

1 NATIONAL CAPITOL CONTRACTING

2 RPTS FARIS

3 HJU118000

4 MARKUP ON:

5 H.R. 5046, THE "COMPREHENSIVE OPIOID ABUSE

6 REDUCTION ACT OF 2016"; H.R. 5052, THE "OPIOID

7 PROGRAM EVALUATION ACT"; H.R. 2137, THE

8 "FEDERAL LAW ENFORCEMENT SELF-DEFENSE AND

9 PROTECTION ACT OF 2015"; H.R. 5048, THE "GOOD

10 SAMARITAN ASSESSMENT ACT OF 2016"; AND H.R. 3394,

11 THE "CLARIFYING AMENDMENT TO PROVIDE TERRORISM

12 VICTIMS EQUITY (CAPTIVE) ACT"

13 Wednesday, April 27, 2016

14 House of Representatives,

15 Committee on the Judiciary,

16 Washington, D.C.

17 The committee met, pursuant to call, at 10:00 a.m., in

18 Room 2141, Rayburn House Office Building, Hon. Bob

19 Goodlatte, [chairman of the committee] presiding.

20 Present: Representatives Goodlatte, Sensenbrenner,

21 Smith, Chabot, King, Jordan, Poe, Chaffetz, Marino, Gowdy,

22 Labrador, Farenthold, Collins, DeSantis, Walters, Buck,
23 Ratcliffe, Trott, Bishop, Conyers, Nadler, Lofgren, Jackson
24 Lee, Chu, Deutch, Bass, Richmond, DelBene, Jeffries, and
25 Cicilline.

26 Staff Present: Shelley Husband, Staff Director; Branden
27 Ritchie, Deputy Staff Director/Chief Counsel; Zachary
28 Somers, Parliamentarian & General Counsel; Kelsey Williams,
29 Clerk; Robert Partimer, Counsel, Subcommittee on Crime,
30 Terrorism, Homeland Security and Investigations; Stephanie
31 Gadbois, Senior Counsel; John Manning, Professional Staff
32 Member; Jason Cervenak, Counsel, Subcommittee on Crime,
33 Terrorism, Homeland Security and Investigations; Minority
34 Chief Counsel, Chief of Staff, Staff Director; Danielle
35 Brown, Minority Parliamentarian and Chief Legislative
36 Counsel; Arron Hiller, Minority Chief Oversight Counsel; Joe
37 Graupensperger, Minority Chief Counsel, Subcommittee on
38 Crime, Terrorism, Homeland Security and Investigations; and
39 Veronica Eligan, Minority Professional Staff.

40 Chairman Goodlatte. Good morning. The Judiciary
41 Committee will come to order, and without objection, the
42 chair is authorized to declare a recess of the committee at
43 any time. Pursuant to notice, I now call up H.R. 5046 for
44 purposes of markup, and move that the committee report the
45 bill favorably to the House. The clerk will report the
46 bill.

47 Ms. Williams. H.R. 5046, to amend the Omnibus Crime
48 Control and Safe Streets Act of 1968, to authorize the
49 Attorney General to make grants to assist State and local
50 governments in addressing the national epidemic of opioid
51 use, and for other purposes.

52 [The bill follows:]

53 ***** INSERT 1 *****

54 Chairman Goodlatte. Without objection, the bill is
55 considered as read and open for amendment at any point, and
56 I will begin by recognizing myself for an opening statement.

57 Today we continue with the committee's efforts to
58 combat the opioid epidemic. H.R. 5046, the Comprehensive
59 Opioid Abuse Reduction Act was authored by our colleague,
60 Crime Subcommittee Chairman Jim Sensenbrenner, to provide
61 resources to States, localities, Indian tribes, and others
62 to help fight this historic problem.

63 I am pleased to be an original cosponsor of this bill,
64 along with Ranking Member John Conyers, Subcommittee Ranking
65 Member Sheila Jackson Lee, and Congressman Steve Chabot,
66 Randy Forbes, and Mike Bishop. I thank my colleagues for
67 their partnership and support.

68 Today, the United States is in the throes of an
69 epidemic of prescription opioid and heroin abuse. Every
70 member on this dais has heard a tragic story about a
71 constituent who has become addicted to opioids, and
72 tragically, many have lost their lives in the addiction.

73 In fact, statistics show that approximately 46,000
74 Americans die from a drug overdose each year. That amounts
75 to nearly 130 overdose deaths every day. Recent studies
76 have shown that more than half of chronic prescription drug

77 abusers receive those pills from prescriptions written for
78 them or for friends and family.

79 In 2014, in my home State of Virginia, the number of
80 drug overdose deaths surpassed the number of traffic
81 fatalities for the first time. This is a problem that
82 affects Americans in all regions of the country, across all
83 socioeconomic levels, and one that has rightfully gained
84 Congress' attention.

85 H.R. 5046 is an important, reasonable piece of
86 legislation that will do a great deal to combat the opioid
87 epidemic. It creates a Comprehensive Opioid Abuse Reduction
88 Program at the Department of Justice which will direct
89 Federal resources for drug abuse programs directly at the
90 opioid problem.

91 By styling this as a competitive grant program for
92 opioids, this bill will give States and localities maximum
93 flexibility to attack opioid abuse issues unique to their
94 communities. States will be able to use the grant funds for
95 a variety of important programs, including alternatives to
96 incarceration, treatment programs for incarcerated
97 individuals, juvenile opioid abuse, investigation, and
98 enforcement of drug trafficking, and distribution laws, and
99 significantly, training for first responders in caring and
100 administering opioid overdose reversal drugs like Naloxone.
101 States will also be allowed to enlist non-profit

102 organizations, including faith-based organizations, in the
103 fight against opioid abuse.

104 The bill authorizes this new program at \$103 million
105 annually over 5 years. The Comprehensive grant program
106 created by H.R. 5046 is fully offset. This means that we
107 have successfully directed funds to address the opioid
108 epidemic by taking advantage of existing funding streams to
109 Department of Justice grant programs. The result is no net
110 increase in spending authorizations, and no additional
111 burden on the American taxpayer, which is a responsible,
112 good government approach to this epidemic.

113 H.R. 5046 is thoughtful, responsible legislation that,
114 once enacted, will help fulfill Congress' duty to protect
115 the American people. I would also like to remind members
116 that today, from 10:00 a.m. to 2:00 a.m., House
117 Appropriations Chairman Hal Rogers and I are sponsoring a
118 Federal Takeback Day in 2359 Rayburn, where members and
119 congressional staff can return their unused prescription
120 medications. We all know that prescription drugs that
121 linger in homes are susceptible to diversion and abuse.

122 As Congress considers legislation to tackle the opioid
123 epidemic, I encourage my colleagues to attend this important
124 event to show your support for the Takeback Program, and I
125 urge my colleagues to support H.R. 5046.

126 It is now my pleasure to recognize the ranking member

127 of the committee, the gentleman from Michigan, Mr. Conyers,
128 for his opening statement.

129 [The statement of Chairman Goodlatte follows:]

130 ***** COMMITTEE INSERT *****

131 Mr. Conyers. Thank you, Chairman Goodlatte. Members
132 of the committee, I am pleased to join with the chairman as
133 an original cosponsor, along with Crime Subcommittee Ranking
134 Member Sheila Jackson Lee of Texas, of H.R. 5046, the
135 Comprehensive Opioid Abuse Reduction Act. And I commend the
136 chairman of the Crime Subcommittee, Jim Sensenbrenner of
137 Wisconsin, for his leadership as the author of this
138 important legislation, which is intended to combat the
139 opioid abuse epidemic.

140 Although the Senate has passed a version of the
141 Comprehensive Abuse and Recovery Act that many believe is a
142 commendable bill, H.R. 5046 is a good-faith effort to
143 accomplish the same goals as that other bill. We are in the
144 midst, as we know, of a major public health crisis caused by
145 drug abuse.

146 According to the Centers for Disease Control and
147 Prevention, 78 Americans die from an opioid overdose every
148 single day. In my State of Michigan, there were 1,745 drug
149 overdose deaths in 2014. That was double the amount of
150 people who died in automobile car crashes the same year,
151 making drug overdoses a leading cause of death in Michigan.
152 And more than half of those overdose deaths were attributed

153 to opioids and heroin.

154 I am very familiar with the devastation heroin can
155 cause over people and their community. Heroin took a deadly
156 toll on Detroit in the 1970s, and is now threatening to take
157 hold of a new generation of addicts. We can and we must do
158 more to address this crisis.

159 Fortunately, various States have undertaken innovative
160 measures to better respond to the rapid increases of
161 individuals addicted to prescription opioids and heroin, and
162 to prevent individuals from dying as a result of drug
163 overdose. For instance, the Crime Subcommittee held a
164 hearing last year about the growing heroin crisis, and the
165 district attorney from Santa Fe, New Mexico, testified about
166 the promising use of the Law Enforcement Assisted Diversion
167 approach employed there. We have learned that there are
168 ways to get addicts to treatment and needed services quickly
169 that are successful at addressing their addiction and
170 preventing recidivism, and we know that treatment
171 alternatives to incarceration work.

172 I support this bill, H.R. 5046, because it will help
173 provide critical grants that States can use to fund these
174 innovative programs that will help prevent and treat opioid
175 addiction. In addition, this bill is an important
176 complement to other legislation working its way through this
177 and other committees.

178 And so, I thank the chairman for bringing this up, and
179 I, of course, urge all my colleagues on the committee to
180 support this bill. Thank you, and I yield back.

181 [The statement of Mr. Conyers follows:]

182 ***** COMMITTEE INSERT *****

183 Chairman Goodlatte. Thank you, Mr. Conyers. And I
184 would now like to recognize the chairman of the Subcommittee
185 on Crime, Terrorism, Homeland Security, and Investigations,
186 Mr. Sensenbrenner of Wisconsin, also the chief author of
187 this legislation, for his opening statement.

188 Mr. Sensenbrenner. Good morning. I would like to
189 thank Chairman Goodlatte for holding this morning's markup
190 of the Comprehensive Opioid Abuse Reduction Act of 2016.
191 The House Judiciary Committee, along with the House Energy
192 and Commerce Committee, are marking up more than a dozen
193 bills this week to address the growing problem of opioids in
194 America. I am optimistic that we can pass meaningful
195 legislation and send it to the President for this signature
196 this Congress.

197 The misuse of and addiction to opioids, such as heroin,
198 morphine, and other prescription pain medications, has had a
199 devastating hold on this country. It affects every State
200 and every district. And the moral, emotional, physical, and
201 financial toll has been tremendous. Between 435,000 and a
202 million and a half people in the United States currently use
203 heroin, and an alarming number of them are younger than 25

204 years old.

205 Even more alarming, between 2002 and 2013, national
206 heroin deaths nearly quadrupled, reaching more than 8,000
207 annually by 2013. Beyond healthcare costs, other
208 significant economic burdens are associated with opioid
209 abuse. These include costs related to criminal justice and
210 lost workplace productivity. In total, opioid abuse imposes
211 an estimated \$55 billion in societal costs annually.

212 My home State of Wisconsin has experienced a 350
213 percent increase in heroin samples submitted to the
214 Wisconsin State Crime Laboratory by law enforcement. The
215 number of heroin-related deaths jumped by nearly 50 percent,
216 and statewide data shows one quarter of Wisconsinites who
217 abused the drug began using when they were younger than 25
218 years old.

219 All over the country, people are calling on Congress to
220 find solutions. In town hall meetings, on the campaign
221 trail, and through social media, lawmakers are hearing
222 heartbreaking stories from families and friends of addicted
223 individuals, and leaders of impacted communities.

224 The most effective way to approach addiction is to
225 pursue a comprehensive response, which must include a strict
226 focus on prevention, law enforcement strategies to stop drug
227 dealers and traffickers, the plan to address overdosing, and
228 expansion of evidence-based treatment options for those

229 struggling with addiction.

230 The Comprehensive Opioid Abuse Reduction Act is an
231 important piece of the puzzle. My legislation will provide
232 States and localities with additional resources to attack
233 this crisis. The legislation authorizes the Attorney
234 General to make grants available for a number of services
235 related to opioid abuse.

236 The grant program contains eight allowable uses for the
237 grant funds, which are broadly construed, to give States
238 flexibility in responding to the opioid epidemic within
239 their borders. These include alternatives to incarceration
240 programs, collaboration between criminal justice agencies,
241 and substance abuse systems, training for the first
242 responders in caring and administering opioid overdose
243 reversal drugs, including Naloxone, and prescription drug
244 monitoring programs. The legislation also contains strong
245 accountability provisions to ensure that the funding is
246 spent wisely.

247 This issue touches the life of every American. It is
248 imperative that we pursue aggressive measure to stunt
249 [spelled phonetically] its dangerous progression for a
250 stronger, more prosperous America. The Comprehensive Opioid
251 Abuse Reduction Act is common sense, bipartisan, and
252 addresses the issue head-on, and will make a positive impact
253 in our fight against addiction. I urge my colleagues to

254 support this measure, and yield back the balance of my time.

255 [The statement of Mr. Sensenbrenner follows:]

256 ***** COMMITTEE INSERT *****

257 Chairman Goodlatte. Thank you, Mr. Sensenbrenner, and
258 now I would like to recognize the ranking member of the
259 Subcommittee on Crime, Terrorism, Homeland Security, and
260 Investigations, the gentlewoman from Texas, Ms. Jackson Lee,
261 for her opening statement.

262 Ms. Jackson Lee. Good morning. I thank the chairman,
263 the ranking member, and I thank the chairman of the
264 subcommittee for his leadership on this issue. I am very
265 happy to be part of the original cosponsors on, I think, a
266 very important statement that we are making and action that
267 generates results.

268 Might I remind people that even though the
269 investigation is not complete, eight people were killed in
270 Ohio around some suspicions of drug activity? Although
271 opioid is not alleged to be one of the drugs, we know it was
272 around drug activity. That means people are using, people
273 are buying, and people are being addicted. And that is the
274 epidemic, of course, of opioid that is across this country.

275 I support, and am the original cosponsor of the
276 Comprehensive Opioid Abuse Reduction Act of 2016. I commend
277 the chairman of the Subcommittee on Crime, Mr.
278 Sensenbrenner, for his work on this bill, and I also commend
279 Chairman Goodlatte, Ranking Member Conyers, for their work
280 in finding common ground on this bill.

281 I also note that I was a cosponsor of the predecessor
282 bill, the Comprehensive Addiction and Recovery Act. And in
283 our effort to reform the criminal justice system, clearly,
284 among the many issues, including mandatory minimums that
285 sent individuals to prison for 25 years and above, just
286 simply by being a user, this legislation hits the right
287 tone. It is to address the addiction through the Department
288 of Justice through a grant program that is administered by
289 the Department of Justice.

290 I would have been happy to see that bill adopted by
291 this committee, but I am glad that we worked together and
292 look forward to continue to work with my colleagues to
293 address issues related to drug abuse, whether they be
294 opioids or other drugs.

295 We must take action because today, a leading killer of
296 Americans is drug overdose. Between 2000 and 2014, almost
297 half a million people died from drug overdoses. In 2014
298 alone, more than 47,000 people died of drug overdoses. The
299 largest percentage of overdose death in 2014 was attributed

300 to opioids like prescription painkillers, Methadone,
301 morphine, and heroin. Specifically, 28,647 people overdosed
302 and died because of an opioid in 2014. We are experiencing
303 a crisis, and I am concerned about the perilous connection
304 between prescription painkillers and heroin.

305 Approximately 3 out of 4 new heroin users report that
306 their use began with their abuse of prescription
307 painkillers. Prescription painkiller abuse is the strongest
308 risk factor for future heroin use. Heroin tempts those
309 addicted to prescription painkillers because it is cheaper
310 and easier to obtain. Due to its potency, heroin users' use
311 tends to lead to addiction.

312 Heroin addiction is often deadly, leading to overdose
313 and other chronic disease. The rate at which the occurrence
314 of overdose deaths attributed to heroin has increased is
315 frightening. And if you talk to members of Congress all
316 over this House and Senate, you will hear horror stories
317 from their respective congressional districts and their
318 States.

319 In the 4 years between 2010 and 2014, heroin overdoses
320 tripled. More than 10,500 people died from heroin overdoses
321 in 2014. In 2013, more than 8,200 people died from heroin.
322 In that same year, 11 million people admitted to improper
323 use of prescription painkillers.

324 Not only were 11 million people at risk of overdosing

325 due to their abuse of prescription painkillers, 11 million
326 people were also at risk of become addicting to heroin,
327 which has intended risks and dangers. It impacts people of
328 all ages, from senior citizens, to working families, to
329 young people, to children. Because of this current crisis,
330 we must take action, and the bill before us today will do
331 so.

332 And the important element of this bill deals with
333 treatment, and prevention, and education, training,
334 integration of services, and other resources. We must put
335 our best efforts forward to prevent individuals from moving
336 from painkillers to heroin.

337 And yes, we cannot fill up our jails, our prisons with
338 individuals who are sick, who are addicted. Life-saving
339 overdose reversal drugs, like Naloxone, are most valuable in
340 the hands of trained individuals who regularly come in
341 contact with individuals.

342 Treatment is key. This bill will increase the use and
343 availability of these reversal drugs and other overdose
344 reversal drugs to first responders. Addiction is a disease
345 that affects the brain. Eventually it changes the behavior
346 of addicts, and there is nothing else they want but to get
347 that drug.

348 This bill encourages the development of alternatives to
349 incarceration that provide treatment as a solution to the

350 underlying motivation for criminal behavior or conduct
351 associated with mental disorders. It is our job to be the
352 bully pulpit of good things, to stop this scourge of drug
353 addiction and heroin use, among other drugs, across America.
354 And I joined with the opioid caucus last week and introduced
355 a number of bills that are going to be helpful.

356 And I am very glad to be part of this bill and the re-
357 introduction of the Comprehensive Opioid Abuse Reduction Act
358 of 2016, and I ask my colleagues to support this
359 legislation. I yield back.

360 [The statement of Ms. Jackson Lee follows:]

361 ***** COMMITTEE INSERT *****

362 Chairman Goodlatte. Thank you, Ms. Jackson Lee.
363 Without objection, all other members' opening statements
364 will be made a part of the record.

365 [The information follows:]

366 ***** COMMITTEE INSERT *****

367 Chairman Goodlatte. Are there any amendments to H.R.
368 5046? For what purpose does the gentlewoman from California
369 seek recognition?

370 Ms. Bass. Mr. Chair, I would like to strike the last
371 word.

372 Chairman Goodlatte. The gentlewoman is recognized for
373 5 minutes.

374 Ms. Bass. Thank you. Mr. Chair, let me thank the
375 leadership of the committee and the subcommittee for
376 bringing forward this legislation. I am proud to be a
377 cosponsor of it, and I feel like the current epidemic that
378 is going on in our country, based on what has happened
379 previously, I think this time we are going to get it right.
380 Meaning that our focus is going to be on treatment, and this
381 is what this legislation is calling for.

382 It does remind me of the past, 25 years ago, when there

383 was an epidemic around crack cocaine. We did not know that
384 much about addiction at the time, and pretty much our
385 response was focused on law enforcement. And this certainly
386 led to a massive increase in the foster youth population,
387 because it was one of the first times when you had women
388 using drugs equal to men. That really had not happened
389 before. And so, when a woman uses a drug, the family falls
390 apart and the kids are removed into foster care.

391 This is happening currently with the heroin addiction
392 and also the prescription drugs. That foster care
393 population is increasing again. But this time, I hope that
394 we get this side of it right as well, and instead of taking
395 the children away, that we recognize that you can actually
396 keep the family together and provide treatment. And there
397 is a lot of evidence based practices around the country that
398 have demonstrated that you can. Maybe you might have to
399 temporarily take the kids away, but you can reunite the
400 family after the mother goes into recovery.

401 So, many years ago, when we had a strictly law
402 enforcement approach, there was a lot of collateral damage
403 to that, and some of it we are dealing with now when we are
404 looking at criminal justice reform. One of the reasons we
405 are looking at criminal justice reform is because of the way
406 we approached an epidemic years ago. But there is still
407 some collateral consequences of laws that were passed years

408 ago. And I want to make mention of one of them.

409 And that is the fact that, if a young person had a drug
410 offense, after they were incarcerated and were released,
411 they then were not eligible for financial aid for college.
412 So, I am talking about somebody that has already faced the
413 justice system, but they are also subject to extrajudicial
414 consequences of losing their college aid. So, if they have
415 already been in front of a judge, and they have paid their
416 debt to society, then we have to think about whether or not
417 we really want to have the collateral punishment that
418 prevents them from continuing their education.

419 So, I have introduced the Success Act to fix that
420 broken policy. At the heart of the Success Act is
421 forgiveness and grace. We should be helping young people
422 who want to go to school and get their lives on track, not
423 making it harder for them to obtain education because of a
424 youthful indiscretion.

425 So, the point I am trying to make is, is that I think
426 this legislation is good. I am glad we are moving forward
427 with it. I am glad that our focus now is on treatment.
428 But, when we passed laws years ago, we need to talk a look
429 at some of the collateral consequences of legislation that
430 we did, especially given what we know now about addiction,
431 brain science, treatment, recovery, et cetera.

432 And so, I am hoping that we pass this legislation

433 today, but, as we continue in this committee to consider
434 criminal justice reform; that we look at some of the laws we
435 passed previously and maybe reconsider them. Thank you very
436 much, and I yield back my time.

437 Chairman Goodlatte. For what purpose does the
438 gentleman from Rhode Island seek recognition?

439 Mr. Cicilline. Mr. Chairman, I would like to strike
440 the last word.

441 Chairman Goodlatte. The gentleman is recognized for 5
442 minutes.

443 Mr. Cicilline. Thank you, Mr. Chairman. And thank
444 you, and Ranking Member Conyers for your leadership on this
445 critical issue. This epidemic is destroying lives and
446 ravaging communities. And the impact of this crisis is
447 being felt in my home State of Rhode Island. And an
448 evidence-based prevention and treatment approach is
449 absolutely the right answer.

450 I applaud the work of my colleagues in crafting this
451 legislation, but I hope that this is only the first step in
452 a larger effort to address this national public health
453 crisis. I appreciate that this bill represents a critical
454 and substantive effort to help those in our communities who
455 are suffering from opioid addiction. And I recognize that
456 this is one piece of a package of bills moving through
457 several House committees.

458 However, even when viewed from this perspective, I
459 believe that we must do more as a Congress to promote
460 prevention and recovery. Recognizing this responsibility,
461 our colleagues in the Senate endorsed a broader approach,
462 passing the Comprehensive Addiction and Recovery Act, also
463 known as CARA, by an overwhelming 94 to 1 vote authored by
464 my colleague from Rhode Island, Senator Whitehouse.

465 CARA was introduced in the House by the gentleman from
466 Wisconsin, and has earned the support of 125 members of the
467 House, and includes several important programs that have
468 been excluded from the bills that are currently under
469 consideration.

470 I understand that some of the exclusions may be the
471 result of committee jurisdiction limitations of this
472 committee. But these provisions are also not currently
473 included in the overall package of bills being considered by
474 the other committees as well. They include programs that
475 would allow for the development and expansion of community-
476 based recovery services through the Department of Health and
477 Human Services. They include prevention initiatives to
478 promote greater awareness of the risks associated with
479 prescription drug abuse. And they include programs
480 specifically designed to improve treatment for pregnant and
481 post-partum women, and to improve recovery among young
482 adults.

483 These provisions represent fundamental components of a
484 comprehensive approach to stem opioid abuse in our
485 communities, but none of these programs have been included
486 in the package of legislation currently being considered in
487 the House. And, in the more specific context of today's
488 markup, the bill before the committee excludes the expansion
489 of the prescription take back program. While I recognize
490 the merits of this bill and plan to support it, and I am
491 pleased that we are taking it up today, I am concerned about
492 the vital components of CARA that we have left behind.

493 The public health crisis that our communities face
494 requires a comprehensive solution. It should encourage
495 greater coordination between healthcare professionals and
496 law enforcement. It should incentivize States and
497 localities to adopt an integrated approach that includes
498 prevention and recovery rather than focusing solely on
499 treatment and enforcement. And it should be designed to
500 help some of those who may be most vulnerable to abuse, such
501 as those in recovery, or correctional settings.

502 With this in mind, I hope that his committee will
503 continue to work together to reduce opioid drug abuse, and
504 to address some of these really critical gaps. But I again
505 want to thank you, Mr. Chairman, for your leadership, and
506 look forward to supporting the bill. And, with that, I
507 yield back.

508 Chairman Goodlatte. The chair thanks the gentleman.
509 Are there any amendments to H.R. 5046? For what purpose
510 does the gentleman from Louisiana seek recognition?

511 Mr. Richmond. Mr. Chairman, I move to strike the last
512 word.

513 Chairman Goodlatte. The gentleman is recognized for 5
514 minutes.

515 Mr. Richmond. Mr. Chairman, let me applaud you and the
516 ranking members, and the two ranking members of the
517 subcommittees for some really good work here. And I would
518 just encourage that we continue to look for areas that we
519 know there is a problem and we know that the response has
520 been inadequate. And, with opioid abuse, it has been clear,
521 and Congress, on both sides of the aisle, both chambers, are
522 moving to do something about it.

523 But I would just continue to stress that we not let
524 where the problem lies, whether it is suburban America or
525 urban America, dictate the speed at which we work to solve
526 problems. And I would just highlight the fact, when we talk
527 about crack cocaine and the response versus the response to
528 opioid, when you compare it to those that are addicted and
529 where the problem has recently crept to, and the response
530 that has been really having a sense of urgency.

531 The other one I would point out is that we have,
532 rightfully so, been really upset and angry about the Fast

533 and Furious Program, because it put guns in the hands of
534 criminals, and communities at the hands of the government,
535 just to see where they go.

536 Well, I will say again, we do not have any anger, and
537 we are not talking about the fact that every day, the DEA
538 and the FBI allow confidential informants to put drugs in
539 urban communities just to see where they go so that they can
540 try to catch a bigger fish, which is the exact philosophy of
541 Fast and Furious, except one uses guns and one uses drugs.
542 And I think that this committee should also ask where those
543 drugs are going, and in fact, that really scares me, Mr.
544 Chairman, and I know that members from both sides of the
545 aisles have talked about this, is that the FBI does not keep
546 a track record of the crimes that are committed by their
547 confidential informants, and cannot tell us how many crimes
548 that people who are cooperating with the government are
549 committing.

550 And that, Mr. Chairman, I think is something that this
551 body, this committee, should really look at. And I do not
552 want it to seem like I do not want the public to have the
553 perception that, because that is traditionally an urban
554 problem, that it is not a significant concern of this body.
555 And, with that, Mr. Chairman, I will again applaud you on
556 your good work and thank you.

557 Chairman Goodlatte. The chair thanks the gentleman.

558 Are there any amendments to H.R. 5046? A reporting quorum
559 being present, the question is on the motion to report the
560 bill H.R. 5046 favorably to the House.

561 Those in favor will respond by saying aye.

562 Those opposed, no.

563 The ayes have it. And the bill is ordered reported
564 favorably. Members will have 2 days to submit views.

565 Pursuant to notice, I now call up H.R. 2137 for
566 purposes of markup, and move that the committee report the
567 bill favorably to the House. The clerk will report the
568 bill.

569 Ms. Williams. H.R. 2137, to ensure Federal law
570 enforcement officers remain able to ensure their own safety
571 and the safety of their families during a covered furlough.

572 [The bill follows:]

573 ***** INSERT 2 *****

574 Chairman Goodlatte. Without objection, the bill is
575 considered as read and open for amendment at any point. I
576 will begin by recognizing myself for an opening statement.

577 Today we consider H.R. 2137, the Federal Law
578 Enforcement Self-Defense and Protection Act of 2015,
579 introduced by Congressman Doug Collins. Federal law
580 enforcement officers face potentially dangerous situations
581 on a daily basis, whether they are on-duty or off-duty.
582 Accordingly, they are permitted to carry their government-
583 issued firearms on their persons, even when they are not on-
584 duty.

585 However, during the 2013 government shutdown, at least
586 three Federal agencies forbade their law enforcement
587 officers from carrying their government issued firearms or
588 credentials during the furlough. This decision potentially
589 endangered these officer's lives by putting them at an
590 unnecessary risk. Further, it prevented these highly
591 trained officers from being prepared to respond to a
592 critical incident or threat.

593 The Federal Law Enforcement Self-Defense and Protection
594 Act will ensure that officers are able to defend and protect
595 themselves on and off-duty by allowing all covered Federal
596 law enforcement officers to continue to carry their
597 government issued firearm during a furlough or government
598 shutdown.

599 As we prepare to honor our Nation's law enforcement
600 officers next week, during the annual National Police Week,
601 let us insure that the brave members of the Federal law
602 enforcement community have the capability to defend
603 themselves and respond to threatening situations, even in a
604 time of furlough.

605 I want to thank the bill's sponsor, Mr. Collins, for
606 his work on this important issue, and I urge my colleagues
607 to support this bipartisan legislation. It is now my
608 pleasure to recognize the ranking member of the committee,
609 Mr. Conyers, for his opening statement.

610 [The statement of Chairman Goodlatte follows:]

611 ***** COMMITTEE INSERT *****

612 Mr. Conyers. Thank you Chairman Goodlatte. Members,
613 H.R. 2137, the Federal Law Enforcement Self-Defense and
614 Protection Act, would authorize Federal law enforcement
615 officers to carry their government issued firearms during
616 government shutdowns and administrative furloughs that
617 result from lapses in appropriations. I support this common
618 sense bill because it serves a commendable purpose.
619 Essentially, this measure would help ensure that those who

620 protect us are able to continue to do so, even during an
621 official furlough.

622 The ability of our Federal law enforcement officers to
623 respond to critical incidents should not be impeded,
624 particularly when violent crimes are committed in their
625 presence. H.R. 2137 does not expand Federal law enforcement
626 officers' authority to carry firearms. This bill merely
627 authorizes these officers to continue to carry their
628 federally issued firearms as if a furlough had not occurred.

629 This legislation recognizes the very real threat of
630 harm that many of our officers, particular special agents,
631 face on a regular basis, a threat that does not disappear
632 simply because of a government shutdown. In 2012, for
633 example, more than 1,800 Federal law enforcement officers
634 were assaulted, and of those, approximately 200 sustained
635 serious injuries.

636 Even when off-duty, Federal law enforcement officers
637 remain the target of assault. Between 2011 to 2014, 27 law
638 enforcement officers were killed while off-duty. Thus, it
639 is vitally important that Federal officers be able to
640 protect people in our communities, themselves, and their
641 family members from these threats, whenever they occur.
642 Given the fact that H.R. 2137 facilitates this critical
643 goal, I am pleased to support the bill. I urge its very
644 careful examination by everyone on the committee. And Mr.

645 Chairman, I yield back the balance of my time. Thank you.

646 [The statement of Mr. Conyers follows:]

647 ***** COMMITTEE INSERT *****

648 Chairman Goodlatte. Thank you, Mr. Conyers. Without
649 objection all other member's opening statements will be made
650 a part of the record.

651 [The information follows:]

652 ***** COMMITTEE INSERT *****

653 Chairman Goodlatte. Are there any amendments to H.R.
654 2137? For what purpose does the gentleman from Georgia seek
655 recognition?

656 Mr. Collins. Mr. Chairman, I move to strike the last
657 word.

658 Chairman Goodlatte. The gentleman is recognized for 5

659 minutes.

660 Mr. Collins. Thank you, Mr. Chairman. And I want to
661 thanks for holding this markup today on H.R. 2137, the
662 Federal Law Enforcement Self-Defense and Protection Act.
663 And I ask unanimous consent to insert letters of support
664 from the Federal Law Enforcement Officers Association,
665 Fraternal Order of Police, and the National Association of
666 Police Organizations into the record.

667 Chairman Goodlatte. And, without objection, they will
668 be made a part of the record.

669 [The information follows:]

670 ***** COMMITTEE INSERT *****

671 Mr. Collins. Thank you, Mr. Chairman. This bill is a
672 targeted solution to a very real problem. Federal law
673 enforcement officers encounter potentially dangerous
674 situations daily, leaving the officers vulnerable to
675 threats. Normally, the Federal officers are permitted to
676 carry their firearms 24/7, 365 days a year.

677 However, during the 2013 government shutdown, at least
678 three Federal agencies determined that the Anti-Deficiency
679 Act required them to forbid the law enforcement officers
680 from carrying their agency issued firearms or their personal
681 owned firearms authorized by the agency. This meant that
682 approximately 1,800 officers were disarmed. This decision
683 put the effected officers at risk. And, additionally,
684 policies were inconsistent between agencies.

685 Law enforcement officers are highly trained and know
686 the responsibilities associated with possessing a weapon.
687 It does not make sense to disarm them when they are off-duty
688 through no fault of their own. They must be ever vigilant,
689 and prepared, and ready to respond to a crime or critical
690 incident 24 hours a day every day.

691 As the kind words of the chairman, and also the ranking
692 member pointed out, just in 2012 alone, 1,800 Federal law
693 enforcement officers were assaulted with 206 sustaining
694 injury. And then, over the past 3 years, 27 law enforcement
695 officers killed in off-duty incidents.

696 We should do everything we can to prevent these
697 tragedies, including insuring that law enforcement officers
698 have access to the tools they need to protect themselves and
699 the public. H.R. 2137, the Federal Law Enforcement Self-
700 Defense and Protection Act, helps that cause. And I am glad
701 to know that it is also bipartisan.

702 And I appreciate the work of Congressman Gabbard,
703 Congressman Reichert, and also Congressman Pascrell in
704 helping with this bill. You see, it recognizes our law
705 enforcement officers face threats whether on-duty or off-
706 duty and ensures there is consistent Federal policy for the
707 officers.

708 The bill simply states that, in event of a lapse of
709 appropriations, or administrative furlough, Federal law
710 enforcement officers are authorized to carry firearms on the
711 day the furlough or shutdown begins, and retains the right
712 to carry their government-issued firearm throughout its
713 duration for personal protection, or to respond to a
714 critical incident. It does not protect those who are on
715 administrative leave, or who have lost the right to carry,
716 nor does it expand firearms carry authority to law
717 enforcement officers who currently do not possess it. While
718 this critical officer safety legislation is narrow in scope,
719 the impact is large.

720 Also, on a personal note, as a son of a Georgia State
721 Trooper who lived in the home of that trooper for over 21
722 years, I know that my dad, wherever he would go, and
723 wherever we would go, was known as a state trooper. It was
724 not unknown. We lived and worked. He lived around the same
725 people that he would stop. He lived around the same people
726 that sometimes would not take too kindly to his being a law

727 enforcement officer.

728 At 6'2", 250 pounds, my dad had some other motivations
729 to be a little intimidating, but the fact that he was able
730 to carry his firearm is an important part of his job. We
731 just need to recognize this. And I think, in light of what
732 came up in the 2013 shutdown, this is a common sense piece
733 of legislation that does not expand or carry any other
734 responsibility. It simply just gives those law enforcement
735 officers that needs protection that they need to continue to
736 carry their weapons.

737 And, with that, Mr. Chairman, I would encourage
738 everyone to support H.R. 2137, and recognize these threats
739 that they face, both on-duty and off-duty. And with that, I
740 will yield back.

741 Chairman Goodlatte. The chair thanks the gentleman.
742 For what purpose does the gentleman from New York seek
743 recognition?

744 Mr. Nadler. Strike the last word.

745 Chairman Goodlatte. The gentleman is recognized for 5
746 minutes.

747 Mr. Nadler. Thank you, Mr. Chairman. I have no
748 objection to this legislation. It is fine as far as it
749 goes. I just want to say that it is inconceivable in a
750 rational government that we will ever have a government
751 shutdown. It is inconceivable that, with a reasonable

752 Congress, we would ever have a government shutdown. We
753 never talked about such a thing for 200 years of American
754 history. I would like to say that, but I cannot say that,
755 because we do not have a reasonable Congress. We had a
756 government shutdown.

757 And it is conceivable that, if the majority is, god
758 forbid, reelected, we might have another government
759 shutdown. So, being prudent, we have to pass this type of
760 legislation against artificial catastrophes that may be
761 brought upon the people of the United States by the
762 Republican Party. So, I support the legislation. I yield
763 back.

764 Mr. King. Mr. Chairman?

765 Chairman Goodlatte. For what purpose does the
766 gentleman from Iowa seek recognition?

767 Mr. King. I move to strike the last word.

768 Chairman Goodlatte. The gentleman is recognized for 5
769 minutes.

770 Mr. King. Thank you, Mr. Chairman. I just was struck
771 by the inconceivable comments of the gentleman from New
772 York. And I would think, also, that it would be
773 inconceivable that a President of the United States would
774 shut the government down over a \$500 million appropriation
775 to Planned Parenthood that would simply prevent Planned
776 Parenthood from using Federal dollars to commit abortion.

777 That would be one thing.

778 It is inconceivable, I would think, also, that a
779 President of the United States would take an oath to
780 preserve, protect, and defend the Constitution of the United
781 States, implicit within that, and specifically within the
782 Constitution, he also takes care that the laws be faithfully
783 executed.

784 And, yet, when the law requires that those who are
785 encountered who are in violation and unlawfully present in
786 America, that they shall be placed into removal proceedings,
787 that the President would order the law enforcement officers
788 to defy the very law that they are pledged to uphold.

789 And it would also be inconceivable to think that a
790 President of the United States could 22 times tell the
791 American people on video that he does not have the
792 Constitutional authority to grant mass amnesty and, yet, we
793 would sit in this committee and listen to testimony from
794 Janet Napolitano, for example, who stressed that
795 prosecutorial discretion was on an individual basis only,
796 and the original document that was the first Morton memo, as
797 I recall, had seven references to an individual basis only,
798 but it also created four categories of people. And it
799 granted amnesty according to groups, and not individuals,
800 and not on an individual basis only.

801 And, as I stood before the United States Supreme Court,

802 just a week ago, about a week and 2 days ago, it was
803 inconceivable that a case like that would be litigated
804 before the Supreme Court, in that now that the President
805 argues that he has that authority, and went ahead and issued
806 that executive edict, a series of them, known as DACA, DAPA,
807 and the Morton Memos, all of which are unconstitutional.

808 And it was inconceivable to our Founding Fathers that
809 our President could take an oath to preserve, protect, and
810 defend the Constitution, and take care that the laws be
811 faithfully executed, and by his own definitions, failed to
812 do so.

813 So, I am glad that we are going to defend the Second
814 Amendment here today, and it is inconceivable to me that a
815 government agency would order their officers when they are
816 off-duty to go unarmed, instead of having an opportunity to
817 be that very versatile law enforcement force that could be,
818 on their off-duty hours, effective as well. Thank you, Mr.
819 Chairman. I yield back.

820 Chairman Goodlatte. The chair thanks the gentleman.
821 For what purpose does the gentleman from Idaho seek
822 recognition?

823 Mr. Labrador. To strike the last word.

824 Chairman Goodlatte. The gentleman is recognized for 5
825 minutes.

826 Mr. Labrador. Mr. Chairman, I was not going to say

827 anything today because these bills -- I have not been
828 working on them. But after the last statement, I just want
829 to remind the members of this committee that the last
830 shutdown, I believe, was the 18th shutdown in the history of
831 this Congress; and two-thirds of those shutdowns happened
832 under the leadership of Tip O'Neill.

833 So, for somebody to sit here and lecture the
834 Republicans on shutdowns, maybe they need to go back to
835 learn their own history before they make statements like
836 that.

837 Chairman Goodlatte. The chair thanks the gentleman.
838 Are there any amendments to H.R. 2137? The question occurs.
839 A reported quorum being present, the question is on the
840 motion to report the bill. All right. Given the lack of a
841 reporting quorum, further proceedings on H.R. 2137 will be
842 postponed.

843 Pursuant to notice, I will now call up H.R. 5048 for
844 purposes of markup, and move the committee report the bill
845 favorably to the House. The clerk will report the bill.

846 Ms. Williams. H.R. 5048, to require study by the
847 Comptroller General of the United States on Good Samaritan
848 laws that pertain to treatment of opioid overdoses and for
849 other purposes.

850 [The bill follows:]

851 ***** INSERT 3 *****

852 Chairman Goodlatte. Without objection, the bill is
853 considered as read, and open for amendment at any point, and
854 I will begin by recognizing myself for an opening statement.

855 H.R. 5048, the Good Samaritan Assessment Act of 2016,
856 was introduced by our colleague, Congressman Frank Guinta
857 from New Hampshire. I thank Mr. Guinta, co-chair of the
858 House Bipartisan Task Force, to combat the heroin epidemic
859 for his ongoing efforts on this critical issue.

860 H.R. 5048 directs the Government Accountability Office
861 to study the various Good Samaritan laws in effect in States
862 across the country. Generally speaking, every State has
863 some form of Good Samaritan law, which protects from
864 prosecution citizens who render aid in good faith to someone
865 in need of assistance.

866 However, in the context of opioids, Good Samaritan law
867 refers to laws that provide immunity for responding to an
868 opioid overdose, by rendering aid or by calling 911. Today,
869 more than half the States and the District of Columbia have
870 enacted some form of Good Samaritan law that provides

871 immunity or limits liability for those who report or treat
872 an opioid overdose. These laws vary widely in application.

873 For example, in my home State of Virginia, the general
874 assembly passed a Good Samaritan law in 2015. Among other
875 things, that law provides immunity for individuals who
876 contact emergency services to report an overdose.

877 However, Virginia's law is more narrowly-tailored than
878 other States' laws. For example, the caller must remain at
879 the scene of the overdose until a law enforcement officer
880 responds. They must cooperate with a criminal investigation
881 reasonably related to the drug or alcohol that resulted in
882 the overdose, and they must identify themselves when law
883 enforcement responds.

884 Given the recent proliferation of these laws at the
885 State level, and Congress' desire and duty to address the
886 opioid epidemic, it is fitting that we assess how the
887 various Good Samaritan laws work to protect our citizens and
888 help save lives. H.R. 5048 will direct the GAO to help us
889 get the information we need and I urge my colleagues to
890 support this legislation. It is now my pleasure to
891 recognize Mr. Conyers for his opening statement.

892 [The statement of Chairman Goodlatte follows:]

893 ***** COMMITTEE INSERT *****

894 Mr. Conyers. Thank you, Chairman Goodlatte. Members
895 of the committee, I am pleased to join the chairman and
896 many of you in supporting H.R. 5048, the Good Samaritan
897 Assessment Act. Like other bills the committee is
898 considering today, this measure provides yet another tool
899 that can be used to combat the raging public health crisis
900 resulting opioid abuse.

901 The long-term effects of opioid abuse are devastating.
902 They include physical and functional changes to parts of the
903 brain affecting impulse, reward, and motivation. But opioid
904 abuse can have a more immediate and serious consequence,
905 namely, an overdose that threatens the life of the victim.
906 In recent years, heroin and prescription opioid drug
907 overdoses have risen sharply.

908 According to the Centers for Disease Control and
909 Prevention, drug overdose death rates have more than doubled
910 between 1999 and 2014. In 2014 alone, more than 47,000
911 people died from drug overdoses, the highest of any previous
912 year. Yet, many of these drug overdose deaths could have

913 been prevented due to administration of opioid reversal
914 drugs, such as Naloxone.

915 The package of legislation we are passing today will
916 facilitate the provision of medication-assisted treatment,
917 including helping first responders obtaining and administer
918 drugs that revive overdose victims.

919 But to be effective in saving lives, these drugs must
920 often be administered on an emergency basis. Family,
921 friends, and other users and first responders are frequently
922 in the best position to administer a reversal drug. But
923 witnesses to an overdose often hesitate or fail to call 911
924 for fear that they might be prosecuted, held responsible for
925 their involvement, or held liable if something goes wrong.

926 To alleviate such concerns and help ensure that
927 overdose victims receive timely medical treatment, the
928 Office of National Drug Control Policy has been working with
929 States and municipalities to enact Good Samaritan laws to
930 protect first responders, caregivers, and other who call for
931 emergency assistance in overdose cases, or administer opioid
932 reversal drugs or devices against civil or criminal
933 liability.

934 And so, today, 35 States and the District of Columbia
935 have some form of a Good Samaritan or a 911 drug immunity
936 law. The protections vary from State to State. This bill,
937 H.R. 5048, calls for the Government Accountability Office to

938 conduct a study and report to the appropriate committees of
939 Congress on the Office of National Drug Control Policy's
940 work on expanding Good Samaritan protections.

941 Specifically, the study would analyze any law that
942 exempts from criminal and civil liability individuals who
943 administer opioid reversal drugs or devices, or who contact
944 emergency service providers in response to overdose
945 incidents.

946 By encouraging expansion in great uniformity of Good
947 Samaritan protection for those who seek or administer
948 potentially life-saving opioid overdose reversal treatment,
949 this bill will contribute to the comprehensive effort needed
950 to combat the growing scourge of opioid abuse. And so,
951 accordingly, I urge all of my colleagues to support its
952 passage. I thank you, and yield back.

953 [The statement of Mr. Conyers follows:]

954 ***** COMMITTEE INSERT *****

955 Chairman Goodlatte. Thank you, Mr. Conyers. Without
956 objection, all the members' opening statements will be made
957 a part of the record.

958 [The information follows:]

959 ***** COMMITTEE INSERT *****

960 Chairman Goodlatte. Are there any amendments to H.R.
961 5048? Given the lack of a reporting quorum, further
962 proceedings on H.R. 5048 will be postponed.

963 Pursuant to notice, I now call up H.R. 3394 for
964 purposes of markup, and move that the committee report the
965 bill favorably to the House. The clerk will report the
966 bill.

967 Ms. Williams. H.R. 3394, to amend the Terrorism Risk
968 Insurance Act of 2002, to allow for the use of certain
969 assets of foreign prisoners and entities to satisfy certain
970 judgments against terrorist parties and for other purposes.

971 [The bill follows:]

972 ***** INSERT 4 *****

973 Chairman Goodlatte. Without objection, the bill is
974 considered as read, and open for amendment at any point.
975 And the manager's amendment, in the nature of a substitute
976 which the members have before them, will be considered as
977 read, considered as the original text for purposes of
978 amendment, and open for amendment at any point. I will
979 begin by recognizing myself for an opening statement.

980 I would to begin by thanking Representative Posey and
981 Judiciary Committee members Dave Trott, Ted Deutch, Hank
982 Johnson, and Randy Forbes for introducing this bipartisan
983 legislation.

984 The CAPTIVE ACT makes two small, but important, changes
985 to section 201 of the Terrorism Risk Insurance Act to make
986 it easier for U.S. victims of terrorism to recover court-

1987 awarded damages from the perpetrators of terrorism. Under
1988 current Federal law, victims of terrorism may satisfy a
1989 court-awarded judgment that they have against a terrorist
1990 party out of any assets of that terrorist party that the
1991 Federal Government has frozen, pursuant to the Trading with
1992 the Enemy Act, or the International Emergency Economic
1993 Powers Act.

1994 The CAPTIVE ACT amends this provision to provide that
1995 assets frozen by the Federal Government, pursuant to the
1996 Foreign Narcotics Kingpin Designation Act are also available
1997 to satisfy judgments against terrorist parties. This is an
1998 important change in the law in cases involving
1999 narcoterrorists like the FARC that may be cross-designated
1000 as both terrorists and drug kingpins. In cases involving
1001 narcoterrorists, the group may be designated as a terrorist
1002 organization, but its assets may be frozen under the Kingpin
1003 Act, thus preventing terrorism victims from satisfying their
1004 judgments against those assets.

1005 This is more than a hypothetical problem. Several
1006 weeks ago, I met with some of the victims and family members
1007 of the victims of a 2003 FARC terrorist act. On February
1008 13, 2003, Keith Stansell, Marc Gonsalves, Thomas Howes, and
1009 Thomas Janis were flying over Columbia while performing
1010 counter-narcotics reconnaissance for the Department of
1011 Defense. Members of FARC shot their plane down, and after

1012 the plane crash-landed, FARC captured the group.

1013 FARC immediately executed Thomas Janis, a Vietnam
1014 veteran, Bronze Star recipient, and former member of Delta
1015 Force. They took the other survivors hostage, holding them
1016 in captivity for over 5 years, during which time they were
1017 tortured, starved, and suffered through repeated mock
1018 executions.

1019 After they were rescued and returned to the United
1020 States, the survivors, and Janis' family, successfully
1021 brought a suit against the FARC under the Anti-Terrorism
1022 Act. However, because blocked Kingpin Act assets are not
1023 covered under section 201 of the Terrorism Risk Insurance
1024 Act, this group of victims has found it nearly impossible to
1025 satisfy their judgment. It makes little sense for the law
1026 to reach terrorist organizations like the FARC, but then
1027 prevent the victims from executing on FARC assets, merely
1028 because the Executive Branch blocked these terrorist acts
1029 under the Kingpin Act. The CAPTIVE ACT fixes this problem.

1030 In addition, to make section 201 consistent with the
1031 civil liability provision in the Anti-Terrorism Act and the
1032 state-sponsored terrorism exception to the Foreign Sovereign
1033 Immunities Act, the CAPTIVE ACT defines the term "person" as
1034 limited to U.S. nationals, members of the armed forces, and
1035 U.S. Government employees and contractors.

1036 This change will prevent foreign nationals, who

1037 Congress has specifically excluded from the ATA, and state-
1038 sponsored terrorism Foreign Sovereign Immunities Act cases
1039 from depleting the limited pool of blocked assets available
1040 to U.S. terrorism victims.

1041 I urge my colleagues to support this bipartisan
1042 legislation to provide victims of narcoterrorism some
1043 measure of financial justice against the terrorist groups
1044 that have caused them severe harm. It is now my pleasure to
1045 recognize the ranking member of the committee, the gentleman
1046 from Michigan, Mr. Conyers, for his opening statement.

1047 [The statement of Chairman Goodlatte follows:]

1048 ***** COMMITTEE INSERT *****

1049 Mr. Conyers. Thank you. Chairman Goodlatte and
1050 members of the committee, the measure before us, H.R. 3394,
1051 the Clarifying Amendment to Provide Terrorism Victims with
1052 Equity Act, or briefly called the CAPTIVE ACT, would amend
1053 the Terrorism Risk Insurance Act to allow terrorism victims
1054 to satisfy court judgments from the assets of certain
1055 terrorist parties, including the assets of any agency or
1056 instrumentality of a particular terrorist party blocked or
1057 seized by the United States Government pursuant to the
1058 Foreign Narcotics Kingpin Designation Act.

1059 Now currently, the Terrorism Risk Insurance Act allows
1060 terrorism victims to attach only those assets frozen or
1061 seized pursuant to the Trading with the Enemy Act, or the

1062 International Emergency Economics Powers Act. I support
1063 this bill as amended by the substitute amendment with the
1064 following factors in mind. To begin with, H.R. 3394 will
1065 enhance the ability of narcoterrorism victims to satisfy
1066 court judgments obtained against terrorist perpetrators.

1067 This legislation stems from the tragic events
1068 surrounding the fates of four American military contractors
1069 who were on a drug surveillance mission in Colombia in 2003.
1070 After their plane crashed, they were captured by members of
1071 Fuerzas Armadas Revolucionarias de Colombia, or FARC, a
1072 guerilla group designated as a foreign terrorist
1073 organization, and as a narcotics trafficker under the
1074 Kingpin Act by the United States. One of the Americans was
1075 executed, as has been indicated, at the crash site, and the
1076 other three were held hostage and tortured for more than 5
1077 years, until their rescue by the Colombian Armed Forces.

1078 The survivors, as well as the relatives of the deceased
1079 American contractor, filed suit against the FARC in Federal
1080 court, and won a judgment for damages in excess of \$300
1081 million. In seeking to enforce their judgment against a
1082 blocked bank account affiliated with the FARC commander,
1083 however, the plaintiffs could not reach this asset because
1084 it had been blocked pursuant to the Kingpin Act, and
1085 therefore was not a blocked asset under the Terrorism Risk
1086 Insurance Act.

1087 H.R. 3394 will ensure that these and other victims of
1088 terrorist acts committed by the FARC and similar entities
1089 will be able to reach its assets and those of its agents and
1090 instrumentalities, and to make their victims whole, or as
1091 whole as possible.

1092 In addition, I appreciate that the majority of this
1093 committee has accepted the important feedback from the
1094 Department of Justice. As amended by this substitute
1095 amendment, H.R. 3394 reflects the Department's input by
1096 removing a problematic provision and clarifying others.
1097 Most importantly, it strikes section 2 of the bill as
1098 introduced. That section would have allowed blocked assets
1099 of a terrorist party to still be subject to execution or
1100 attachment to satisfy a civil judgment against it, even if
1101 the terrorist party ceased to be a terrorist party after the
1102 judgment was entered. This provision is unnecessary, as a
1103 plaintiff could simply subject to execution or attachment
1104 the assets of a former terrorist party under normal civil
1105 enforcement procedures, because such parties' assets would
1106 no longer be blocked.

1107 Moreover, this language could have negatively impacted
1108 the foreign relations of the United States with, for
1109 example, new regimes in Libya and Iraq.

1110 The substitute amendment also clarifies that the
1111 amendments made by the bill apply only to judgments to which

1112 the Terrorism Risk Insurance Act applies, rather than to all
1113 judgments, as the original language implied. These changes
1114 greatly improve upon the bill as introduced.

1115 Finally, while I support this legislation, I must note
1116 that the committee has held no hearing on it. As we know,
1117 regular order allows our members to consider whether there
1118 is a problem that requires a legislative response, and to
1119 hear from a variety of viewpoints as to what that response
1120 should be.

1121 While on its face, H.R. 3394 appears not to be
1122 problematic, a hearing would have allowed us to identify any
1123 potential unintended consequences. For instance, the
1124 Treasury Department expressed some concern at a hearing
1125 before the Financial Service Committee 2 years ago that this
1126 proposal could reduce the Department's ability to obtain the
1127 cooperation of narcotics traffickers or to influence their
1128 behavior for the better.

1129 Nevertheless, the Treasury Department has not formally
1130 opposed H.R. 3394, and the bills equities thus far appear to
1131 favor supporting this bill as amended, and so do I. Mr.
1132 Chairman, I thank you and yield back the balance of my time.

1133 [The statement of Mr. Conyers follows:]

1134 ***** COMMITTEE INSERT *****

1135 Chairman Goodlatte. Thank you, Mr. Conyers. Without
1136 objection, all the members' opening statements will be made
1137 a part of the record.

1138 [The information follows:]

1139 ***** COMMITTEE INSERT *****

1140 Chairman Goodlatte. For what purpose does the
1141 gentleman from Michigan seek recognition?

1142 Mr. Trott. Move to strike the last word.

1143 Chairman Goodlatte. The gentleman is recognized for 5
1144 minutes.

1145 Mr. Trott. Mr. Chairman and Ranking Member Conyers,
1146 thank you for marking up this important legislation that I
1147 am proud to cosponsor. This bill will correct an omission
1148 in current law that prevents American victims of terrorism
1149 from recovering assets held by terrorist organizations
1150 linked to narcoterrorism.

1151 This simple correction to the law is long overdue. As

1152 has been mentioned, in 2003 a plane carrying contractors
1153 hired by the U.S. Government to find and eradicate cocoa
1154 fields in Colombia was fired upon by the Revolutionary Armed
1155 Forces of America, FARC, and had to make an emergency crash
1156 landing in a mountainside.

1157 The plane was quickly surrounded by members of FARC.
1158 Tom Janis, a retired Delta Force pilot, was marched away
1159 from the plane and executed. Also on the plane were three
1160 Americans: Keith Stansell, Tom Howes, and Marc Gonsalves.
1161 They were not injured in the crash, but they were taken
1162 hostage by FARC and marched into the jungles of Colombia,
1163 where they were held captive, starved, and horrifically
1164 tortured for 5 and a half years.

1165 After their capture, the three Americans' exact
1166 location was lost by U.S. intelligence until July 2, 2008,
1167 when they were finally rescued in a daring mission by the
1168 Colombian Army operation called "Operation Jaque." Each has
1169 been awarded the Defense of Freedom Medal. FARC is a
1170 Colombian narcoterrorist group and the world's largest
1171 supplier of cocaine.

1172 In 2010, these victims obtained a judgment under the
1173 Anti-Terrorism Act for damages against FARC and are now
1174 pursuing collection efforts to satisfy the judgment. Any
1175 potential collection will come from primarily blocked assets
1176 of agencies and instrumentalities of FARC. There is a large

1177 pool of drug profits blocked under the Kingpin Act, but
1178 these assets are not currently subject to attachment by
1179 victims of terrorism, absent an amendment clarifying TRIA.

1180 As a result, more than 6 years later, after the
1181 judgment has been entered, the victims have not been
1182 compensated and there is no justice. They deserve closure
1183 from this horrible period in their lives. As the chairman
1184 noted, this bill provides for a simple clarification to
1185 section 201 of the Terrorism Risk Insurance Act of 2002, to
1186 allow American victims of terrorism to correct blocked
1187 assets derived from drug proceeds.

1188 I urge my colleagues to support this important
1189 legislation and move it to the House forward quickly. Thank
1190 you and I yield back.

1191 Chairman Goodlatte. The chair thanks the gentleman.
1192 For what purpose does the gentleman from Florida seek
1193 recognition? Does not seek recognition?

1194 Are there any amendments to H.R. 3394? Given the lack
1195 of a reporting quorum, further proceedings on H.R. 3394 will
1196 be postponed. We are working on it.

1197 Pursuant to notice, I now call up H.R. 5052 for
1198 purposes of markup, and move the committee report the bill
1199 favorably to the House. The clerk will report the bill.

1200 Ms. Williams. H.R. 5052, to direct the Attorney
1201 General and the Secretary of Health of Human Services to

1202 evaluate the effectiveness of grant programs that provide
1203 grants for the primary purpose of providing assistance in
1204 addressing problems pertaining to opioid use, and for other
1205 purposes.

1206 [The bill follows:]

1207 ***** INSERT 5 *****

1208 Chairman Goodlatte. Without objection, the bill is
1209 considered as read and open for amendment at any point, and
1210 I will begin by recognizing myself for an opening statement.

1211 H.R. 5052 is a bill that will require an evaluation of
1212 the Comprehensive Opioid Abuse Reduction Grant program
1213 authorized by H.R. 5046 and a number of complementary bills
1214 authorizing grants to address opioid abuse that have been
1215 marked up by the House Energy and Commerce Committee. This
1216 is a bipartisan bill sponsored by Majority Leader Kevin
1217 McCarthy and Minority Whip Steny Hoyer.

1218 The Opioid Program Evaluation Act, or OPEN Act,
1219 requires the Attorney General and Secretary of Health and
1220 Human Services to enter into an arrangement with the
1221 National Academy of Sciences to identify outcomes that are
1222 to be achieved by the activities funded by Congress to
1223 address opioid abuse, develop the metrics by which each
1224 program's performance will be evaluated, complete an interim
1225 evaluation assessing the nature and extent of opioid abuse
1226 and illegal opioid distribution in the United States, and
1227 carry out an evaluation of the effectiveness of the
1228 programs.

1229 Additionally, to increase transparency and facilitate
1230 the evaluation of the performance of the programs, the bill
1231 requires grantees to collect an annual report data on the
1232 activities conducted pursuant to these programs.
1233 Evaluations such as these can be Congress's best measure of
1234 how well a Federal program or agency is operating.

1235 At its conclusion, we hope to learn, for example,
1236 whether a substantial number of Criminal Justice Agency
1237 personnel have received training on substance abuse
1238 disorders and co-occurring mental illness, and adapted their
1239 procedures accordingly. We also hope to learn the extent to
1240 which offenders offered a treatment alternative to
1241 incarceration have benefited from a response that integrates
1242 substance abuse services into the traditional criminal

1243 justice system.

1244 I welcome the important contribution this bill makes to
1245 the House Judiciary Committee's oversight efforts.

1246 The timely availability of data mandated by this
1247 legislation will be a key factor in the ability to assess
1248 program performance. I agree with the bill's sponsors that
1249 Congress must demand greater achievement and increased
1250 transparency and accountability with respect to our Federal
1251 grant programs, and I urge my colleagues to support H.R.
1252 5052.

1253 It is now my pleasure to recognize the ranking member,
1254 Mr. Conyers, for his opening statement.

1255 [The statement of Chairman Goodlatte follows:]

1256 ***** COMMITTEE INSERT *****

1257 Mr. Conyers. Thank you, Chairman Goodlatte. Members
1258 of the committee, I am pleased to support H.R. 5052. Also,
1259 the brief name is the OPEN Act. This commonsense measure
1260 will provide a meaningful way to evaluate the effectiveness
1261 of various efforts being undertaken to combat opioid abuse
1262 epidemic that is currently afflicting millions of Americans.
1263 H.R. 5052 is yet another in a series of bills that our

1264 committee, along with other committees in the House, are
1265 considering to help stop the spread of this devastating
1266 epidemic.

1267 For example, the Comprehensive Opioid Abuse Reduction
1268 Act, which we just considered, will provide a critical
1269 funding assistance to States so that they can create and
1270 implement a wide variety of strategies, including
1271 alternatives to incarceration designed to reduce opioid
1272 abuse. This new grant program established by that
1273 legislation has tremendous promise, in my judgment, as it
1274 will enable criminal justice agencies to focus on what they
1275 believe will be most effective based on their specific
1276 needs.

1277 Jurisdictions, for instance, may choose to implement
1278 the Law Enforcement Assisted Diversion approach, established
1279 with success in Seattle, and which is beginning to be used
1280 in other cities.

1281 And that bill would also assist with the provision of
1282 medication assisted treatment and help first responders
1283 prevent deaths by allowing them to obtain and administer
1284 drugs that revive overdose victims. Strategies like these
1285 are worthy of our support.

1286 And while we are confident in their usefulness, I also
1287 support tracking the success of the grants. The OPEN Act
1288 will aid us in assessing the effectiveness of these grants

1289 based on metrics developed by the Justice Department to
1290 evaluate the outcomes achieved by program grantees. These
1291 results, in turn, will be studied and reported on by the
1292 National Academy of Sciences.

1293 The approaches to dealing with opioid abuse should be
1294 based on evidence of their effectiveness and ability to save
1295 lives. And accordingly, I urge my colleagues to support
1296 H.R. 5052, because it will enable us to evaluate the success
1297 of their implementation. I thank the chairman and yield
1298 back the balance of my time.

1299 [The statement of Mr. Conyers follows:]

1300 ***** COMMITTEE INSERT *****

1301 Chairman Goodlatte. The chair thanks gentleman.
1302 Without objection, all other members' opening statements
1303 will be made a part of the record.

1304 [The information follows:]

1305 ***** COMMITTEE INSERT *****

1306 Chairman Goodlatte. Are there amendments to H.R. 5052?
1307 For what purpose does the gentleman from Texas seek
1308 recognition?
1309 Mr. Farenthold. Strike the last word.
1310 Chairman Goodlatte. The gentleman is recognized for 5
1311 minutes.

1312 Mr. Farenthold. Thank you, Mr. Chairman. I considered
1313 raising a point of order against this bill, not because I am
1314 opposed to it, because it was just filed yesterday. And our
1315 committee rules require 48 hours' notice of a bill, unless
1316 it is an emergency. I cannot imagine a study being an
1317 emergency.

1318 However, in the meantime, I did have the opportunity to
1319 read the bill, even though it just came out. And I cannot
1320 see any reason anybody would be opposed to it. It is a good
1321 government bill, making sure the money we spend of the
1322 taxpayers is well-spent, and we know the results of what is
1323 happening.

1324 But I am concerned that we do not set a precedent. It
1325 is necessary that we have access as members of Congress to
1326 these bills with sufficient time, for us to read and
1327 understand them, and contact the experts that we represent.

1328 On this bill, had it actually had anything that I
1329 thought would be possibly controversial, I would have like
1330 to have talked to my law enforcement, medical, and recovery
1331 communities in the district I represent. So, I just wanted
1332 to express my concern at the very short timeframe some of
1333 these bills. The second bill we did today, I think it
1334 barely met the 3-day rule. So, with that, I will yield back
1335 the remainder of my time.

1336 Chairman Goodlatte. Will the gentleman yield?

1337 Mr. Farenthold. The gentleman yields.

1338 Chairman Goodlatte. First, I want to thank the
1339 gentleman for not raising a point of order. I want to thank
1340 the gentleman for raising the issue, however, because I
1341 think all of us should be concerned about due deliberation
1342 of legislation coming before this committee.

1343 A couple of things that I am aware of. One, the bill
1344 was posted in a timely fashion. The problem arose when some
1345 changes were made to the bill, and those changes were posted
1346 less than 48 hours. However, the committee rules provide
1347 that upon concurrence of the chairman and the ranking
1348 member, that can take place in less than the 48-hour period
1349 of time.

1350 Mr. Farenthold. Well then reclaiming a second of my
1351 time. The exception is it says "in an emergency, does not
1352 reasonably allow for notice as a requirement." Again, I
1353 cannot see an emergency arising with a study bill. But
1354 again, I do not want to belabor the point.

1355 Chairman Goodlatte. Well, I think, again, the desire
1356 of, I think, most members of the committee, to move this
1357 package of bills to the floor in a timely fashion
1358 necessitated some expedited consideration, which the ranking
1359 member very graciously agreed with us should take place.

1360 But the gentleman's concern is well-taken, and this is
1361 not our preferred method of notifying members of changes to

1362 legislation that come before the committee. And so, I thank
1363 the gentleman for bringing it to everyone's attention, and
1364 also thank him for not raising a point of order. Are there
1365 any amendments to H.R. 5052?

1366 A reporting quorum being present, the question is on
1367 the motion to report the bill H.R. 5052 favorably to the
1368 House.

1369 All those in favor, respond by saying aye.

1370 Those opposed, no.

1371 The ayes have it and the bill is ordered reported
1372 favorably. Members will have 2 days to submit views.

1373 We will now return to H.R. 2137. A reporting quorum
1374 being present, the question is on the motion to report the
1375 bill H.R. 2137 favorably to the House.

1376 Those in favor will respond by saying aye.

1377 Those opposed, no.

1378 The ayes have it, and the bill is ordered reported
1379 favorably. Members will have 2 days to submit views.

1380 We will now return to H.R. 5048. A reporting quorum
1381 being present, the question is on the motion to report the
1382 bill H.R. 5048 favorably to the House.

1383 Those in favor, respond by saying aye.

1384 Those opposed, no.

1385 The ayes have it. The bill is ordered reported
1386 favorably. Members will have 2 days to submit views.

1387 We will now return to H.R. 3394. A reporting quorum
1388 being present, the question is on the motion to report the
1389 bill H.R. 3394 favorably to the House, as amended.

1390 Those in favor will respond by saying aye.

1391 Those opposed, no.

1392 The ayes have it. The bill, as amended, is ordered
1393 reported favorably. Members will have 2 days to submit
1394 views.

1395 Without objection, the bill will be reported as a
1396 single amendment in the nature of a substitute incorporating
1397 all adopted amendments and staff is authorized to make
1398 technical and conforming changes.

1399 This concludes our business for today. Thanks to all
1400 of our members for attending, and this markup is adjourned.

1401 [Whereupon, at 11:33 a.m., the committee adjourned
1402 subject to the call of the chair.]