

1 ALDERSON COURT REPORTING

2 CHRISTINE ALLEN

3 HJU253000

4 MARKUP OF H.R. 683, THE PUERTO RICO RECOVERY ACCURACY IN
5 DISCLOSURES ACT OF 2019, OR PRRADA; H.R. 6196, THE TRADEMARK
6 MODERNIZATION ACT OF 2020, OR THE TM ACT OF 2020; H.R. 631,
7 FOR THE RELIEF OF ARPITA KURDEKAR, GIRISH KURDEKAR, AND
8 VANDANA KURDEKAR; H.R. 4225, FOR THE RELIEF OF MARIA ISABEL
9 BUESO BARRERA, ALBERTO BUESO MENDOZA, KARLA MARIA BARRERA DE
10 BUESO, AND ANA LUCIA BUESO BARRERA; H.R. 7146, FOR THE RELIEF
11 OF VICTORIA GALINDO LOPEZ; H.R. 7572, FOR THE RELIEF OF
12 MEDIAN EL-MOUSTRAH; H.R. 5053, THE JUSTICE FOR JUVENILES ACT;
13 AND H.R. 8124, TO AMEND TITLE 18, UNITED STATES CODE, TO
14 PROVIDE FOR TRANSPORTATION AND SUBSISTENCE FOR CRIMINAL
15 JUSTICE DEFENDANTS, AND FOR OTHER PURPOSES

16 Wednesday, September 9, 2020

17 House of Representatives

18 Committee on the Judiciary

19 Washington, D.C.

20 The committee met, pursuant to call, at 12:10 p.m., via

21 Webex, Hon. Jerrold Nadler [chairman of the committee]
22 presiding.

23 Present: Representatives Nadler, Lofgren, Jackson Lee,
24 Cohen, Johnson of Georgia, Deutch, Bass, Jeffries, Cicilline,
25 Swalwell, Lieu, Raskin, Jayapal, Demings, Correa, Scanlon,
26 Garcia, Neguse, McBath, Stanton, Dean, Mucarsel-Powell,
27 Escobar, Chabot, Gohmert, Buck, Roby, Biggs, Lesko,
28 Reschenthaler, Cline, Armstrong, Steube, and Tiffany.

29 Staff Present: Amy Rutkin, Chief of Staff; David
30 Greengrass, Senior Counsel; John Doty, Senior Adviser;
31 Madeline Strasser, Chief Clerk; Moh Sharma, Member Services
32 and Outreach Adviser; Jordan Dashow, Professional Staff
33 Member; Anthony Valdez, Staff Assistant; John Williams,
34 Parliamentarian; Slade Bond, Chief Counsel, ACAL
35 Subcommittee; Jamie Simpson, Chief Counsel, Courts and IP
36 Subcommittee; Matt Robinson, Counsel, Courts and IP
37 Subcommittee; MaryBeth Walker, Detailee, Courts and IP
38 Subcommittee; Ben Hernandez-Stern, Counsel, Crime
39 Subcommittee; Joe Graupensperger, Chief Counsel, Crime
40 Subcommittee; Milagros Cisneros, Detailee, Crime
41 Subcommittee; Betsy Lawrence, Counsel, Immigration
42 Subcommittee; David Shahoulian, Chief Counsel, Immigration
43 Subcommittee; Katy Rother, Minority Deputy General Counsel
44 and Parliamentarian; Ella Yates, Minority Director of Member
45 Services and Coalitions; Andrea Loving, Minority Chief

46 Counsel for Immigration; Jason Cervenak, Minority Chief
47 Counsel for Crime; Douglas Geho, Minority Chief Counsel for
48 Administrative Law; Ken David, Minority Counsel; Andrea
49 Woodard, Minority Professional Staff Member; Kiley Bidelman,
50 Minority Clerk; and John Lee, USPTO Detailee.
51

52 Chairman Nadler. The Judiciary Committee will please
53 come to order, a quorum being present.

54 Without objection, the chair is authorized to declare
55 recess at any time.

56 Pursuant to Committee Rule 2 and House Rule 11,
57 Clause 2, the chair may postpone further proceedings today on
58 the question of approving any measure or matter or adopting
59 an amendment for which a recorded vote for the yeas and nays
60 are ordered.

61 I would like to remind members that we have established
62 an email address and distribution list dedicated to
63 circulating amendments, exhibits, motions, or other written
64 materials that members might want to offer as part of our
65 markup today. If you would like to submit materials, please
66 send them to the email address that has been previously
67 distributed to your offices, and we will circulate the
68 materials to members and staff as quickly as we can.

69 I want to thank all members for participating in today's
70 markup, the first that we have held in a fully virtual
71 format. We have successfully held hybrid markups and
72 hearings with remote participation, and I believe we are well
73 prepared to take this next step.

74 I would ask all members to please mute your microphones
75 when you are not speaking. This will help prevent feedback
76 and other technical issues. You may unmute yourself any time

77 you seek recognition.

78 I appreciate all of the work that has gone into making
79 this markup possible, and I look forward to consideration of
80 the important bipartisan bills we have in front of us today.

81 Pursuant to notice, I now call up H.R. 683, the Puerto
82 Rico Recovery Accuracy in Disclosures Act of 2019, for
83 purposes of markup and move that the committee report the
84 bill favorably to the House.

85 The clerk will report the bill.

86 Ms. Strasser. H.R. 683, to impose requirements on the
87 payment of compensation of professional persons --

88 Chairman Nadler. Without objection, the bill is
89 considered as read and open for amendment at any point.

90 [The bill follows:]

91

92 Chairman Nadler. I will begin by recognizing myself for
93 an opening statement.

94 H.R. 683, the Puerto Rico Recovery Accuracy in
95 Disclosures Act, or PRRADA, is bipartisan legislation that
96 would promote greater transparency and integrity with respect
97 to the ongoing financial reorganization of Puerto Rico. In
98 response to dire fiscal issues facing Puerto Rico at the
99 time, Congress passed the Puerto Rico Oversight Management
100 and Economic Stability Act, or PROMESA, in 2016. That
101 legislation established the Financial Oversight Management
102 Board with control over Puerto Rico's budget, laws, financial
103 plans, and regulations, and the authority to retain
104 professionals to assist the board in executing its
105 responsibilities.

106 Although largely patterned on Chapter 11 of the
107 bankruptcy code, PROMESA did not incorporate all facets of
108 Chapter 11 and other relevant provisions of the code,
109 including, for example, the code's mandatory disclosure
110 requirements regarding actual or potential conflicts of
111 interest that professional persons seeking to be retained in
112 a bankruptcy case must make to the court prior to their
113 retention. This bill would close that loophole, and to quote
114 our colleague from New York, Ms. Velazquez, who authored the
115 bill, it would "improve transparency and restore confidence
116 and integrity in Puerto Rico's restructuring process."

117 I thank Ms. Velazquez for her leadership in championing
118 this bill and for her relentless dedication to ensuring that
119 the people of Puerto Rico receive the fair, efficient, and
120 transparent restructuring process they deserve.

121 I urge all members to support this legislation.

122 I now recognize the distinguished ranking member of the
123 Judiciary Committee, the gentleman from Ohio, Mr. Jordan, for
124 his opening statement.

125 Mr. Cline. Thank you, Mr. Chairman.

126 I understand that Mr. Jordan is not here today and that
127 I am going to be filling in for him.

128 I want to thank you, Mr. Chairman, and the staff for all
129 the work that they have done in putting this markup together.
130 I want to express a general concern about the fact that this
131 is a fully virtual markup. Commerce is down the hall. They
132 are having a hybrid markup, and I think that it would behoove
133 us to also enable members to use the committee room to vote
134 in person, to represent their constituents in person as well.

135 As to this piece of legislation, Mr. Chairman, for years
136 Puerto Rico was facing a growing financial crisis brought on
137 by increasing debt and related obligations. As a result,
138 Congress enacted the Puerto Rico Oversight Management and
139 Economic Stability Act of 2016 to establish a bankruptcy
140 mechanism for Puerto Rico to deal with its debt.

141 As in traditional bankruptcy law, the 2016 law permits

142 certain professionals to receive court-approved compensation
143 for their services. However, the Puerto Rico bankruptcy
144 process lacks disclosure requirements typically found in
145 bankruptcy proceedings, creating the potential for
146 unaddressed conflicts of interest.

147 To close that loophole, H.R. 683 establishes disclosure
148 requirements on professionals, such as business consultants
149 and attorneys, seeking compensation in Puerto Rico's
150 bankruptcy. With disclosure requirements more consistent
151 with traditional bankruptcy law, the court is more likely to
152 catch and address potential conflicts of interest, and this
153 improved transparency is better for creditors, taxpayers, and
154 ultimately, Puerto Rico.

155 Mr. Chairman, I yield back.

156 Chairman Nadler. Without objection, all other opening
157 statements will be included in the record.

158 [The statements follow:]

159

160 Chairman Nadler. I now recognize myself for purposes of
161 offering an amendment in the nature of a substitute.

162 The clerk will report the amendment.

163 Ms. Strasser. Amendment in the nature of a substitute
164 to H.R. 683, offered by Mr. Nadler of New York --

165 Chairman Nadler. Without objection, the amendment in
166 the nature of a substitute will considered as read and shall
167 be considered as base text for purposes of amendment.

168 [The amendment of Chairman Nadler follows:]

169

170 Chairman Nadler. I will recognize myself to explain the
171 amendment.

172 This amendment in the nature of a substitute strikes the
173 text of H.R. 683 and inserts the text of Senate -- of
174 S. 1675, the Senate version of the bill. The key difference
175 between the House and Senate versions is fairly subtle. Both
176 versions allow its court to deny compensation to any
177 attorney, accountant, consultant, and other professional
178 persons employed by the oversight board tasked with managing
179 Puerto Rico's restructuring if the court finds that the
180 professional was not a "disinterested person," as defined by
181 Section 1.1 of the bankruptcy code.

182 But the Senate version, and thus this amendment, is
183 essentially forward-looking in that the court can deny
184 compensation to any professional who is not a disinterested
185 person on or after the date of enactment of this bill. The
186 unamended text of H.R. 683, by contrast, would allow the
187 court to deny compensation to a professional who did not meet
188 the standards for disinterestedness at any point, including
189 before the bill's date of enactment.

190 By adopting the more forward-looking language of the
191 Senate version of the bill, we will prevent the inadvertent
192 disqualification of professionals whose retention was
193 permitted under the law as it existed at the time they were
194 retained.

195 I urge support of this amendment, and I yield back the
196 balance of my time.

197 Are there any amendments to the amendment in the nature
198 of a substitute?

199 Ms. Jackson Lee, do you seek recognition?

200 Ms. Jackson Lee. Yes. Good morning.

201 Thank you very much. I would like to strike the last
202 word.

203 Chairman Nadler. The gentlelady is recognized.

204 Ms. Jackson Lee. Thank you.

205 For many of us who have been engaged with Puerto Rico
206 for a number of years since the horrific hurricane and the
207 devastating financial concerns, recognizing the importance of
208 Puerto Rico to the United States and the people of Puerto
209 Rico, which, of course, is part of the United States -- these
210 are citizens of the United States -- I rise to
211 enthusiastically support the manager's amendment for the
212 Puerto Rico Recovery Accuracy in Disclosures Act of 2019.

213 We well know, of course, that Puerto Rico still faces
214 sometimes insurmountable obstacles in terms of its recent
215 recovery of the hurricane, but more importantly, its fiscal
216 health as well. This legislation does work more proactively
217 to address the concerns dealing with the bankruptcy code, and
218 unlike PROMESA, which one of the issues that I know we
219 addressed with respect to Puerto Rico was the unaccounted --

220 the inability to account for the funds that were being
221 utilized that were either being given to be -- to assist the
222 people of Puerto Rico. One of the challenges they had was
223 the energy grid, and I remember the letting of contracts in
224 that instance.

225 So I support the fact that this provides for in the
226 bankruptcy code authorized professional persons such as
227 attorneys, financial advisers, appraisers, and others to be
228 retained in connection with the administration of the
229 bankruptcy code that they meet the following conditions.
230 First, such a person must not hold a represented interest
231 adverse to the bankruptcy estate, and second, a professional
232 must be a disinterested person.

233 H.R. 683, the Puerto Rico Recovery Accuracy in
234 Disclosures Act of 2019, or PRRADA, conditions compensation
235 of professional persons retained under PROMESA upon the
236 applicant providing certain disclosures similar to those
237 required in the bankruptcy code. In addition, it would
238 require the United States trustee to review such disclosures
239 and submit comments in response to the court, as well as
240 authorize the United States trustee to object to compensation
241 requested by professionals. Further, the measure would apply
242 retroactively to professionals who had previously been
243 awarded compensation.

244 It would also authorize the court to deny allowance of

245 compensation for services and reimbursement of expenses
246 accruing after the bill's enactment date if the professional
247 person did not comply with the disclosure requirement and was
248 not a disinterested person or represented or held interest
249 adverse to the bankruptcy estate.

250 I think the main point that I see H.R. 683 providing is
251 an extra level of oversight that the people of Puerto Rico
252 can be helped. We still have not finished our pass in making
253 them whole. There still are tragedies as relates to both
254 their financial health and, of course, recovering from their
255 most recent hurricane.

256 So I believe this is a constructive addition to
257 providing extra support for the people of Puerto Rico that
258 the funds utilized would be utilized for the enhancement and
259 improvement of a better quality of life.

260 And with that, I support the manager's amendment and
261 yield back my time. I ask colleagues to support the
262 legislation.

263 Chairman Nadler. The gentlelady yields back. Does
264 anyone else seek recognition? In that case --

265 Mrs. Lesko. Mr. Chair, it looks like Andy Biggs wants
266 to seek recognition.

267 Chairman Nadler. Mr. Biggs then is recognized.

268 Mr. Biggs. Thank you, Mr. Chairman. I appreciate the
269 opportunity to speak on this bill as a cosponsor of this

270 bill, and I appreciate your amendment.

271 And I would just tell you that public confidence in our
272 legal system is the cornerstone of a healthy republic. And
273 when conflicts of interest or cronyism are present, it
274 destroys that faith, and that is why I joined a really
275 bipartisan coalition with Representatives Velazquez, Bishop,
276 Grijalva, and Jenniffer Gonzalez-Colon to introduce this
277 bill.

278 I won't rehearse the long history of PROMESA, but
279 without the conflict of interest provisions that this bill
280 and your amendment seek to provide, companies that are hired
281 to determine the best interest of Puerto Rico and its
282 creditors can actually profit from their advice by investing
283 in the debt instruments they are recommending in their
284 fiduciary role.

285 And according to news reports from the Wall Street
286 Journal, the New York Times, and others, McKinsey & Company
287 is one of those advisers. And while it is the prerogative of
288 the oversight board on how much Puerto Rico should pay
289 creditors, McKinsey's investment unit is one of those
290 creditors directly and indirectly holding Puerto Rican bonds.
291 And as a bond holder, McKinsey's investment arm has a
292 financial stake in the outcome of the bankruptcy
293 restructuring.

294 As feared, when the oversight board announced a plan for

295 how much to pay those bond holders in the restructuring, it
296 was extremely generous to bond holders like McKinsey at the
297 expense of the claims of other creditors. And that is why
298 this particular bill became necessary.

299 The PROMESA oversight board hired the law firm of
300 Luskin, Stern & Eisler to investigate McKinsey's potential
301 conflicts of interest, and in that investigation, Luskin
302 confirmed that McKinsey had not broken the law because such
303 disclosures were not required under the current PROMESA.
304 That is not necessarily a criticism of McKinsey. They
305 complied with the law. But the criticism is actually back to
306 the underlying law, which is why we need to make this bill
307 happen.

308 This bill requires attorneys, accountants, consultants,
309 and other professional persons employed by the oversight
310 board to submit verified disclosures of their connections
311 with the debtors, creditors, or persons employed by the
312 oversight board prior to being compensated under PROMESA.
313 This simple change to the existing law will give the
314 oversight board the information necessary to evaluate actual
315 and apparent conflicts of interest so that proper action can
316 be taken to negate such conflicts.

317 This bill implements a major recommendation of the
318 Luskin report on Puerto Rican debt restructuring in line with
319 the conflict of interest rules and standard bankruptcy laws,

320 as the chairman has said.

321 So with that, Mr. Chairman, I support your amendment,
322 and I support this underlying bill and hope that it really
323 does a good job at ferreting out conflicts of interest and
324 protects the process that we have going for it.

325 Thank you, Mr. Chairman. I yield back.

326 Chairman Nadler. The gentleman yields back.

327 The question then occurs on the amendment in the nature
328 of a substitute. This will be followed immediately by a vote
329 on final passage of the bill.

330 All those in favor, respond by saying aye.

331 Opposed, no.

332 In the opinion of the chair, the ayes have it. The
333 amendment in the nature of a substitute is agreed to.

334 A reporting quorum being present, the question is on the
335 motion to report the bill H.R. 683, as amended, favorably to
336 the House.

337 Those in favor, respond by saying aye.

338 Opposed, no.

339 The ayes have it, and the bill is ordered to be reported
340 favorably.

341 The members will have 2 days to submit views. Without
342 objection, the bill will be reported as a single amendment in
343 the nature of a substitute, incorporating all adopted
344 amendments, and staff is authorized to make technical and

345 conforming changes.

346 Pursuant to notice, I now call up H.R. 6196, the
347 Trademark Modernization Act of 2020, for purposes of markup
348 and move that the committee report the bill favorably to the
349 House.

350 The clerk will report the bill.

351 Ms. Strasser. H.R. 6196, to amend the Trademark Act of
352 1946 --

353 Chairman Nadler. Without objection, the bill is
354 considered as read and open for amendment at any point.

355 [The bill follows:]

356

357 Chairman Nadler. I will begin by recognizing myself for
358 an opening statement.

359 H.R. 6196, the Trademark Modernization Act of 2020, is a
360 bipartisan bill that will modernize trademark law to reflect
361 technological advances, improve the efficiency of trademark
362 registration, and address recent threats to the proper
363 functioning of the U.S. trademark system. I am pleased to be
364 an original cosponsor of the bill, together with my
365 colleagues on both sides of the aisle, IP Subcommittee
366 Chairman Johnson, IP Subcommittee Ranking Member Roby, and
367 Mr. Collins, the former full committee ranking member.

368 A well-functioning trademark system supports a robust
369 and successful commercial economy. Trademarks enable
370 producers to build goodwill, and trademark protection
371 prevents others from trading on that goodwill. By guarding
372 against deception in the marketplace, trademarks also serve
373 an important consumer protection function, which is
374 especially critical today as electronic commerce commands a
375 larger and larger role in the U.S. economic landscape.

376 Federal trademark registration is an important component
377 of protecting trademarks and, in turn, in protecting U.S.
378 companies and consumers. To function properly, the
379 registration system must work for all entities, not just for
380 large companies.

381 For small and medium-size businesses, it is especially

382 important that the process of registering a trademark not be
383 overly burdensome. Small businesses succeed when their brand
384 recognition grows, and the heart of brand recognition is
385 trademark protection.

386 In recent years, it has become apparent that there are
387 inefficiencies in the trademark registration process. It is
388 also clear that marks have been registered that should not
389 have been, either through inadvertent mistake or through
390 fraudulent activity during the examination process.

391 H.R. 6196 helps restore balance in the trademark system
392 by creating new processes to allow even small businesses to
393 challenge improper registrations through new, more efficient,
394 and less costly ex parte cancellation proceedings. Clearing
395 improper registrations from the trademark register allows
396 those marks to be available again for use in registration by
397 later legitimate actors seeking to build their brand and
398 their business.

399 The bill also modernizes trademark examination practice
400 by allowing the Patent and Trademark Office to set trademark
401 examination deadlines that are more in concert with the
402 availability of electronic communications today, and it
403 codifies an existing practice of the office that allows third
404 parties to submit evidence to ensure that only those
405 applications entitled to registration proceed at an
406 examination.

407 Additionally, for the trademark system to function
408 properly, appropriate remedial relief must be available when
409 a company's trademark is infringed. Given the consumer
410 protection function of trademarks to prevent confusingly
411 similar marks from coexisting in the marketplace, trademark
412 law has historically recognized the rebuttable presumption of
413 irreparable harm when trademark infringement is proven.

414 That presumption was called into question after a 2006
415 Supreme Court decision in a patent case. And since that
416 time, a circuit split has developed over whether the
417 presumption still applies in a trademark case.

418 H.R. 6196 confirms that the historical practice of
419 applying a rebuttable presumption of irreparable harm is the
420 appropriate course of claims under the Trademark Act of 1946.
421 This provision ensures that injunctive relief will be
422 available in appropriate cases for parties prevailing on
423 trademark claims.

424 The changes made by this legislation would strengthen
425 and modernize the trademark system, and I urge my colleagues
426 to support this important bipartisan effort.

427 I now recognize the distinguished ranking member of the
428 Judiciary Committee, the gentleman Mr. Cline, for his opening
429 statement.

430 Mr. Cline. Thank you, Mr. Chairman. And I want to
431 thank Chairman Johnson, Ranking Member Roby, and former

432 Ranking Member Collins for their leadership on this important
433 legislation.

434 Trademarks are among the most valuable and economically
435 important types of intellectual property, with some
436 trademarks being valued in the billions of dollars. American
437 businesses depend on trademarks to protect their brands and
438 products. Trademark protection allows businesses [inaudible]
439 creating jobs and producing better and safer products.

440 Trademarks help prevent bad actors from stealing or
441 taking advantage of the benefits of those investments, such
442 as customer trust and loyalty. Trademark protections are
443 particularly important for small businesses.

444 Trademarks also protect American consumers, who depend
445 on them to identify the goods and services they trust for
446 themselves and their family. Whether it is choosing to shop
447 at a certain supermarket for food or choosing a certain brand
448 of tires for your family car or truck, those choices are made
449 based on trademarks, which is why it is so important to
450 recognize that our trademark system is under attack.

451 The vast majority of the world's most valuable
452 trademarks are owned by American businesses. As part of its
453 campaign to undermine the United States and American
454 intellectual property, the Chinese Communist Party has been
455 encouraging the filing of fraudulent trademark applications
456 at the U.S. Patent and Trademark Office. They have literally

457 been paying their citizens to jam our national trademark
458 registry with thousands of fraudulent trademarks.

459 As a result, American business owners have had to waste
460 valuable time and money searching through numerous fake
461 trademarks every time they launch a new product. American
462 entrepreneurs have had to waste time and money sifting
463 through dozens of fake trademarks every time they start a new
464 business. Enough is enough. We must hold China accountable
465 for its actions.

466 We must act to stop this attempted sabotage of our
467 trademark system and protect the countless Americans who
468 depend on it. Existing tools have not been good enough.
469 This important bill, H.R. 6196, the Trademark Modernization
470 Act, provides the tools that American businesses and the
471 USPTO need to fight against this tide of fraudulently
472 obtained trademarks.

473 The bill updates existing mechanisms to make them
474 faster, more efficient, and more accurate, such as by
475 codifying the ability of third parties to provide evidence
476 during examination to prevent fraudulent applications from
477 being granted. It also grants the USPTO more flexibility for
478 the examination of trademark applications.

479 H.R. 6196 also provides new procedures to target these
480 fraudulent trademarks and clear them from the registry.
481 These procedures are designed to be fast and efficient so

482 that businesses can quickly remove these obstacles and get
483 back to work. The bill also includes procedural safeguards
484 to ensure that these procedures are not abused and grants the
485 USPTO the authority to enact further safeguards if needed.

486 Finally, H.R. 6196 also clarifies certain aspects of
487 trademark law to provide more certainty to legitimate
488 trademark owners. I appreciate the hard work and effort that
489 the sponsors of this bill put in for many months and
490 appreciate their work to finally take action against China's
491 misdeeds.

492 Mr. Chairman, I yield back.

493 Chairman Nadler. Without objection, all other opening
494 statements will be included in the record.

495 [The statements follow:]

496

497 Chairman Nadler. I now recognize myself for purposes of
498 offering an amendment in the nature of a substitute.

499 The clerk will report the amendment.

500 Ms. Strasser. Amendment in the nature of a substitute
501 to H.R. 6196, offered by Mr. Nadler --

502 Chairman Nadler. Without objection, the amendment in
503 the nature of a substitute will considered as read and shall
504 be considered as base text for purposes of amendment.

505 [The amendment of Chairman Nadler follows:]

506

507 Chairman Nadler. I will recognize myself to explain the
508 amendment.

509 In addition to certain technical revisions to enhance
510 clarity, the amendment in the nature of a substitute makes
511 two substantive changes to the bill. First, it limits the
512 period during which new ex parte expungement petitions may be
513 brought.

514 The underlying bill allows new petitions to be brought
515 anytime after 3 years from registration of a trademark. The
516 amendment requires new petitions to be brought within
517 10 years of registration after the 3-year period has expired.

518 The amendment also provides for a 3-year transition
519 period after enactment of the bill during which this 10-year
520 limit does not apply. This provision is intended to balance
521 the need to provide repose for long-held trademark
522 registrations that were legitimately procured, with the need
523 for streamlined proceedings to address improperly procured
524 trademark registrations.

525 The amendment also adds a new section clarifying the
526 authority of the PTO Director to reconsider decisions of the
527 Trademark Trial and Appeal Board, including those that result
528 from the new ex parte proceedings created by H.R. 6196.

529 The recent decision by the Federal circuit in *Arthrex v.*
530 *Smith & Nephew* found that patent judges were appointed in
531 violation of the appointments clause of the Constitution. To

532 resolve the constitutionality concern, the Federal circuit
533 stripped patent judges of their civil service protections.

534 The Federal circuit has not yet ruled on the question of
535 whether the appointment of Trademark Trial and Appeal Board
536 judges similarly run afoul of the appointments clause.
537 Structural differences between the Patent Act and the
538 Trademark Act suggest that the outcome on the trademark side
539 would be different.

540 And importantly, language in the Trademark Act supports
541 the interpretation that the Director of the PTO, a Senate-
542 confirmed official, has the implicit authority to reconsider
543 decisions of the Trademark Trial and Appeal Board. The
544 language added by the amendment, however, is intended to
545 resolve any question regarding the constitutionality of the
546 appointment of these judges. Its provision should not be
547 understood to give the Director new authority. Rather, the
548 new language simply confirms explicitly the authority of the
549 Director that is currently implicit in the Trademark Act.

550 I urge all members to support the amendment.

551 Are there any amendments to the amendment in the nature
552 of a substitute?

553 For what purpose does Mr. Johnson of Georgia seek
554 recognition? Mr. Johnson?

555 Mr. Johnson of Georgia. I move to strike the last word,
556 Mr. Chairman.

557 Chairman Nadler. The gentleman is recognized.

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

559 I was pleased to introduce the Trademark Modernization
560 Act with you and my colleagues across the aisle -- Ranking
561 Member of the IP Subcommittee, Mrs. Roby, and also former
562 ranking member of the full committee, Doug Collins, as well
563 as with Senators Coons and Tillis in the Senate.

564 Our bipartisan bicameral bill shows both the importance
565 of the issue and the work we have done to achieve a consensus
566 around the changes the bill makes to modernize the Federal
567 trademark system. The system was created by the Lanham Act
568 in 1946 and has rarely been updated since in spite of its
569 importance to our businesses.

570 Trademarks are unquestionably important to the American
571 economy. One study shows that trademark-intensive industries
572 contributed 23.7 million jobs to the U.S. economy in 2014 --
573 that is the last year for which data is available --
574 reflecting the importance of the trademark system and the
575 success of American brands.

576 But as we learned from testimony in the Intellectual
577 Property Subcommittee hearing I chaired last summer, the
578 supply of good trademarks -- pithy, catchy names -- is not
579 infinite, and already there is a short supply in certain
580 industries. An important part of this bill would create
581 proceedings at the Trademark Office to challenge and remove

582 trademarks that were not properly in use to make room for the
583 next generation of businesses.

584 These same changes would also help address the recent
585 rise in fraudulent trademark applications, particularly from
586 China, that are currently harming legitimate businesses. The
587 bill makes several other long overdue changes to modernize
588 and strengthen the trademark system, such as updating the
589 registration process and ensuring that trademark holders can
590 seek redress in the courts for a confusingly similar mark, a
591 remedy that is key to ensuring that consumers know whose
592 product they are purchasing.

593 I urge my colleagues to support American businesses and
594 protect consumers by voting for this important bill. And
595 with that, I yield back.

596 Chairman Nadler. For what purpose does Mr. Correa seek
597 recognition?

598 Mr. Correa. Thank you, Mr. Chairman. I move to strike
599 the last word.

600 Chairman Nadler. The gentleman is recognized.

601 Mr. Correa. Mr. Chairman, I respectfully urge the
602 committee to amend the Trademark Modernization Act with a
603 technical fix that will protect the franchise brands and
604 small business owners in my district.

605 I ask the committee to work with me to include the
606 bipartisan Trademark Licensing Protection Act -- that is

607 H.R. 4164 -- as we advance reforms to trademark policy. In
608 my district, franchises create over 15,000 jobs. Their
609 businesses represent a significant share of women and
610 minority-owned businesses. This simply protects the ability
611 of franchises to maintain their trademarks.

612 The Trademark Licensing Protection Act should have been
613 part of today's legislation and would have provided a common
614 sense bipartisan fix to this issue.

615 With that, I yield back the balance of my time.

616 Mr. Gohmert. Mr. Chairman?

617 Chairman Nadler. Does anyone else seek recognition?

618 Mr. Gohmert. Mr. Chairman?

619 Chairman Nadler. Who seeks recognition? Mr. Gohmert?

620 Mr. Gohmert. Yes, thank you.

621 I am thrilled that we have got bipartisan effort, not
622 just one party, concerned about the assaults on our economy
623 by China. But I am exceedingly concerned that this is
624 brought up without a legislative hearing. I would think that
625 we could have a bipartisan concern asking experts and people
626 so we don't -- so we try to follow what doctors did for so
627 long in trying to do no harm.

628 I know when the copyright bill and supposed improvements
629 were made, it devastated the brilliant, but individual
630 inventors. And one of the things that did that was the
631 ability for the biggest money people in the country and world

632 to come in and challenge their copyrights after they fought
633 the process and finally gotten recognized and given a
634 copyright for their individual inventions.

635 So the big money folks come along, the huge
636 corporations, and they challenge, even after they have gotten
637 the copyright, these individual inventors. So I have
638 concerns. I would love to go after fraudulent efforts by
639 China or Russia. I am surprised they are not mentioned. But
640 go after foreign entities that seek to destroy our economy
641 and do so through the trademark system, but also I would love
642 to have had legislative hearing where we could hear from
643 experts.

644 Is this going to allow, for example, the Chinese --
645 still assaulting our system, our economy, our Government --
646 come in and challenge trademarks after they are already
647 awarded and say they are fraudulent? I am just concerned
648 that we have a bipartisan interest in doing the very best
649 thing we can that we also -- because we haven't done due
650 diligence on this.

651 So it is the best intentions. It is bipartisan. But we
652 may be doing grave injustice to people that don't have big
653 money to be overwhelmed by governmental companies around the
654 world or even big companies within this country to come in
655 and steal a trademark from somebody who simply doesn't have
656 the money and the wherewithal to defend their trademark.

657 So I wish that we could slow down. I know you are on
658 course to get this passed today, and I know it is not normal.
659 But I sure do think it would be a good idea to hear from
660 experts to get a better view of just what damage could
661 possibly be done by this bill, again with the best of
662 intentions.

663 It doesn't matter when you just start destroying the
664 small money people. I know Democrats have talked for years,
665 used to, about trying to help the small folks, the people
666 with small money or no money. Well, you may be helping the
667 big money people here, and I would love to hear experts talk
668 about that issue.

669 So I sure would hope, Mr. Chairman, that we could have a
670 legislative hearing instead of just ramming this through,
671 thinking that we know all, see all, and can do what is best
672 from Mount Olympus in the District of Columbia.

673 So that is my take. I hope that we could push for that
674 in a bipartisan way to make sure that we do no harm. And I
675 yield back.

676 Chairman Nadler. The question -- does anyone else seek
677 recognition?

678 [No response.]

679 Chairman Nadler. The question then occurs on the
680 amendment in the nature of a substitute. This will be
681 followed immediately by a vote on final passage of the bill.

682 All those in favor, respond by saying aye.

683 Opposed, no.

684 In the opinion of the chair, the ayes have it. The
685 amendment in the nature of a substitute is agreed to.

686 A reporting quorum being present, the question is on the
687 motion to report the bill H.R. 6196, as amended, favorably to
688 the House.

689 Those in favor, respond by saying aye.

690 Opposed, no.

691 The ayes have it. The bill is ordered to be reported
692 favorably.

693 The members will have 2 days to submit views. Without
694 objection, the bill will be reported as a single amendment in
695 the nature of a substitute, incorporating all adopted
696 amendments, and staff is authorized to make technical and
697 conforming changes.

698 We are now going to consider four private immigration
699 bills en bloc. Pursuant to notice, I call up H.R. 631, for
700 the Relief of Arpita Kurdekar, Girish Kurdekar, and Vandana
701 Kurdekar; H.R. 4225, for the Relief of Maria Isabel Bueso
702 Barrera, Alberto Bueso Mendoza, Karla Maria Barrera de Bueso,
703 and Ana Lucia Bueso Barrera; H.R. 7146, for the Relief of
704 Victoria Galindo Lopez; and H.R. 7572, for the Relief of
705 Median El-Moustrah, for purposes of markup.

706 Without objection, I move that the committee report the

707 bills en bloc favorably to the House.

708 The clerk will report the bills.

709 Ms. Strasser. H.R. 631, for the Relief of Arpita
710 Kurdekar, Girish Kurdekar, and Vandana Kurdekar --

711 Chairman Nadler. Without objection, the bills are
712 considered as read and open for amendment at any point. The
713 text of the amendment in the nature of a substitute to
714 H.R. 4225, circulated to members last Friday, is agreed to.

715 [The bills follow:]

716

717 Chairman Nadler. I will begin by recognizing myself for
718 an opening statement.

719 As my colleagues are well aware, this committee
720 considers private bills under a longstanding process and
721 bipartisan agreement developed after the Abscam scandal in
722 1980. Under carefully crafted procedural rules, we consider
723 only compelling cases in which removal of the beneficiary
724 would result in extreme hardship or injustice.

725 And making this assessment [inaudible] in the modern
726 congressional era is an important consideration. And in my
727 era, Congress has passed several private bills where the
728 extreme hardship that would result in the beneficiary's
729 removal centers around medical issues. In each of the cases
730 we are considering today, a beneficiary or the U.S. citizen
731 child of a beneficiary suffers from one or more serious
732 medical conditions that will undoubtedly be exacerbated if
733 the beneficiaries were removed.

734 The facts of each of these cases are compelling and
735 uncontroverted. There is bipartisan agreement that each case
736 meets the medical condition precedent. In addition, the
737 Subcommittee on Immigration and Citizenship requested and
738 received reports from the Department of Homeland Security on
739 each of the named beneficiaries. None of the reports
740 revealed derogatory information that would prevent us from
741 proceeding with today's markup.

742 As noted previously, we have made a minor modification
743 to H.R. 4225 through an amendment in the nature of a
744 substitute, which is necessary to remove the fourth named
745 beneficiary, Ana Lucia Bueso Barrera, from the bill.
746 Ms. Bueso Barrera is currently in the process of applying for
747 lawful permanent residence through her U.S. citizen husband.
748 As such, she no longer requires the relief that this bill
749 would require.

750 Providing and removing -- I am sorry, removing Ms. Bueso
751 Barrera as a named beneficiary, the amendment also makes a
752 technical change to ensure that upon granting permanent
753 residence to the remaining beneficiaries, the Secretary of
754 State reduces the number of immigrant visas made available to
755 natives of the Bueso family's country of birth by three
756 instead of by four.

757 I would like to commend the work of my friends and
758 colleagues, Representatives Kuster, DeSaulnier, Brownley, and
759 Tlaib, for their enduring support for these deserving
760 families and for introducing these bills on their behalf.

761 I urge my colleagues in this committee to vote to report
762 these bills en bloc favorably to the House.

763 I recognize Ms. Lofgren for a unanimous consent request.

764 Ms. Lofgren. Mr. Chairman, I ask unanimous consent to
765 place my statement in the record. The subcommittee acted
766 unanimously on each of these bills, as you have noted.

767 Chairman Nadler. Without objection.

768 [The statement of Ms. Lofgren follows:]

769

770 Chairman Nadler. Does anyone else -- does anyone seek
771 recognition?

772 [No response.]

773 Chairman Nadler. A reporting quorum being present, the
774 question is now on reporting the bills, as amended, en bloc
775 favorably to the House.

776 Those in favor, respond by saying aye.

777 Opposed, no.

778 The ayes have it, and the bills are ordered to be
779 reported favorably.

780 The members will have 2 days to submit views. Without
781 objection, H.R. 4225 will be reported as a single amendment
782 in the nature of a substitute, incorporating all adopted
783 amendments, and staff is authorized to make technical and
784 conforming changes.

785 Let me remind members that if they don't wish to speak
786 to mute themselves until they do wish to speak.

787 Pursuant to notice, I now call up H.R. 5053, the Justice
788 for Juveniles Act, for purposes of markup and move that the
789 committee report the bill favorably to the House.

790 The clerk will report the bill.

791 Ms. Strasser. H.R. 5053, to exempt juveniles from the
792 requirements for suits by prisoners --

793 Chairman Nadler. Without objection, the bill is
794 considered as read and open for amendment at any point.

795 [The bill follows:]

796

797 Chairman Nadler. I will begin by recognizing myself for
798 an opening statement.

799 H.R. 5053, the Justice for Juveniles Act, is a
800 bipartisan bill that would eliminate the administrative
801 exhaustion requirement for incarcerated youth before they may
802 file a lawsuit challenging the conditions of their
803 incarceration. This modest, but important bill would correct
804 a manifest wrong currently present in Federal law established
805 by the Prison Litigation Reform Act.

806 The Justice for Juveniles Act would exempt youth from
807 having to comply with the unfair administrative burden of
808 having to exhaust their remedies before being authorized to
809 access the courts. The PLRA's administrative exhaustion
810 requirement as applied to youth is inconsistent with today's
811 scientific understanding of the cognitive development of
812 young people.

813 Requiring a sophisticated understanding of how to
814 navigate bureaucratic and technical procedures, this
815 requirement is quite a burden for young people in custody to
816 meet successfully. The Supreme Court has repeatedly held
817 that a young person's immaturity and lack of knowledge might
818 cause unique obstacles to navigating legal proceedings.

819 In a 2011 case, the Supreme Court explained that failing
820 to take age into account "and thus to ignore the very real
821 differences between children and adults would be to deny

822 children the full scope of the procedural safeguards" to
823 which they are entitled.

824 The overwhelming number of experts recognize that
825 differences in maturity lead in the correctional context to
826 underreporting of assault and a general failure by youth to
827 recognize the dangerousness of particular circumstances,
828 which prevents young people from being able to effectively
829 petition for changes in their prison conditions. In
830 addition, the internal complaint system in correctional
831 settings is rife with problems, which are exacerbated because
832 grievance procedures tend to rely on written communication.

833 Juveniles in the justice system often have educational
834 deficits, lacking literacy skills to write a complaint or
835 adequately to explain the nature of their concern. It is,
836 therefore, particularly difficult for them to pursue
837 complaints and satisfy strict exhaustion requirements.

838 Courts have, sadly, been exacting in their requirements
839 that the exhaustion requirements be followed, no matter how
840 sympathetic the situation. A recent study of Prison Reform
841 Litigation Act cases in Federal court found that the law is
842 often invoked and throw out juveniles' cases on
843 technicalities, even in suits involving sexual assault or
844 youth who are illiterate, deaf, or mentally ill.

845 Despite acknowledging that there are cognitive
846 differences between youth and adults, courts have not carved

847 out on an equitable basis an exception to the exhaustion
848 requirement. It is, therefore, up to us in Congress to
849 address this serious problem. Exempting youth from the
850 exhaustion requirement will not flood our courts with cases,
851 and it may very well shed much-needed light on
852 unconstitutional practices that have been left to fester for
853 decades.

854 I thank Representative Mary Gay Scanlon, joined by
855 Representatives Armstrong, Reschenthaler, and several other
856 of our colleagues, for championing this issue and for
857 introducing this bill. I encourage my colleagues to join me
858 in supporting it today.

859 I now recognize Mr. Cline for his opening statement.
860 Mr. Cline. Thank you, Mr. Chairman.

861 I want to thank Representatives Scanlon, Armstrong, and
862 Reschenthaler for their leadership on this bill.

863 Juvenile offenders often lack the knowledge to pursue
864 and exhaust remedies. This bill eliminates some of the
865 obstacles for juvenile prisoners seeking relief from our
866 correctional facilities in Federal court. H.R. 5053 will
867 provide juvenile offenders quicker access to courts when they
868 have been abused or mistreated, builds on the bipartisan
869 FIRST STEP Act and criminal justice reform signed into law by
870 President Trump back in December of 2018, and it is an
871 important step forward for criminal justice reform in our

872 Nation.

873 And with that, I yield back.

874 [Pause.]

875 Ms. Scanlon. Chairman Nadler, I think you are muted.

876 [Pause.]

877 Mr. Cline. How long can the chairman stay muted?

878 Mr. Gohmert. I think that is a good thing.

879 Chairman Nadler. For what purpose does Ms. Scanlon seek
880 recognition?

881 Ms. Scanlon. Thank you, Mr. Chairman.

882 I am really proud we are here today to advance the
883 Juveniles for Justice Act. I, of course, want to thank my
884 colleague Congressman Armstrong for his support and
885 partnership on this effort. I think our cooperation on this
886 legislation is a testament to the bipartisan accomplishments
887 that are possible for our committee.

888 And I also want to thank you, Chairman Nadler,
889 Chairwoman Bass, and all my colleagues on both sides of the
890 aisle who are cosponsors of this bill.

891 The Prison Litigation Reform Act, or PLRA, was passed in
892 1996 in an effort to decrease so-called frivolous lawsuits
893 brought by prisoners. However, during the intervening
894 decades, evidence has been growing that the law is overbroad
895 in some respects, and there is now bipartisan agreement that
896 one way in which it is overbroad is its inclusion of

897 juveniles. And that is what we are hoping to remedy with
898 this act.

899 This common sense bipartisan bill would exempt juveniles
900 from the requirements of the PLRA. As it stands today, that
901 act dictates that youth in juvenile or adult facilities need
902 to exhaust administrative remedies before they can bring a
903 suit. It also limits the kind of relief they may seek,
904 prevents them from bringing a suit for emotional injuries,
905 and limits attorney's fees, making it harder for young people
906 to find attorneys to represent them.

907 We know that youth are at particular risk for harm in
908 juvenile and adult facilities. Studies show they are
909 especially damaged by physical and sexual violence, harmful
910 restraints, and solitary confinement. And so, as they face
911 unique challenges in complying with the administrative
912 requirements of the PLRA, that is where the impetus for this
913 bill comes from. As you mentioned, youth often lack the
914 literacy skills, the understanding of the justice system, or
915 the capacity to comply with those administrative
916 requirements.

917 For those of us who have kids or who have worked with
918 children, it is easy to imagine the difficulty they would
919 have navigating the complex legal systems necessary to raise
920 allegations of abuse. So what we are trying to do here is
921 address the very real impact of psychological and physical

922 abuse on incarcerated youth.

923 And to the extent that there is any question that we
924 need to act to correct this, you have to hear the story of
925 the Glen Mills Schools in my district. For almost 200 years,
926 youth were sent to the Glen Mills Schools to better
927 themselves, to be set straight, and come back to their
928 communities. The institution was the oldest reform school in
929 the country and accepted court order placements of juvenile
930 offenders from across the country.

931 But the school's longevity and its manicured
932 surroundings masked horrors which were being experienced by
933 the children, particularly in recent years. In 2019, there
934 was an explosive report by the Philadelphia Inquirer
935 revealing incidents of sexual and psychological abuse, broken
936 bones, physical assault suffered by students at the hands of
937 staff.

938 And although the stories from the Glen Mills Schools are
939 heartbreaking, they are not unique. Reports show that
940 mistreatment of young people in juvenile facilities has
941 happened in almost every State in the country. So at a time
942 when coronavirus has put incarcerated individuals at
943 increased physical and psychological risk, we think it is
944 more important than ever to take steps to protect youth from
945 abuse by passing the Justice for Juveniles Act.

946 So I want to thank Chairman Nadler and the committee

947 members and the staff who helped bring this bill to markup.

948 I also want to thank the juvenile justice advocates who

949 helped us identify this area as being ripe for reform.

950 And I would ask unanimous consent to introduce into the

951 record the Philadelphia Inquirer article entitled "Beaten,

952 Then Silenced" from February 20, 2019.

953 With that, I would yield back.

954 Chairman Nadler. Without objection.

955 [The information follows:]

956

957 Chairman Nadler. For what purpose does Mrs. McBath seek
958 recognition?

959 Mrs. McBath. Thank you, Chairman Nadler. I move to
960 strike the last word.

961 Chairman Nadler. The gentlelady is recognized.

962 Mrs. McBath. Thank you.

963 I want to thank my colleague Congresswoman Scanlon for
964 leading this bill with bipartisan support from Congressmen
965 Armstrong, Jeffries, Katko, and Reschenthaler.

966 When young people are put in the custody of our prisons
967 or our juvenile detention facilities, it is critical that
968 they are treated with care and they are treated with respect.
969 As young people removed from the protection of their parents
970 and communities, they are at a heightened risk for abuse.

971 Juvenile inmates depend on prison officials to keep them
972 safe and protected as they work towards rehabilitation. But
973 too often juvenile inmates experience violence, sexual abuse,
974 or mental harm while they are in custody. For example, the
975 2018 National Survey of Youth in Custody found that 7 percent
976 of youth in juvenile facilities reported being sexually
977 victimized by either fellow youth or facility staff just
978 within the past year.

979 At one all-female facility in Georgia, 19 percent of the
980 young women in custody reported experiencing coerced sexual
981 contact, and we have got to do better. Our children deserve

982 better.

983 When youth in custody are harmed, it is critical that
984 they have the ability to bring attention to their
985 circumstances so that the courts or other government
986 officials can step in to protect them. So that courts or
987 other government officials will make sure that they are doing
988 everything that they can to make sure that our children are
989 not subjected to violent treatment.

990 So the Justice for Juveniles Act takes the important
991 step of making sure procedural obstacles do not prevent
992 important oversight to protect the rights of youth that are
993 in custody, and I am pleased to support this legislation, and
994 I urge my colleagues to do the same. And I yield back the
995 balance of my time.

996 Chairman Nadler. The gentlelady yields back. For what
997 purpose does Ms. Jackson Lee seek recognition?

998 Ms. Jackson Lee. Mr. Chairman, I would like to strike
999 the last word.

1000 Chairman Nadler. The gentlelady is recognized.

1001 Ms. Jackson Lee. Thank you.

1002 I, too, rise to support with great enthusiasm the
1003 bipartisan H.R. 5053, the Justice for Juveniles Act, and I
1004 thank my colleague Congresswoman Scanlon. We have had
1005 conversations about her commitment and interest in juvenile
1006 justice, and I thank her for the leadership on this

1007 legislation, along with our colleague Mr. Armstrong.

1008 For those of us who spend our time recognizing that the
1009 juvenile justice system should be reformed comprehensively,
1010 this is an important initiative. For those of us who have as
1011 well visited and interacted with juvenile detention centers
1012 around the Nation, we know that in many instances juveniles
1013 are sentenced without a sentence, meaning a juvenile can be
1014 sentenced to a juvenile detention center and continue to be
1015 in that center until the age of 21. It becomes their home.

1016 We also know with the reformation of the way States have
1017 written laws relating to juvenile issues or to school issues,
1018 unlike in "the old days," the auditorium detention turns into
1019 school police taking a juvenile for some infraction in the
1020 school straight down, as the kids would say, to juvie. That
1021 means these children are then sentenced "to juvie." Some do
1022 not have homes that families can support them. Some of them
1023 are just having difficulty in school.

1024 [Inaudible] to respond by civil rights cases for
1025 individuals who have been in juvie for so long, subjected to
1026 forms of sexual abuse and other forms of abuse, have been
1027 another sentence on top of a sentence. This legislation
1028 protects young people from abuse in institutions by exempting
1029 them from the grievance provision of the Prison Litigation
1030 Reform Act -- they can't wait -- by enabling them to file a
1031 lawsuit concerning physical or sexual assault or mental abuse

1032 without first having to file administrative grievance.

1033 These young minds not matured to the age of 25, as
1034 science has indicated, these young minds combined can be so
1035 destroyed [inaudible], and so the PLRA was designed to
1036 address the problem of a large number of pro se prison
1037 lawsuits. This is not to recognize a crucial and urgent
1038 matter that a young person may be dealing with, particularly
1039 a young person that does not have access to a family
1040 structure that could be advocating for them. And so the
1041 ability to take the caps off, if you will, of the lawyer fees
1042 is likewise an important element of this particular
1043 litigation.

1044 I would like to indicate that it is important to
1045 recognize that the PLRA also has as a provision if a person
1046 fails to comply with these requirements, including missing a
1047 filing deadline that can be as short as a few days, he or she
1048 may no longer bring a lawsuit. I want to cite into the
1049 record *Hunter v. Corr.*, a 17-year-old sexually assaulted in
1050 an adult facility, but the case was dismissed because the
1051 court ruled that he should have exhausted his administrative
1052 remedies. We know that is very difficult for a juvenile.

1053 So I enthusiastically support this. And as I conclude
1054 my remarks, let me thank the chairman for your tremendous
1055 leadership during this Congress and the past several months
1056 of hardship, stress, and disruption not only of the regular

1057 operation of this committee, but of the Congress and, more
1058 importantly, the lives of the American people.

1059 It has been said of Americans that we do the difficult
1060 immediately, and the impossible takes a longer time. We here
1061 in the State of Texas have faced not only COVID-19 hotspots,
1062 the recognizing of many who have died, but also Hurricane
1063 Laura.

1064 So I look forward to us working together on legislation.
1065 I look forward to having legislation that I have introduced,
1066 the H.R. 7636, the Custodial Interrogation Recording Act, and
1067 also H.R. 40 being brought to this committee as we continue
1068 to work in these difficult times, but as we continue to work
1069 on behalf of the American people.

1070 Again, I ask my colleagues to support Congresswoman
1071 Scanlon's legislation, which is H.R. 5053, Justice for
1072 Juveniles Act, and I am delighted to be a cosponsor.

1073 With that, I yield back.

1074 Chairman Nadler. The gentlelady yields back. I thank
1075 the gentlelady for her kind remarks.

1076 For what purpose does Ms. Dean seek recognition?

1077 Ms. Dean. I move to strike the last word, Mr. Chairman.

1078 Chairman Nadler. The gentlelady is recognized.

1079 Ms. Dean. I thank you, Mr. Chairman. I, too, rise in
1080 support of H.R. 5053, the Justice for Juveniles Act.

1081 There are nearly 60,000 children under the age of 18

1082 incarcerated in America's jails and prisons. Their bodies
1083 and minds are developing, they depend upon adults for
1084 nourishment and protection, and their understanding of the
1085 world lacks the wisdom of experience. In short, they are
1086 easy targets for abuse in the harsh environments of our jails
1087 and prisons and detention centers.

1088 The Prison Litigation Reform Act created unnecessary
1089 obstacles for children, for young people seeking relief in
1090 Federal court for abuse they faced in juvenile and adult
1091 correction facilities. It required incarcerated youth to
1092 file grievances before bringing a lawsuit, many times with
1093 the very people who have abused them.

1094 It limited the type of relief youth can get from the
1095 courts and prevents youth from bringing lawsuits for
1096 emotional injuries if they are unable to also prove physical
1097 injuries. What is more, it made it harder for young people
1098 to find attorneys to represent them because of the limits on
1099 attorney's fees.

1100 I thank Representatives Scanlon, Armstrong, and others
1101 for this Justice for Juveniles Act because it will remove
1102 many of these obstacles for incarcerated children. The
1103 measure of a society is how it treats its children, even
1104 those who have committed serious offenses, maybe especially
1105 those who have committed serious offenses.

1106 I am pleased to support this bill. I am eager for its

1107 speedy passage, and I yield back.

1108 Thank you, Mr. Chairman.

1109 Chairman Nadler. The gentlelady yields back. For what
1110 purpose does Ms. Mucarsel-Powell seek recognition?

1111 Ms. Mucarsel-Powell. Mr. Chairman, I move to strike the
1112 last word.

1113 Chairman Nadler. The gentlelady is recognized.

1114 Ms. Mucarsel-Powell. Thank you, Mr. Chairman.

1115 I rise in support of H.R. 5053, the Justice for
1116 Juveniles Act, and I am very grateful to my dear friend and
1117 colleague Representative Scanlon for introducing this bill.

1118 This bipartisan legislation takes important steps to
1119 reform the Prison Litigation Reform Act to give incarcerated
1120 people under the age of 21 the pathway to address dangerous
1121 prison conditions. High barriers currently exist for
1122 incarcerated individuals to bring a lawsuit to address prison
1123 conditions like first exhausting all administrative avenues.

1124 Young adults and children are particularly vulnerable in
1125 our correctional system. When they are targeted or harmed,
1126 our current laws make it very hard for them to properly
1127 address terrible instances of physical and mental trauma.
1128 This issue, of course, affects thousands of juveniles across
1129 our country, and it affects juveniles here in my own
1130 district.

1131 The son of one of my constituents and a good friend,

1132 Ari, is a young man who is currently incarcerated. Like so
1133 many others, Ari's son has not received the adequate medical
1134 and mental health services that he needs, to his detriment.
1135 Before being incarcerated, he was in a coma for 2 weeks and
1136 was transferred from the hospital only a few hours after he
1137 woke up from his coma. He suffered a traumatic brain injury
1138 and has yet to receive follow-up health services that he
1139 desperately needs.

1140 This bill will fix stories like this and provide the
1141 resources to address prison conditions for young people, and
1142 it is a great first step to fix and to work on criminal
1143 justice reform.

1144 I strongly support this bill, and I urge my colleagues
1145 to vote in favor of this bill. I yield back, Mr. Chairman.

1146 Chairman Nadler. The gentlelady yields back.

1147 A reporting quorum being present, the question is on the
1148 motion to report the bill H.R. 5053 favorably to the House.

1149 Those in favor, say aye.

1150 Opposed, no.

1151 The ayes have it, and the bill is ordered to be reported
1152 favorably to the House.

1153 Members will have 2 days to submit views.

1154 Pursuant to notice, I now call up H.R. 8124, the
1155 Criminal Judicial Administration Act of 2020, for purposes of
1156 markup and move that the committee report the bill favorably

1157 to the House.

1158 The clerk will report the bill.

1159 Ms. Strasser. H.R. 8124, to amend Title 18, United
1160 States Code, to provide for transportation --

1161 Chairman Nadler. Without objection, the bill is
1162 considered as read and open for amendment at any point.

1163 [The bill follows:]

1164

1165 Chairman Nadler. I will begin by recognizing myself for
1166 an opening statement.

1167 H.R. 8124, the Criminal Judicial Administration Act of
1168 2020, is bipartisan legislation that makes two modest, but
1169 important amendments to current law, promoting the efficient,
1170 effective, and fair administration of justice.

1171 The first part of the bill concerns out of custody
1172 criminal defendants, particularly those who are released
1173 pending trial who live in communities that are located far
1174 from the courthouse where their cases are being heard. The
1175 majority of criminal defendants, of Federal criminal
1176 defendants are detained pending trial, and the U.S. Marshals
1177 Service is responsible for housing and transporting them to
1178 court hearings, including trial.

1179 In addition, under current law, the court may order the
1180 U.S. Marshals to provide funds for a criminal defendant who
1181 is released pending trial but cannot afford the cost of
1182 travel to cover the defendant's travel to the location of the
1183 courthouse for trials or hearings. However, the defendant
1184 must fund their own way back home, and a defendant in this
1185 position would not be able to receive financial support from
1186 the U.S. Marshals Service for subsistence such as lodging and
1187 meals. For an indigent defendant, these costs are sometimes
1188 insurmountable.

1189 For example, a defendant from Hawaii who must attend a

1190 2-week trial in the Southern District of New York would have
1191 to figure out how to pay for 2 weeks of lodging in New York
1192 City. Or a defendant released to live at home on the Navajo
1193 Reservation who has a pretrial hearing at the Federal
1194 courthouse in Phoenix, Arizona, may not be able to afford gas
1195 for the 6-hour ride back home.

1196 For years, our Federal courts have struggled with how to
1197 assist indigent defendants when they find themselves in these
1198 difficult situations. Unfortunately, the courts' efforts
1199 have come up against the text of statute.

1200 This bill would authorize courts in the interest of
1201 justice to order the U.S. Marshals to cover roundtrip travel
1202 and subsistence for defendants who must attend court hearings
1203 but cannot afford to pay this on their own. The Judicial
1204 Conference of the United States has urged us to correct this
1205 grave unfairness, and I am pleased to see that we are finally
1206 doing so with this bill.

1207 The second part of this bill concerning Federal
1208 magistrate judges is also supported by the Judicial
1209 Conference. Magistrate judges have trial jurisdiction over
1210 certain misdemeanors, except for Class A misdemeanors for
1211 which the maximum sentence is up to a year in custody.

1212 With a defendant's consent, however, a magistrate judge
1213 may exercise trial jurisdiction over a case involving a
1214 Class A misdemeanor. Magistrate judges frequently do so and

1215 often hear Class A misdemeanor cases all the way through
1216 judgment and sentencing.

1217 Under current law, a magistrate judge's jurisdiction
1218 ends after judgment is entered in a misdemeanor case, and
1219 post judgment jurisdiction reverts to the district court.
1220 Indeed, magistrate judges are not authorized to hear post
1221 judgment motions, such as motions to vacate a sentence, even
1222 though they are the ones that handled the entire matter at
1223 the trial level and are best equipped to hear such post
1224 judgment motions.

1225 Among other things, this bill would authorize a
1226 magistrate judge to hear post judgment motions in misdemeanor
1227 cases in which he or she exercised trial jurisdiction. This
1228 amendment clearly improves judicial economy and makes perfect
1229 sense.

1230 I commend our colleagues Representative Jeffries and
1231 Representative Roby for bringing these matters to our
1232 attention, and I urge my colleagues to support this bill.

1233 I now recognize Mr. Cline for his opening statement.

1234 Mr. Cline. Thank you, Mr. Chairman.

1235 I will be brief. This bill comes at the request of the
1236 Judicial Conference, and it strengthens existing laws
1237 regarding the transportation and subsistence for indigent
1238 criminal defendants. The Judicial Conference offered reforms
1239 to improve our justice system, and their voices on such

1240 matters are appreciated.

1241 I want to thank the bipartisan sponsors of the
1242 legislation, and I yield back.

1243 Mr. Jeffries. I move to strike the last word.

1244 Chairman Nadler. For what purpose does Mr. Jeffries
1245 seek recognition?

1246 Mr. Jeffries. I move to strike the last word.

1247 Chairman Nadler. The gentleman is recognized.

1248 Mr. Jeffries. Thank you, Mr. Nadler, for your continued
1249 leadership and for your support of this legislation,
1250 H.R. 8124, the Criminal Judicial Administration Act of 2020.
1251 It is a bipartisan bill that would bring more efficiency and
1252 fairness to the criminal justice system by making two common
1253 sense improvements to the administration of justice in
1254 America.

1255 First, the bill would authorize courts to direct the
1256 U.S. Marshals Service to provide subsistence and return
1257 transportation to noncustodial defendants who are required to
1258 attend court proceedings, but who are often financially
1259 unable to cover the entire cost of doing so.

1260 There is a small group of defendants who are not
1261 detained pending the outcome of their case and must travel to
1262 attend court proceedings, sometimes, as the chairman
1263 outlined, for incredibly long distances. Furthermore, while
1264 current law provides subsistence and travel to proceedings,

1265 there is a gap in the statute. H.R. 8124 would expand the
1266 existing statute to cover transportation and lodging and food
1267 for defendants returning home from these proceedings.

1268 Second, the bill would authorize magistrate judges to
1269 decide post judgment motions in misdemeanor cases in which
1270 they have already exercised trial jurisdiction. Magistrate
1271 judges try and sentence individuals in such cases, but to
1272 consider a post judgment motion, current law requires a
1273 referral to a district judge or the party's consent.

1274 This provision would facilitate judicial economy and
1275 help reduce the caseloads of Article III Federal judges by
1276 removing this requirement. The more efficient we can make
1277 our court system, the more effective it will be.

1278 These two noncontroversial changes would meaningfully
1279 improve the ability of our Federal court to deliver justice
1280 for everyone. The Judicial Conference of the United States,
1281 the national policymaking body for the Federal courts,
1282 supports this important and necessary bill.

1283 I thank the committee for considering it, and for the
1284 leadership of the ranking member of the Subcommittee on
1285 Courts, Intellectual Property, and the Internet,
1286 Representative Martha Roby, for partnering with me on this
1287 effort.

1288 I yield back the balance to my time.

1289 Chairman Nadler. The gentleman yields back the balance

1290 of his time.

1291 Does anyone else seek recognition?

1292 [No response.]

1293 Chairman Nadler. Seeing that no one else is seeking
1294 recognition, a reporting quorum being present, the question
1295 is on the motion to report the bill H.R. 8124 favorably to
1296 the House.

1297 Those in favor, say aye.

1298 Opposed, no.

1299 The ayes have it, and the bill is ordered to be reported
1300 favorably to the House.

1301 Members will have 2 days to submit views.

1302 This concludes our business for today. Thanks to all
1303 the members for attending.

1304 Without objection, the markup is adjourned.

1305 [Whereupon, at 1:17 p.m., the committee was adjourned.]