that this ban was religious in nature. But if that were the case, they would have stopped it after inserting religion with other proscriptions. But instead, they built up a huge bureaucratic apparatus to limit the authority of the President of the United States. So it is a straw man argument.

Madam Speaker, the chairman mentioned that the Supreme Court ruling, in his opinion, was without justification, and so I am going to read what the Supreme Court said: ''The President lawfully exercised that discretion based on his findings—following a worldwide, multiagency review—that entry of the covered aliens would be detrimental to the national interest.''

The sole prerequisite, they said, is for the President to find that the entry of the covered aliens ''would be detrimental to the interests of the United States.''

But the President fulfilled that requirement by first ordering DHS and other agencies to conduct a comprehensive evaluation of every single country's compliance with the information and risk assessment baseline.

That is what this policy was built upon. It is consistent with the Obama administration and the previous administrations.

But for whatever reason, and I think we all can surmise what that may be, when this President conducts an even more thorough evaluation of these nations and their processes and then issues a proclamation setting forth those extensive findings describing deficiencies in those practices—and, by the way, I am going here based on the Supreme Court decision again—in the practices of select foreign governments, several of which are state sponsors of terrorism, it is somehow xenophobic, a white nationalist agenda, racist, and hateful. But when the previous administration did it and actually came back to Congress and added three more nations, it wasn't.

The only ad hominem attack I would ever make here is that it surely seems potentially hypocritical to me. No visas would be revoked pursuant to P.P. 9645 or 9983. Individuals subject to those Presidential proclamations who possess a valid visa or valid travel document were permitted to travel and continue to be admitted to travel in this country.

To call it a Muslim ban is meant to incite—and I will say, we do terrible on this side of the aisle. My friends across the aisle, when you find that peg to hang your hat on, heck of a great job, because everybody uses it. It is very effective, but it is highly misleading.

What this bill does is it emasculates the very notion of executive power in the President. It really does. The idea, because you want to emasculate the power of President Trump.

But what it does is it gives more power to the bureaucratic state, more power to the bureaucratic state. So the timeline is also going to prevent the President from acting quickly on this.

These are the issues that we have just been distracted from, because it certainly appears—and I will say, my friend from Texas (Ms. JACKSON LEE), when she talked about symbolism in her speech, she is right. This is symbolic. This bill is symbolic. It is symbolic, if you will, of a hatred of this President. Because when the previous President's administration did this, not a peep. This administration does the same thing, and it is outrageous.

Madam Speaker, the implementation was not great. They have admitted the implementation was not great, but that is an implementation problem, not a policy problem. And you want to change the entire policy and the entire structure not because the policy was bad—if it were, we would have heard about it the last 40 years—but, instead, because the original implementation was bad.

The Supreme Court has upheld what this administration did because what they did was conduct a thorough vetting of their own policy regarding these nations and those nations' policies in implementing safety mechanisms, and so they fulfilled that. Here we are today, saying: You know what? Because it is President Donald Trump, this is bad.

Madam Speaker, they are going to pass this bill. There is no doubt they

are going to pass this amendment. But never forget the inherent inconsistency with the act that you are going to do on this bill with what you have done in the previous administrations.

Madam Speaker, I yield back the balance of my time.

□ 1145

Mr. NADLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I find it extremely disingenuous to deny the nature of the Muslim ban. You know why? Because the President told us so. He told us he was going to institute a Muslim ban, and then he did it. And every country he put on the list was Muslim. Every country he has added to the list was Muslim.

Only Muslims and Muslim countries pose threats to the United States of any nature; no one else in the world does? How stupid does he think we are?

This is a Muslim ban. It has been. It is an abuse of his office. It is an abuse of the law. It must be repealed. The honor of the United States must be redeemed. And that is why this dishonorable, hateful policy must be repealed. And that is why we must vote for this bill, to redeem the honor of the United States from the disgusting religious bigotry supported by the President and instituted by the President in this ban.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Ms. LOFGREN. Madam Speaker, I rise in strong support of H.R. 2214 the ''National Origin-Based Antidiscrimination for Non immigrants Act,'' or NO BAN Act. I wish this bill was not necessary, but unfortunately, it is now more imperative than ever.

As a result of the President's relentless attempts to rewrite our immigration laws, we must take immediate steps to rein in his repeated abuse of executive authority.

As a candidate for president, Donald Trump promised to ban all Muslims from entering the United States, suggesting—without any evidence—that it would somehow make our country safer. Immediately upon entering office, he tried to make good on that promise.

Ultimately, it took the President 10 months, 3 attempts, and the inclusion of a sham waiver process to craft a ban that stood up to Supreme Court scrutiny.

In a decision rightly criticized by Justices Breyer and Sotomayor—and many of us in this chamber—the majority concluded that despite statements calling for a ''total and complete shutdown of Muslims entering the United States,'' the President's ban was somehow not inspired by blatant religious animus. Seeking to distance itself from these remarks, the Administration later claimed that the ban was necessary to keep our country safe from terrorist threats. And yet, a bipartisan coalition of more than 50 former national security officials found that rather than making our country safer, the ban actually undermines U.S. national security.

H.R. 2214 not only invalidates the various iterations of the Muslim Ban, it also amends the authority the President relied on in invoking the ban—section 212(f) of the Immigration and Nationality Act. But rather than gutting it, as some of my Republican colleagues have claimed, H.R. 2214 maintains its basic structure, and incorporates checks and balances to ensure that it can no longer be so flagrantly abused.

H.R. 2214 will thus ensure that section 212(f) can only be used in a manner consistent with its intended purpose and historical norms, and that no President—Democratic or Republican—will be able to utilize it to usurp congressional authority.

I would like to thank my friend and colleague, Representative CHU for her leadership and steadfast commitment to this issue. Her efforts led to the introduction of this legislation and I urge all of my colleagues to support the NO BAN Act.

Mr. SENSENBRENNER. Madam Speaker, I rise today in opposition to the No BAN Act.

This bill is being framed as a ''religious freedom'' initiative. I have fought for religious freedom throughout my career. I know what religious freedom means. This bill is not about religious freedom. It is about scoring cheap political points against President Trump.

The President is granted broad authority to take quick action to limit the entry of foreign nationals into the United States. This is needed for a variety of reasons, including national security and public health. Whether it is addressing shortcomings in a certain country's vetting and information sharing or limiting the potential influx of coronavirus cases, we entrust the Executive Branch to keep America safe.

President Trump's actions have been mislabeled as a ''Muslim Ban.'' But that is not the case. There is no religious test anywhere in the President's travel restrictions. North Korea, an essentially religious-less society, is one of the countries included. Myanmar, another country affected, is more than 80 percent Buddhist. Indonesia, which was not included in the covered travel restrictions, has the largest percentage of the world's Muslim population at over 12 percent.

Rather than try to paint with a broad brush, we should look at the causes of these travel restrictions. Eritrea—Does not comply with the established identity-management and information-sharing criteria. Kyrgyzstan—Does not comply with the established identity-management and information-sharing criteria. Nigeria—Does not comply with the established identity-management and information-sharing criteria. And so on.

This isn't about religious freedom. It is only about convincing people it is.

In addition to the deficiencies of the underlying policy, the Majority has made a mistake in including the Senate version of pharmaceutical legislation as its pay-for.

Last year, the House Judiciary Committee worked on a bipartisan basis to advance two important bills. One to reduce the burdens of patent litigation when a company seeks to bring a complicated biosimilar drug to market. And another to create a new antitrust authority to prevent companies from playing games that could artificially suppress generic competition.

Chairmen JERROLD NADLER and DAVID CICILLINE were great partners to me and then-Hanking Member DOUG COLLINS in that effort. It was refreshing during a time of increasingly partisan hostility to work together in a thoughtful manner to address drug pricing in the country.

Unfortunately, rather than take up that bill, the Majority has simply ignored our weeks of careful negotiation and has chosen instead to blindly attach the Senate language.

The shortcomings of this version of the legislation were already addressed in committee. The text included in the No BAN Act gives the FTC the authority to find a company liable even if all they do is introduce an improved version of a product and then make truthful and non-misleading statements about the new product. This will undoubtedly stifle innovation. Why would any company invest the necessary research dollars to introduce a new product, if they can be held liable for truthful marketing of that product? In Committee, we fixed that.

The bill we're voting on today is also out of step with current antitrust law. It would completely change the remedy and enforcement authority under traditional antitrust law, and for no obvious reason, apply those changes exclusively to just one industry. In Committee, we fixed that.

I find it troubling that the Majority is choosing to abandon the good faith negotiations and bipartisan work. The gentlemen from New York and Rhode Island worked with the Minority to come up with a good product that addresses drug pricing through regular order. The committee process works. We should be voting on the legislation that passed the Judiciary Committee by a voice vote. Not this version.

I oppose this legislation and urge my colleagues to do the same.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 891, the previous question is ordered on this portion of the divided question.

The question is: Will the House concur in the Senate amendment with the House amendment specified in section 4(a) of House Resolution 891?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NADLER. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

AMENDMENT SPECIFIED IN SECTION 4(b) OF HOUSE RESOLUTION 891

The SPEAKER pro tempore. Pursuant to House Resolution 891, the portion of the divided question comprising the amendment specified in section 4(b) of House Resolution 891 shall now be considered.

The text of House amendment to Senate amendment specified in section 4(b) of House Resolution 891 is as follows:

In the matter proposed to be inserted by the amendment of the Senate, strike sections 4, 5, and 6 and insert the following:

TITLE III—ACCESS TO COUNSEL ACT OF 2020

SEC. 301. SHORT TITLE.

This title may be cited as the ''Access to Counsel Act of 2020''.

SEC. 302. ACCESS TO COUNSEL AND OTHER ASSISTANCE AT PORTS OF ENTRY AND DEFERRED INSPECTION.

(a) ACCESS TO COUNSEL AND OTHER ASSISTANCE DURING INSPECTION.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(e) ACCESS TO COUNSEL AND OTHER ASSISTANCE DURING INSPECTION.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that a covered individual has a meaningful opportunity to consult with counsel and an interested party during the inspection process.

''(2) SCOPE OF ASSISTANCE.—The Secretary of Homeland Security shall—

''(A) provide the covered individual a meaningful opportunity to consult with counsel and an interested party not later than one hour after the secondary inspection process commences and as necessary throughout the inspection process, including, as applicable, during deferred inspection;

''(B) allow counsel and an interested party to advocate on behalf of the covered individual, including by providing to the examining immigration officer information, documentation, and other evidence in support of the covered individual; and

''(C) to the greatest extent practicable, accommodate a request by the covered individual for counsel or an interested party to appear in-person at the secondary or deferred inspection site.

''(3) SPECIAL RULE FOR LAWFUL PERMANENT RESIDENTS.—

''(A) IN GENERAL.—The Secretary of Homeland Security may not accept Form I-407 Record of Abandonment of Lawful Permanent Resident Status (or a successor form) from a lawful permanent resident subject to secondary or deferred inspection without providing such lawful permanent resident a reasonable opportunity to seek advice from counsel prior to the submission of the form.

''(B) EXCEPTION.—The Secretary of Homeland Security may accept Form I-407 Record of Abandonment of Lawful Permanent Resident Status (or a successor form) from a lawful permanent resident subject to secondary or deferred inspection if such lawful permanent resident knowingly, intelligently, and voluntarily waives, in writing, the opportunity to seek advice from counsel.

''(4) DEFINITIONS.—In this section:

''(A) COUNSEL.—The term 'counsel' means—

''(i) an attorney who is a member in good standing of the bar of any State, the District of Columbia, or a territory or a possession of the United States and is not under an order suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law; or

''(ii) an individual accredited by the Attorney General, acting as a representative of an organization recognized by the Executive Office for Immigration Review, to represent a covered individual in immigration matters.

''(B) COVERED INDIVIDUAL.—The term 'covered individual' means an individual subject to secondary or deferred inspection who is—

''(i) a national of the United States;

''(ii) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

''(iii) an alien seeking admission as an immigrant in possession of a valid unexpired immigrant visa;

''(iv) an alien seeking admission as a nonimmigrant in possession of a valid unexpired non-immigrant visa;

''(v) a refugee;

''(vi) a returning asylee; or

''(vii) an alien who has been approved for parole under section 212(d)(5)(A), including an alien who is returning to the United States in possession of a valid advance parole document.

''(C) INTERESTED PARTY.—The term 'interested party' means—

''(i) a relative of the covered individual;

''(ii) in the case of a covered individual to whom an immigrant or non-immigrant visa has been issued, the petitioner or sponsor thereof (including an agent of such petitioner or sponsor); or

''(iii) a person, organization, or entity in the United States with a bona fide connection to the covered individual.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(c) SAVINGS PROVISION.—Nothing in this title, or in any amendment made by this title, may be construed to limit a right to counsel or any right to appointed counsel under—

(1) section 240(b)(4)(A) (8 U.S.C. 1229a(b)(4)(A)),

(2) section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), or

(3) any other provision of law, including any final court order securing such rights,

as in effect on the day before the date of the enactment of this Act.

The SPEAKER pro tempore. This portion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from New York (Mr. NADLER) and the gentleman from Arizona (Mr. BIGGS) each control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 5581, the Access to Counsel Act of 2020.

Last September, the Judiciary Committee and the House Foreign Affairs Committee held a hearing to explore the Muslim ban, including the chaos that unfolded at airports across the country when it was first announced.

I can personally attest to that chaos, based on my experience at JFK Airport immediately after the ban was implemented. Refugees, individuals with valid visas, and even lawful permanent residents of the United States were detained for hours and prevented from speaking with attorneys. Some even had their phones taken away and were unable to call their family members.

Although the issue grabbed the headlines then, it is unfortunately a problem that occurs daily. Due to the complexity of the U.S. immigration law and the fact-intensive nature of questions regarding admissibility, it is not uncommon for some people to spend hours undergoing inspection by U.S. Customs and Border Patrol.

During this time, individuals are often prevented from communicating with those on the outside. And if the individual is lucky enough to have a lawyer, CBP will often refuse to speak with them, even if they can provide critical information or correct a legal error.

Moreover, serious consequences can result from being refused admission. For example, an individual who is given an expedited removal order is barred from returning to the United States for 5 years.

H.R. 5581 will ensure that no one who presents themselves at a port of entry with valid travel documents is completely cut off from the world during inspection. H.R. 5581 allows such individuals, including U.S. citizens, to communicate with counsel and other parties if they are subjected to secondary inspection that lasts longer than one hour.

To be clear, this bill does not provide a right to counsel, nor does it impose any obligation on the Federal Government to pay for or otherwise provide counsel to individuals during CBP inspection proceedings. I wish it did, but it doesn't. This is confirmed by the fact that the Congressional Budget Office found that H.R. 5581 would have no effect on direct spending or revenues.

I would like to extend a special thanks to my colleague, Representative JAYAPAL, for her leadership on this issue and for championing this bill. I encourage my colleagues to support it, and I reserve the balance of my time.

Mr. BIGGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to this amendment to H.R. 2486.

The Access to Counsel Act of 2020 is a way for the majority to test how far they can go toward their ultimate goal of taxpayer-funded counsel at every stage of the immigration process. I think we just heard that, that that is a stated goal.

Many immigration interest groups have made no mystery of the fact that they believe foreign nationals have a right to come to the United States and should all receive taxpayer-funded counsel at every stage of the process.

My colleagues across the aisle understand that it is currently a bridge too far to repeal outright the Immigration and Nationality Act provision that prohibits taxpayer-funded counsel during removal proceedings. But this amendment is a step forward in their march in that direction.

The bill mandates that the DHS Secretary shall ensure that an individual who has been selected by Customs and Border Protection for secondary screening at a port of entry has a meaningful opportunity to consult with counsel and an interested party during such screening.

It is important to understand exactly what secondary screening is, why it is used, and the ramifications that this bill would have on the port of entry operations.

My colleagues across the aisle provided the Judiciary Committee no opportunity to hear from DHS experts about any of these issues. There was no hearing on this legislation or even generally on the subject matter at hand.

CBP is extremely concerned about the impact the requirements of this

bill would have on processing at ports of entry. Many of us have been to airports and seen the long lines of passengers from abroad waiting to be processed. We have been to land ports of entry and seen lines of passenger vehicles and cargo trucks that literally wait for hours for the opportunity to enter the U.S. The Access to Counsel Act would exponentially increase those processing and wait times.

Secondary inspection is used at ports of entry to give CBP officials time for additional screening that may take longer than the normal case. It can include more in-depth questioning, additional database searches, and physical searches when an individual is suspected of carrying contraband.

Secondary inspection is done in an area near the primary inspection booths. It serves to remove those whose admissibility may be in question from the primary inspection line so as to not slow the line down.

The vast majority of the over 400 million people admitted the United States annually do not get referred to secondary inspection, but about 17 million do.

Most ports of entry buildings and other infrastructure are not equipped to allow multiple counsel consultations at the same time. That means longer wait times and backlogs for entry. Allowing 17 million people to consult with counsel or some other interested party will bring legitimate trade and travel to a grinding halt.

Of course, slowing down of trade and travel processing isn't the only concern with H.R. 5581. Under current regulations adopted in 1980, applicants for admission are not entitled to representation in primary or secondary inspections, unless the applicant has become the focus of a criminal investigation and has been taken into custody.

But this bill gives all applicants for admission to the U.S., including nonimmigrants and lawful permanent residents, a new statutory right to counsel. This idea is based on the belief that everyone has a right to enter the U.S., and it is a first step toward what many of our Democrat colleagues ultimately want, taxpayer-funded counsel for foreign nationals.

In addition, there are serious concerns with what constitutes interested parties under the bill. The term is defined to include practically anyone, including any relative of the covered individual, the petitioner or sponsor of a visa, or anyone with a bona fide connection to the covered individual.

This could result in a scenario where a covered individual is referred for secondary inspection because he is believed to be smuggling drugs or some other contraband and then places a call to tip off his accomplices.

The Access to Counsel Act is a bad idea that would unduly hinder legitimate trade and travel. I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield such time as she may consume to the gentlewoman from Washington (Ms. JAYAPAL).

Ms. JAYAPAL. Madam Speaker, I want to thank the chairman of the Committee on the Judiciary for his tremendous work and leadership on bringing these important issues to the floor.

I am very proud that the House is considering my bill today, the Access to Counsel Act, H.R. 5581. It is a commonsense measure that would ensure that U.S. citizens, green card holders, and other people with legal status are able to consult with an attorney when Customs and Border Protection detains them for over an hour.

I introduced this bill, Madam Speaker, as my first bill when I got to Congress, and it was in the wake of the Muslim ban. It was in the wake of that chaos that was unleashed at airports across the country as people from seven Muslim-majority countries found themselves detained for hours, in some cases pressured to sign papers giving up their legal status, and in many cases deported.

More often than not, these people did not even have the opportunity to see an attorney or even call anyone. They did not even have the opportunity to use the restrooms or to get water and food.

Since then, however, Madam Speaker—it isn't just that moment—there have been numerous cases of students detained for long periods at airports and sent back, despite holding valid visas secured after undergoing rigorous vetting by the State Department. One student was detained and deported in spite of a court order saying that he should be allowed to stay until a court could review his case.

And earlier this year, we saw no less than 200 people of Iranian American descent detained at the northern border in Blaine, Washington, for up to 12 hours with no access to counsel. These lengthy detentions occurred while CBP repeatedly denied that Iranian Americans were being targeted for different treatment.

Many of the people impacted were U.S. citizens, as well as elderly people and children. Some had even undergone extra vetting to participate in a program designed for trusted travelers at the northern border.

A month later, CBP Acting Commissioner Mark Morgan said that border officials ''got a little overzealous in their actions,'' but the damage, Madam Speaker, had already been done. There were children of U.S. citizens—they themselves U.S. citizens—who watched their parents be detained and treated in a way that no American citizen should go through. No person should go through that type of indignity and disrespect.

If my bill were enacted into law, it would ensure that any time CBP detains people with lawful status, then those individuals would simply have the right to call a lawyer and receive assistance. It does not stop CBP from doing its job; it does not create a right to counsel for everyone. This is just a simple phone call to their attorney.

So I would like to thank those who bravely came forward to share their stories, to make clear the Access to Counsel Act is desperately needed, and I urge my colleagues to vote ''yes.''

Mr. BIGGS. Madam Speaker, just to point out, this bill does not say anywhere this contact will be limited to a simple phone call. Nowhere does it say that.

Madam Speaker, I will reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield such time as she may consume again to the gentlewoman from Washington (Ms. JAYAPAL).

Ms. JAYAPAL. Madam Speaker, I just wanted to quote directly from section 2 of my bill: ''The Secretary of Homeland Security shall provide the covered individual a meaningful opportunity to consult with counsel and an interested party not later than one hour after the secondary inspection process commences and as necessary throughout the inspection process, including, as applicable, during deferred inspection.''

So again, this could be a phone call. ''Meaningful access'' is a broad term and it takes into account my colleague from the other side's concerns.

Mr. BIGGS. Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I am prepared to close.

□ 1200

Mr. BIGGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am interested in the interpretation of the term ''meaningful opportunity.'' I tried a lot of cases in my career. I did both prosecution and criminal defense extensively. I can tell you what a meaningful opportunity would be as counsel. It would be sitting there with my client face-to-face, getting all the information possible.

If the intention was to include, specifically, a simple phone call, that is what should have been put in here. That is what should have been put in this bill, but it wasn't. So, when I read it, I think of places I have been to all along the border, having grown up in southern Arizona, and I have taken and led many congressional delegations over the last 3½ years.

I think of the Antelope Wells Port of Entry. I think about that being about a 4-hour drive for the Customs and Border Protection officers that manned that or worked there, that staffed that. I think, well, what is the communications like there? It is not good. It is not good. It is extremely remote. The nearest town on the Mexican side of the border is 60 miles away. The nearest town on the New Mexico side of that border is Lordsburg, which is about a good 1.5- to 2-hour drive away itself.

If you really wanted to get to narrow this, this bill should have been narrowed, but it wasn't narrowed.

I think of Naco, that little port of entry in southern Arizona. I think of Douglas. I am telling you, the problem that this bill has is it doesn't—if that is the goal. There are other problems, but if that is the goal, this language has not been specific enough.

I also have talked with those who have had the secondary inspection. If we are referring to the implementation of the travel restriction—and I think the world, including the administration, admitted that it was rolled out poorly—that is a different animal than what happens on a normal basis.

I think of the San Luis Port of Entry or the Nogales Port of Entry, but, particularly, San Luis. It gets so much traffic through there. I can't imagine what will happen when you try to bog down everything by allowing everyone who moves to a secondary inspection have counsel or some other interested party, who we don't really know who that is. That is not defined very well, either.

I think of all the commercial truck traffic that comes through Nogales. We don't inspect but a small fraction of vehicles coming through there. It is very difficult to move traffic. The infrastructure itself is not conducive to this.

I will just say, the one thing I was reminded of as I was reviewing this bill for this debate today—and it really kind of came out in the debate when someone was talking about this notion of where we are now, which is if you become a focus of a criminal investigation, you do get counsel. You get that opportunity for counsel.

I started thinking that, yes, exactly, this is what we are doing. We are saying now, in a civil administrative function, we are going to give you a right to counsel. Are we going to expand that to every area where there are civil administrative regulatory violations or potential violations? The answer is that would be absolutely, totally bizarre. It would be unworkable, just as this will be unworkable.

Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Madam Speaker, I thank the chairman for moving this legislation forward and to our colleague, Ms. JAYAPAL, for extraordinary work on this legislation.

Madam Speaker, you can learn an awful lot about a country by its approach to justice. You learn about its values, about the people it protects first, about the arc of its history, about the injustice it tolerates and the inequities it reinforces.

When you aim that spotlight on our Nation, what it reveals is not pretty. It is not something to be proud of. Because for millions of people who call this Nation home, justice is not a guarantee. It is something withheld. It is something far too many will never experience.

Very few battle that injustice more frequently than immigrants who arrive on our shores and at our border because they believe in the promise of our Nation. If we believe in that same promise as fiercely as they do, we shouldn't be scared to provide them with justice, with, at the very least, access to legal counsel.

Madam Speaker, we need to pass this bill to, at the very least, take a small step forward in living up to those ideals, and we need to do it today.

Mr. BIGGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will just say this, I appreciate the sponsor of this indicating that, in their interpretation, a simple phone call would suffice. I don't think that is the way CBP is interpreting this. I think they are interpreting this that they are going to have to build out infrastructure so there can be private facilities for counsel to meet with these folks.

Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I have no other speakers, and I reserve the balance of my time.

Mr. BIGGS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I just want to go back to this and indicate there are a multiplicity of issues with this bill, but some things that I want to reiterate.

I think the bill is a step forward to providing state-funded counsel for folks who are here getting a secondary inspection, which in the vast majority of cases is almost perfunctory and incidental and is very quick, in the normal case.

Again, I think it is bad facts—or, actually, good facts to make the argument. It is not going to make good policy. You are, again, arguing implementation of the travel restriction, which wasn't great.

But the norm—the norm—if you get down to the border and spend time, as I have many times, you are going to see these secondary inspections are short, perfunctory. There is no need of counsel. They almost always turn out well for the person that is delayed, except for when they are a danger. Then, it becomes a problem, and they get an opportunity for counsel because now you have a criminal focus on them. That is the key here.

So, expanding this to civil cases, which is exactly what you are doing here, and putting us in line to walk down to where we ultimately are going to pay for that, that is not great policy. That is bad policy, and I am urging my folks to oppose this.

Madam Speaker, I yield the balance of my time.

Mr. NADLER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I find it bizarre to suggest that you shouldn't vote for a bill because some other bill may do something that you don't like. This bill does not provide—I personally think maybe it would be a good idea, but that is not this bill. This bill does not provide for funded counsel in any way. It doesn't do that. Maybe I should introduce a bill to do that. That is not this bill, so let's forget about that.

This bill simply says that if an individual is held—an individual who may be an America citizen, who may be a green card holder, who if improperly, by mistake, is sent out of the country and may be forbidden from applying to come back in for 5 years, with all kinds of problems, who may be a cancer researcher who is supposed to work at Rockefeller Institute or Johns Hopkins or wherever and would be denied his or her talents because of a mistake.

All this bill says is that if someone is held in secondary inspection for at least an hour, they must be given an opportunity to call counsel, to call other people, to call their brother-in-law, to call whoever, and to communicate. That is all the bill says.

I fail to understand why it is at all controversial. It will prevent the kind of tragic mistakes that have been made in the past. It will prevent the kind of confusion that we saw, that I personally saw at the airport when people were held for hours and hours and weren't permitted to talk to counsel standing outside the door, when I physically had to prevent the door from closing and dared them to arrest a Member of Congress in order to allow an immigrant with valid papers to speak to an attorney who was standing on the other side of the door.

That is what this bill is. It is simple. It is humane. It is commonsensical and ought to be adopted. I urge everyone to vote for this bill.

Madam Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Madam Speaker, as an original cosponsor and senior member of the Committee on the Judiciary, I rise in strong and enthusiastic support of H.R. 5581, the "Access to Counsel Act of 2020," which ensures that certain individuals who are subjected to prolonged inspection by U.S. Customs and Border Protection (CBP) at ports of entry have a meaningful opportunity to communicate with counsel and other interested parties.

This important legislation amends section 235 of the Immigration and Nationality Act (INA) to require the Department of Homeland Security (DHS) to ensure that certain individuals can communicate with counsel and other interested parties if they are subjected to prolonged inspection by CBP.

The protections afforded by the Access to Counsel Act of 2020 would apply to individuals who possess valid travel documents, but who are pulled out of the "primary" inspection line and referred to "secondary" inspection for extended processing.

If such individuals are held in secondary inspection for at least one hour, they must be permitted to communicate with counsel and other interested parties.

Counsel and interested parties would be able to provide information and documentation to the inspecting officer to facilitate the inspection process and offer support and assistance to the individual subject to inspection.

Madam Speaker, the stakes can be high for a person wrongfully refused admission and the consequences of being denied admission to the United States can be significant.

For example, a U.S. research institution may lose the opportunity to employ a next generation cancer researcher if that researcher is denied admission despite possessing a valid nonimmigrant visa.

Individuals who are refused admission may be unable to reunite with their families, receive critical medical care unavailable in their home country, or pursue higher education at a U.S. college or university.

Although some individuals may be permitted to withdraw their application for admission and return home without long term consequences, others may be ordered removed without a hearing or further review under ''expedited removal.''

An individual who receives an expedited removal order is barred from returning to the United States for five years.

Communication protocols are inconsistent across ports of entry and CBP provides no public guidance on an individual's ability to communicate with counsel and other individuals during the inspection process.

According to an American Immigration Council report, CBP policies and practices on access to counsel vary from one office to another.''

While some ports of entry completely bar counsel in primary or secondary inspection,'' others provide specific procedures for interacting with counsel or provide the inspecting officer with broad discretion to decide whether and with whom to communicate.

Madam Speaker, the Access to Counsel Act of 2020 ensures that no one is cut off from the world due to the Administration's hasty and mismanaged rollout of the Muslim ban and the widespread chaos that it engendered at airports across the nation.

Affected individuals were detained at airports for hours, and many were sent back to their home countries without the ability to contact their families or receive the assistance of counsel.

Reports of similar treatment surfaced in January 2020, as tensions between Iran and the United States escalated and up to 200 individuals of Iranian descent were detained and questioned in secondary inspection at the Peace Arch Border Crossing in Blaine, Washington.

These individuals—many of whom were U.S. citizens or permanent residents, including seniors and children—were held for several hours, with some reportedly held for up to 12 hours.

Madam Speaker, although complications in the inspection process can arise in response to sweeping changes in immigration policy or shifting world events, the greatest impact on individuals comes from the consistent lack of access to counsel and other assistance at ports of entry on a day-to-day basis.

All individuals—including U.S. citizens—who seek to lawfully enter the United States are subject to inspection by CBP officers at ports of entry.

Without access to counsel and other parties, many individuals are refused admission or issued an expedited removal order instead of being provided the chance to vindicate their rights and lawfully enter the country.

The Access to Counsel Act will ensure individuals who are seeking to lawfully enter the United States are treated fairly and with dignity.

The bill permits counsel and interested parties to appear in person at the port of entry, but also gives DHS and CBP enough discretion to determine—based on operational and other practical limitations—how the consultation takes place.

The bill provides extra protection for lawful permanent residents (LPRs) by prohibiting DHS from accepting a Record of Abandonment of Lawful Permanent Resident Status from an LPR without first providing the LPR a reasonable opportunity to consult with counsel.

Madam Speaker, the Access to Counsel Act of 2020 is supported by an impressive coalition of highly respected organizations, including: Amnesty International; American Civil Liberties Union (ACLU); America's Voice; American Immigration Lawyers Association (AILA); Coalition for Humane Immigrant Rights; Immigration Hub; and National Iranian American Council (NIAC).

I urge all Members to join me in voting to pass H.R. 5581, the Access to Counsel Act of 2020.

Ms. LOFGREN. Madam Speaker, I rise in support of H.R. 5581, the ''Access to Counsel Act of 2020'', a bill that will ensure that individuals who lawfully present themselves at our ports of entry are treated fairly and allowed to communicate with counsel and other parties if they are subjected to prolonged inspection.

The Immigration and Nationality Act provides individuals in removal proceedings the right to representation at no expense to the government. Although federal regulations extend this right to immigration-related ''examinations,'' applicants for admission—specifically those in primary or secondary inspection—are excluded unless they become the focus of a criminal investigation.

However, our immigration laws are complex, and so are some questions regarding an individual's admissibility.

Access to outside assistance is important to ensure that CBP has a complete understanding of the facts and the law before deciding admissibility. That is because grave consequences can result from being refused admission—consequences that extend well beyond simply turning around and getting back on a plane.

Individuals who are refused admission may be unable to reunite with their families or receive critical medical care unavailable in their home country. They may be turned away from a U.S. employer who desperately needs their skills. Or they may be denied the opportunity to pursue higher education at a U.S. college or university.

If that weren't enough, they could also be subject to a 5-year bar to returning to the United States if they are issued an expedited removal order.

That is why this legislation is so critical.

By allowing individuals who lawfully present themselves for inspection at a port of entry to communicate with counsel or other interested parties with information relevant to their request for admission, CBP will be better equipped to correctly resolve legal uncertainties and individuals will be treated more equitably.

I would like to thank my friend and colleague, Representative JAYAPAL for her leadership and commitment to this issue. Her efforts led to the introduction of this legislation, and I urge all my colleagues to support the Access to Counsel Act.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 891, the previous question is ordered on this portion of the divided question.

The question is: Will the House concur in the Senate amendment with the House amendment specified in section 4(b) of House Resolution 891?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NADLER. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3989. An act to amend the United States Semiquincentennial Commission Act of 2016 to modify certain membership and other requirements of the United States Semiquincentennial Commission, and for other purposes.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Mariel Ridgway, one of his secretaries.

□ 1215

TAXPAYER FIRST ACT OF 2019

Mr. GRIJALVA. Mr. Speaker, pursuant to House Resolution 1053, I move to take from the Speaker's table the bill (H.R. 1957) to amend the Internal Revenue Code of 1986 to modernize and improve the Internal Revenue Service, and for other purposes, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SCHNEIDER). The Clerk will designate the Senate amendments.

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great American Outdoors Act''.

SEC. 2. NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND.

(a) IN GENERAL.—Subtitle II of title 54, United States Code, is amended by inserting after chapter 2003 the following:

''CHAPTER 2004—NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND

''§ 200401. Definitions

''In this chapter:

''(1) ASSET.—The term 'asset' means any real property, including any physical structure or grouping of structures, landscape, trail, or other tangible property, that—

''(A) has a specific service or function; and