

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
September 19, 2007

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Senate Judiciary Committee Hearing
"The 'Material Support' Bar: Denying Refuge to the Persecuted?"
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I thank the Chairman for his hard work and exemplary leadership on this issue. I also thank the witnesses for taking the time to come before this subcommittee today to talk about the difficulties refugees and asylum seekers face because of the "material support" bar. As a result of changes in the law brought about by the USA PATRIOT Act and the REAL ID Act, many refugees and asylum seekers have found themselves unfairly labeled as terrorists and terrorist supporters, when it is clear they are nothing of the kind. It has been disappointing to hear stories of people with otherwise legitimate claims who have been unable to seek refuge from persecution in the United States because of this law.

I was therefore pleased that the Senate took an important step forward by adding language to the fiscal year 2008 foreign operations appropriations bill that would offer some relief to those unfairly affected by the "material support" bar. In particular, the language provides immediate relief for the Hmong, who fought alongside the United States in the Vietnam War and then found themselves barred from resettlement because of that assistance. I think we can all agree that statutory relief for the Hmong is necessary and appropriate.

However, including this provision in the appropriations bill does not end the debate. While the provision gives the Department of Homeland Security and the State Department broader waiver authority, it still does not get to the heart of the issue - that the USA PATRIOT Act and the REAL ID Act have unfairly labeled some legitimate refugees and asylum seekers as "terrorists" and "terrorist supporters." I understand there is a need to protect U.S. national security interests, but an innocent civilian who is held hostage and forced at gunpoint to pay a ransom to terrorist kidnappers is not a threat to our national security and should not be labeled as such. Nor is it sufficient to rely entirely on the hope that the Department of Homeland Security and the State Department will exercise their discretion to waive the "material support" bar for such a person.

It is important that Congress acknowledge that we have more work to do before we fully resolve this issue. I am proud that the United States has been a leader throughout the world on protecting and assisting refugees, and we need a fair and balanced policy to ensure that we retain that leadership role.