

1 NATIONAL CAPITOL CONTRACTING  
2 RPTS CATALA  
3 HJU129000

4 MARKUP OF H.R. 5682, H.R. 5698  
5 Wednesday, May 9, 2018  
6 House of Representatives,  
7 Committee on the Judiciary,  
8 Washington, D.C.

9       The committee met, pursuant to call, at 10:00 a.m., in  
10 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte  
11 [chairman of the committee] presiding.

12       Present: Goodlatte, Smith, Chabot, Issa, King, Gohmert,  
13 Jordan, Poe, Marino, Gowdy, Collins, DeSantis, Buck,  
14 Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs,  
15 Rutherford, Handel, Rothfus, Nadler, Lofgren, Jackson Lee,  
16 Cohen, Johnson of Georgia, Deutch, Richmond, Jeffries,  
17 Cicilline, Swalwell, Lieu, Raskin, Jayapal, Schneider, and  
18 Demings.

19       Staff Present: Shelley Husband, Staff Director; Brenden  
20 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian

21 and General Counsel; Bobby Parmiter, Chief Counsel,  
22 Subcommittee on Crime, Terrorism, Homeland Security and  
23 Investigations; Jason Cervenak, Counsel, Subcommittee on  
24 Crime, Terrorism, Homeland Security and Investigations; Meg  
25 Barr, Counsel, Subcommittee on Crime, Terrorism, Homeland  
26 Security and Investigations; Alley Adcock, Clerk; Joe  
27 Graupensperger, Minority Counsel; Jason Everett, Minority  
28 Counsel; Matthew Morgan, Minority Counsel; Monalisa Dugue,  
29 Minority Deputy Chief Counsel; Danielle Brown, Minority  
30 Parliamentarian and Chief Legislative Counsel; Keenan  
31 Keller, Minority Senior Counsel; Perry Apelbaum, Minority  
32 Counsel; Rachel Calanni, Minority Professional Staff Member;  
33 and John Doty, Minority Senior Advisor.

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

37 Pursuant to notice, I now call up H.R. 5698 for  
38 purposes of markup and move that the committee report the  
39 bill favorably to the House. The clerk will report the  
40 bill.

41 Ms. Adcock. H.R. 5698. To amend title 18 United  
42 States Code to punish criminal offenses targeting law  
43 enforcement officers and for other purposes.

44 [The bill follows:]

45 \*\*\*\*\* INSERT 1 \*\*\*\*\*

46 Chairman Goodlatte. Without objection, the bill is  
47 considered as read and open for amendment at any time. I  
48 will begin by recognizing myself for an opening statement.

49 Today we are considering the Protect and Serve Act, a  
50 bill that will allow Federal prosecution of those who seek  
51 to harm our Nation's law enforcement officers. The number  
52 of ambush style killings of law enforcement officers has  
53 increased significantly in recent years.

54 In 2016, according to data from the National Law  
55 Enforcement Officer's Memorial Fund, such killings had risen  
56 by 250 percent from the year before and were at their  
57 highest level in 10 years.

58 Only last month, two sheriff's deputies were  
59 senselessly murdered while they sat and ate lunch in  
60 Gainesville, Florida. Last week, a Chicago gang leader shot  
61 an ATF agent as the agent attempted to place a tracker on  
62 his car. These ambush shootings are particularly abhorrent  
63 acts. Our courageous men and women in law enforcement place  
64 their lives on the line each day to protect and serve. They  
65 now must worry about being targets due to their already  
66 stressful profession.

67 Furthermore, these attacks are a threat to public order  
68 and a challenge to the authority of the State. They  
69 fundamentally undermine a functional society. The bill will  
70 help deter these vicious attacks by permitting Federal

71 prosecution of anyone who knowingly causes serious bodily  
72 injury to a law enforcement officer, where the crime either  
73 affects interstate commerce or where the victim is a Federal  
74 law enforcement officer.

75         This bill adheres to principles of federalism by  
76 requiring that, in order to bring a Federal case under this  
77 statute, the Attorney General must certify that either: the  
78 State does not have jurisdiction, the State has requested  
79 the Federal Government assume jurisdiction, the results in a  
80 State prosecution left the Federal interest in public safety  
81 unvindicated, or a Federal prosecution is otherwise  
82 necessary to secure substantial justice.

83         I want to thank my distinguished colleagues, Sheriff  
84 Rutherford and Chief Demings, for introducing this bill. I  
85 also want to thank and recognize the brave men and women of  
86 law enforcement and their advocates, many of whom are with  
87 us in the hearing room today. Without objection, letters of  
88 support for H.R. 5698 from the Fraternal Order of Police,  
89 the National Association of Police Organizations, the  
90 National Sheriffs Association, and the Sergeant's Benevolent  
91 Association will be included in the record.

92         [The information follows:]

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

94 Chairman Goodlatte. Put simply, police officers are  
95 the thin blue line between a functional society and anarchy.  
96 We must ensure that when these officers are targeted based  
97 upon the uniform they wear and the job they do, the  
98 punishment is sufficient to deter any further attacks. I  
99 urge my colleagues to support this legislation. And it is  
100 now my pleasure to recognize the ranking member of the  
101 Judiciary Committee, the gentleman from New York, Mr.  
102 Nadler, for his opening statement.

103 [The prepared statement of Chairman Goodlatte follows:]

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

105 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman,  
106 the Protect and Serve Act, while rooted in laudable goals,  
107 will not strengthen protections for law enforcement officers  
108 and it fails to make meaningful reforms that would improve  
109 police community relations. Although I will not oppose the  
110 bill, I believe that its consideration today reflects a  
111 wasted opportunity.

112 This legislation would create a new offense under title  
113 18 of the U.S. Code for the crime of targeting law  
114 enforcement officers. Current law, however, both the  
115 Federal and State level, already makes this a crime. It is  
116 not clear why this bill is needed at all.

117 No member of this Committee questions the difficulty,  
118 danger, and stress associated with being a police officer.  
119 A white paper commissioned by the Ruderman Family Foundation  
120 reported that last year 129 police officers died in the line  
121 of duty, 46 from shootings, with an additional 140 reported  
122 officer suicides.

123 And since the start of 2018, at least 36 law  
124 enforcement officers across the United States have died  
125 while on duty, with 24 of the deaths caused by gunfire. Our  
126 hearts go out to the families of those officers who have  
127 lost their lives in the line of duty.

128 As a result of the risks inherent to policing, there is  
129 no profession more widely protected under Federal and State

130 law than working law enforcement. All 50 States have laws  
131 that enhance penalties for crimes against peace officers and  
132 in some instances, crimes against the broadly defined  
133 category of first responders.

134 In fact, Section 2 of the bill clearly acknowledges  
135 that States have primary jurisdiction for attacks on State  
136 and local police officers, which presents an open question  
137 for the sponsors of this bill as to whether the Department  
138 of Justice would ever exercise jurisdiction if this  
139 legislation were enacted.

140 I would note that my own State of New York has four  
141 separate criminal statutes addressing attacks on law  
142 enforcement officers. Moreover, Federal laws already impose  
143 a life sentence or even the death penalty on persons  
144 convicted of killing State and local law enforcement  
145 officers or other employees assisting with Federal  
146 investigations.

147 Simply put, the legislation under consideration today  
148 does not improve upon this existing legal framework. But I  
149 want to be clear about the respect that we have for the  
150 difficult work undertaken by our law enforcement  
151 professionals. While attacks on law enforcement officials  
152 are completely unacceptable, the existing legal framework  
153 for prosecuting those crimes is more than adequate at both  
154 the State and Federal levels. If it were not, I would be an

155 ardent supporter of this legislation.

156       In addition, we should consider the adverse  
157 consequences of taking such a one-sided approach to the  
158 issue of police practices. Rather than advancing a bill  
159 that amounts to an empty gesture on the eve of police week,  
160 the Committee should instead be focusing on real reform  
161 measures that will actually protect law enforcement  
162 officers, first responders, and their communities.

163       Over the years, well-documented unconstitutional  
164 policing practices in communities of color across the United  
165 States have eroded trust between these communities and the  
166 law enforcement officials sworn to protect them. The Civil  
167 Rights Division of the Justice Department currently has 19  
168 consent decrees with troubled police departments nationwide.  
169 Dating back to the mid-1990s, every region of the country  
170 has suffered some kind of high profile incident.

171       Last year alone, in 2017, almost 1,000 people were  
172 killed by police according to The Washington Post. Another  
173 media outlet estimates that there were more than 1,100  
174 police related fatalities last year, with people of color  
175 representing more than 50 percent of those unarmed during  
176 fatal encounters with police. Yet in the 2 years since the  
177 creation of the bipartisan Policing Strategies Working  
178 Group, this committee has advanced no police reform  
179 legislation.

180           Instead, we are asked today to consider H.R. 5698, a  
181 one-sided approach that presents the strong risk of creating  
182 a perception of bias against community-based policing  
183 concerns. The committee's interest would be better served  
184 by working to foster law enforcement reforms aimed at  
185 helping local jurisdictions meet their constitutional  
186 obligation of fair and unbiased policing.

187           I hope that soon we will bring the committee's balanced  
188 work of law enforcement accountability out into the open,  
189 with hearings and the introduction of legislation. We  
190 should care equally about harms binding against police  
191 officers and their impact on local communities. Thank you,  
192 Mr. Chairman. I yield back the balance of my time.

193           [The prepared statement of Mr. Nadler follows:]

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

195 Chairman Goodlatte. Thank you, Mr. Nadler. I would  
196 like to recognize the sponsor of the legislation, Mr.  
197 Rutherford of Florida, for his opening statement.

198 Mr. Rutherford. Thank you, Mr. Chairman. And I want  
199 to thank you for bringing up this important bill to stop  
200 these violent attacks on our law enforcement officers. As a  
201 career law enforcement officer and sheriff of Jacksonville  
202 for 12 years, I know what our officers go through every day  
203 when they put on their uniform, say goodbye to their  
204 families, and head out to do the important work of  
205 protecting our communities.

206 We have seen an uptick recently in violence against  
207 police officers, especially ambush-style attacks like we  
208 just saw in Florida last month when two deputies were shot  
209 while having lunch.

210 And I want to tell you, Mr. Chairman, this was  
211 proceeded within the last couple years by an event that I  
212 was horrified to see, which was a group of individuals  
213 marching down the streets of New York City, chanting openly,  
214 "What do we want? Dead cops! When do we want them? Now!"  
215 I never thought I would see such an act in America.

216 And then, just a few months after that, Mr. Chairman,  
217 the Dallas Police Department is protecting that exact same  
218 group as they are marching in Dallas, Texas, and five  
219 Dallas, Texas police officers are ambushed and murdered.

220 Just this year alone, 87 officers have been shot in the  
221 line of duty, of which 28 ultimately lost their lives. That  
222 is 75 percent higher than last year at this time, and it is  
223 nothing short of a tragedy. We need a serious response  
224 through these enhanced penalties to deter these horrendous  
225 acts upon our police officers.

226 And this is why I am proud to have introduced the Serve  
227 and Protect Act of 2018 with my colleague from Florida, a  
228 former law enforcement officer, Congresswoman Val Demings,  
229 who served the people of Orlando for almost 3 decades, Mr.  
230 Chairman, including as the chief of the Orlando Police  
231 Department.

232 To stop these attacks, our bill ensures that those who  
233 want to do harm will face the strongest penalties. It  
234 creates a Federal penalty for individuals who deliberately  
235 target not only Federal officers, but in some cases, State  
236 and local officers as well. And Congresswoman Demings and I  
237 have worked closely with the FOP on this bill and we have  
238 earned the support of the National Association of Police  
239 Organizations, the Sergeant's Benevolent Association, the  
240 Federal Law Enforcement Officers Association, and the Major  
241 County Sheriffs of America as well.

242 Targeting police officers and ambushing them while they  
243 sit in their cars or eat lunch cannot be tolerated. We must  
244 hold accountable those who seek to target and attack those

245 who dedicate their lives to keeping us safe. This dangerous  
246 trend of violent acts against our police must end. We as a  
247 committee have the opportunity to help protect officers who  
248 put their lives on the line, day in and day out, to protect  
249 us. And I ask my colleagues here today to support this bill  
250 and to support law enforcement across America. Thank you,  
251 Mr. Chairman. I yield back.

252 [The prepared statement of Mr. Rutherford follows:]

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

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

259 Ms. Jackson Lee. Thank you very much, Mr. Chairman.  
260 Let me first of all applaud the cosponsors of this  
261 legislation, Mr. Rutherford and certainly Ms. Demings. Mr.  
262 Rutherford is in the sheriff's department if I recall, and  
263 Ms. Demings in the police department, if I recall, as chief,  
264 among many other titles that you have had. Let me intrude  
265 to the extent that I have worked extensively with police  
266 officers dealing with my role as a municipal court judge and  
267 assisting on late night warrants and probable cause  
268 warrants, and recognize the dangers that our officers face.

269 I think it is important to take note of the fact that  
270 we are discussing a bill that, first of all, has as its  
271 premise many Federal and State criminal laws already in  
272 place that should be enforced dealing with the protection of  
273 officers. These laws have strong penalties and they also  
274 have been enhanced. Also, I think it is important to note  
275 that we want to protect against wide-spread attacks on  
276 police officers and in doing that, we want to have  
277 legislation that might be a pathway for bringing community  
278 and law enforcement together. Whether this bill does that

279 enough leads me to believe that we have more work to be  
280 done.

281         So, as we come upon police week and the tragedies of  
282 those who have fallen in battle, I would offer to my  
283 colleagues, and look forward to working with them on the  
284 question of tools that we give the police department. And  
285 that to the cosponsors, hope that we can engage as a ranking  
286 member of the Criminal Justice Committee, is to talk about  
287 the Law Enforcement Integrity Act which does several things.  
288 I think people misread it.

289         It provides money. It provides money to the 18,000  
290 police departments across America, and it gives them a  
291 structure of accreditation and resources to train their  
292 officers, both in concepts of escalation or de-escalation.  
293 And as well, to be able to give them dollars to help them  
294 become accredited. What that means is it gives them  
295 resources. You have not made the grade, then here is what  
296 you need to have to make the grade.

297         I think if we focus on training aspects, de-escalation,  
298 work in core professional development, but work in the  
299 societal needs that police officers have. And then, one of  
300 the points that was near and dear to me is a medal.  
301 Provision for a medal for the service of officers is  
302 included in that legislation.

303         So I make the argument that the Protect and Serve Act

304 certainly has a purpose that is valuable. I would also ask  
305 my State and local municipalities to ensure that they  
306 enforce the laws that protect our police and our community.  
307 And I would ask my colleagues to join me and Mr. Nadler and  
308 others and Mr. Goodlatte, who knows of this legislation, to  
309 move that legislation forward that deals with the various  
310 points of concern that I think police officers, the national  
311 sheriffs, the National Organization of Police Chiefs, have  
312 been over the years very supportive.

313         So, with that, let me ask, Mr. Chairman, to submit into  
314 the record a letter from a number of organizations, from  
315 ACLU to LDF to NASW policy link -- I am not reading them  
316 all. Ask unanimous consent to submit this into the record.  
317 Mr. Chairman? I ask unanimous consent to submit the letter  
318 into the record?

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

321         [The information follows:]

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

323 Ms. Jackson Lee. And to say that with the conclusion  
324 of my remarks, let me extend my hand of friendship and  
325 collaboration as we move forward and build on the tools that  
326 our law enforcement officers need, the community needs, and  
327 the infrastructure of civil liberties will be founded within  
328 that for both law enforcement and community. Thank you so  
329 very much and I yield back.

330 [The prepared statement of Ms. Jackson Lee follows:]

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

332 Chairman Goodlatte. Thank you, Ms. Jackson Lee. Are  
333 there any amendments to H.R. 5698?

334 Ms. Demings. Mr. Chairman?

335 Chairman Goodlatte. For what reason does the  
336 gentlewoman from Florida, seek recognition?

337 Ms. Demings. Move to strike the last word?

338 Chairman Goodlatte. The gentlewoman is recognized.

339 Ms. Demings. Thank you so much. Thank you, Mr.  
340 Chairman and Ranking Member Nadler and also our ranking  
341 member of our subcommittee. I am speaking in strong support  
342 as a cosponsor of H.R. 5698 Protect and Serve. As you know,  
343 I spent 27 years in law enforcement and had the honor of  
344 serving as the chief of police.

345 And while I love my prior profession and adore the men  
346 and women in blue who do a very tough job, I am keenly aware  
347 that we have seen several troubling incidents involving the  
348 use of force by some officers around the country. We know  
349 the overwhelming majority of police officers perform their  
350 duties admirably under the toughest of circumstances, but  
351 all do not and we have a duty to hold them accountable.

352 While I am new to this committee, I was pleased to  
353 learn of the Community Policing Strategies Working Group,  
354 but extremely disappointed that the committee chose to do  
355 absolutely nothing to address hiring guidelines, community  
356 policing strategies, training, and use of force standards.

357 Bringing uniformity to these areas, I believe, protects our  
358 officers and our citizens. I do support this legislation  
359 because I am concerned of the number of ambush-style  
360 shootings that we have seen this year. You have already  
361 heard that we have seen a 75 percent increase in officers  
362 killed by firearms.

363 I am particularly concerned about these shootings. As  
364 you already heard, last month two deputies were assassinated  
365 while they ate lunch. And how could we forget former Dallas  
366 Police Chief, David Brown, who said this? When his five  
367 officers were ambushed and murdered, he said, and I quote,  
368 "Are we asking cops to do too much in this country?

369 Every time society fails, we put it off on the cops to  
370 solve. Not enough mental health funding? Let the cops  
371 handle it. Got a loose dog problem? Let the cops chase it  
372 down. Schools fail? Let's give it to the cops. That is  
373 too much to ask. Policing was never meant to solve all of  
374 our problems."

375 We are, Mr. Chairman, law enforcement just the thin  
376 blue line. A handful of folks willing to do a very tough  
377 job. Without them, there would be continued lawlessness on  
378 our streets and we are a Nation of laws. We must continue  
379 to send a strong message that America has zero tolerance for  
380 the brutal murder of a police officer. While I support H.R.  
381 5698, I am hopeful that this committee will allow the

382 Community Policing Strategies Group to do its work and we  
383 look forward to continuing to work with our subcommittee. I  
384 urge my colleagues to support this legislation. Thank you  
385 and I yield back.

386 Chairman Goodlatte. The chair thanks the gentlewoman.  
387 For what purpose does the gentleman from Tennessee seek  
388 recognition?

389 Mr. Cohen. Thank you, sir. To strike the last word?

390 Chairman Goodlatte. The gentleman is recognized for 5  
391 minutes.

392 Mr. Cohen. Thank you, Mr. Chairman. I concur with the  
393 remarks of our ranking member and of Ms. Demings. I support  
394 this bill and I support it strongly, and I appreciate what  
395 law enforcement does. They are certainly an essential part  
396 of an ordered liberty and of a free and safe society.

397 But at the same time, there needs to be a look at  
398 situations to where a large percentage of our population  
399 feels that there is not an even-handedness and justice when  
400 it comes to law enforcement using deadly force in an  
401 improper and illegal fashion. And we have seen so many  
402 instances of that in the last few years where it has been  
403 videoed. And it is people of color, have been shot and  
404 killed when it was not appropriate, when they had not  
405 committed an offense that threatened the security of the  
406 officer or anybody else in the community.

407           There is a bill, Mr. Chairman, that we have. This is  
408 the Independent Review Act that I filed with Mr. Lacy Clay.  
409 It has training with law enforcement officers on the  
410 differences in our communities, sensitivity training, and  
411 also has an independent prosecutor portion of the bill to  
412 see that there is no appearance of unfair playing field.

413           When an officer is involved in deadly force that the DA  
414 would be from another jurisdiction, and see to it that there  
415 was fairness in everybody's minds. It has 99 cosponsors.  
416 It has been endorsed by the Chicago Tribune, a Republican  
417 newspaper, and the NAACP among others.

418           And Mr. Chairman, I would just ask you to take a look  
419 at the bill and schedule it for a hearing. It has been  
420 through two Congresses. It has not had a hearing and some  
421 of the people I suspect, Congressman Rutherford, who marched  
422 and said the things they said which I find despicable.

423           There was a reason though why they did that, and some  
424 of the reasons, because they do not believe justice is fair  
425 and equal and blind. And the Independent Review Act would  
426 help at least make them understand that there was an  
427 independent person determining if there was probable cause  
428 that a crime had been committed. So, at least we should  
429 have a hearing and I would ask the chair to look into it.

430           Chairman Goodlatte. Will the gentleman yield?

431           Mr. Cohen. Yes, sir.

432 Chairman Goodlatte. I thank the gentleman for yielding  
433 and I will definitely take a look at the bill, and I will  
434 get back to you about whether there are possible further  
435 steps forward.

436 Mr. Cohen. Thank you, sir. I appreciate it very much.

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

439 Mr. Richmond. I would move to strike the last word.

440 Chairman Goodlatte. The chair recognizes the gentleman  
441 for 5 minutes.

442 Mr. Richmond. Mr. Chairman, let me just clear part of  
443 the record, and I do not think it was intentional, but I  
444 want to make sure for our purpose it is correct. The people  
445 marching down Fifth Avenue chanting "death to cops" is a  
446 very accurate description.

447 But if you want to be very accurate, it was a few dozen  
448 out of 25,000 people out there protesting the Aragona  
449 incident and that was in 2014. The Dallas ambush of the  
450 police officers was in July of 2016. And those two were not  
451 connected. It was not the same groups. Any ambush of  
452 police officers, any injury to police officers who protect  
453 and serve our community, is despicable and I want justice  
454 for those families.

455 But I think one thing that we do not talk about in  
456 Congress. I am on Homeland Security and Judiciary, the two

457 committees with the jurisdiction. We have never had a  
458 hearing on Sovereign citizens that has killed more police  
459 officers than any other group, any other person, since we  
460 have been here. The Baton Rouge ambush that killed those  
461 officers was Sovereign Citizen. The St. John Parish ambush  
462 in Louisiana that killed two officers was Sovereign Citizen.  
463 But we will not look at domestic terrorism and Sovereign  
464 Citizens.

465 But nevertheless, the other part is this is one of  
466 those bills that people say, "Well, how could you ever vote  
467 against it?" I love police officers. I named a post office  
468 after one of my friends who was killed by a suspect that he  
469 was transporting to jail. But here is where it is hard for  
470 me.

471 In New Orleans, after Katrina, on the Danzinger Bridge,  
472 you had an unarmed mentally ill man and a teenager gunned  
473 down by police officers. Four other people were injured.  
474 Those officers were convicted. Later, the appeals court  
475 overturned their convictions, and then they pleaded guilty  
476 after extensive cover-up by the New Orleans Police  
477 Department, they pled guilty to those actions. And you know  
478 what they received? From 3 years to 12 years in jail for  
479 gunning down unarmed people.

480 Now, this bill says if you attempt to murder police  
481 officers and cause grave bodily harm, which could be vague.

482 I have seen instances where trying to escape, you crash into  
483 their car, they break a leg. Then there is the question  
484 about what is serious bodily harm. But in the climate that  
485 we are in in this country, I think that if we are not  
486 holding police to a very strict standard, then what we are  
487 doing here today only exacerbates the mistrust or distrust  
488 and disconnect between law enforcement in the communities  
489 they represent.

490 So, I am trying to reconcile in my mind how officers  
491 who gun down mentally ill, unarmed people on a bridge, spent  
492 years covering it up. The FBI came in and uncovered it all.  
493 They got between 3 and 12 years. And in this bill, we say  
494 that anyone that injures a police officer and attempt to  
495 kill them would do life. And the question becomes, where is  
496 the equity, where is the fairness, where is the justice?

497 And I am just concerned about where we are, and I would  
498 applaud the working group on community policing that I am a  
499 part of, but we have not moved forward with anything on  
500 that. So, if I am one of these young people who wake up, go  
501 to school, and are concerned about what is happening in my  
502 community, I think we are sending them a message right now  
503 that we moved on one issue without moving on the other one.  
504 And I will sit and reflect and would I hope that my friends  
505 in law enforcement, and especially my family that are law  
506 enforcement officers, understand that if I vote against this

507 bill it is not because I do not value what they do, because  
508 I do.

509 But I think we may be taking a step in the wrong  
510 direction by picking sides, and I am not asserting motives  
511 to anyone. I think we are all judged by our life  
512 experiences. But my life experience is Danzinger Bridge,  
513 the Henry Glover shooting, and some others in New Orleans,  
514 and I just do not know where I can go on this. But, with  
515 that, I would thank you, Mr. Chairman.

516 Chairman Goodlatte. Would the gentleman yield?

517 Mr. Richmond. Sure.

518 Chairman Goodlatte. The gentleman's time has expired;  
519 I am happy to yield the gentleman an additional minute if he  
520 would yield back to me.

521 Mr. Richmond. Yes.

522 Chairman Goodlatte. I take the gentleman's concerns to  
523 heart and very seriously. It is a legitimate point that  
524 there is disparity in the sentencing of people for various  
525 types of crimes. Obviously, we want to send a strong  
526 message that police officers whose sworn duty, is to keep us  
527 all safe, we need to have a very strong message to keep them  
528 safe in doing their duty.

529 But existing law, Federal law, 18 U.S.C., section 242,  
530 deals with deprivation of constitutional rights, including  
531 the use of excessive force, and so on, with regard to

532 individuals by State and local police officers. And that  
533 law, existing law, includes the death penalty for a police  
534 officer if that use of excessive force results in the death  
535 of an individual.

536 So, I think there is an issue here the gentleman has  
537 identified. I have a feeling it has more to do with the  
538 enforcement of the law than with the laws on the books that  
539 are available to be used as tools to right the wrong that  
540 the gentleman identified, where police officers very wrongly  
541 took the life of somebody, and perhaps those sentences  
542 should have been considerably higher.

543 I think that Federal law today allows for much higher  
544 sentences, and, as I say, including the death penalty, if it  
545 results in the death of an individual. So, I am happy to  
546 have further dialogue with the gentleman about that.

547 Mr. Richmond. Mr. Chairman, you are absolutely right,  
548 but what I would just encourage is that if we look at 18  
549 U.S.C. 242, there is a very strict, almost a premeditation  
550 aspect, to where an intent has to be to deprive them of  
551 their civil rights. It is a bar that is very hard to meet.  
552 And I am not even casting judgment on my U.S. Attorney who  
553 struck the deal, because the bar for him to convict is so  
554 high.

555 And the other part I would just ask is that we have to  
556 be cognizant of just where we are and where we find

557 ourselves in this country. It is much more likely that the  
558 jury is going to give the benefit of the doubt to police  
559 officers sworn to uphold the law that it is not intentional.  
560 And most States already have -- and in Louisiana, we do --  
561 for killing a police officer, you can get the death penalty;  
562 you certainly will get life, and all of those. So, we are  
563 just piggy-backing on making sure that there is a Federal  
564 way to do it. But the bigger concern -- and I really hate  
565 to say this, and I just hope people do not think I am  
566 gratuitously attacking the Justice Department.

567       However, if you are a young person, and your question  
568 is, "Now you give the attorney general's office the ability  
569 to come in and take over any incident involving a police  
570 officer, and charge federally. And the question becomes, do  
571 they have more trust in their local DA that they will look  
572 at the facts and circumstances, or do they have more trust  
573 in the U.S. Attorney General, who would probably have no  
574 connection to their community because he only comes from one  
575 community by virtue of, just, reality. So, I just do not  
576 know.

577       And I am not assigning any ill motives to anyone who is  
578 pushing this bill. What I am worried about, though, is just  
579 causing a bigger disconnect, and the standard on 18 U.S.C.  
580 is so high, very few officers are ever convicted through  
581 that. In fact, most of them are found not guilty. With

582 that, I yield back to the chairman.

583 Chairman Goodlatte. If the gentleman would continue to  
584 yield, let me say I am happy to have further discussion with  
585 you; we can review 42 together, if there is some legislative  
586 remedy there, or if there is some communication we can make  
587 to the Department of Justice that we think this is a problem  
588 that they need to take into account as they take action.

589 Either way, as I said to Mr. Cohen with regard to his  
590 legislation, we will take a close look at that. And I say  
591 that sincerely.

592 Mr. Richmond. Thank you, Mr. Chairman.

593 Ms. Jackson Lee. Would the gentleman yield? I do not  
594 know whose --

595 Chairman Goodlatte. For what purposes does the  
596 gentleman from Texas seek recognition?

597 Ms. Jackson Lee. Mr. Chairman, let me indicate that  
598 there are a number of legislative initiatives. Let me thank  
599 Mr. Richmond for raising what many of us face in our  
600 community, where we have the greatest admiration our dear  
601 friends, our police officers. Every time I see them, I tell  
602 them, "Stay safe, now." There is a great affinity and  
603 kinship. But I think this is a great discussion, and I am  
604 glad this bill has generated it.

605 We obviously cannot solve all problems in this  
606 discussion. But I think, Mr. Chairman, as you know we have

607 a police working group on a number of issues, and, of  
608 course, we have the Law Enforcement Trust and Integrity Bill  
609 that we are now engaged in negotiations on. And I think one  
610 of the greatest elements of that is the funding, and the de-  
611 escalation, and the training. And also the sensitivity on,  
612 if you will, not only the professional development, but the  
613 societal stresses that police officers go through.

614         So, if we are making a point about our life  
615 experiences, but really our current experiences, the police  
616 community issue is crucial. It will be a credit to this  
617 committee if we could pass legislation that has a  
618 combination of the advocacy groups, the mothers whose  
619 children have died through gun violence in many different  
620 ways, and, of course, law enforcement, who go out and  
621 investigate no matter who has perpetrated the shooting the  
622 individual, they are the ones who are investigating.

623         So, if we recognize that we have these elements in  
624 society, and that we have the power through legislative  
625 initiatives to work on these elements, both a peace offering  
626 and stern requirements and support.

627         Mr. Chairman, I would urge you to have us look at these  
628 issues sooner rather than later. And I think we could find  
629 common ground.

630         When I went to our national associations of police  
631 chiefs and sheriffs, and spoke to them over the last two

632 years, they were welcoming of legislation that would enhance  
633 their working tools, their training, their accreditation,  
634 focus on de-escalation, and a number of issues that they  
635 confront while they are out protecting and serving.

636 So, I just ask, Mr. Chairman, for that to be part of  
637 our wheelhouse and our discussion going forward. And to  
638 include our members who have experience being on the streets  
639 of this Nation and understand that aspect as we, who have  
640 different experiences, being on the bench, handing out  
641 probable cause warrants to our officers, hearing them tell  
642 their cases, knowing the stress and the challenge that they  
643 face, and many others who have different experiences. We  
644 need to get on this issue as quickly as possible. I yield  
645 back.

646 Chairman Goodlatte. For what purposes does the  
647 gentleman from Rhode Island seek recognition?

648 Mr. Cicilline. I move to strike the last word, Mr.  
649 Chairman.

650 Chairman Goodlatte. The gentleman is recognized for 5  
651 minutes.

652 Mr. Cicilline. Thank you, Mr. Chairman. I, too, of  
653 course, support this legislation, but really do want to  
654 associate myself with the remarks of the gentleman from  
655 Louisiana, the gentlelady from Florida, and the gentlelady  
656 from Texas. I hope that as we continue to think about ways

657 to enhance those police officers' safety, and the safety of  
658 the communities we represent, that we recognize that  
659 fundamental challenges to build trusting relationships  
660 between the police and the community.

661         When I was mayor to the city of Providence, we  
662 instituted a community policing model that really build upon  
663 this idea of strengthening the relationships between members  
664 of the community and the police departments working in their  
665 neighborhoods. And it produced the lowest crime rate the  
666 city of Providence had in 40 years. My police chief used to  
667 say, "The single most powerful weapon we have in our  
668 department is not a gun, is not any other equipment, it is  
669 the trust of the community."

670         And so, I think there are a lot of very successful  
671 models that really focus on training and professional  
672 development, and partnerships with nonprofit organizations,  
673 and de-escalation training, and a number of things that can  
674 really enhance the relationship between the police and the  
675 community that ultimately produce better results for  
676 community members, a safer community, and greater safety for  
677 our brave men and women in law enforcement.

678         And, you know, there are a couple of examples we had in  
679 the city of Providence where we developed these  
680 relationships between the police and mental health  
681 organizations to respond with the police in the police car

682 to a domestic violence scene. So, immediately the family  
683 members would get access to professional mental health  
684 counseling on the scene, working in partnership.

685 The mental health professionals would ride in the  
686 police car. Working in another program with police officers  
687 working with former gang members, were out in the community  
688 helping to mediate conflicts, prevent violence from  
689 happening, and the trust that developed between the police  
690 and the community as a result of this.

691 So, I hope as we move forward that we do not just  
692 address the kind of the failure, which is this violence that  
693 happens against police, and that is reflected in this bill,  
694 but work in a proactive way to prevent violence against  
695 police officers by strengthening police/community relations  
696 and the trust that is essential to successful policing and  
697 protecting our brave men and women in law enforcement. I  
698 look forward to working with the members of the working  
699 group to advance that and, again, thank the chairman for  
700 recognition, and yield back.

701 Chairman Goodlatte. The chair thanks the gentleman.  
702 The gentleman has already been recognized on the bill, so  
703 would the gentlewoman from Georgia seek time, and yield to  
704 the gentleman?

705 Mrs. Handel. Yes, I yield my time to my colleague from  
706 Florida.

707 Chairman Goodlatte. The gentlewoman is recognized for  
708 5 minutes, and she yields to the gentleman.

709 Mr. Rutherford. I thank the gentlelady for yielding.  
710 I would like to really comment on something that my  
711 colleague, Ms. Lee, mentioned earlier, and that was the  
712 accreditation process. And I can tell you, having come from  
713 an organization that had the triple crown of law enforcement  
714 accreditation, I am a very big believer in the accreditation  
715 process, and holding officers and agencies accountable to a  
716 certain standard so that the communities know that their law  
717 enforcement agency and their officers are being held to the  
718 highest standards throughout the country.

719 And I would just like to make a, you know, a public  
720 commendment here to Mr. Cohen and Ms. Lee, and everyone  
721 across the aisle that I really look forward to working with  
722 you on the Police Integrity Act, and the Independent Review  
723 Act. In looking at those things, I am very interested; I am  
724 always looking for ways to enhance police/community  
725 relations, understanding that we have to have that  
726 partnership within our communities. And I can tell you was  
727 very successful in Jacksonville. As a colleague mentioned,  
728 they had the lowest crime rate they had in 40 years. We had  
729 the lowest crime we had in 41 years in Jacksonville in 2011,  
730 as a result of initiatives that brought all of the  
731 community, even our most challenged parts of the community,

732 together to work with law enforcement.

733 And so, I look forward to partnering with those across  
734 the aisle who are involved in this already, and I look  
735 forward to getting involved in that. With that, I yield  
736 back.

737 Mrs. Handel. Thank you. I yield back my time, Mr.  
738 Chairman.

739 Chairman Goodlatte. Thank you. Are there any  
740 amendments to H.R. 5698? The reporting quorum being  
741 present, the question is on the motion to report the bill  
742 H.R. 5698 favorably to the House.

743 All those in favor, will say aye.

744 Those opposed, no.

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

747 Pursuant to notice, I now call up H.R. 5682 for  
748 purposes of markup, and move that the committee report the  
749 bill favorably to the House. The clerk will report the  
750 bill.

751 Ms. Adcock. H.R. 5682, to provide for programs to help  
752 reduce the risk that prisoners will recidivate upon release  
753 from prison and for other purposes.

754 [The bill follows:]

755 \*\*\*\*\* INSERT 2 \*\*\*\*\*

756 Chairman Goodlatte. Without objection, the bill is  
757 considered as read and open for amendment at any time, and I  
758 will begin by recognizing myself for an opening statement.

759 Today, we consider H.R. 5682, or the FIRST STEP Act,  
760 introduced by Congressmen Doug Collins and Hakeem Jeffries.  
761 Over 2 years ago, we launched our committee's Criminal  
762 Justice Reform Initiative. In doing so, we declared that  
763 the committee's initiative will pursue response common sense  
764 criminal justice reforms to make sure our Federal laws and  
765 regulations punish wrongdoers, protect individual freedom,  
766 work as efficiently and fairly as possible, do not duplicate  
767 State efforts, and do not waste taxpayer dollars. The FIRST  
768 STEP Act that we are considering today is a direct result of  
769 that initiative, and adheres to the objectives we set forth  
770 then.

771 H.R. 5682 places a new focus on rehabilitation. While  
772 we recognize criminal behavior needs to be punished, and  
773 criminals need to be incarcerated, we must also acknowledge  
774 that our prison population needs to be rehabilitated to the  
775 greatest extent practical. The bill establishes a risk and  
776 needs assessment as the basis of an effective recidivism  
777 reduction program, and an efficient and effective prison  
778 system.

779 The FIRST STEP Act will incentivize prisoners to  
780 participate in evidence-based recidivism reduction programs,

781 produce activities and jobs that will actually reduce their  
782 risk of recidivism.

783         This bill is vitally important for a number of reasons.  
784 First, the growing prison budget is consuming an ever-  
785 increasing percentage of the Department of Justice's budget.  
786 These rising costs are becoming a real and immediate threat  
787 to public safety. The more dollars we put into unnecessary  
788 prison costs, the fewer dollars we can invest in criminal  
789 and national security investigations and prosecutions.  
790 Imagine our communities with fewer U.S. Marshals, fewer ATF,  
791 FBI, and DEA agents to investigate and prevent crime, and  
792 imagine our communities with fewer U.S. attorneys to  
793 prosecute crimes.

794         Second, we know that without programming and  
795 intervention, prisoners are more likely to recidivate. We  
796 cannot allow the cycle of crime to continue. By using a  
797 focused approach for each prisoner, we can lower the risk of  
798 recidivism. Fewer recidivists mean fewer prisoners in the  
799 future, greater savings to the American taxpayer, and safer  
800 communities.

801         This bill is important because when prisoners who have  
802 received intervention are released, they are less likely to  
803 commit crimes. When that happens, our streets and  
804 communities are safer, and former prisoners are likely to  
805 leave the life of crime behind and become productive members

806 of society and contribute to their communities.

807       And I want to add that I think that when we help people  
808 in prison get ready for the rest of their life, they are  
809 going to enjoy greater freedoms and use those freedoms more  
810 responsibly for the betterment of themselves and for our  
811 society.

812       So, I want to thank the gentleman from Georgia, Mr.  
813 Collins, and the gentleman from New York, Mr. Jeffries, for  
814 introducing this innovative and much needed piece of  
815 legislation. I now yield to the ranking member, Mr. Nadler.

816       [The prepared statement of Chairman Goodlatte follows:]

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

818 Mr. Nadler. Mr. Chairman, before I have my opening  
819 statement, I have at the desk. I move that consideration of  
820 H.R. 5682 be postponed until June 6th, 2018.

821 Mr. Collins. Mr. Chairman?

822 Chairman Goodlatte. For what purposes does the  
823 gentleman from Georgia seek recognition?

824 Mr. Collins. I move to table Mr. Nadler's motion.

825 Chairman Goodlatte. The gentleman will suspend. Mr.  
826 Nadler is recognized to speak on the reason for his --

827 Mr. Collins. Reserving my motion.

828 Mr. Nadler. Thank you, Mr. Chairman. I move to  
829 postpone consideration of the legislation before us for 1  
830 month, so that the committee will have sufficient time to  
831 negotiate and mark up sentencing reform legislation.

832 Sentencing reform is the keystone of criminal justice  
833 reform.

834 When this committee began the effort to examine the  
835 problem of over criminalization and mass incarceration 6  
836 years ago, members on both sides of the aisle quickly  
837 recognized that the root of the problem was excessive  
838 sentencing in general, and mandatory minimums in particular.

839 Last Congress, members approved sentencing reform  
840 legislation as part of a package of criminal justice  
841 reforms. Unfortunately, this Congress, our sentencing  
842 reform efforts have lagged, as the majority has delayed

843 engaging in substantive negotiations on sentencing reform  
844 with Democratic members. By postponing the markup for 1  
845 month, members will have time to develop a significant and  
846 bipartisan proposal on sentencing reform that can be paired  
847 with prison reform legislation.

848 As more than 70 organizations, including the Leadership  
849 Conference, NAACP, NAACP Legal Defense Fund, AFL-CIO, Center  
850 for American Progress, and the Sentencing Project wrote to  
851 us yesterday that it is imperative that we pursue both  
852 measures.

853 Mr. Chairman, we have waited nearly a year and a half  
854 into this congress to reach the point where we are  
855 discussing criminal justice reform. I do not think it is  
856 asking too much that we spend a few additional weeks to try  
857 to do the right thing and find a consensus on both  
858 sentencing and prison reforms.

859 Chairman Goodlatte. For what purposes does the  
860 gentleman from Georgia seek recognition?

861 Mr. Collins. Mr. Chairman, I renew my motion. This  
862 has been discussed; there is a lot of discussions been going  
863 on. My partner in this, Hakeem Jeffries, said to Richmond  
864 and many others have been discussing this. And there is a  
865 certain point in time when you actually look to help people  
866 and move things that actually help. There is also other  
867 times that we can descend to continue to discuss politics.

868           At this point in time, I believe this bill has reached  
869 its peak, it is time to move, and going along with the  
870 administration, the White House, the Department of Justice,  
871 working with our partners in the Senate, and working with  
872 our partners in the House, this is our time to move. I  
873 agree with the gentleman; I would like to see sentencing  
874 reform moved, but also I am also looking at this from a  
875 practical purpose of looking at families right now and  
876 saying, "Let's help them now." With that, I move to table.

877           Chairman Goodlatte. The question is on the motion to  
878 table.

879           All those in favor, respond by saying aye.

880           Those opposed, no.

881           In the opinion of the chair, the ayes have it, and the  
882 motion to table is not agreed to. The gentleman from New  
883 York is recognized on the underlying bill.

884           Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman,  
885 with respect to today's consideration of H.R. 5682, the  
886 FIRST STEP Act, I appreciate your efforts to work on one  
887 aspect of criminal justice reform, which is the need to do a  
888 better job of preparing Federal prisoners to return to their  
889 communities less likely to reoffend. I want to say at the  
890 outset that I am disappointed that we have not yet committed  
891 to adopting the main priority of committee Democrats with  
892 respect to criminal justice reform. That priority as

893 mentioned a moment ago was the enactment of legislation to  
894 reform Federal sentencing, particularly mandatory minimums,  
895 so that we significantly reduce mass incarceration.

896         The Federal prison population has massively increased  
897 in recent decades from just over 30,000 in 1982, to over  
898 180,000 today. This explosion has contributed to a national  
899 crisis of mass incarceration, with over 2 million people  
900 incarcerated in our prisons and jails. Much of this  
901 increase has been due to misguided and counterproductive  
902 strategy to deal with drug abuse and addiction, and the  
903 sentencing policies are too often unjust.

904         As the legislative committee of the Federal Public and  
905 Community Defenders noted in the letter they sent to the  
906 committee recently, "The success of prison reform  
907 legislation is uncertain at best. The need for and benefits  
908 of sentencing reform are well established by 3 decades of  
909 experience and data.

910         The most significant driver of the fivefold increase in  
911 the Federal prison population over those 30 years has been  
912 mandatory minimums, particularly those for drug offenders.  
913 The extreme levels of incarceration come at a human and  
914 financial cost that is unjustified by the legitimate  
915 purposes of sentencing and that perversely undermines public  
916 safety." That is why sentencing reform should be our first  
917 priority.

918 I do not doubt that H.R. 5682 is clearly well  
919 intentioned and considered. However, at the same time, I  
920 hope we will continue to explore ways to improve the bill  
921 and encourage as many prisons as possible to engage in  
922 recidivism reduction programming, seeking additional input  
923 from experts and practitioners. I know that we all want to  
924 pursue prison reform that is evidence-based, and that is as  
925 effective as possible.

926 I also want to note my full support for several  
927 additional provisions in the bill, such as fixing the  
928 currently flawed manner by which good-time credits are  
929 calculated, prohibiting the shackling of pregnant women in  
930 Federal prisons, and expanding compassionate release to  
931 elderly prisoners. I do want to recognize the hard work of  
932 crime subcommittee ranking member Sheila Jackson Lee; Hakeem  
933 Jeffries, who has been a strong leader in this effort; Doug  
934 Collins, the sponsor of the bill; Karen Bass; Cedric  
935 Richmond, and others, including the chairman, who attempted  
936 to develop a consensus bill.

937 I look forward to continuing to work with my colleagues  
938 on the critical criminal justice reform issues that we must  
939 address. I yield back the balance of my time.

940 [The prepared statement of Mr. Nadler follows:]

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

942 Chairman Goodlatte. Thank you, Mr. Nadler. I would  
943 now like to recognize the sponsor of the legislation, the  
944 gentleman from Georgia, Mr. Collins, for his opening  
945 statement.

946 Mr. Collins. Thank you, Mr. Chairman; I appreciate  
947 that. Looking forward to this day has been, again, another  
948 consuming effort, and I thank the ranking member just  
949 rightly from me across the aisle that have come together to  
950 work. Again, with my lead cosponsor on this, Hakeem  
951 Jeffries, Cedric Richmond, Ms. Bass; I mean, just -- Sheila  
952 Jackson Lee. On our side, chairman, you and the committee  
953 staff have been outstanding in moving something forward.

954 And I think this is a thing, when we look at a lot of  
955 groups, and we do things in D.C., this is come down to  
956 another time at the end of the day when it is very easy to  
957 look at bills and we think about it as pieces of paper. But  
958 behind these pieces of paper are faces; they are the faces  
959 of people who need a chance at redemption, a chance to make  
960 right what maybe once was a mistake, and now they realize  
961 that they need that help to make it right.

962 Evidence-based works. Evidence-based approaches, this  
963 works. We see it in our States. We see it all over the  
964 country. And this is what this bill offers. This is the  
965 step that we need. FIRST STEP is a great title for this.  
966 It is something that we will look forward to.

967           And yes, we can argue about how far we want to go. We  
968 can argue and talk about how I would like to make it  
969 perfect. I wish that we actually passed perfect legislation  
970 up here all the time, but I do not think there has ever been  
971 one and holding a "no" vote on this bill because it is not  
972 perfect is wrong.

973           In fact, why would you vote "no" on a bill that would  
974 unshackle women who are having babies in prison? Why would  
975 you vote "no" on early release for elderly prisoners? Why  
976 would you vote "no" on helping people come into prison with  
977 an assessment, an evidence-based assessment, that says, "How  
978 can we keep you from recidivising, and going back in the  
979 community and being a part?" That is the good part of this  
980 bill.

981           That is the part that, at the end of the day, as I have  
982 said many times, is an M&M; pure and simple, it is money and  
983 morals. As the chairman said, it is about being money-  
984 principled about what we are spending our time on and how we  
985 are properly spending it. But for me, it is also about the  
986 moral principle, that I have yet to meet someone who has not  
987 made a mistake in life, who does not need a second chance.  
988 Because I was given that chance in my life through my own  
989 faith, and I believe it should be given to others.

990           Now, make no mistake, there are some people who need to  
991 be in jail. There are those people who have just decided to

992 live outside of the bonds of life, and we need to find  
993 places for them. But then there is also some others that,  
994 frankly we are mad at. They need to pay for their crime,  
995 but also, at the same time, we need to make sure when they  
996 come out, they are ready to resume a life of production with  
997 their families and their friends. If you look at this bill  
998 any other way, just let me tell you how to look at it. You  
999 look at it with a face behind it. They are sons and  
1000 daughters, moms and dads, aunts and uncles, even grandmoms  
1001 and granddads that can be affected by this bill.

1002 This is a good piece of bipartisan legislation that the  
1003 White House has worked on, Jared Kushner, so many others  
1004 that I have named early in the groups. In fact, Mr.  
1005 Chairman, as I finish up, I could go on about these  
1006 discussions that have went about. I can tell you about how  
1007 Hakeem Jeffries and I go into groups in which he and I  
1008 probably would never be invited to individually. But,  
1009 together, we have a firm face going forward and have  
1010 partners on each side. And Hakeem, thank you, again, for  
1011 this partnership.

1012 But also, I want to enter into the record, and it might  
1013 take me just a moment, but I want to make sure these are  
1014 entered into the record as we go forward.

1015 In support of this, BME National Fellowship, Can-Do  
1016 Foundation, the Helen Baker Center for Human Rights, Hands

1017 of Hope Outreach Ministry, Incorporated. Beloam, National  
1018 Incarceration Association, Operation Restoration, Project  
1019 Liberation, the Promise Justice Initiative, the Real Cost of  
1020 Prisons Project, Restore Her, Big Pictures, Root and  
1021 Rebound, Last Mile, Women's Involved in Reentry Efforts,  
1022 Women Who Never Give Up, the Texas Criminal Justice  
1023 Coalition, the Antirecidivism Coalition, Operation Hope,  
1024 Faith and Freedom Coalition, Just Attention, and also others  
1025 that we have found as going along.

1026 Fan, Freedom Works, Heritage, Koch Industries, many  
1027 others who have all said, "This is a positive step forward."

1028 Chairman Goodlatte. Without objection, it will be made  
1029 a part of the record.

1030 [The information follows:]

1031 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1032 Mr. Collins. Thank you, Mr. Chairman. So, without any  
1033 further moving this forward, I just encourage the committee  
1034 and I encourage the folks today who may be watching this to  
1035 say that there is faces behind bills, and this one probably  
1036 more than any. It is about being firm, being decisive,  
1037 having a punishment that fits, but also having a heart that  
1038 says, "Our job also is to be prudent in our money, and  
1039 always be open with a heart that is moral."

1040 That is why we move this bill forward. Would we like  
1041 to see everything? Sure. But at one point, we all will  
1042 move forward and work on the things that we can together.  
1043 It is now time to move something forward, and today is the  
1044 day. And with that, Mr. Chairman, I yield back.

1045 [The prepared statement of Mr. Collins follows:]

1046 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1047 Chairman Goodlatte. The chair thanks the gentleman,  
1048 and is pleased to recognize the gentleman from New York, Mr.  
1049 Jeffries, the lead Democrat sponsor of the legislation.

1050 Mr. Jeffries. Thank you, Mr. Chairman. Let me first  
1051 just begin by thanking you and Congressman Collins, as well  
1052 as Cedric Richmond and Val Demings and Karen Bass, and so  
1053 many others, who have worked hard in support of this  
1054 legislation. In particular, I am thankful to the  
1055 partnership with Congressman Collins, who is authentically  
1056 committed to reforming our criminal justice system in an era  
1057 where the American people have been have been unjustly over-  
1058 criminalized.

1059 And even those who are appropriately in confinement  
1060 should be given the opportunity at a second chance in life  
1061 to reenter society and pursue the American dream. That is  
1062 what the FIRST STEP Act is all about. We know that the mass  
1063 incarceration epidemic in America began in 1971, when then-  
1064 President declared drug abuse public enemy number 1.

1065 At the time, there were less than 350,000 people  
1066 incarcerated in America. Today, there are more than 2.1  
1067 million. It is a scandal, the scandal that has ruined  
1068 lives, ruined communities, and hurt the ability of the  
1069 American economy to be as productive as it otherwise could  
1070 be. Dramatic change is necessary on both the sentencing  
1071 reforms side and on the prison reform side. But this is a

1072 moment where we can take a first step toward meaningful  
1073 change.

1074         The mass incarceration epidemic in America has been  
1075 almost 50 years in the making, and you cannot simply wave  
1076 one legislative magic wand and make it all go away. It I  
1077 going to required sustained effort, sustained intensity,  
1078 sustained commitment, and a meaningful first step. And that  
1079 is why this bill is so important, particularly because it is  
1080 being done in a bipartisan way.

1081         And at the end of the day, if we are going to address  
1082 the consequences of mass incarceration and those who have  
1083 been put into a tough spot as a result of it, what better  
1084 place to start than those who are immediately dealing with  
1085 confinement by creating the type of transformative  
1086 programming in education and counseling and vocational  
1087 services that will allow them to be job-ready upon release?

1088         And that has been proven based on evidence and research  
1089 to significantly reduce the risk of recidivism in a way that  
1090 will benefit them and a way that will benefit their  
1091 families, their communities, and the American taxpayer?

1092         There are a variety of important provisions that are in  
1093 this bill: the good time credit fix, the fact that we are  
1094 prioritizing for this programming individuals who are  
1095 medium- or high- risk so that they get the opportunity to  
1096 participate in programming that can be transformative for

1097 them and, in the process, be transformative for our society.  
1098 No democracy should ever allow pregnant women to be shackled  
1099 during their pregnancy, during childbirth, or even in the  
1100 weeks or months after they have given birth to a precious  
1101 child. And this bill would prohibit it in all three of  
1102 those phases. And that is why it is being supported by  
1103 people on the left and people on the right.

1104         And while I acknowledge that there are concerns from  
1105 some who want to make sure that we do not abandon the effort  
1106 to pursue sentencing reform, I think all of us have worked  
1107 hard on this legislation -- and I know my good friend Doug  
1108 Collins feels this way -- is that this is an effort that we  
1109 will not walk away from.

1110         And the fact that we can make that commitment in a  
1111 bipartisan way shows that notwithstanding all of the other  
1112 chaos, crises, and confusion, on an issue such as this that  
1113 once divided America, as recently as 2.5 decades ago, we can  
1114 begin to come together to reverse the damage done by the  
1115 mass incarceration epidemic and put our society and  
1116 incarcerated individuals in a better place. I yield back.

1117         [The prepared statement of Mr. Jeffries follows:]

1118 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1119 Mr. Collins. [Presiding.] The gentleman yields back.  
1120 The chair would like to recognize the ranking member of the  
1121 Subcommittee on Crime, Terrorism, Homeland Security, and  
1122 Investigations, which would be our Ms. Jackson-Lee of Texas,  
1123 for her opening statement.

1124 Ms. Jackson Lee. Mr. Chairman, thank you so very much.  
1125 Let me acknowledge both Mr. Jeffries and Mr. Collins. I am  
1126 of the old school, and that is, the holistic of the hand is  
1127 stronger than the individual fingers. We are strengthened  
1128 when we shake hands with a firm shake of the hand, not  
1129 necessarily the grafts of a finger.

1130 This very committee is the backbone of our underlying  
1131 premises of liberty and justice for all. So, as I thank my  
1132 colleagues, let me also acknowledge Mr. Nadler and Mr.  
1133 Goodlatte, who, over the last couple of months, have been  
1134 building on an idea of cooperation and collaboration and  
1135 discussion. Interestingly enough, we were just on a codel  
1136 that had members that were Republicans and Democrats. So, I  
1137 have no quarrel and misunderstanding that we have the  
1138 opportunity for cooperation.

1139 Let me also acknowledge Mr. Sensenbrenner and my  
1140 partner on the subcommittee on crime for his continued  
1141 commitment to just and the reformation of the criminal  
1142 justice system, and let me thank all other members of this  
1143 committee, particularly those on the crime subcommittee, for

1144 the expertise and commitment that they bring to this  
1145 discussion.

1146 I have, for the decades that I have been on this  
1147 committee, joined with my colleagues and asked and joined  
1148 and supported the idea of criminal justice reform that  
1149 includes sentencing reform to be able to ensure that the  
1150 issue of mass incarceration is truly addressed. All of us  
1151 agree that it is, in fact, an issue that has driven our  
1152 family members, no matter what part of the Nation you come  
1153 from, into conditions that are extensively and extremely  
1154 long.

1155 So, from actions in 2010 to the agreement that we had  
1156 in the last term, under the presidency of Barack Obama, when  
1157 we were prepared to go forward with a combination of prison  
1158 reform, albeit the bill we have before us has certainty in  
1159 an enormous amount of important additions, of which I am  
1160 grateful. We have always tied the two together.

1161 To be honest to my constituents, to the Nation, it is  
1162 important to argue for that combination again. But I do  
1163 want to say, as we approach this bill today, I give an open  
1164 letter to the Director of the Bureau of Prisons that the  
1165 legislation, if finally signed, must be taken seriously.  
1166 Additional staff has to be included. The lifting of the cap  
1167 that is on the Bureau of Prisons gives them no extra funding  
1168 for their actual staff, the utilizing of social workers in

1169 guard positions. There has to be that commitment, that we  
1170 make sure that we follow and have this working.

1171 We heard discussions about the importance of treating  
1172 and acknowledging the increased incarceration of pregnant  
1173 women, grateful of the unshackling that will be an enhanced  
1174 blessing for them, but also challenged by the fact that the  
1175 Samaritan legislation that deals with the addressing of  
1176 those who are pregnant and give birth while incarcerated.

1177 A bill that was served billions of dollars, \$63-70  
1178 billion annually, and an average cost of \$32,000 per inmate,  
1179 or as high as \$50,000 to \$60,000, that we hope we will be  
1180 able, as we move to the floor, address that question,  
1181 address resources for dealing with women suffering from  
1182 mental, alcohol, or sexual abuse, rather than throwing away  
1183 hope for the millions of children that may be born while  
1184 their mother is incarcerated.

1185 We have had many groups to support us on the idea of  
1186 prison reform and, of course, the idea of sentencing reform.  
1187 With that in mind, I call upon those groups to continue to  
1188 work with us. As I close, Mr. Chairman, let me just say  
1189 this final sentence: I am a product of the Civil Rights  
1190 Movement. It was all the groups and Hollywood stars that  
1191 came forward to help us express the need for freedom for  
1192 African-Americans. I want to thank the Civil Rights groups,  
1193 some of whom are in this room, for I would never deny that

1194 they were a vital part of justice. Their advocacy, their  
1195 input, should continue, their strength should continue. And  
1196 if we do include all of those, Mr. Chairman, as we go  
1197 forward to the floor, I can assure you, this will be the  
1198 mantle that we march on as we build on criminal justice  
1199 reform and sentencing reform.

1200 With that, I thank you for your courtesy, Mr. Chairman.  
1201 And to those who worked on this issue: they know that I will  
1202 continue as ranking member of the subcommittee to aid them  
1203 as well. I yield back.

1204 [The prepared statement of Ms. Jackson Lee follows:]

1205 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1206 Mr. Collins. The gentlelady yields back. The bill is  
1207 now open to amendment. For what purpose does the gentleman  
1208 from Florida seek recognition?

1209 Mr. Rutherford. Strike the last word, Mr. Chairman.

1210 Mr. Collins. The gentleman is recognized for 5  
1211 minutes.

1212 Mr. Rutherford. Mr. Chairman, I would like to speak in  
1213 support of the FIRST STEP Act. This is not about being soft  
1214 on crime. This is actually about reducing crime.

1215 You know, Mr. Chairman, it was not many years ago,  
1216 particularly in the State of Florida, where you could have  
1217 an inmate who might be the most incorrigible, disruptive  
1218 inmate in a facility who was in administrative confinement,  
1219 which means he is locked up by himself today, but tomorrow  
1220 he is end-of-sentence. He is EOS. And tomorrow he will get  
1221 out, they will put him on a bus, send him back to my  
1222 community in Jacksonville, Florida.

1223 He would get off that bus with his blue bag, which  
1224 identified him to all the prostitutes within a couple blocks  
1225 and all of the drug dealers within a couple blocks. And  
1226 that incorrigible inmate would hit the streets of  
1227 Jacksonville, getting off of a bus, and that we re-entry not  
1228 too many years ago. And we wondered why these individuals  
1229 failed and went back to a life of crime.

1230 I can tell you, Mr. Chairman, this FIRST STEP Act

1231 recognizes the importance of following up an arrest with  
1232 good correctional programming that attempts to change  
1233 behavior before sending these individuals back to the  
1234 community, and sending them back in a regulated and  
1235 intelligent way so that we have re-entry planning.

1236         So, that before they ever get back to the community you  
1237 know where they are going to work, you know where they are  
1238 going to live, you know where they are going to worship, you  
1239 know their mental health issues, you know their physical  
1240 issues. All of those things are addressed before those  
1241 individuals are returned to the community.

1242         So, Mr. Chairman, I will tell you, failing to do these  
1243 things, failing to have a therapeutic model community within  
1244 your correctional facilities where you are planning for  
1245 release: we are setting these individuals up for failure if  
1246 we do not do that.

1247         And so, I want to thank the chairman, Mr. Collins, and  
1248 Mr. Jeffries for all their hard work on this, all the other  
1249 colleagues who have brought this to this point. This is  
1250 truly about reducing crime in our communities. And with  
1251 that, Mr. Chairman, I yield back.

1252         Mr. Collins. The gentleman yields back. Does any  
1253 other member seek recognition? The gentleman from  
1254 Tennessee.

1255         Mr. Cohen. Thank you, Mr. Chairman. I have an

1256 amendment that should be at the desk.

1257 Mr. Collins. All right. The clerk will report the  
1258 amendment.

1259 Ms. Adcock. Amendment to H.R. 5682 offered by Mr.  
1260 Cohen of Tennessee.

1261 [The amendment of Mr. Cohen follows:]

1262 \*\*\*\*\* INSERT 3 \*\*\*\*\*

1263           Mr. Collins. The amendment will be considered as read,  
1264 and the gentleman from Tennessee is recognized for 5  
1265 minutes.

1266           Mr. Cohen. Thank you, Mr. Chairman. While I am  
1267 pleased that this bill seeks to expand eligibility for the  
1268 release of aging prisoners, a compassionate release program,  
1269 this bill, in my opinion, does not go far enough. And this  
1270 is a subject I have worked on for several Congresses. The  
1271 amendment that I offer would make this program, which is, in  
1272 the bill, a pilot program, a permanent one. I really do not  
1273 think we need a pilot program for such a proposal because it  
1274 is just common sense.

1275           If you make it permanent, it would ensure that  
1276 prisoners who participate in the program are not sent back  
1277 to prison; they are released to halfway houses for minor  
1278 infractions while in home detention. My amendment would  
1279 only return such individuals back to prison if they commit a  
1280 felony or crime of violence while in home detention. We are  
1281 talking about nonviolent, nonsex-offending, nonterrorist  
1282 offenders. Keeping eligible members of this population in  
1283 prison makes no moral sense and no financial sense.

1284           I have had clients, when I was a practicing attorney,  
1285 who were sent back to prison after being in halfway houses  
1286 for smoking a joint. That made no sense. The  
1287 disproportionate punishment to the offense was not only a

1288 cost financially to our society, but it was immoral to put  
1289 that individual back in prison for another 10 years for  
1290 smoking a joint.

1291         According to the Department of Justice's inspector  
1292 general, elderly inmates are less likely to commit  
1293 misconduct when incarcerated. They have a lower rate of re-  
1294 arrest once released and are more expensive to incarcerate  
1295 than their younger counterparts. Your prison institutions  
1296 with the highest percentage of aging inmates spent five  
1297 times more on inmates on medical care. So, if we want to  
1298 make a change, this seems like a good place to start.

1299         I commend the sponsors for putting in a pilot program,  
1300 but I only commend them a little bit. Small "C." Because  
1301 you do not need a pilot program for something that is  
1302 obvious and can be seen and understood based on the fact  
1303 that crime goes down.

1304         People get older, they are not going to be as likely to  
1305 commit crime. These are people that will be 60 years of  
1306 age, have served two-thirds of their time. They ought to be  
1307 released and not continue to burden us and not continue to  
1308 keep them away from their families. So, I encourage my  
1309 colleagues to support the amendment and compassion --

1310         Ms. Lofgren. Would the gentleman yield for a question?

1311         Mr. Cohen. I yield to the lady from California.

1312         Ms. Lofgren. I agree with this, but here is a

1313 question. It has to do with nonviolent inmates, which I  
1314 understand. There is a situation that is coming into effect  
1315 that I worked on a lot when I was in local government in  
1316 particular, where you have even violent inmates, but they  
1317 are so compromised medically that they are just a cost to  
1318 the system. They are in a coma, and because their offense  
1319 is a bad one, they cannot be released even though it makes  
1320 sense.

1321 I mean, the cost of treating somebody in a coma in  
1322 prison is wildly more expensive than treating somebody in a  
1323 coma, you know, outside of a prison. Would that be covered  
1324 by this amendment?

1325 Mr. Cohen. Well, is Mr. Collins still around? I do  
1326 not think he is. Mr. Jeffries, can you edify us on what  
1327 your pilot program has in it, as far as what Ms. Lofgren  
1328 discussed, as far as the violent person who may be in a  
1329 very, very difficult --

1330 Ms. Lofgren. I mean, so compromised that they cannot  
1331 even act.

1332 Mr. Jeffries. I agree with the intent of the Cohen  
1333 amendment in the context of accelerating compassion and  
1334 release.

1335 Ms. Lofgren. Well, I do, too. I do not mean to say  
1336 otherwise.

1337 Mr. Jeffries. Right. And I think there is research

1338 and evidence to make the argument that, at a certain point  
1339 in time, age incapacitates you as it relates to propensity  
1340 for violence.

1341 I would note in the context of the pilot program,  
1342 however, that the original bill allowed for the  
1343 establishment of a pilot program in one facility. This bill  
1344 allows for a pilot program in every facility. And so, in  
1345 effect, it will not have permanent status, this is a  
1346 substantial step forward, but I think the distinguished  
1347 gentlelady from California raises an important point that we  
1348 need to consider as this bill advances.

1349 Ms. Lofgren. Well, maybe we can work on this between  
1350 now and the floor, but I remember when I was in local  
1351 government, we ran the county jail and we had an inmate who  
1352 was accused of a terrible crime -- I think it was child  
1353 molesting -- and he threw himself off the second floor and  
1354 struck his head and was in a coma. And he never regained  
1355 consciousness. We spent a fortune on this fellow because we  
1356 incarcerated; we could not get him released because of the  
1357 nature of his offense, whereas he really belonged in a  
1358 nursing home setting.

1359 Mr. Cohen. If I can reclaim my time, it is about out.

1360 Ms. Lofgren. Yes.

1361 Mr. Cohen. I agree with what you are saying; the  
1362 proposal limits it to nonviolent crimes. That should be the

1363 permanent part.

1364 Ms. Lofgren. I agree with that.

1365 Mr. Cohen. And what you are suggesting with people who  
1366 have committed crimes of violence, that maybe should be a  
1367 pilot project. But this could be bifurcated, and the pilot  
1368 project could consider people with violent convictions and  
1369 are in certain states of disability. But the people who are  
1370 nonviolent criminals, there is just no reason to have a  
1371 pilot program. That is why I offered the amendment to make  
1372 in permanent, and I think it was considered. But anyway, I  
1373 would like for us to adopt it. And I yield back.

1374 Ms. Lofgren. If the gentleman would yield for just 10  
1375 seconds more, I support the amendment, and I would like to  
1376 work with Mr. Collins and other to see if we can address it.  
1377 It is really a financial issue for the taxpayers; it has  
1378 nothing to do with public safety, and perhaps we could deal  
1379 with this between now and the floor. I thank the gentleman  
1380 for yielding, and I yield back.

1381 Mr. Cohen. Thank you, and I yield back the time that I  
1382 do not have.

1383 Chairman Goodlatte. For what purpose does the  
1384 gentleman from Georgia seek recognition?

1385 Mr. Johnson of Georgia. I move to strike the last  
1386 word.

1387 Chairman Goodlatte. The gentleman is recognized for 5

1388 minutes.

1389 Mr. Johnson of Georgia. Thank you, Mr. Chairman.

1390 Look, I think with Mr. Cohen's amendment we have had a  
1391 conversation that is not something that I am not opposed to,  
1392 but on his program and his amendment and making this  
1393 permanent, there is just not the justification in looking at  
1394 that. As especially as it previously existed, this also  
1395 gives us a chance now to expand the program, look at  
1396 numbers, and have the draft in such a way that more  
1397 prisoners will be able to participate in because of this.  
1398 As was just previously said, the numbers can be looked at  
1399 and Congress will have the necessary information to decide.

1400 But also in this amendment is something that we are not  
1401 really going to be reconciling, that I do not support, is  
1402 that Mr. Cohen's amendment would only permit someone  
1403 convicted of a felony to be removed from home confinement  
1404 and return to a BOP facility. This is too high a standard  
1405 that would pose a risk to public safety. Under this  
1406 scenario, we would see an offender commit numerous  
1407 misdemeanors such as assault, battery, or domestic violence,  
1408 and still not be ordered to return to a BOP facility. That  
1409 is just simply unacceptable.

1410 Home confinement under the pilot program is a  
1411 privilege, and it is too much to ask for someone benefitting  
1412 from it to obey certain rules, and I would encourage my

1413 colleagues --

1414 Mr. Cohen. Would the gentleman yield?

1415 Mr. Johnson of Georgia. I will yield.

1416 Mr. Cohen. Take out the portion on "only at felony."

1417 Put them back for whatever you want, but make the program

1418 permanent.

1419 Mr. Johnson of Georgia. I will be happy to work with

1420 the gentleman as we go further on this, and, as the

1421 gentleman well knows, there are many things that we can work

1422 on with Mr. Jeffries and myself. But on this bill, I would

1423 oppose this amendment.

1424 Chairman Goodlatte. The question occurs on the

1425 amendment offered by the gentleman from Tennessee.

1426 All those in favor will respond by saying, aye.

1427 Those opposed, no.

1428 In the opinion of the chair, the noes have it and the

1429 amendment is not agreed to.

1430 Are there further amendments? A recorded vote is

1431 requested and the clerk will call the roll.

1432 Ms. Adcock. Mr. Goodlatte?

1433 Chairman Goodlatte. No.

1434 Ms. Adcock. Mr. Goodlatte votes no.

1435 Mr. Sensenbrenner?

1436 [No response.]

1437 Mr. Smith?

1438 [No response.]  
1439 Mr. Chabot?  
1440 [No response.]  
1441 Mr. Issa?  
1442 [No response.]  
1443 Mr. King?  
1444 Mr. King. No.  
1445 Ms. Adcock. Mr. King votes no.  
1446 Mr. Gohmert?  
1447 [No response.]  
1448 Mr. Jordan?  
1449 Mr. Jordan. No.  
1450 Ms. Adcock. Mr. Jordan votes no.  
1451 Mr. Poe?  
1452 [No response.]  
1453 Mr. Marino?  
1454 [No response.]  
1455 Mr. Gowdy?  
1456 [No response.]  
1457 Mr. Labrador?  
1458 [No response.]  
1459 Mr. Collins?  
1460 Mr. Collins. No.  
1461 Ms. Adcock. Mr. Collins votes no.  
1462 Mr. DeSantis?

1463 Mr. DeSantis. No.

1464 Ms. Adcock. Mr. DeSantis votes no.

1465 Mr. Buck?

1466 Mr. Buck. No.

1467 Ms. Adcock. Mr. Buck votes no.

1468 Mr. Ratcliffe?

1469 Mr. Ratcliffe. No.

1470 Ms. Adcock. Mr. Ratcliffe votes no.

1471 Mrs. Roby?

1472 Mrs. Roby. No.

1473 Ms. Adcock. Ms. Roby votes no.

1474 Mr. Gaetz?

1475 Mr. Gaetz. No.

1476 Ms. Adcock. Mr. Gaetz votes no.

1477 Mr. Johnson of Louisiana?

1478 Mr. Johnson of Louisiana. No.

1479 Ms. Adcock. Mr. Johnson votes no.

1480 Mr. Biggs?

1481 [No response.]

1482 Mr. Rutherford?

1483 Mr. Rutherford. No.

1484 Ms. Adcock. Mr. Rutherford votes no.

1485 Mrs. Handel?

1486 [No response.]

1487 Mr. Rothfus?

1488 Mr. Rothfus. No.

1489 Ms. Adcock. Mr. Rothfus votes no.

1490 Mr. Nadler?

1491 Mr. Nadler. Aye.

1492 Ms. Adcock. Mr. Nadler votes aye.

1493 Ms. Lofgren?

1494 Ms. Lofgren. Aye.

1495 Ms. Adcock. Ms. Lofgren votes aye.

1496 Ms. Jackson Lee?

1497 Ms. Jackson Lee. Aye.

1498 Ms. Adcock. Ms. Jackson Lee votes aye.

1499 Mr. Cohen?

1500 Mr. Cohen. Aye.

1501 Ms. Adcock. Mr. Cohen votes aye.

1502 Mr. Johnson of Georgia?

1503 Mr. Johnson of Georgia. Aye.

1504 Ms. Adcock. Mr. Johnson votes aye.

1505 Mr. Deutch?

1506 Mr. Deutch. Aye.

1507 Ms. Adcock. Mr. Deutch votes aye.

1508 Mr. Gutierrez?

1509 [No response.]

1510 Ms. Bass?

1511 [No response.]

1512 Mr. Richmond?

1513 Mr. Richmond. Aye.

1514 Ms. Adcock. Mr. Richmond votes aye.

1515 Mr. Jeffries?

1516 Mr. Jeffries. Aye.

1517 Ms. Adcock. Mr. Jeffries votes aye.

1518 Mr. Cicilline?

1519 Mr. Cicilline. Aye.

1520 Ms. Adcock. Mr. Cicilline votes aye.

1521 Mr. Swalwell?

1522 [No response.]

1523 Mr. Lieu?

1524 Mr. Lieu. Aye.

1525 Ms. Adcock. Mr. Lieu votes aye.

1526 Mr. Raskin?

1527 Mr. Raskin. Aye.

1528 Ms. Adcock. Mr. Raskin votes aye.

1529 Ms. Jayapal?

1530 Ms. Jayapal. Aye.

1531 Ms. Adcock. Ms. Jayapal votes aye.

1532 Mr. Schneider?

1533 [No response.]

1534 Ms. Demings?

1535 Ms. Demings. Aye.

1536 Ms. Adcock. Ms. Demings votes aye.

1537 Chairman Goodlatte. The gentleman from Texas, Mr.

1538 Gohmert?

1539 Mr. Gohmert. No.

1540 Ms. Adcock. Mr. Gohmert votes no.

1541 Chairman Goodlatte. The gentlewoman from Georgia, Mrs.

1542 Handel?

1543 Mrs. Handel. No.

1544 Ms. Adcock. Mrs. Handel votes no.

1545 Chairman Goodlatte. The gentleman from Pennsylvania,

1546 Mr. Marino?

1547 Ms. Adcock. Mr. Marino votes no.

1548 Chairman Goodlatte. The gentleman from Illinois?

1549 Ms. Adcock. Mr. Schneider votes yes.

1550 Chairman Goodlatte. Has every member voted who wishes

1551 to vote? The clerk will report.

1552 Ms. Adcock. Mr. Chairman, 14 members voted aye; 15

1553 members voted no.

1554 Chairman Goodlatte. And the amendment is not agreed

1555 to. Are there further amendments to H.R. 5682? For what

1556 purpose does the gentleman from Louisiana seek recognition?

1557 Mr. Richmond. Mr. Chairman, I have an amendment at the

1558 desk.

1559 Chairman Goodlatte. The clerk will report the

1560 amendment.

1561 Ms. Adcock. Amendment to H.R. 5682 offered by Mr.

1562 Richmond. Page 32, beginning on line 21, strike "prison

1563 reform and --"

1564 [The amendment of Mr. Richmond follows:]

1565 \*\*\*\*\* INSERT 4 \*\*\*\*\*

1566 Chairman Goodlatte. Without objection, the amendment  
1567 is considered as read, and the gentleman is recognized for 5  
1568 minutes on his amendment.

1569 Mr. Richmond. Mr. Chairman, I hope that I will not  
1570 need that much time. Current law reads right now that a  
1571 prisoner who is serving a term of imprisonment for more than  
1572 1 year other than a term of imprisonment for the duration of  
1573 the prisoner's life, may receive credit towards service of  
1574 the prisoner's sentence beyond the time served of up to 54  
1575 days at the end of each year. That is current law.

1576 So, the amendment in the bill clears up that it is 54  
1577 days, which is current law. So, the amendment just makes  
1578 sure that a BOP, as they calculate prisoners' good time that  
1579 they ensure that they give them 54 days per year for all the  
1580 days that they have served. So, it really just clarifies  
1581 and it makes sure that they apply it to people that are  
1582 already serving their sentences. And with that, Mr.  
1583 Chairman, I would just ask for favorable adoption of the  
1584 amendment.

1585 Chairman Goodlatte. The chair thanks the gentleman and  
1586 recognizes himself. This amendment clarifies that the  
1587 language in the bill that deals with credit towards service  
1588 of sentence for satisfactory behavior, commonly referred to  
1589 as "good time credit." It indicates that our amendment to  
1590 that statute applies to all current prisoners.

1591           While I feel that the current language is sufficient to  
1592 cover all current prisoners, I understand that some members  
1593 have genuine concerns that it needs to be stated explicitly.  
1594 Respecting those concerns, I am happy to accept this  
1595 amendment and urge my colleagues to support the amendment.  
1596 The chair is happy to yield to the gentleman from Georgia.

1597           Mr. Johnson of Georgia. Just move to strike the last  
1598 word. Would the gentleman yield? Gentlemen, chairman,  
1599 thank you. Again, this is a clarification amendment. I  
1600 support it. I am on with Mr. Richmond, Ms. Jackson Lee, Mr.  
1601 Jeffries, and Ms. Demings as well. This is simply a  
1602 clarification and is needed, and I do appreciate the  
1603 chairman accepting.

1604           Chairman Goodlatte. The chair thanks the gentleman.  
1605 For what purpose does the gentlewoman from Texas seek  
1606 recognition?

1607           Ms. Jackson Lee. Strike the last word.

1608           Chairman Goodlatte. The gentlewoman is recognized.

1609           Ms. Jackson Lee. I made the point of the opportunity  
1610 for bipartisanship, and so I am delighted to join Mr.  
1611 Richmond, Collins, Jeffries, and Demings as a close sponsor  
1612 of this, and to indicate that clarification sometimes can be  
1613 a lifeline. And I think the idea of ritual activity is a  
1614 lifeline and an important statement going forward. So, I  
1615 would ask my colleagues to support this amendment. And with

1616 that, Mr. Chairman, I yield back enthusiastically both for  
1617 the amendment and yielding back.

1618 Chairman Goodlatte. The chair thanks the gentlewoman  
1619 enthusiastically.

1620 The question occurs on the amendment offered by the  
1621 gentleman from Louisiana.

1622 All those in favor, respond by saying, aye.

1623 Those opposed, no.

1624 In the opinion of the chair, the ayes have it and the  
1625 amendment is agreed to.

1626 Are there further amendments to H.R. 5682?

1627 For what purpose does the gentleman from Florida seek  
1628 recognition?

1629 Mr. Gaetz. I have an amendment at the desk.

1630 Chairman Goodlatte. The clerk will report the  
1631 amendment.

1632 Ms. Adcock. Amendment to H.R. 5682 offered by Mr.  
1633 Gaetz of Florida. Age 71, beginning on line 9, strike "for  
1634 2 years in at least 10 facilities" and insert "for 5 years  
1635 in at least 20 facilities."

1636 [The amendment of Mr. Gaetz follows:]

1637 \*\*\*\*\* INSERT 5 \*\*\*\*\*

1638 Chairman Goodlatte. Without objection, he amendment is  
1639 considered as read, and the gentleman is recognized for 5  
1640 minutes on his amendment.

1641 Mr. Gaetz. Thank you, Mr. Chairman. And I want to  
1642 thank the sponsors of the underlying legislation, Mr.  
1643 Collins and Mr. Jeffries, for advancing the cause of  
1644 programs that match inmates with unwanted animals. I have  
1645 seen circumstances where dogs behind bars programs have  
1646 inured to the benefit not only of inmates but of our  
1647 favorite four-legged friends. They create lasting bonds and  
1648 have shown to reduce recidivism and also to make animals  
1649 more adoptable and less likely to be euthanized.

1650 In my correspondence and interaction with the Bureau of  
1651 Prisons, it seems to indicate that there is a broader  
1652 capacity to be able to implement pilot programs that are  
1653 stated in the bill. And so we would be slightly more  
1654 ambitious than the underlying legislation and move from a 2-  
1655 year 10-facility model to a 5-year, 20-facility model. I  
1656 yield back.

1657 Chairman Goodlatte. If the gentleman would yield.

1658 Mr. Gaetz. I will yield to the gentleman from Georgia.

1659 Chairman Goodlatte. Actually, if you would yield to  
1660 me.

1661 Mr. Gaetz. Certainly, Mr. Chairman.

1662 Chairman Goodlatte. I would tell the gentleman that I

1663 think his amendment is a good one. We appreciate him  
1664 working with us on both sides of the aisle, and I am  
1665 prepared to accept the amendment. The gentleman from  
1666 Georgia --

1667 Mr. Collins. Would the gentleman yield?

1668 Mr. Gohmert. Certainly.

1669 Mr. Collins. Again, I appreciate the gentleman's  
1670 willingness to work with us. He did come through. And I do  
1671 also accept this amendment.

1672 Chairman Goodlatte. The question occurs on the  
1673 amendment offered by the gentleman from Florida.

1674 All those in favor, respond by saying aye.

1675 Those opposed, no.

1676 The ayes have it, and the amendment is agreed to.

1677 Are there further amendments to H.R. 5682?

1678 For what purpose does the gentleman from Texas seek  
1679 recognition?

1680 Mr. Gohmert. I have an amendment at the desk.

1681 Chairman Goodlatte. The clerk will report the  
1682 amendment.

1683 Ms. Adcock. Amendment to H.R. 5682, offered by Mr.  
1684 Gohmert of Texas. Page 45; insert after line 23 the  
1685 following: "Section 106, faith-based considerations."

1686 [The amendment of Mr. Gohmert follows:]

1687

\*\*\*\*\* INSERT 6 \*\*\*\*\*

1688 Chairman Goodlatte. Without objection, the amendment  
1689 is considered as read, and the gentleman from Texas is  
1690 recognized for 5 minutes on his amendment.

1691 Mr. Gohmert. Thank you, Mr. Chairman. This bill does  
1692 in some parts discuss faith-based groups as being eligible  
1693 for certain things, and I am really pleased with that.  
1694 because as we have had since -- in my 13.5 years here --  
1695 discussions, whether it was the Second Chance Act, a lot of  
1696 different studies and bills and things we have looked at, we  
1697 continue to find what judges and those analyzing the Texas  
1698 system found. And that is when it is a faith-based group  
1699 that is involved in trying to help both prisoners who are  
1700 incarcerated and those that are coming out and adjusting to  
1701 life, faith-based groups have extraordinary cuts to  
1702 recidivism.

1703 And sometimes we have found discrimination against  
1704 faith-based groups because somebody says something in  
1705 reviewing different proposals for -- whether it is  
1706 counseling or helping people adjust or mentoring -- "Well,  
1707 gee, it is faith-based, so we may be violating the  
1708 Constitution by giving them the opportunity to work with  
1709 people in helping them adjust." And that is so entirely  
1710 misplaced. I mean, it is about 180 degrees from where the  
1711 Constitution was.

1712 This was supposed to be a country where you did not

1713 discriminate against anyone or any group because of its  
1714 basis in a faith, particularly faith in God and the kind of  
1715 love and mentoring that accompanies groups like that. So, I  
1716 am pleased with what I saw about mentioning of faith-based  
1717 groups in a nondiscriminatory way.

1718 But I would like this amendment to be part of the bill  
1719 so that it makes clear to everybody you do not award or  
1720 accept or utilize a group because it is not faith-based;  
1721 that you, under our Constitution, can consider those types  
1722 of groups as well, so that we do not have any  
1723 misunderstanding.

1724 It should not be offensive at all to anyone. It just  
1725 says, "Do not discriminate against groups, even if they are  
1726 faith-based." So, it is very short, as you can see, just  
1727 six lines that would added. But that should eliminate any  
1728 question about whether a group should be discriminated  
1729 against. And I appreciate the work that has all been done,  
1730 but I think this will help put it over the top.

1731 Chairman Goodlatte. Would the gentleman yield?

1732 Mr. Gohmert. Yes.

1733 Chairman Goodlatte. I thank the gentleman for  
1734 yielding. I have had the opportunity just in the last  
1735 couple of years as we have been working on this to visit a  
1736 number of Federal prisons. Thanks to the gentleman from  
1737 Pennsylvania, Mr. Marino, I visited three Federal prisons in

1738 his State; thanks to the gentleman from Georgia, I visited  
1739 Atlanta Penitentiary. And everywhere I go I hear very  
1740 favorable comments from the employees and the wardens in  
1741 these prisons about the great work done by faith-based  
1742 organizations of all kinds and all denominations.

1743 So, I think you are protected, because I think this is  
1744 widely viewed as a good source of talent for helping people  
1745 as they get ready to leave prison, but I also think all it  
1746 says is no discrimination --

1747 Mr. Gohmert. "Just do not discriminate."

1748 Chairman Goodlatte. -- against those groups. And I am  
1749 happy to accept the amendment.

1750 Mr. Collins. Would the gentleman from Texas yield?

1751 Mr. Gohmert. Yes.

1752 Mr. Collins. Again, I have to go back, and this one of  
1753 things that I know that Representative Jeffries and I have  
1754 talked about. Faith-based communities and others have been  
1755 very instrumental in making this bill happen. They have  
1756 been very much supportive of this, and yours just confirms  
1757 that and would be accepted, just as the chairman's one is  
1758 in, and I appreciate you bringing it and would accept it.

1759 Mr. Johnson of Louisiana. Would the gentleman yield  
1760 briefly?

1761 Mr. Gohmert. Who is asking?

1762 Mr. Johnson of Louisiana. Over here.

1763 Mr. Gohmert. Oh, yes, Mr. Johnson.

1764 Mr. Johnson of Louisiana. Thank you, Mr. Gohmert. Mr.  
1765 Chairman, I just want to associate myself with all these  
1766 comments and say, as a former religious liberty defense  
1767 attorney who worked in the courts defending faith-based  
1768 organizations, it is widely acknowledged, but it is not  
1769 always widely understood.

1770 And I think even if we are restating what is already  
1771 protected in law, there is simply no harm in it, and  
1772 actually, great value could come from it, with a nod to the  
1773 late, great Chuck Colson, Prison Fellowship Ministries, and  
1774 all the others who follow in their wake. They have done a  
1775 tremendous job. And I think this is a great amendment, and  
1776 I am happy to support it.

1777 Mr. Gohmert. And thank you, Mr. Chairman. I realize  
1778 my time expired, but just as you have indicated, I have been  
1779 a Federal prison where they said in a 12-step program that a  
1780 faith-based group was utilizing, they could not even refer  
1781 to a higher being. They had to change that up, because it  
1782 might be discriminatory. They did not understand. So, I  
1783 think this just clarifies it, and I appreciate the  
1784 chairman's indulgence.

1785 Chairman Goodlatte. The question occurs on the  
1786 amendment offered by the gentleman from Texas.

1787 All those in favor, respond by saying aye.

1788 Those opposed, no.

1789 The ayes have it. The amendment is agreed to.

1790 Are there further amendments to H.R. 5682?

1791 Mr. Swalwell. Mr. Chairman?

1792 Chairman Goodlatte. For what purpose does the

1793 gentleman from California seek recognition?

1794 Mr. Swalwell. Mr. Chairman, I have an amendment at the

1795 desk.

1796 Chairman Goodlatte. The clerk will report the

1797 amendment.

1798 Ms. Adcock. Amendment to H.R. 5682, offered by Mr.

1799 Swalwell of California. Page 40; line 25, strike "and" at

1800 the end. Page 41; line five, strike --

1801 [The amendment of Mr. Swalwell follows:]

1802 \*\*\*\*\* INSERT 7 \*\*\*\*\*

1803 Chairman Goodlatte. Without objection, the amendment  
1804 is considered as read, and the gentleman is recognized for 5  
1805 minutes on his amendment.

1806 Mr. Swalwell. Thank you, Mr. Chairman, and I thank you  
1807 and members from both sides for working on this important  
1808 issue. I do intend to support the bill. I do want to make  
1809 just one improvement to the bill around an issue that I have  
1810 come to learn about regarding electronic monitoring, and it  
1811 actually just relates to transparency and reporting.

1812 As a former prosecutor, I saw the benefits of  
1813 electronic monitoring to reduce incarceration, but I also  
1814 have seen that if electronic monitoring fails it can be  
1815 deadly to a victim. But also, it can be used as an example  
1816 and projected upon deserving people and prevent them from  
1817 having electronic monitoring if one example is used to  
1818 define a whole community of worthy defendants, worthy of not  
1819 being incarcerated.

1820 And so, my amendment, Mr. Chairman, would first address  
1821 this issue. Under the amendment, officers supervising  
1822 offenders with electronic monitors would have to review  
1823 daily the data that they generate.

1824 Second, any alerts generated would require an actual  
1825 investigation in what the prisoner did to cause the alert.

1826 Third, officers would not be permitted to be  
1827 responsible for so many offenders that it would be

1828 infeasible for them to respond to alerts. This is something  
1829 we have learned is a chronic problem across the country.

1830 And finally, officers would report errors or problems  
1831 with machines to a centralized database, including problems  
1832 which interfere with the ability of offenders to go where  
1833 they are authorized to go or to do what they are authorized  
1834 to do. That way we could spot systemic malfunctions and  
1835 improve device performance more quickly.

1836 To highlight one case of what can go wrong is the 2013  
1837 case of David Renz. Awaiting trial for child pornography,  
1838 he was monitored electronically. There were too many false  
1839 alarms being generated, so the manufacturer of the device  
1840 suggested disabling alerts being transmitted unless the  
1841 tampering lasted longer than 5 minutes. Dozens of alerts  
1842 were thus not transmitted. Mr. Renz was able to use the 5  
1843 minutes to take off and put together his monitor, so he  
1844 could move around undetected. He used that time to murder a  
1845 librarian and raped a 10-year-old girl.

1846 There is also the problem of overwhelmed probation  
1847 officers. For example, the Los Angeles Times reported in  
1848 2014 that Los Angeles County Probation officers are  
1849 inundated with alerts and at times receive as many as 1,000  
1850 a day. So, this would increase transparency, understanding,  
1851 and also make sure that our officers are not overwhelmed by  
1852 the number of prisoners who are being monitored.

1853           It is a straightforward amendment to make sure that as  
1854 we rely on technology as a part of our effort to improve the  
1855 transition of prisoners to society and reduce recidivism, we  
1856 do so in a way that is safe for the community, helpful for  
1857 offenders, and workable for probation officers.

1858           I believe no matter where you are on the underlying  
1859 bill that this should be enacted, and that we want it to be  
1860 implemented in the best possible way, so I urge all members  
1861 to support my amendment. And if there are any questions, I  
1862 would also be happy to yield time. I yield back.

1863           Chairman Goodlatte. The chair recognizes himself in  
1864 response to the amendment offered by the gentleman from  
1865 California. This amendment is intended to require the  
1866 Director of the Bureau of Prisons to ensure an officer of  
1867 the Bureau of Prisons or United States Probation Pretrial  
1868 Services supervises each prisoner assigned an electronic  
1869 monitoring device as a condition of prerelease custody.  
1870 This amendment appears to be a solution in search of a  
1871 problem.

1872           Essentially, the amendment requires the Bureau of  
1873 Prisons and the U.S. Probation employees to do their jobs.  
1874 If there is a problem with how the BOP and U.S. Probation  
1875 currently operate the electronic monitoring system, it can  
1876 certainly be worked out between the Bureau of Prisons and  
1877 Probation Pretrial Services. There is no need for Congress

1878 to dictate exactly how the employees are to do their jobs  
1879 down to the minute details.

1880         Additionally, I have constitutional concerns with the  
1881 amendment. The amendment directs the Bureau of Prisons  
1882 Director, who is an executive branch official, to ensure  
1883 that an officer of the United States Probation Pretrial  
1884 Services, who is a judicial branch official, performs his  
1885 job in a certain way. There may be separation of powers  
1886 issues with this amendment.

1887         Mr. Swalwell. Would the chairman yield?

1888         Chairman Goodlatte. In just a second. Even assuming,  
1889 however, that there are no constitutional issues, this  
1890 amendment nevertheless manages to be both unnecessary and  
1891 overly prescriptive.

1892         Having said that -- and I will be happy to yield to the  
1893 gentleman -- having said, that I am interested in the nature  
1894 of the problem that the gentleman described, in the  
1895 particular case that he described. And if the gentleman  
1896 would withdraw the amendment I would be happy to work with  
1897 him on whether there were any tweaks to the bill that could  
1898 be done to address some of his concerns. And I will listen  
1899 again, but as it stands right now, I would not be inclined  
1900 to support the movement.

1901         Mr. Swalwell. I appreciate the chair's concerns, and  
1902 this is something that we have been researching with and

1903 trying to work with the administrator of courts. And as you  
1904 pointed out, there is a separation of powers issue, but I  
1905 see that issue as the limited oversight ability we have on  
1906 individuals who are under electronic monitoring. It has  
1907 been very difficult for me to get data from the courts, and  
1908 in fact, data that has been sent to me they have marked as  
1909 law enforcement-sensitive.

1910 And so, I am limited in how I can even talk publicly  
1911 about a lot of the concerns that I have seen with electronic  
1912 monitoring and the false alerts.

1913 But I am happy to withdraw this and work with the  
1914 chair, and perhaps in the report language we can address  
1915 these concerns.

1916 Chairman Goodlatte. I would be happy to do that.  
1917 Without objection, the amendment is withdrawn. Are there  
1918 further amendments to the bill? For what purpose does the  
1919 gentleman from Louisiana?

1920 Mr. Richmond. Mr. Chairman, I have an amendment at the  
1921 desk or on its way to the desk.

1922 Chairman Goodlatte. We will watch its progress.

1923 Mr. Richmond. Mr. Chairman, just to save a little time  
1924 --

1925 Chairman Goodlatte. The gentleman is recognized for 5  
1926 minutes.

1927 Mr. Richmond. Thank you, Mr. Chairman. Similar to Mr.

1928 Gohmert's amendment, where he actually added section 106  
1929 about not discriminating because it is a faith-based  
1930 organization, this amendment simply goes up that page to  
1931 where we talk about savings and the money appropriated, that  
1932 programs that were established under the Second Chance Act  
1933 would qualify. And it does not mandate that it go there,  
1934 but it specifically says those programs authorized by the  
1935 Second Chance Act. And I think it is at the desk. So, it  
1936 just adds --

1937 Chairman Goodlatte. If the gentleman would suspend, we  
1938 will have the clerk report the amendment, and we will return  
1939 to the gentleman. The clerk will report the amendment.

1940 Ms. Adcock. Amendment to H.R. 5682, offered by Mr.  
1941 Richmond of Louisiana. Page 45; line 11 --

1942 [The amendment of Mr. Richmond follows:]

1943 \*\*\*\*\* INSERT 8 \*\*\*\*\*

1944 Chairman Goodlatte. Without objection, the amendment  
1945 is considered as read, and the gentleman may resume.

1946 Mr. Richmond. So, Mr. Chairman, if you go to page 45,  
1947 any of the savings associated with the bill can go into  
1948 evidence-based recidivism reduction programs, ensuring  
1949 eligible prisoners have access to such programs and  
1950 productive activities. And then, now three, investment in  
1951 the programs is authorized under the Second Chance Act of  
1952 2007.

1953 Chairman Goodlatte. Would the gentleman yield?

1954 Mr. Richmond. Yes.

1955 Chairman Goodlatte. I like the gentleman's motive. I  
1956 am a little concerned that we may be sending this bill to  
1957 another committee's jurisdiction, because it affects the  
1958 Appropriations' authority in doing so. If the gentleman  
1959 would work with us and maybe withdraw the amendment, we will  
1960 be happy to see if we can come up with a way to accomplish  
1961 the goal without giving another committee a claim at this  
1962 bill after it leaves here.

1963 Mr. Richmond. Mr. Chairman, I withdraw.

1964 Chairman Goodlatte. The chair thanks the gentleman,  
1965 and the amendment is withdrawn. Are there further  
1966 amendments to H.R. 5682?

1967 A reporting quorum being present, the question is on  
1968 the --

1969 Ms. Jackson Lee. I have an amendment at the desk.

1970 Chairman Goodlatte. The clerk will report the

1971 amendment.

1972 Ms. Adcock. Amendment to H.R. 5682, offered by Ms.

1973 Jackson Lee of Texas. Page 54; after the matter following

1974 line 4, insert the following: "Section" --

1975 [The amendment of Ms. Jackson Lee follows:]

1976 \*\*\*\*\* INSERT 9 \*\*\*\*\*

1977 Chairman Goodlatte. Without objection, the amendment  
1978 is considered as read, and the gentlewoman is recognized for  
1979 5 minutes on her amendment.

1980 Ms. Jackson Lee. I thank the gentleman. Let me get  
1981 the attention of Mr. Collins -- I know that he is engaged --  
1982 because I do want to acknowledge that we have had good,  
1983 vigorous discussions regarding the Samaritan bill that I  
1984 have held for a very long time -- what does that mean -- and  
1985 as well Mr. Jeffries. And that is a bill that deals with  
1986 the increasing number of women, because of mass  
1987 incarceration, who are incarcerated and come into the prison  
1988 when they are pregnant.

1989 And it is an amendment that is near and dear to my  
1990 heart, because it is only a pilot program, and it is one  
1991 that I believe with the commitment of the warden, working  
1992 the language, it can actually work. So, it is a pilot  
1993 program for young children to reside with their incarcerated  
1994 mothers upwards of 36 months.

1995 We have data that shows that infant mortality increases  
1996 when a mother who is incarcerated gives birth and that child  
1997 can no longer remain with that mother in terms of bonding  
1998 and, obviously, nursing. And I know that several groups,  
1999 including a group that I look forward to working with, who  
2000 has worked very hard, cut50, has worked on issues dealing  
2001 with women and incarcerated women, as well as our colleague,

2002 Congresswoman Bass, who has worked on the shackling issue.

2003           So, this amendment would in fact take into  
2004 consideration to accept the responsibility of the parents  
2005 rearing the children in prison; participate in any  
2006 educational counseling requirements of the pilot program,  
2007 including child development, parenting skills, domestic  
2008 violence, vocational training, substance abuse; abide by any  
2009 court decision regarding the legal or physical custody of  
2010 the child; transfer to the Bureau of Prisons any child  
2011 support payments from any person or government entity, so  
2012 they would be useful for the Federal prison; and specify a  
2013 person who has agreed to take custody of the child if the  
2014 prisoner's participation in the power program terminated  
2015 before the prisoner's release.

2016           It has all of the firewalls that are necessary to  
2017 address this question, and I would ask my colleagues to  
2018 really take a moment and use whatever search engine you have  
2019 to find out the high statistics of women who are  
2020 incarcerated and as well the growing numbers of women who  
2021 are pregnant as they are incarcerated, and the factor of  
2022 breaking the cycle of those who are born of incarcerated  
2023 parents, from the cycle of themselves being a product of the  
2024 criminal justice system on the wrong end.

2025           I would ask my colleagues to support this amendment,  
2026 and I look forward to working, going forward, on a vital

2027 component in the new arena, new atmosphere. And might I say  
2028 to all of the evangelical groups that we have I think it is  
2029 important to recognize that as you support the unification  
2030 of family, family values, this is family values. This is  
2031 family values.

2032 With that, I ask unanimous consent, Mr. Chairman, to  
2033 submit into the record the letter dated May 8th coming from  
2034 the Leadership Conference on Civil and Human Rights.

2035 Chairman Goodlatte. Without objection, the letter will  
2036 be made a part of the record.

2037 [The information follows:]

2038 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2039 Ms. Jackson Lee. I yield back. Thank you.

2040 Chairman Goodlatte. For what purpose does the  
2041 gentleman from Georgia seek recognition?

2042 Mr. Collins. Thank you, Mr. Chairman. And I  
2043 apologize; I got tied up. And to the gentlelady from Texas,  
2044 we have worked --

2045 Chairman Goodlatte. The gentleman is recognized for 5  
2046 minutes.

2047 Mr. Collins. Thank you, Mr. Chairman. We have worked  
2048 together on many things. On this one, though, there are  
2049 several issues, and we have worked and done well, and I  
2050 appreciate so much the gentlelady's participation,  
2051 especially in the shackling issues and other issues that  
2052 have been coming in dealing with this. But with this  
2053 amendment there are some -- although clear, heartfelt desire  
2054 and need to look at it -- there are some things that do  
2055 cause me concern that I would either ask the gentlelady to  
2056 withdraw, or I will, you know, oppose on.

2057 Really, there is no limitation on length of sentence;  
2058 there is no limitation on the type of crime. And one of the  
2059 unintended, you know, consequences is that the mother could  
2060 be in for, you know, a very long time, and then, at a  
2061 certain point in time, there is the 3-year-old who would be  
2062 separated from their parent, from their mother. As a  
2063 pastor, as a chaplain -- and then we talk about nuclear

2064 family -- this is a discussion. It is hard enough to have  
2065 the child while incarcerated, but then at a certain point  
2066 time have the other unintended consequences of, all of a  
2067 sudden, at 3 years old, being separated from the mother and  
2068 then having to live a life of separation at that point and  
2069 making other arrangements.

2070 We have asked, you know, for the number of pregnant  
2071 inmates in BOP. I have not seen that number. I know our  
2072 staffs have. So, at this point in time, I just appreciate  
2073 the gentlelady's heart in this, the outstanding work. There  
2074 is no greater advocate in this area than Ms. Jackson Lee.

2075 But I would ask that at this point, especially in  
2076 regard to this bill moving forward with the good stuff that  
2077 has already been put, that we either continue to work  
2078 together as we have to find certain solutions, to withdraw  
2079 now, or not, and in light of that, which I would understand.  
2080 I would have to oppose this amendment for the numerous  
2081 questions that this brings up in light of that. And with  
2082 that, I yield back.

2083 Ms. Jackson Lee. Would the gentleman yield?

2084 Mr. Collins. I will yield.

2085 Ms. Jackson Lee. Let me say that the gentleman has a  
2086 passion for families, and obviously in the pilot program the  
2087 child, through normal visitation of family members and  
2088 potentially the custodial person that would come into play

2089 for the child past 3 years old, would have interfaced with  
2090 those individuals. And so, I do understand the breach, if  
2091 you will, that the child goes to live with Grandma. But  
2092 think of the strength of that child that has had the  
2093 exposure to that parent.

2094 Now, let me just say that I have a passion for this  
2095 issue because the numbers of incarcerated women, you will  
2096 find, are hugely growing, and that means that the numbers of  
2097 pregnant women will grow as well. I would look forward to  
2098 working with both cosponsors, and I would welcome the idea  
2099 of a vote in which that we cast just a vote, and whatever  
2100 comes of it we will accept.

2101 I will not ask for roll call vote, but I believe it is  
2102 important that we recognize that women are important,  
2103 unfortunately, elements of reform for a 21st century prison  
2104 system, and would greatly want them to know that their  
2105 unique condition -- a pregnancy -- is of vital importance,  
2106 and the idea of family is of vital importance.

2107 So, some of the issues that you raised; let us look  
2108 forward to setting a framework, and I thank you for your  
2109 input. I ask my colleagues to support the Jackson Lee --

2110 Mr. Collins. And, reclaiming my time, I think I  
2111 appreciate the gentlelady's concern. But, you know, given  
2112 the fact of moving forward with this amendment, due to the  
2113 many concerns that I have raised previously, I will ask for

2114 a "no" vote on this amendment and do look forward to working  
2115 with the gentlelady as we move forward. Mr. Chairman, I  
2116 yield back.

2117 Chairman Goodlatte. The question occurs on the  
2118 amendment offered by the gentlewoman from Texas.

2119 All those in favor, respond by saying aye.

2120 Those opposed, no.

2121 In the opinion of the chair, the noes have it. The  
2122 amendment is not agreed to.

2123 Are there further amendments to H.R. 5682?

2124 A reporting quorum being present, the question is on  
2125 the motion to report the bill H.R. 5682 as amended favorably  
2126 to the House. The clerk will call the roll.

2127 Ms. Adcock. Mr. Goodlatte?

2128 Chairman Goodlatte. Aye.

2129 Ms. Adcock. Mr. Goodlatte votes aye.

2130 Mr. Sensenbrenner?

2131 [No response.]

2132 Mr. Smith?

2133 [No response.]

2134 Mr. Chabot?

2135 Mr. Chabot. Aye.

2136 Ms. Adcock. Mr. Chabot votes aye.

2137 Mr. Issa?

2138 Mr. Issa. Aye.

2139 Ms. Adcock. Mr. Issa votes aye.  
2140 Mr. King?  
2141 [No response.]  
2142 Mr. Gohmert?  
2143 [No response.]  
2144 Mr. Jordan?  
2145 [No response.]  
2146 Mr. Poe?  
2147 [No response.]  
2148 Mr. Marino?  
2149 [No response.]  
2150 Mr. Gowdy?  
2151 [No response.]  
2152 Mr. Labrador?  
2153 [No response.]  
2154 Mr. Collins?  
2155 Mr. Collins. Aye.  
2156 Ms. Adcock. Mr. Collins votes aye.  
2157 Mr. DeSantis?  
2158 Mr. DeSantis. Yes.  
2159 Ms. Adcock. Mr. DeSantis votes yes.  
2160 Mr. Buck?  
2161 Mr. Buck. Aye.  
2162 Ms. Adcock. Mr. Buck votes aye.  
2163 Mr. Ratcliffe?

2164 Mr. Ratcliffe. Yes.

2165 Ms. Adcock. Mr. Ratcliffe votes yes.

2166 Mrs. Roby?

2167 [No response.]

2168 Mr. Gaetz?

2169 Mr. Gaetz. Yes.

2170 Ms. Adcock. Mr. Gaetz votes yes.

2171 Mr. Johnson of Louisiana?

2172 Mr. Johnson of Louisiana. Yes.

2173 Ms. Adcock. Mr. Johnson votes yes.

2174 Mr. Biggs?

2175 [No response.]

2176 Mr. Rutherford?

2177 Mr. Rutherford: Yes.

2178 Ms. Adcock. Mr. Rutherford votes yes.

2179 Mrs. Handel?

2180 [No response.]

2181 Mr. Rothfus?

2182 Mr. Rothfus. Aye.

2183 Ms. Adcock. Mr. Rothfus votes aye.

2184 Mr. Nadler?

2185 Mr. Nadler. Mr. Chairman, though it is a much-improved

2186 bill, and I hope it improves further before it gets to the

2187 floor so I can vote yes at that point, at this point I have

2188 no choice but to vote no.

2189 Ms. Adcock. Mr. Nadler votes no.

2190 Ms. Lofgren?

2191 Ms. Lofgren. Aye.

2192 Ms. Adcock. Ms. Lofgren votes aye.

2193 Ms. Jackson Lee?

2194 Ms. Jackson Lee. I look forward to working on some of

2195 the issues of passion and compassion as we move forward to

2196 the floor, appreciating those who have cosponsored it. I

2197 vote no.

2198 Ms. Adcock. Ms. Jackson Lee votes no.

2199 Mr. Cohen?

2200 Mr. Cohen. Not wanting the perfect to be the enemy of

2201 the good, I vote yes.

2202 Ms. Adcock. Mr. Cohen votes yes.

2203 Mr. Johnson of Georgia?

2204 Mr. Johnson of Georgia. Aye.

2205 Ms. Adcock. Mr. Johnson votes aye.

2206 Mr. Deutch?

2207 Mr. Deutch. Aye.

2208 Ms. Adcock. Mr. Deutch votes aye.

2209 Mr. Gutierrez?

2210 [No response.]

2211 Ms. Bass?

2212 [No response.]

2213 Mr. Richmond?

2214 Mr. Richmond. Aye.

2215 Ms. Adcock. Mr. Richmond votes aye.

2216 Mr. Jeffries?

2217 Mr. Jeffries. Aye.

2218 Ms. Adcock. Mr. Jeffries votes aye.

2219 Mr. Cicilline?

2220 Mr. Cicilline. Aye.

2221 Ms. Adcock. Mr. Cicilline votes aye.

2222 Mr. Swalwell?

2223 [No response.]

2224 Mr. Lieu?

2225 Mr. Lieu. Aye.

2226 Ms. Adcock. Mr. Lieu votes aye.

2227 Mr. Raskin?

2228 Mr. Raskin. Because I want the first step to be the

2229 best step that we can take, I am voting no at this point.

2230 Ms. Adcock. Mr. Raskin votes no.

2231 Ms. Jayapal?

2232 Ms. Jayapal. No.

2233 Ms. Adcock. Ms. Jayapal votes no.

2234 Mr. Schneider?

2235 Mr. Schneider. Aye.

2236 Ms. Adcock. Mr. Schneider votes aye.

2237 Ms. Demings?

2238 Ms. Demings. Aye.

2239 Ms. Adcock. Ms. Demings votes aye.

2240 Chairman Goodlatte. The gentleman from Pennsylvania,

2241 Mr. Marino?

2242 Mr. Marino. Yes.

2243 Ms. Adcock. Mr. Marino votes yes.

2244 Chairman Goodlatte. The gentleman from Iowa, Mr. King?

2245 Mr. King. No.

2246 Ms. Adcock. Mr. King votes no.

2247 Chairman Goodlatte. The gentleman from Texas, Mr.

2248 Gohmert?

2249 Mr. Gohmert. Yes.

2250 Ms. Adcock. Mr. Gohmert votes yes.

2251 Chairman Goodlatte. The gentleman from Ohio, Mr.

2252 Jordan?

2253 Mr. Jordan. Yes.

2254 Ms. Adcock. Mr. Jordan votes yes.

2255 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

2256 Mr. Poe. Yes.

2257 Ms. Adcock. Mr. Poe votes yes.

2258 Chairman Goodlatte. Has every member voted who wishes

2259 to vote?

2260 Mr. Collins. Mr. Chairman?

2261 Chairman Goodlatte. For what purpose does the

2262 gentleman from Georgia seek recognition?

2263 Mr. Collins. How am I recorded, Mr. Chairman?

2264 Chairman Goodlatte. The clerk will advise the  
2265 gentleman from Georgia how he voted on his bill.

2266 Mr. Collins. Short-term memory loss.

2267 Ms. Adcock. Yes.

2268 Chairman Goodlatte. The gentleman is recorded as a  
2269 yes. The clerk will report.

2270 Ms. Adcock. Mr. Chairman, 25 members voted aye; 5  
2271 members voted no.

2272 Chairman Goodlatte. The ayes have it, and the bill is  
2273 ordered reported favorably to the House. Members will have  
2274 2 days to submit views.

2275 [Whereupon, at 12:37 p.m., the committee was  
2276 adjourned.]