

- Mr. Chairman, I have an amendment at the desk.
- **My amendment makes three changes.**
- **First**, my amendment makes a technical change to mirror language that appears in federal criminal statutes that prohibit the commission of various offenses, including assault, murder, and manslaughter, perpetrated against officers and employees of the United States, and foreign officials, while engaged in the performance of official duties.
- As currently written, H.R. 5585 would require that the government prove beyond a reasonable doubt that the pursuing Border Patrol agent had the legal authority to engage in the underlying pursuit. In other words, the factfinder would have to determine whether the agent was abiding by laws and regulations in effect at the time of the pursuit.
- On the other hand, my amendment would simply require that the government prove that the Border Patrol agent was acting within their duties – meaning within the scope of the agent’s employment.
- **Second**, my amendment would eliminate the minimum mandatory penalties in the bill while maintaining the maximum penalties.
- Like many of my colleagues, I have long worked to address mandatory minimum sentencing, particularly because of the devastating impact these sentencing schemes have inflicted on communities of color across the country. Mandatory minimum sentences contributed to the mass incarceration of generations of Americans and are the primary reason the United States has the highest incarceration rate in the world.

- Mandatory minimums have been studied extensively and have been found to distort rational sentencing systems, discriminate against minorities, waste billions of taxpayer dollars, and quite often violate common sense, while failing to reduce crime.
- Brain trusts like the Rand Commission have concluded that mandatory minimum sentences are less effective than discretionary sentencing, and far more costly.
- Families Against Mandatory Minimums (FAMM), the American Bar Association, the Judicial Conference of the United States, and many other major organizations focusing on criminal justice oppose mandatory minimum sentences.
- The Judicial Conference of the United States has reiterated to this body its opposition to mandatory minimum sentencing schemes more than a dozen times, noting that these types of penalties severely distort and damage federal sentencing; undermine the U.S. Sentencing Guidelines mandated by Congress to promote fairness and proportionality in federal sentencing; and destroy equity and honesty in sentencing by encouraging coercive charging practices.
- My amendment considers the many criticisms of mandatory minimum penalties, while allowing judge's the discretion to impose informed sentences to satisfy the purposes and goals of federal sentencing.
- **Lastly**, my amendment would add an additional data point to the annual report – the immigration status of individuals charged with an offense under the new code section.

H.R. 5585 – Statement for the Amendment to the ANS

- In the end, the changes proposed in my amendment are narrowly tailored to address glaring deficiencies and do not change the overall mission of the bill.
- I ask my colleagues to vote yes.