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## MARKUP OF:

H.R. 4010, THE CONGRESSIONAL SUBPOENA COMPLIANCE AND ENFORCEMENT ACT;

H.R. 2228, THE LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS ACT; AND

H.R. 3996, THE PROTECTING ACCESS TO THE COURTS FOR TAXPAYERS ACT

Thursday, October 12, 2017

House of Representatives,

Committee on the Judiciary,

Washington, D.C.

The committee met, pursuant to call, at 10:20 a.m., in Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte [chairman of the committee] presiding.

Present: Representatives Goodlatte, Sensenbrenner, Smith, Chabot, Issa, King, Gohmert, Jordan, Poe, Labrador, Farenthold, Collins, Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs, Rutherford, Handel, Conyers, Nadler, Lofgren, Jackson Lee, Cohen, Deutch, Jeffries, Cicilline, Swalwell, Lieu, Raskin, Jayapal, and

Schneider.

Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian and General Counsel; Meg Barr, Counsel, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Joe Keeley, Chief Counsel, Subcommittee on Courts, Intellectual Property, and the Internet; Alley Adcock, Clerk; Rachel Calanni, Minority Legislative Aide; Danielle Brown, Minority Parliamentarian and Counsel; Aaron Hiller, Minority Chief Oversight Counsel; Monalisa Dugue, Minority Deputy Chief Council, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Arya Hariharan, Minority Counsel; Matthew Morgan, Minority Professional Staff Member; Regina Milledge-Brown, Minority Crime Detailee; Wilsar Johnson, Minority Digital Director; Joe Graupensperger, Minority Chief Counsel; Jason Everett, Minority Chief Counsel; David Greengrass, Minority Counsel; Perry Apelbaum, Minority Chief Counsel and Staff Director; Rosalind Jackson, Minority Professional Staff Member; and Keenan Keller, Minority Senior Counsel.

Chairman Goodlatte. Good morning. The Judiciary Committee will come order. And, without objection, the chair is authorized to declare a recess at any time.

Pursuant to notice, I now call up H.R. 4010 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Adcock. H.R. 4010, to amend the Revised Statutes of the United States and title 28, United States Code, to enhance compliance with requests for information pursuant to legislative power under Article I of the Constitution, and for other purposes.

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any time.

[The bill follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Chairman Goodlatte. And I will begin by recognizing myself for an opening statement.

Although the power of Congress to investigate is not set forth in any particular clause in the Constitution, congressional investigations trace their roots back to the earliest days of our Republic.

In fact, what is thought to be the first congressional investigation occurred in 1792 when the House appointed a select committee to investigate the massacre of American troops under the command of Major General Arthur St. Clair. The resolution authorizing that investigation stated that the committee shall be, quote, "empowered to call for such persons, papers, and records as may be necessary to assist their inquiries," end quote.

Upon learning of the investigation, President Washington assembled his Cabinet to seek their counsel. His Cabinet, which included Thomas Jefferson and Alexander Hamilton, unanimously concluded that the House had every right to conduct its inquiry and request papers from the President. President Washington directed that the relevant papers be provided to the House, and the War and Treasury Departments provided voluminous records to the committee.

Unfortunately, not all congressional investigations are met with the cooperation the first investigation received. Rather, sometimes, Congress and its committees must rely on another inherent power derived from the Constitution to investigate effectively: the congressional subpoena power.

As the Supreme Court has observed, although, quote, "there is no constitutional provision expressly investing either house with the power to make investigations and exact testimony, the power of inquiry, with process to enforce it, is an essential and appropriate auxiliary to the legislative function. Experience has taught that mere requests for information often are unavailing, so some means of compulsion are essential to obtain what is needed," end quote.

That means of compulsion is often a subpoena issued by a congressional committee, backstopped by a civil action filed in Federal district court. In recent years, the House and its committees have pursued two such civil actions, including one filed by this committee to enforce compliance with congressional subpoenas.

The legislation we are considering today, the Congressional Subpoena Compliance and Enforcement Act, codifies and strengthens the existing civil enforcement mechanisms, thereby reinforcing the powers granted Congress in Article I of the Constitution.

This legislation creates a statutory framework for compliance with and enforcement of congressional subpoenas through a few targeted changes to Federal law. First, the bill puts in place a statutory requirement that recipients comply with congressional subpoenas.

Second, the bill statutorily requires subpoena recipients to provide a congressional committee with a privilege log if they assert a legal privilege as a reason for withholding subpoenaed materials.

Finally, the bill provides that congressional subpoena enforcement cases are to receive expedited review in the Federal courts

and that a congressional committee may request that a subpoena enforcement case be heard by a three-judge panel of the district court, with direct appeal to the Supreme Court.

While it is true that some of what is addressed by the bill is currently covered through negotiation with subpoena recipients and is recognized in the precedence of court in the D.C. circuit, the current statutory requirements related to compliance with and enforcement of a committee subpoena are limited. Indeed, the existing civil subpoena enforcement statute only covers the Senate and does not apply to Senate subpoenas issued to the executive branch.

It is time that we put in place a statutorily created, expedited civil enforcement mechanism for congressional subpoenas. Relying on the existing framework to enforce congressional subpoenas has proved to be an inadequate means of protecting congressional prerogatives.

I want to thank Mr. Issa for introducing this legislation, and I urge my colleagues on both sides of the aisle to support it. This bill is a necessary step to strengthen Congress' ability to exercise its Article I legislative powers.

And it is now my pleasure to recognize the ranking member of the committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Chairman Goodlatte.

Members of the committee, before addressing the bill before us, I want to begin my remarks today by extending my condolences to the family and friends of the 58 individuals killed in the shooting in Las

Vegas and expressing my hope for the recovery of the nearly 500 people that were injured.

Congress has a responsibility to find a way to help prevent tragedies like this, as well as the daily incidents of gun violence in our communities. I am disappointed that this committee, our committee, has not addressed this issue at all this Congress.

In fact, when legislation weakening our laws on silencers and armor-piercing ammunition was being prepared for floor consideration, this committee waived jurisdiction. We were prepared to let it go without a hearing or markup, as if it didn't merit our time or attention. And, of course, I opposed those provisions because I believed that they would take us in the wrong direction by making us more vulnerable to gun violence. And I am glad the Speaker has now indicated that he has no plans to bring that bill to the floor.

In light of the Las Vegas shooting and the daily toll of gun violence that impacts all of our communities, it is time for the committee to take action. While I am sure our staff members will benefit from the briefing on the so-called bump stocks that the ATF will conduct for them on Friday, it is long overdue for us to conduct hearings on the issue of gun violence and to adopt legislation intended to strengthen our gun laws.

With respect to bump stocks, Speaker Ryan has said that he thinks the regulator approach by the ATF is the appropriate way to address them, but we have not even had a hearing here in this committee for us to hear about and discuss different approaches.

Our overall objective on these issues must be to protect our citizens from becoming victims, whether it is from a mass attack or any other sadly more common act of gun violence. Indeed, we do not need mass attacks to remind us of the urgency of the issue, as each day's news in communities across the country should tell us. Every day of inaction is a lost opportunity to do something about this.

And so, as we prepare to consider the bills scheduled for this markup session today, I hope that the committee will take up the issue of gun violence as soon as possible.

My support for this legislation is tied to my view of this committee's responsibility to conduct oversight of the executive branch. Nearly a century ago, the United States Supreme Court framed these responsibilities this way, quote: "A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change. Where the legislative body does not itself possess the requisite information, which is not infrequently true, recourse must be had to others who possess it," end quotation.

In other words, it is our responsibility to ask for information we require to do our jobs effectively. And the Constitution empowers us to enforce those requests if we are at first denied.

We should be very clear on this point. Congress does not require a statute in order to enforce its subpoenas in Federal court. We know this, of course, because in 2008 this committee went to court to defend that authority, and, in ruling in favor of the committee, the court



held that the Bush administration's claim of absolute immunity from our process is, quote, "entirely unsupported by existing case law," end quotation.

In effect, both government officials and private individuals have a legal obligation to comply with a duly issued congressional subpoena, whether or not the bill before us today is enacted into law.

Still, this legislation is useful as a means to codify certain practices and to expedite enforcement of subpoenas in Federal court. It also puts the House on equal footing with the Senate, which has had a statute in place since 1978 allowing that body to enforce at least some of its subpoenas in Federal court.

I want to thank our Chairman Goodlatte for working with us to make sure that we strike the right balance. This bill both protects our existing authority and mitigates many concerns about abuse of subpoena power by a runaway committee.

And I also want to thank Mr. Issa, my friend from California, for his leadership on this issue. While we often disagree about issues we should prioritize for oversight, I suspect that we are unanimous in the importance of oversight both to this committee and to Congress as a whole. I hope that we continue to work together to address any remaining concerns as this bill moves forward.

And I ask my colleagues to support the measure.

I thank the chairman and yield back.

Chairman Goodlatte. Thank you, Mr. Conyers.

I would now like to recognize the sponsor of the legislation, the

gentleman from California, Mr. Issa, for his opening statement.

Mr. Issa. Thank you, Mr. Chairman.

And thank you, Ranking Member Conyers.

This was not a bill that could be done without a large team and some history and experience that --

Is that better? I think it is.

-- some history and experience. The experiences of this committee under Chairman Conyers tells us something that I think every attorney and everyone who looks at the law and the Constitution recognizes, and that is that speed matters when discovery is underway.

In the Harriet Miers case many years ago, Judge Bates made a good decision but only after months of determining whether or not he would hear the case. That process delayed what should have been a matter of days to ensure that either an individual was able to come before the committee or would be stopped by a theory that somebody could be withheld by the President for whatever reason. Judge Bates' decision was well-thought-out, well-reasoned, and sided with Chairman Conyers. The only problem was it was the end of the administration. Almost 2 years had gone by.

So this bill seeks not to change the outcome of any effort under a subpoena, but, rather, to simply get in front of a neutral Article III judge in a timely fashion. And it is that ability that makes all the difference.

I know, as a Republican, it is not easy to talk about Watergate, but in this case I will bring up Watergate. President Nixon resigned

less than 2 years from the time of the break-in. This committee, those many years ago, held President Nixon to a standard that was only possible because the U.S. Supreme Court considered the question of what had been discovered to exist but not presented and made those famous tapes public in a fraction of the time that we now seem to find ourselves in front of the Court.

So, again, I appreciate Ranking Member Conyers and his staff's assistance in making the bill mean only what we want it to mean, which is about getting in front of a court in a timely fashion so that a neutral -- can determine and allow this and all committees of Congress to move forward.

So I want to thank the chairman and his staff and the ranking member, and I yield back.

Chairman Goodlatte. The chair thanks the gentleman.

I apologize to the members for the volume of these microphones. It needs to be turned down, but we are working on that.

For what purpose does the gentleman from Texas seek recognition?

Mr. Farenthold. I have an amendment at the desk.

Chairman Goodlatte. Oh. Let me go to this gentleman from Texas.

Mr. Farenthold. Oh, other gentleman from Texas. All right.

Chairman Goodlatte. The gentleman from Texas is --

Mr. Smith. Mr. Chairman, I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Smith. Thank you, Mr. Chairman.

I also want to thank you for considering this much-needed

legislation. And I want to thank the gentleman from California, Mr. Issa, for introducing it.

I have worked with Mr. Issa, the bill's sponsor, the gentleman from South Carolina, Mr. Gowdy, who chairs the Oversight Committee, and many others on oversight of the executive branch that will be improved by this bill.

Oversight is Congress' constitutional obligation, but too often administrations of both political parties hinder our efforts to gain the facts. This was certainly the case in the previous administration.

In the last Congress, I issued 26 subpoenas as chairman of the Science, Space, and Technology Committee. Nineteen were ignored or only partially complied with. Of the 26, 10 were issued to the Federal Government. Of these, six were ignored or only partially complied with.

Congressional subpoenas should be used sparingly. However, their use became the norm due to the obstruction of our efforts to obtain basic information pertaining to public safety, science, and research. These subpoenas need improved enforcement mechanisms to expedite the process and impose penalties on government agencies for failure to comply. This legislation will help make congressional subpoenas more effective.

I urge my colleagues to support the bill and, again, thank the gentleman from California, Mr. Issa, for introducing it. And I will yield back.

Chairman Goodlatte. The chair thanks the gentleman.

Are there any amendments to H.R. 4010?

For what purpose does the gentleman from California seek recognition?

Mr. Swalwell. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Swalwell. Thank you, Mr. Chairman.

I also want to thank Mr. Issa for bringing this forward.

I do agree, from just my perspective on the House Intelligence Committee, that there is a need for better enforcement of Congress' subpoena power. And I just want to give a real-life example where I have seen the diminishing perception of the ability to enforce Congress' subpoena power.

We had interviewed a witness just 2 weeks ago with respect to our Russia interference investigation. And we seek to have all of our witnesses come in under a voluntary basis. That way, it is not as adversarial.

And after interviewing Roger Stone -- he came in under a voluntary basis. After the interview, he gave a public statement. We usually don't acknowledge our interviews, but he gave a public statement and said that he had withheld information to the committee because he was not under subpoena. And he also stated that he felt like he had certain privileges to assert that allowed him to withhold this information.

And so I saw right there, Mr. Chairman and Mr. Issa, that, even under a subpoena, individuals believe that without necessarily having a judicial or a legal basis for a privilege that they could just assert

it. And I believe that is because the public is starting to perceive that our subpoena power does not have the weight that it should.

And so, because of that real-life example and other examples I have seen with our Russia investigation, I fully support this. I appreciate Mr. Issa bringing it forward. And I am glad that this is something that we can do in a bipartisan way to exercise further oversight.

I yield back.

Chairman Goodlatte. For what purpose does the gentleman Texas, Mr. Farenthold, seek recognition?

Mr. Farenthold. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to H.R. 4010 offered by Mr. Farenthold of Texas. Page 3, line 18 --

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Mr. Farenthold follows:]

\*\*\*\*\* INSERT 1-1 \*\*\*\*\*

Chairman Goodlatte. And the gentleman is recognized for 5 minutes.

Mr. Farenthold. Thank you, Mr. Chairman. I am not going to take 5 minutes. This is a very short amendment that closes what I believe to be a small loophole in the bill.

The bill prohibits the use of some enumerated funds, for instance, appropriated funds or funds collected for fees, to pay attorneys' fees. I simply add "Federal funds" to it because there is a wide variety of sources of money that comes into the Federal Government or into these agencies.

I believe it was the intent of the authors that taxpayers not fund this legal battle defending against a subpoena. So, by adding the term "all Federal funds" in there, we change that to where I think we followed what the intent of the bill is.

Mr. Nadler. Would the gentleman yield?

Mr. Farenthold. Yes.

Mr. Nadler. I am not sure I understand your amendment. You are saying that the bill provides for Federal funds to be used in defending against --

Mr. Farenthold. No, it does not. It prohibits the use of Federal funds from being -- so if you are the agency head who refuses to comply with a subpoena, you can't use taxpayer dollars --

Mr. Nadler. In the bill as is.

Mr. Farenthold. -- as it is.

Mr. Nadler. And you are saying?

Mr. Farenthold. It specifically lists "taxpayer funds, fees," and I simply add "or other government funds" to that so that we are not --

Mr. Nadler. So you want to make sure that an agency head or public employee cannot use any kind of government funds in opposing a subpoena from a committee.

Mr. Farenthold. That is correct.

Mr. Nadler. Thank you.

Mr. Farenthold. I believe that is what the intent of the bill is. I just feel like, the way it is worded, there is a loophole. If they can find money that came from something other than one of the enumerated sources, it could be --

Mr. Nadler. Would the gentleman yield?

Mr. Farenthold. I will continue to yield, yes, sir.

Mr. Nadler. I don't know how I feel about your amendment. If I am a Federal employee and, in the course of my employment, there is a subpoena to testify and the agency thinks I shouldn't testify, you know, and there is some governmental issue involved, should I have to pay that legal fee privately?

Mr. Farenthold. Yes.

Mr. Nadler. Because?

Mr. Farenthold. That is what the bill says.

Mr. Issa. Would the gentleman further yield?

Mr. Nadler. I yield back. I am sorry?

Mr. Issa. If the gentleman would further yield, I think, from



a standpoint of experience, Department of Justice and other attorneys who work for the Federal Government do file motions and will continue to. And, under current procedures, the fact is that individuals do end up hiring their own attorneys. That is not uncommon. And they do pay for it with individual funds. So this doesn't change the practice.

Mr. Nadler. If the gentleman would further yield, I am informed that the amendment wasn't completely accurately explained, that it applies to a situation where someone willfully disregarded the subpoena, and therefore --

Mr. Farenthold. It is the penalty.

Mr. Nadler. All right. That is fine.

Mr. Farenthold. I am sorry. If I wasn't clear on it, it is the penalty.

Mr. Nadler. It is the penalty for a willful --

Mr. Farenthold. Right.

Mr. Nadler. -- ignoring or disobeying of a subpoena.

Mr. Farenthold. Right. And I am sorry if --

Mr. Nadler. That makes a difference.

Mr. Farenthold. It is specifically the penalty. We talked about attorneys' fees, but, based on your argument, we said, yeah, of course, you need to be defended for acting within the scope of your employ.

So I apologize if I mis-explained that and yield back.

Chairman Goodlatte. Would the gentleman yield?

Mr. Farenthold. Yes, sir.

Chairman Goodlatte. Now that it has been properly explained, I will join in the support of the amendment.

Are there further --

If not, the question occurs on the amendment offered by the gentleman from Texas.

All those in favor, respond by saying aye.

Those opposed, no.

The ayes have it. The amendment is agreed to.

Are there further amendments to H.R. 4010?

A reporting quorum being present, the question is on the motion to report the bill, H.R. 4010, as amended, favorably to the House.

Those in favor, respond by saying aye.

Those opposed, no.

The ayes have it. The bill is ordered reported favorably.

Mr. Issa. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from --

Mr. Issa. I am advised that perhaps a recorded vote would be in order.

Chairman Goodlatte. A recorded vote has been requested, and the clerk will call the roll.

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Adcock. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

[No response.]

Ms. Adcock. Mr. Smith?

Mr. Smith. Aye.

Ms. Adcock. Mr. Smith votes aye.

Mr. Chabot?

Mr. Chabot. Aye.

Ms. Adcock. Mr. Chabot votes aye.

Mr. Issa?

Mr. Issa. Aye.

Ms. Adcock. Mr. Issa votes aye.

Mr. King?

Mr. King. Aye.

Ms. Adcock. Mr. King votes aye.

Mr. Franks?

[No response.]

Ms. Adcock. Mr. Gohmert?

Mr. Gohmert. Aye.

Ms. Adcock. Mr. Gohmert votes aye.

Mr. Jordan?

[No response.]

Ms. Adcock. Mr. Poe?

[No response.]

Ms. Adcock. Mr. Marino?

[No response.]

Ms. Adcock. Mr. Gowdy?

[No response.]

Ms. Adcock. Mr. Labrador?

Mr. Labrador. Yes.

Ms. Adcock. Mr. Labrador votes yes.

Mr. Farenthold?

Mr. Farenthold. Yes.

Ms. Adcock. Mr. Farenthold votes yes.

Mr. Collins?

Mr. Collins. Yes.

Ms. Adcock. Mr. Collins votes yes.

Mr. DeSantis?

[No response.]

Ms. Adcock. Mr. Buck?

[No response.]

Ms. Adcock. Mr. Ratcliffe?

Mr. Ratcliffe. Yes.

Ms. Adcock. Mr. Ratcliffe votes yes.

Mrs. Roby?

Mrs. Roby. Aye.

Ms. Adcock. Mrs. Roby votes aye.

Mr. Gaetz?

Mr. Gaetz. Aye.

Ms. Adcock. Mr. Gaetz votes aye.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Biggs?

Mr. Biggs. Aye.

Ms. Adcock. Mr. Biggs votes aye.

Mr. Rutherford?

[No response.]

Ms. Adcock. Mrs. Handel?

Mrs. Handel. Aye.

Ms. Adcock. Mrs. Handel votes aye.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Adcock. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Adcock. Mr. Nadler votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?

[No response.]

Ms. Adcock. Mr. Cohen?

Mr. Cohen. Aye.

Ms. Adcock. Mr. Cohen votes aye.

Mr. Johnson of Georgia?

[No response.]

Ms. Adcock. Mr. Deutch?

[No response.]

Ms. Adcock. Mr. Gutierrez?

[No response.]

Ms. Adcock. Ms. Bass?

[No response.]

Ms. Adcock. Mr. Richmond?

[No response.]

Ms. Adcock. Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Adcock. Mr. Jeffries votes aye.

Mr. Cicilline?

Mr. Cicilline. Aye.

Ms. Adcock. Mr. Cicilline votes aye.

Mr. Swalwell?

Mr. Swalwell. Aye.

Ms. Adcock. Mr. Swalwell votes aye.

Mr. Lieu?

[No response.]

Ms. Adcock. Mr. Raskin?

Mr. Raskin. Aye.

Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?

Ms. Jayapal. Aye.

Ms. Adcock. Ms. Jayapal votes aye.

Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Chairman Goodlatte. The gentleman from California.

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Chairman Goodlatte. Anybody else?

The clerk will report.

Ms. Adcock. Mr. Chairman, 26 members voted aye, no members voted no.

Chairman Goodlatte. The ayes have it, and the bill is ordered reported favorably to the House.

Members will have 2 days to submit views. And, without objection, the bill will be reported as a single amendment in the nature of a substitute, incorporating all adopted amendments, and staff is authorized to make technical and conforming changes.

Pursuant to notice, I now call up H.R. 2228 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Adcock. H.R. 2228, to provide support for law enforcement agency efforts to protect the mental health and well-being of law enforcement officers, and for other purposes.

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any time.

[The bill follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



Chairman Goodlatte. And I will begin by recognizing myself for an opening statement.

Today, over 900,000 men and women serve as sworn law enforcement officers in the United States. Each day, they report for duty to serve and protect the American people. Each day, they put their lives on the line and are tasked with handling some of the most challenging, high-stress situations one can imagine.

We admire them for their strength, bravery, and resilience and are grateful that we can go about our days feeling safe because we have law enforcement officers who will put themselves in harm's way for us.

We rarely think, however, about how they feel about their high-stress encounters. Extreme stress can lead to serious physical and mental health problems. Research has shown time and again that police officer occupational stress is directly related to higher rates of heart disease, divorce, sick days taken, alcohol abuse, and major psychological illnesses, such as acute stress disorder, post-traumatic stress disorder, depression, and anxiety disorders. Each year, more law enforcement officers die from suicide than from gunfire and traffic accidents combined. We must acknowledge and address this issue.

H.R. 2228, the Law Enforcement Mental Health and Wellness Act, is an important bipartisan step in ensuring law enforcement agencies have the resources to treat severe mental and physical stress. I applaud my colleagues on both sides of the aisle for uniting in support of our men and women in blue.

The bill directs the Department of Justice, in consultation with

the Departments of Defense and Veterans Affairs, to equip local law enforcement agencies to address mental health challenges faced by officers. It also permits DOJ's Office of Community Oriented Policing Services to award grants to peer mentoring pilot programs and directs the Attorney General to make recommendations on how to make these and other programs more efficacious.

We all recognize the profound challenges faced by law enforcement in this country. We also need to acknowledge the toll that emotional trauma can take on the mental and physical health of these brave men and women.

One thing that has been brought to our attention in the last day is the potential need for clarification as to the timing requirements with respect to section 4 of the bill. We would be happy to work with law enforcement groups to clarify this provision, if necessary, as the bill proceeds to the floor.

I urge my colleagues to support H.R. 2228.

And I am now pleased to recognize the ranking member, the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Chairman Goodlatte.

Members of the committee, I am proud to cosponsor H.R. 2228, the Law Enforcement Mental Health and Wellness Act of 2017. This bill would provide support for law enforcement agencies to protect the mental health and well-being of law enforcement officers.

At the outset, we must recognize that law enforcement officers have a special role in our communities, with exceptional

responsibilities to serve and protect. In the performance of these duties, they see, encounter, and experience events that the rest of us would run from, but they do not.

Law enforcement officers respond to horrendous situations that are both dangerous and stressful and oftentimes life-threatening as they find themselves in harm's way while protecting the communities they serve. For example, some recent tragedies which law enforcement officers have responded to include in June 2016 when 49 people were killed and 53 others wounded by a gunman at the Pulse nightclub in Orlando, Florida; 1 month later when a gunman killed 5 officers and wounded another 9 officers, along with 2 civilians, in Dallas, Texas; and just this month when a gunman in Las Vegas killed 58 innocent citizens and injured nearly 500 others. And, of course, law enforcement officers must respond to the calls related to violence of many kinds in our community every day.

In many cases, these traumatic situations remain with officers long after the threats are reduced and the communities they serve have gained a renewed sense of safety. However, members of law enforcement are left to face the continued trauma from their daily work, which can be difficult to process and impossible to forget.

That is why this bill is necessary. H.R. 2228 seeks to help create and improve mental health and wellness services for law enforcement officers. The bill provides support for law enforcement agencies by requiring reports on mental health practices and services that can be adopted by law enforcement agencies and establishes peer

mentoring mental health and wellness pilot programs within law enforcement agencies.

H.R. 2228 would also provide support for mental health programs by developing educational resources for mental health providers and regarding the culture of law enforcement agencies and therapies for mental health issues common to law enforcement.

This measure would also provide support for law enforcement officers by reviewing existing crisis hotlines, recommending improvements regarding these crisis hotlines, and researching the effectiveness of annual mental health checks for law enforcement officers.

With this legislation, we in Congress can help provide for and protect the mental health, safety, and wellness of all law enforcement officers as they unselfishly protect each of us daily. For these reasons, I support the bill, and I ask that my colleagues join me in doing so today.

Mr. Chairman, I yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentleman.

I would now like to recognize the chairman of the Subcommittee on Crime, Terrorism, Homeland Security -- who is not present, so we will put his statement in the record.

[The statement of Mr. Gowdy follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Collins. Mr. Chairman?

Chairman Goodlatte. And I --

Mr. Collins. Mr. Chairman?

Chairman Goodlatte. -- now am happy to yield to the gentlewoman from Texas, Ms. Jackson Lee, for her opening statement.

I will come back to you.

Ms. Jackson Lee is recognized for 5 minutes.

Ms. Jackson Lee. I thank the chairman.

And I ask for support of this legislation.

I think I have seen law enforcement in many different roles, and certainly I have listened to the statements of the chairman and the ranking member. But having recently experienced the most catastrophic natural disaster on the continental United States, sitting in the command site on Saturday night when the National Weather Service indicated that we would get the enormity of rain that we had never experienced overnight, rising the next morning and seeing my city turned into an ocean, it was at that time that selfless law enforcement officers left their homes, without regard for their own concern, to try to rescue frightened and threatened Houstonians and those in Harris County.

I have seen police officers cry. In the instance of the first officer that we lost, I pay tribute to Sergeant Steve Perez, a 34-year veteran who was cited as being a sweet, sweet man, who left his home and drove the Hardy Toll Road and drowned. Police officers went down over and over again and could not find him for a period of time, but

ultimately found his car, and he had perished. The words that he had was that "I had to get to work." But, in fact, the overwhelming impact on his family and his family of law enforcement evidences the importance of shoring up the mental health concerns and needs of our first responders.

This bipartisan measure is what the Houston Police Department needs, what other police departments will need or have needed, what the law enforcement in Las Vegas or the Pulse nightclub or Charleston, South Carolina, to protect the mental health and well-being of law enforcement officers.

This is an important initiative, because law enforcement officers often take on extremely high-risk calls that can create dangerous, stressful, and life-altering circumstances. We look to them to protect us, and, as such, we must in return ensure that they are of sound mind and body when dealing with the public. It is important to take note that this helps them operate effectively and engage the communities that they serve.

Officer Sergeant Perez did not hesitate to leave his home and to go into danger. He left behind a family, but he also left behind mourning law enforcement that had to continue their work into the days after, rescuing people, using every means of equipment they could.

Chief Acevedo of my district in Houston said, "We shouldn't wait to act only when an officer begins calling in sick. We need to address it ahead of time." And I agree with him. We should not wait, as doing so becomes an issue of public safety when we place a gun in the hands

of the officer who may have mental health issues and impact himself or, effectively, police and the communities.

I think it is important to note that officers will welcome this quiet and unindicting treatment.

The chief mentioned in a Tribune symposium on mental health care for officers that mental health screening is provided to officers at the time of being hired and never again. We should not do that. We should have ongoing help. And in times of tragedy, when so many have to confront -- just think of those officers who had to come upon the scene in Sandy Hook, who had to go into the Pulse nightclub; when we saw the video in Las Vegas, how we saw officers going into the gunfire and then getting people by the dozens into trucks and cars, imagine the response on their own persons and what their family would be feeling.

In several instances, we have found that the issues that they confront are mental health issues. And so I believe this legislation, which will intervene, which will be an intervention, is an important step.

And I ask my colleagues to reflect upon how this will impact and improve police-community relations, but how it will impact on the lives of officers, who many times, as this sergeant, Steve Perez, spent 34 years as a police officer, and, therefore, we know, the time spent, the help may be needed to him during his service, but, more importantly, as his fellow brothers and sisters mourn his death.

So I ask my colleagues to support H.R. 2228, the Law Enforcement

Mental Health and Wellness Act of 2017.

I yield back.

Chairman Goodlatte. For what purpose does the gentleman from Georgia seek recognition?

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

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Collins. Thank you, Mr. Chairman.

I just want to say briefly I am proud to be an original cosponsor on H.R. 2228. And, you know, there are a lot of things in life that we have that we all fall back on and there are many titles that we all carry -- for me, being a husband to Lisa, being a father to my three children, to being a chaplain in the Air Force who has served in Iraq and counseled servicemembers over the years. But one of the ones that has affected me the most and has shaped me to be really a lot of who I am today comes from the title of being son to a Georgia State trooper.

My dad served for 31 years and retired a number of years ago, but during my growing-up years -- I have shared some stories before -- I was the kid whose dad would pick him up in the patrol car and put him in the backseat because he thought it was funny. Nobody else did. But you get used to those kind of things.

Law enforcement officers of all stripes are unique and precious individuals. They are not perfect. Not everyone does always right. Not everyone does it wrong. They get a lot of credit and sometimes too much blame. But, at the end of the day, what is affected is how their job does affect them. My father coached me in sports. My father



mentored me. He is still to this day my biggest fan, next to my wife.

But the things that I did see growing up is why this bill means something to me. I could tell when dad had went to work, would come home, and he would be quiet. I remember one time, in particular, he was quiet. He wasn't sort of himself. And a couple days later, I come to find out that he was the first on a wreck that had killed three children. For him, it was very real because he had two boys at home, and the boys that were killed in the wreck were a very similar age.

The stress that is involved in being a law enforcement officer, when you are there to fix the rights and the wrongs that everybody thinks you are supposed to fix and have ultimate decisionmaking power in a split second, can weigh on you.

And for many years, it was not cool or proper for a law enforcement officer to admit that the job was stressful. Fortunately, my dad and others could talk to each other, and they told war stories over coffee, they did all the other things. This, though, I think, provides a way that we can sort of formalize and make sure that these who we trust with our very safety are being helped, in their own ways, that they can make right decisions.

So, as we go forward in this bill, this bill -- many times, we just vote on H.R. numbers, and we talk about them in terms of what the policy is. But for this one, for me and for the members of this committee and I hope for the House and the Senate and eventually the President to sign, this one is very personal, because I have seen the results of the good and the bad of the effects of working every day

in law enforcement. And there would be nothing that I want to see more than for those who need help to get help, for those who are under the stress to have stress, and for those who do that job every day, to simply say thanks for what you do, but also, as a son of a trooper, to remember the families that are affected by this. We often just think of the law enforcement member, but when that law enforcement member is operating at peak performance, his family or her family is operating at peak performance, and I think that is something we often forget.

And, from that perspective, that is why I was proud to be cosponsor on this bill. Anything that is concerning can be worked out, will be worked out, as this bill moves forward. And I am looking forward to supporting this as it moves ahead.

And, with that, Mr. Chairman, I yield back.

Chairman Goodlatte. Are there any amendments to H.R. 2228?

Mr. Swalwell. Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The gentleman from California is seeking recognition.

Mr. Swalwell. Thank you, Mr. Chairman.

My amendment --

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to H.R. 2228 offered by Mr. Swalwell of California. Add at the end the following --

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Mr. Swalwell follows:]

\*\*\*\*\* INSERT 1-2 \*\*\*\*\*

Chairman Goodlatte. And the gentleman is recognized for 5 minutes on his amendment.

Mr. Swalwell. Thank you, Mr. Chairman.

My amendment would direct the Attorney General to, in addition to this study on the mental health issues of police officers, particularly focus on mental health issues caused by gun violence.

And, Mr. Chairman, I appreciate the bipartisan effort to bring this issue forward, but I think it would be incomplete if we did not acknowledge that we have a gun violence problem in America.

Gun violence affects those in the path of the bullets, the families of the deceased, and the wounded who live on, whose lives are changed forever. But when we have over 30,000 gun violence deaths each year and thousands more shootings where people are wounded and even thousands more cases where a police officer takes a gun off a person or finds a gun in someone's possession, we can't ignore the effects that gun violence have on the lives and the psyche of our police officers -- those who walk the beat, those who respond to shootings, and those who are the first to attend to victims.

We heard just recently those stories of heroism in Las Vegas, the police officers who responded blindly into a building where they didn't know where the shots were coming from. In the Bay Area, we had a number of victims who were lost, and one of them was an off-duty police officer's wife, where the police officer told his wife, while he was attending the concert, when he heard the shots ring out, to start running, because he wanted to attend to the victims who he had seen

before him who had already been shot. That is just instinctual when you are a police officer. His wife ran, and, sadly, she was killed while her husband stayed back to help more people.

They see so much on duty and often when they are called to act off duty. I have seen this personally, as the son of a police officer and the brother of two police officers, and also as a prosecutor who worked for 7 years and interviewed hundreds of police officers, asking them to describe what they saw and what they did. And it was so easy to just forget that these people are seeing something and experiencing something that almost all of us will never encounter in our lives.

And our police officers, they are so modest, and they are so tough, and they don't really want to acknowledge "I have experienced the effects" that this has had on them, because they don't want any of us to question whether they are able to do their jobs if they are called again.

But we must serve them as well as they have served us. And the effects that gun violence have on police officers have already been described in earlier readings of the bills. It is the stress, it is the trauma. But I think there is one that is not talked about enough, and it is how police officers react to the threats every day as they must make split-second decisions about what they should do as they encounter a suspect.

We can't ignore how a police officer, as they approach a suspect, views a situation, knowing that they have probably seen shootings in the past, that they have taken guns off suspects in the past, and they

know how many guns are out on the street.

There is no question, Mr. Chairman, that many of the police shootings we have seen in our country were motivated by inherent biases that we must address, but I also have seen, from talking to my family members, from talking to police officers, that when you show up to a tough situation on the street, of course it is in the back of your mind that the suspect may have a weapon on them. And then you are called in a very short moment of time to decide whether you draw your weapon and eliminate the threat to your life and the life of others or whether you try and deescalate in other manners. And I believe that a lot of this decisionmaking is around the knowledge that there are so many firearms on the streets and the experience of responding to so many gun violence deaths.

So I hope that we can include in this bill specifically the effects that gun violence have had on our police officers so that we can better understand and better address this issue.

I yield back.

Chairman Goodlatte. The chair recognizes himself.

First of all, I want to thank the gentleman from California. I think we can all agree that shootings and gun violence can have serious effects on officer mental health. And, indeed, that is one of the main reasons we seek further research in this bill.

If the gentleman would agree to withdraw this amendment, I think we could avoid a problem not just here in the committee but with some of the law enforcement organizations, as well, who don't want another

study, another report, but we can work together to include in the report language for this bill language that will highlight the gentleman's concerns. And we are happy to work with you on the specificity of that, as well.

Mr. Swalwell. If the chairman would yield.

Chairman Goodlatte. I would be happy to yield.

Mr. Swalwell. Thank you, Mr. Chairman, for your offer to work with me. And I would accept that and withdraw if the chairman can assure me that the report language would include gun violence and also apply not only to Federal law enforcement officers but to law enforcement across the country.

Chairman Goodlatte. Yeah, I would be happy to assure the gentleman that the reports and the research shall include the effects of gun violence on officer mental health and illness.

Mr. Swalwell. Thank you. And I will withdraw my amendment.

Chairman Goodlatte. The chair thanks the gentleman.

The amendment is withdrawn.

For what purpose does the gentleman from Florida seek recognition?

Mr. Gaetz. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to H.R. 2228 offered by Mr. Gaetz of Florida. Page 2, line 3 --

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Mr. Gaetz follows:]

\*\*\*\*\* INSERT 1-3 \*\*\*\*\*



Chairman Goodlatte. And the gentleman is recognized for 5 minutes on his amendment.

Mr. Gaetz. I thank the chairman.

And this amendment is offered in pursuit of commonsense, bipartisan cannabis reform.

And I would like to thank Chairman Goodlatte for, in July, making the commitment that we would advance legislation in this Congress, through this committee, that would liberalize the process to allow for more research into the impacts of medical cannabis on Americans who are able to legally use it within their respective States.

And I would also like to report that, just yesterday, Chairman Goodlatte reaffirmed that commitment with great sincerity, and I appreciate his effort and his willingness to work with me on the issue.

This legislation requires the Department of Justice to work with the Department of Veterans Affairs and the Department of Defense to develop a report on various impacts regarding mental health that could be used for the benefit of those in law enforcement. My amendment would insert within that report a determination as to whether or not there is evidence that medical cannabis can actually yield better mental health care outcomes.

Now, why do we need the amendment? Could we just remain silent on it and assume that impacts of medical cannabis would be included? Unfortunately, there has been strong resistance and a functional gag rule at the VA regarding medical cannabis and its effects.

As recently as June 9th, 2017, the Arizona Republic reported a

statement from a VA public affairs officer who said, "We are not permitted to prescribe, promote, or even discuss the use of medical marijuana with our veterans."

And, Mr. Chairman, I seek unanimous consent to insert this periodical into the record.

Chairman Goodlatte. Without objection, it will be made part of the record.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Gaetz. In addition to this gag rule, we have seen a Department of Justice that has been totally nonresponsive to requests from my office and other Members of Congress regarding why the Department of Justice is getting in the way of medical cannabis research.

As a matter of fact, I sent a letter on August 23rd citing a Washington Post article from August 15th which concluded that the Department of Justice has prevented the DEA from moving forward in its permitting process for medical marijuana research.

Though this letter has not been responded to, Mr. Chairman, I seek unanimous consent to insert it into the record.

Chairman Goodlatte. Without objection.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Gaetz. Moreover, the American Legion has indicated that it would be very helpful to them and to their members if we didn't have the processes in place at the VA that supported this gag rule and that impaired our ability to do research.

Mr. Chairman, I seek unanimous consent to insert support from the American Legion into the record through this letter.

Chairman Goodlatte. Without objection, it will be made a part of the record.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Gaetz. Thank you, Mr. Chairman.

Mr. Nadler. Mr. Chairman?

Mr. Gaetz. Now, if we are able to adopt this amendment, I think there is substantial evidence that indicates that there is a case to be made for the medical efficacy of cannabis in the treatment of mental health and particularly PTSD.

I would specifically cite a study from Israel in 2014 -- and, by the way, these studies have to occur in Israel and overseas because we have an idiotic, indefensible policy in this country where we list cannabis as a Schedule I drug. But this Israel study indicates that -- and I quote now -- "research on the efficacy of cannabis for the treatment of PTSD is still in its infancy. However, preliminary results are promising. Oral THC and synthetic cannabinoids have demonstrated effectiveness for improving sleep duration, quality, reducing nightmares and daytime flashbacks among treatment-resistant patients."

That study goes on to indicate that this oral THC, not smoked, reduces symptom severity, reduces nightmares, and reduces symptoms of hyperarousal in PTSD patients.

Mr. Chairman, I seek unanimous consent to insert this study and the related documentation into the record.

Chairman Goodlatte. Without objection, it will be made a part of the record.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Gaetz. The final reason that I think that this amendment would be very important to adopt and expressly allow is because it would provide some comfort to universities who are interested in engaging in this research and being helpful to those in our military community, in our veteran community, and in our law enforcement community.

I have a March 17th, 2014, letter from the University of Florida, from their president at the time he transmitted this to me, and it is a legal opinion that the University of Florida obtained, saying even though they wanted to go do this research, even though they wanted to use it to help people in law enforcement, veterans and others who are impacted by these ailments, that the current policies of the Federal Government would impair over \$100 million in research grants for the University of Florida, and so the inaction and silence of Congress is leading to a process where the brightest, most clinically adept researchers in the world are not able to do this research.

And, Mr. Chairman, I would seek unanimous consent to insert this letter into the record.

Chairman Goodlatte. Without objection, it will be made a part of the record.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Gaetz. I appreciate the chairman's indulgence of the amendment. I believe the adoption of this amendment would ensure that we get simply a full picture of the research as we are making decisions that can help our law enforcement officials, our veterans, and Active Duty servicemembers.

And I yield back.

Chairman Goodlatte. Would the gentleman yield?

Mr. Gaetz. Yes.

Chairman Goodlatte. I thank the gentleman for yielding.

I, as the gentleman well knows, have indicated publicly in this committee on more than one occasion that I believe that the committee should take steps to enable the research into the benefits that research might uncover for the chemicals that are contained in cannabis.

And the gentleman also knows that we are working, we are working with his staff, working with him, to accomplish that. In fact, I believe there is legislation that has reached the drafting stage right now.

I would encourage the gentleman to withdraw this amendment and focus on that, with my assurance that we will continue to make every effort to find the support in this committee to bring that forward, and not put it into this legislation dealing specifically with law enforcement officers.

Because I think providing for the suggestion that cannabis would be a solution here is kind of getting ahead of what you are hoping to accomplish with your research legislation, especially when you



consider that law enforcement officers, State by State, are required to enforce different kinds of laws, including laws related to cannabis.

So it would be my hope that the gentleman would keep that issue out of this particular legislation to help law enforcement officers -- I believe the law enforcement organizations that support this legislation have the same perspective on this -- and then take the assurance of myself and many other members of this committee who want to work with you on your goal.

Mr. Nadler. Mr. Chairman?

Chairman Goodlatte. I would be happy to yield to the gentleman from --

Mr. Nadler. Thank you.

Let me begin by commending the gentleman from Florida for this amendment. It is very well-intentioned. And, obviously, I think that the medical benefits of marijuana, of cannabis, in many different situations has been well-established, and having a research bar is absurd.

My question about this amendment, though, is to mandate the Department of Justice to do this study. Given the complete prejudice against medical marijuana by the current Attorney General, it might just get a hatchet job of a negative research report and not an honest research report.

So I would certainly like to see some legislation that perhaps would say "the Department of Justice, combined with the National Institutes of Health," or something, but some measure to give us some

reason to believe we would get an honest research, would make sense.

Chairman Goodlatte. I would be happy to yield to the gentleman from Florida.

Mr. Gaetz. I thank the gentleman for yielding.

And if it is permissible, I would like to take the chairman's suggestion under advisement as I hear from other members of the committee who may want to speak on the issue.

As to the gentleman from New York's statement, my belief is that the Federal Government has lied to the American people for a generation about cannabis. And even research that is precooked, even research that is predetermined, entered into the public square, I think will elevate the level of debate --

Mr. Nadler. Would the gentleman yield?

Mr. Gaetz. I will.

Mr. Nadler. Yeah, I agree with you. I agree with you totally. The Federal Government has lied for more than a generation. But I think -- and the goal of your amendment is excellent, and I certainly agree with it. But I think we should carefully craft it so as to minimize the odds that we get a negative hit job instead of an honest research report.

RPTR FORADORI

EDTR HOFSTAD

[11:20 a.m.]

Mr. Gaetz. Mr. Chairman, I fear my time has more than expired.  
I --

Chairman Goodlatte. It is my time. I am happy to yield to the gentleman from Florida, Mr. Rutherford.

Mr. Rutherford. Thank you for yielding, Mr. Chairman.

As Congressman Gaetz knows, I supported, as did the Florida Sheriffs Association supported, Charlotte's Web and cannabis for treatment under certain conditions within the State of Florida. And we were all very supportive of that, having seen the efficacy of some treatment from cannabis extractions.

But I do believe, as the gentleman from New York said, in this study, I think that adds some complexities that we really don't need in this bill. But I would like to see the other legislation that you are looking at.

And I yield back.

Chairman Goodlatte. Mrs. Handel is recognized.

Mrs. Handel. Thank you, Mr. Chairman. I move to strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Mrs. Handel. I appreciate my colleague from Florida's

amendment. I, too, feel that it is not appropriate for this particular bill. And you have cited any number of studies showing the benefits of cannabis oil. On the other side of it, there are also numerous studies that contradict it.

So I generally believe in the best interests of parents, veterans, those who are suffering from PTSD, autistic children, those with seizure disorders, and others experiencing pain relief and progress from cannabis oil, that we owe it to these families and these individuals to be thorough and deliberate and diligent and move forward in a more coordinated way, which I think, candidly, I would like to see us do that and have the courtesy and the opportunity to review a bill on this versus just getting an amendment dropped in.

I have indicated that I would be very happy to work with you on it for something that is a specific statutory language, because I think this is an important issue. It is going to impact a lot of people. And we should address it in the most meticulous, thorough manner, because I believe that families out there are counting on us to do that.

And so I hope that the gentleman from Florida will withdraw so that we can work together, and I pledge my support to working with you.

With that, Mr. Chairman, I yield back.

Chairman Goodlatte. Does the gentleman from Rhode Island seek recognition.

Mr. Cicilline. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Cicilline. Thank you, Mr. Chairman.

I want to begin by applauding Mr. Gaetz for the introduction of this amendment and for his very long, despite his young age, advocacy for raising this issue and for not only introducing legislation but raising it regularly in our deliberations.

And I would just suggest, in response to the gentleman from New York's concern, sometimes opportunities present themselves, and I think Mr. Gaetz has a right to seize it. I think the one thing that I would say that would mitigate some concerns about the Attorney General's view on this is that the section requires the Attorney General to consult with the Secretary of Defense and the Secretary of Veterans Affairs, which, as we know, is a very -- the Veterans Affairs and Veterans Administration is a comprehensive healthcare organization with medical personnel and research capabilities.

And I think that that, coupled with the fact that this surrounds veterans, would hopefully raise the expectation that this report be done in a way which honors the service of our veterans in a respectful and accurate way. And I think, obviously, there will be people who would attack the report, depending on what it says. But I think that this is an opportunity to begin this national dialogue. And if Mr. Gaetz proceeds with the amendment, I am prepared to support it.

And I yield back.

Mr. Raskin. Mr. Chairman?

Chairman Goodlatte. The gentleman from Maryland.

Mr. Raskin. Mr. Chairman, thank you very much. I move to strike the last word. I just want to speak on the amendment for a moment.

Chairman Goodlatte. Recognized for 5 minutes.

Mr. Raskin. I rise in very strong favor of the amendment offered by the distinguished gentleman from Florida.

I had the honor of working in the Maryland State Senate as the floor leader for our medical marijuana plan, which ended up winning, I think, with near-unanimous support and had the support in public opinion polls of upwards of 85 or 90 percent of the people.

We heard very convincing testimony about how medical cannabis aids people experiencing a variety of ailments, both medical and mental health -- anything from leukemia and cancer to multiple sclerosis, cystic fibrosis, depression, post-traumatic stress syndrome, and so on. And the accumulating evidence is quite overwhelming.

I am sensitive to the concerns raised by our colleague, Mr. Nadler from New York, about how it is quite possible that there could be a report that is fixed and gerrymandered against a proper assessment of the medical testimony and evidence that is out there.

However, I think that this legislation is important, and I think we have to hope that the Department of Justice would act in good faith in terms of collecting the real evidence that is out there. And if not, we will have to find another vehicle upon which to ride so that this --

Chairman Goodlatte. Would the gentleman yield?

Mr. Raskin. Yes.

Chairman Goodlatte. There is another vehicle that is being drafted right now, and I would urge you to focus on that, because that

will dedicate itself entirely to the objective the gentleman wants, rather than mixing it in with some other things that are completely unrelated to that and, I think, jeopardize this legislation.

And so I think it is better that we stick with the language that has been carefully drafted here, that has been agreed upon by a number of law enforcement organizations that want research done in this area and stick with that, and then follow through on the commitment that the committee has made and I certainly have made to the gentleman -- not just the gentleman from Florida but others on this committee, that we address this issue separately.

Mr. Raskin. Mr. Chairman, of course, you know, I would defer to your expertise on it. I don't know what legislation you are referring to that is currently in motion. Is it before our committee?

Chairman Goodlatte. Legislation -- yeah. Well, legislation that the gentleman from Florida has been working on pretty much since he arrived here that would change the laws regarding the access to cannabis for research purposes that I think could be very enlightening in terms of what chemicals in cannabis might be suitable for various types of medical treatments and what might not be.

Mr. Raskin. Well, Mr. Chairman, I am delighted to hear that. And I will defer, then, to the gentleman from Florida, who has the best sense of the whole legislative terrain here.

I would just love to see some opportunity for us to advance this cause and to vindicate the public's tremendous passion and interest in this subject and making sure that the Congress does get the

opportunity to take the side of those who are promoting medical cannabis.

So I will yield to the gentleman from Florida.

Mr. Gaetz. I thank the gentleman for yielding.

And simply to address the question about whether or not this is an appropriate vehicle, here is why this is so important in this bill. If we do not expressly list medical cannabis as something that has to be included in the report, it expressly will not be included in the report because of the gag rule that exists at the VA.

And so it is not as if we can simply do another bill and achieve the objective here for law enforcement. If we do not put my amendment in this bill, law enforcement will be left out of the potential research that could occur that could be helpful to people, because of these indefensible policies that exist in the Federal Government to not even talk about research impacts.

And I yield back.

Mr. Raskin. Well, then I would be inclined to support this amendment without any prejudice to other legislation that --

Mr. Nadler. Would the gentleman yield?

Mr. Raskin. Yes, by all means.

Mr. Nadler. I just wanted to say that, based on the arguments from Mr. Cicilline and Mr. Raskin and the gentleman from Florida, I am going to support the amendment.

Mr. Raskin. Thank you very much.

And, Mr. Chairman, I will yield back to you.



Chairman Goodlatte. For what purpose does the gentleman from Tennessee seek recognition?

Mr. Cohen. Primarily to praise the gentleman from Florida for his good amendment --

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Cohen. Shouldn't I get 10 minutes for that? I mean, he is on your side.

This is a very worthwhile amendment. It helps law enforcement, and it helps science. And he brought several outstanding articles to be entered in the record, and I commend him for his research and his diligence and his approach.

I would like to ask the chair, if he would yield, the bill that you have talked about possibly introducing, who would it direct doing a study on medical marijuana?

Chairman Goodlatte. It would make it possible for people all over this country, primarily researchers at universities, I would suspect, and medical facilities, to be able to do research using cannabis to determine whether there are drugs that would be derived from that product that has been very difficult to do research on now --

Mr. Cohen. So it would lift the ban. It wouldn't necessarily tell Justice or DEA or somebody to do a study.

Chairman Goodlatte. No. No. I agree with the criticism of various governmental organizations. They are not the place where this research should be done.

Mr. Cohen. I appreciate that. Thank you, sir.

Chairman Goodlatte. They need to be instructed to get out of the way of the research.

Mr. Issa. Would the gentleman yield some of his 10 minutes?

Mr. Cohen. Yes.

Mr. Issa. Mr. Chairman, do we have a timeline for that other bill? Because I think it could move this debate fairly quickly if we could have a commitment to a timeline.

Chairman Goodlatte. Would the gentleman repeat his question?

Mr. Issa. I was wondering if there was a timeline for the other bill that would help everyone realize how soon that could be.

Chairman Goodlatte. I think it could be very soon. The gentleman is in the process of drafting that legislation in consultation with the committee staff right now, and I am happy to move it when it is ready and we have bipartisan consensus.

I can just say that, with regard to this bill, the law enforcement organizations that have been promoting this legislation are all represented here in the committee hearing room today, and they are all adamantly opposed to this because they are worried that we are mixing two very important issues together in a way that could jeopardize their bill.

So that is why I encouraged the gentleman from Florida to withdraw this amendment and work on the legislation, as we have previously committed to.

Mr. Issa. Thank you, Mr. Chairman. And I certainly would look forward for voting for that bill if we can move it in a timely fashion,

and I think it would be helpful.

Thank you for yielding.

Mr. Cohen. Thank you.

You know, I understand and I appreciate the chairman, because I remember when he made that suggestion that he would work with us, I think it was last summer -- this summer, which was also last summer. But last summer does sound better -- or worse. But we are coming along, and hopefully it won't fall to deliberations in time and inaction. But it is necessary, and it has been generations and generations and generations, from Harry Anslinger.

We have lots of veterans we work with in our office, and so many of them tell me that it helps them with PTSD. It helps with other illnesses as well. In fact, tomorrow, Whoopi Goldberg is going to be on the Hill and talking about positive benefits for women, in particular, on different problems they have.

There is no reason that science shouldn't come up with all kind of ways that man can avoid illness and/or pain. And if we can avoid pain and illness with other human beings, we are doing the right thing. And there is very little we can do that is more important than that.

And so I commend the gentleman, and I will follow his lead. And I appreciate the chairman's bill, and I hope that comes out soon, and I look forward to supporting it as well.

And I yield back the balance of my time.

Chairman Goodlatte. For what purpose does the gentleman from Florida -- who I yielded to earlier, so I have not recognized him

separately -- for what purpose does he seek recognition?

Mr. Rutherford. Thank you, Mr. Chairman. I would like to speak against the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Rutherford. Thank you.

I want to make a commitment, as well, to my good friend from Florida to work with you on this other piece of legislation, as we have worked together on many other pieces of State legislation, including Charlotte's Web. Because I have to admit, I was a naysayer going into that, back before Florida passed that, but as I researched, as I was made aware of different circumstances with patients and their cures, as we saw, I was very supportive of that as the legislative chairman for the Florida sheriffs. And we were able to get that passed through a Republican-controlled House and Senate.

So I want to assure you, I think that the legislation that you are looking at is incredibly important because it puts that study in the universities and the medical facilities, where it belongs. I can tell you, as a former sheriff -- and I don't want to speak for all sheriffs or all police chiefs, but I can tell you, I would be a little leery of a pilot program that was going to bring cannabis treatment into my agency. And so I believe the better place for this would, in fact, be in the university system and in the medical community, not in our law enforcement agencies.

I yield back.

Mr. Gaetz. Would the gentleman --

Chairman Goodlatte. Would the gentleman yield?

The gentleman makes a good point. But, furthermore, this amendment doesn't accomplish any of that. All this amendment says is that they will do a study of whether this would be helpful. It doesn't create anything that would help them.

Mr. Rutherford. Right.

Mr. Gaetz. Would the gentleman yield?

Mr. Rutherford. Yes.

Mr. Gaetz. I thank the gentleman for yielding. And I would make the point that there is no effort here to bring cannabis into a law enforcement agency. The goal of this amendment is to ensure that law enforcement isn't left out, because, right now, this legislation rightly requires an appropriate study of that which could improve the mental health of law enforcement officials, a goal that is shared by every member of this committee and likely by every Member of Congress.

The concern is that, because there is this existing policy at the VA not to share that which is known, not to share the clinical results that come to people -- there is an individual named Leo Bridgewater who was deployed to Iraq three times. He was so worried about saying he had PTSD to get medical cannabis, he fabricated a knee injury in order to use that to get cannabis. But then, as a consequence, his nightmares satiated, he was able to put his family life back together. And this was not even with euphoric cannabis. This was with CBD oil that doesn't impair cognitive function but that can cause brain receptors that are hyperactive in people with PTSD.

I would hate to see us pursue better mental healthcare outcomes with some folks and then leave law enforcement behind in this bill because we weren't willing to take information from the VA, where there is this existing gag rule, and apply that science.

All of that said, I greatly appreciate my colleagues who have weighed in on this subject. I do believe it would be improper to leave law enforcement behind.

In July, there was a mental health/substance abuse piece of legislation that my cannabis amendment was germane to. I was assured that, with great haste, the committee would work with me on developing an alternative to that. We sit here today not having had that work product developed. I have not received any work product from the Judiciary Committee regarding potential legislative drafts.

In fact, the only work product that I can assume everyone is referencing is H.R. 2020, which I have introduced to remove cannabis from the list of Schedule I drugs. So I am very grateful that that has such consensus, and I look forward to it being brought up.

This will now be the second time in this Congress that I will have withdrawn a germane amendment to a bill that could help people merely by introducing science into the debate. And I don't even prejudge the science. The science may say there are good outcomes; the science may say there are bad outcomes. I just think that our policy should follow the science and not this ridiculous, antiquated dogma perpetuated by lies through the Federal Government.

And so this will be the second time that I withdraw a similar

amendment. I don't know that there will be a third, if this committee brings up other legislation upon which there would be a germane amendment.

And, Mr. Chairman, with that, I would like to withdraw my amendment.

Chairman Goodlatte. The chair thanks the gentleman.

Are there further amendments to H.R. 2228?

A reporting quorum being present, the question is on the motion to report the bill, H.R. 2228, favorably to the House.

Those in favor, respond by saying aye.

Those opposed, no.

The ayes have it. The bill is ordered reported favorably.

Members will have 2 days to submit views.

Pursuant to notice, I now call up H.R. 3996 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Adcock. H.R. 3996, to amend title 28, United States Code, to permit other courts to transfer certain cases to United States Tax Court.

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any time.

[The bill follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Chairman Goodlatte. And I will begin by recognizing myself for an opening statement.

A well-functioning court system requires the ability of all citizens to have the right to seek redress against government action in the proper venue. Congress has created specialized courts, such as United States Tax Court, to allow citizens to have their cases heard before a court with a focused knowledge of the underlying law.

In the case of America's Federal tax laws, no one would suggest that they are clear and easy to understand. Taxpayers routinely face challenges by the Internal Revenue Service for their tax filings. Some disputes are resolved by mail or in person, but some disputes cannot be easily resolved and eventually are heard before the tax court.

In most instances, taxpayers have the assistance of a tax lawyer, who represents the taxpayer in their dispute with the IRS. However, not every taxpayer wants or can afford a lawyer to represent them. This can lead to taxpayers making an error in where they file their case.

Sometimes these pro se litigants file their case with a Federal district court rather than the tax court where these cases belong. This not only leads to a delay in the hearing of the case, but, in many cases, it simply ends the ability of the taxpayer to ever have their day in court due to a loophole in the current venue transfer provision in the U.S. Code.

All Federal Article III courts are empowered to transfer misfiled cases to other Federal district courts and keep the original filing date. However, they do not have similar authority for tax court cases.



IRS actions typically require disputes to be filed with the tax court within 60 or 90 days. It often takes longer than that for a district court to recognize that the initial filing was made in the wrong court. The result is that taxpayers can lose the ability to have their day in court when the Federal district court is unable to transfer the case to the tax court in time.

The Protecting Access to the Courts for Taxpayers Act fixes this gap in Federal venue law and helps ensure that all American taxpayers can have their day in court against the IRS. I urge my colleagues to support this important legislation introduced by Representatives Issa and Nadler.

In the absence of the ranking member, I now recognize the gentleman from New York, Mr. Nadler, the ranking member of the Courts, Intellectual Property, and the Internet Subcommittee, for his opening statement.

Mr. Nadler. I thank you, Mr. Chairman.

Mr. Chairman, I rise in strong support of this bill, the Protecting Access to the Courts for Taxpayers Act. This bipartisan legislation would ensure that taxpayers who mistakenly file certain claims in the wrong venue can still have their day in court.

Under current law, when a court does not have jurisdiction over a case, it may transfer that case to a court that does have proper jurisdiction. However, because of a quirk in the law, the United States Tax Court is not authorized to have cases transferred to it, even when the tax court is the proper and, in many instances, the only

court with jurisdiction to hear the case. This legislation would close that gap in the law and would enable Federal courts to transfer cases directly to the tax court, where appropriate.

The need for this bill is not simply a matter of judicial efficiency; it is one of access to justice. The tax court was established to resolve disputes between taxpayers and the IRS, and many taxpayers choose to represent themselves in tax court proceedings. Unfortunately, this can lead to procedural errors like filing in the wrong court.

In most instances, by the time a taxpayer's claim is dismissed for lack of jurisdiction, the strict deadlines for filing in a tax court, generally 90 days or less, have long passed, and the taxpayer is barred from filing a claim altogether. By allowing these cases to be transferred directly to the tax court, however, the case will retain its original filing date, and the taxpayer will preserve his or her claim. H.R. 3996 makes a simple but important change that will protect the right of taxpayers to be heard in court.

I appreciate the tax court for bringing this issue to our attention and for helping to develop the legislation. I am pleased to join Mr. Issa, the chairman of our Subcommittee on Courts, Intellectual Property, and the Internet, in introducing this bill, and I thank Chairman Goodlatte for advancing it today. I urge my colleagues to support the bill.

And I yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentleman and now

recognizes the gentleman from California, Mr. Issa, for his opening statement.

Mr. Issa. Thank you, Mr. Chairman.

And, Mr. Chairman, you said it very well. This small technical change, on a bipartisan basis, protects the most frustrating thing that a taxpayer can find. It is one thing to find that our tax structure is confusing and difficult; it is another thing to find that our tax structure often makes it impossible to know what is right to pay.

But when you believe you are right, when your advisers believe you are right, but you were denied the ability, if you will, the day in court, because of a technical error, that is wrong.

So is this small? Yes. But it is not small to the many people who file in good faith in the wrong place, trying to protect their rights, who were denied their day in court.

So, Mr. Chairman, thank you for bringing this in a timely fashion.

And, Mr. Nadler, thank you once again for your help and friendship in getting this to the floor quickly.

And I yield back.

Chairman Goodlatte. Are there any amendments to H.R. 3996?

A reporting quorum being present, the question is on the motion to report the bill, H.R. 3996, favorably to the House.

Those in favor will respond by saying aye.

Those opposed, no.

The ayes have it, and the bill is order reported favorably.

Members will have 2 days to submit views.

This concludes our business for today. I want to thank all of the members for attending and for their vigorous participation in this discussion and these markups. And the markup is adjourned.

[Whereupon, at 11:45 a.m., the committee was adjourned.]