MARKUP OF H.R. 3406; H.R. 4240; H.R. 1854
Tuesday, January 12, 2016
House of Representatives,
Committee on the Judiciary,
Washington, D.C.

The Committee met, pursuant to call, at 10:15 a.m., in Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte, [chairman of the committee] presiding.


Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director/Chief Counsel; Allison Halataei, Parliamentarian & General Counsel; Kelsey Williams, Clerk; Jason Cervenak, Counsel, Subcommittee on
Crime, Terrorism, Homeland Security, and Investigations; Robert Parmiter, Counsel, Subcommittee on Crime, Terrorism, Homeland security, and Investigations; Jason Herring, Counsel, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Perry Apelbaum, Minority Chief Counsel, Chief of Staff, Staff Director; Danielle Brown, Minority Parliamentarian and Chief Legislative Counsel; Arron Hiller, Minority Chief Oversight Counsel; Joe Graupensperger, Minority Chief Counsel, Subcommittee on Crime, Terrorism, Homeland Security and Investigations; Tiffany Josslyn, Minority Deputy Chief Counsel, Crime, Terrorism, Homeland Security, and Investigations; Keenan Keller, Minority Senior Counsel; and Veronica Elligan, Minority Professional Staff.
Chairman Goodlatte. The Judiciary Committee will come to order, and without objection, the chair is authorized to declare a recess of the committee at any time. Pursuant to notice, I now call up H.R. 3406 for purposes of markup, and move that the committee report the bill favorably to the House. The clerk will report the bill.


[The bill follows:]

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

Today, we consider H.R. 3406, the Second Chance Reauthorization Act of 2015, introduced by Crime Subcommittee Chairman Jim Sensenbrenner. More than 90 percent of the current prison population at the state, local, and federal levels will be released one day. In fact, the Department of Justice has reported that since 1990, an average of 590,400 inmates have been released annually from state and federal prisons. The Department of Justice's Bureau of Justice Statistics has estimated that nearly three-quarters of all released prisoners will be re-arrested within five years of their release, and about six in 10 will be re-convicted. According to the Department of Justice, the average per prisoner cost of incarceration in state prison in 2010 was approximately $28,000 per year. Research by the RAND Corporation has shown that for every dollar spent on correctional education, $5 are saved on incarceration costs. We all have a responsibility to ensure that these inmates serve appropriate sentences for their crimes.

However, we also have a responsibility to take steps to help ensure that these criminals do not go on to commit further crimes once released, in order to protect the public
safety and innocent Americans. We also clearly have an interest, a human interest, but also, frankly, an economic one in ensuring that inmates become responsible citizens and taxpayers following their release, and do not return to prison. To promote prison reentry and improve community reintegration, Congress passed the Second Chance Act, which was signed into law in 2008. Since the inception of the Second Chance Act, the Federal Government has made 645 grant awards in 49 states to cede and expand reentry programs, and these programs have served more than 137,000 participants. Nearly one out of three SCA grantees is a community or faith-based organization. These important programs have helped reduced recidivism in communities across the country.

H.R. 3406 will continue this important work while making important changes to the existing programs. The legislation reauthorizes eight of the 12 SCA grant programs, while making amendments to streamline the programs and ensure grants can be made to non-profit organizations, including, significantly, faith-based organization. H.R. 3406 also repeals four SCA grant programs, none of which were ever funded by Congress. Finally, it contains responsible auditing provisions to help the DOJ Inspector General prevent waste, fraud, and abuse. This is the important responsible legislation which will help promote reentry and ensure that ex-offenders become productive
citizens, not just better criminals. I thank the gentleman from Wisconsin for his work on this legislation, and encourage my colleagues to support. It is now my pleasure to recognize the ranking member of the committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

[The prepared statement of Chairman Goodlatte follows:]

********** COMMITTEE INSERT **********
Mr. Conyers. Thank you, Mr. Chairman. Members of Judiciary, I am encouraged by the committee's continued bipartisan progress in moving reform legislation in today's markup on H.R. 3406, the Second Chance Reauthorization Act. With its enactment under President George W. Bush in 2008, the Second Chance Act was Congress' first major bipartisan step toward addressing the nation's exploding prison population, and I applaud the former chairman from Wisconsin, Jim Sensenbrenner, and Danny Davis of Chicago, Illinois, for their longtime efforts in supporting Second Chance legislation. The United States, unfortunately, remains the world's leader in incarceration, with 2.2 million people currently serving time in our nation's prisons or jails. With current levels of incarceration, more than 630,000 individuals can be expected to return to their communities each year. But sadly, too few who return are adequately prepared for their release, or receive the proper support services. Moreover, the vast majority of these individuals are returning to neighborhoods that feature concentrated poverty, and lack the necessary resources to support their successful reentry.

The decision to rely on incarceration, as a key element
of public safety policy, has transformed American society by removing a disproportionate number of non-violent minority offenders from their communities, and diverting public resources from critical social programs. Federal, state, and local governments have also been forced to cope with prison overcrowding, and are being overwhelmed by the burden of funding a rapidly expanding penal system to the tune of more than $70 billion every year. The Second Chance Act was passed with the intent of encouraging the development of evidence based reentry programming to improve outcomes for offenders returning to their families and communities. Since 2009, more than 600 Second Chance Act grant awards have been made to government agencies, non-profit organizations, from 49 states for reentry programs serving adults and juveniles. As of June 2015, more than 137,000 people returning to their community after incarceration have participated in these programs. In my state of Michigan, I have met with grantees, and have witnessed the positive impact Second Chance funded programs can have. This fall, I also visited two prisons in Michigan, where corrections officials all stressed the need for continuing federal support of reentry programming like the Second Chance Act.

Based upon the weight of reviews, the Second Chance program must be considered a success story, and deserves our support. The data compiled from program grantees has shown
that an investment in our returning population lowers recidivism, saves money, and reduces crime. For this reason, Second Chance reauthorization legislation enjoys broad bipartisan support, and is considered a key part of ongoing criminal justice reform. It is also supported by the American Bar Association, and more than 650 organizations across the national and political spectrum.

We are at a moment when we have the opportunity to make real progress on criminal justice reform; by depoliticizing the debate on crime, and presenting holistic options for community development and crime reduction, we can break the cycle of incarceration that has decimated so many of our communities. I thank the chairman for bringing this important legislation before the committee today, and I urge my colleagues to join me in supporting it. I thank you.

[The prepared statement of Mr. Conyers follows:]

********** COMMITTEE INSERT **********
Mr. Sensenbrenner. Mr. Chairman?

Chairman Goodlatte. Thank you, Mr. Conyers. It is now my pleasure to recognize the sponsor of the bill, and the chairman of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, Mr. Sensenbrenner of Wisconsin, for his opening statement.
Mr. Sensenbrenner. Thank you, Mr. Chairman. I am pleased that we are here to continue the committee's work on responsible, common sense reforms to our criminal justice system. A critical component of these reforms is the improvement of reentry programs. Let me associate myself with the remarks just made by the gentleman from Michigan, Mr. Conyers, the ranking member. This committee, I think, has successfully depoliticized the whole issue of criminal justice, and what we are to do to reform this system. Practically everything else in this capitol building is hugely political, hugely partisan, and as a result of the voters choosing divided government for the last six years, destined to go into the trash bin of history. We have a moment here, because this committee has made this issue bipartisan, to come through with some real reforms that will not only help society, but also help the bottom line, not only in terms of the federal budget, but if states copy this, in terms of state budgets as well. We all know that 95 percent of the people in our prisons will eventually return to society; however, they often leave with little preparation for life on the outside, or assistance in their
reintegration. With no job, no money, no place to live, and probably no skills as well, returnees often find themselves facing the same pressures and temptations that landed them in prison in the first place. In fact, two-thirds of released inmates will end up back in jail within three years.

It is in all our best interests to give these individuals a second chance in a handout. This may mean helping someone get treatment for a drug habit, or deal with a mental health issue. It may help, mean helping someone acquire the skills to hold a job, support a family, and to pay taxes. We know that if reentry programs are successful, our communities will be safer, while simultaneously saving taxpayer dollars. Eight years ago, I stood behind President George W. Bush when he signed the Second Chance Act into law. This thoughtful and serious legislation has garnered the support of law enforcement, the faith community, and bipartisan members of the House and Senate, a rare feat that serves as a testament to the bill's credibility and achievement in helping to reform and improve this country's criminal justice system, and has reduced prison costs and improved public safety by giving federal, state, and local governments additional tools to help inmates more successfully reintegrate into their communities upon release, and to avoid re-offending.
I am proud to be the sponsor of the Second Chance Reauthorization Act of 2015, which strengthens existing programs that have proven to be successful, consolidates several overlapping programs, and allows other programs to remain sustainable in the current fiscal climate. This bill is firmly grounded in evidence-based practices. The legislation continues the original bill's targeted funding through those programs that have proven to reduce recidivism, led to better outcomes for those released from prison, and to save prison costs. The bill also increases accountability by requiring periodic audits of grantees to ensure that federal dollars are spent responsibly. Grantees with unresolved audit problems will not be eligible for funding in future years. That is the stick. The money is the carrot. By investing in programs that provide access to affordable housing, job training, and mental health resources, this legislation helps ensure that released inmates have the necessary foundation to become productive contributing citizens. As a result, they are far less likely to re-offend, which makes their communities safer and more stable. For these reasons, I urge my colleagues to support this important smart on crime bill. I yield back the balance of my time.

[The prepared statement of Mr. Sensenbrenner follows:]
Chairman Goodlatte. Thank you, Mr. Sensenbrenner. It is now my pleasure to recognize the ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, the gentlewoman from Texas, Ms. Jackson Lee, for her opening statement.
Ms. Jackson Lee. I thank the chairman very much, and let me also extend my appreciation to the ranking member, Mr. Conyers, and echo the words of Chairman Sensenbrenner, as well, for his pronouncement today, and he is absolutely right. And I think it cannot be said often enough, we recognize that criminal justice reform is bipartisan, maybe even non-partisan, and we have done an amazing job, I believe, of bringing various viewpoints around the concept that we can do something. And that is the important statement here in the United States Congress. And so, I think passing the Second Chance Reauthorization Act of 2015 will bring us closer to the holistic picture of criminal justice reform. We are on the move, and we are on the march. The number of other legislative initiatives that I know that this committee will have the ability to pass, will on the floor on the House, and work with the Senate. This area, there is bipartisan recognition that being the world's leader in incarceration, with 2.2 million people
incarcerated, is not sustainable, nor is it anything to be part of. We realize that for black males in their 30s, one in every 10 is in prison or jail on any given day. That is a heavy burden for the United States, and any particular group to carry. Incarceration-based public safety is very expensive. It costs over $70 billion annually.

Despite the fact that 95 percent of inmates will be released at some point, many of them young, and we have not pardoned our incarceration policy with our reentry policy. Of the 630,000 individuals who reenter each year, few are set up for success. Consider employment. Studies show that it is the single greatest influence on recidivism, and I am glad that we are looking at legislation that deals with "ban the box." But all of that must partner with the release and then the reentry. Studies also show 60 to 75 percent of ex-offenders are jobless up to a year after release, and they have families. I see them every day in my district. They come up and they say, “I want to be able to support my family.” This is what the Second Chance Act represents: an opportunity for a new life, not only for that incarcerated person now released, but for their family. Consider addiction. Sixty-five percent of inmates suffer from addiction, but only 11 percent receive treatment. Second Chance Act realizes that there must be a partnership with that inmate, with the reentry, and with that community. It
is no wonder that recidivism rates have been estimated as high as 75 percent in some areas.

Through grants, the Second Chance Act encourages the development of evidence-based reentry programming to improve outcomes for those returning to families and community. Since 2009, over 600 grants have been made across 49 states in the District of Colombia. Though modest in scope and appropriation, the Second Chance Act has impacted the lives of over 137,000 inmates. I would offer to say that this new reauthorization now builds upon what we had previously. And since the Second Chance Act has been a success, its reauthorization is an essential part of any meaningful criminal justice reform. Reauthorization enjoys broad bipartisan support in Congress, and from nearly 700 organizations across the political spectrum.

I do want to acknowledge my colleague, Danny Davis, from Chicago. We have worked over the years of dealing with incarcerated persons, and he was very much a supporter of this legislation, and an early author. But H.R. 3406 does not just — is not just reauthorization of the programs. It improves them. For example, it broadens programs to cover reentry courts, expands eligibility, grant eligibility, non-profits, and bulks the -- and that is a good thing -- bulks the support for programs targeting offenders with histories of homelessness, substance abuse, or mental illness.
In conclusion, lending a hand is a good point. It is a good policy. It is a helping hand. It is not a handout. These persons who were incarcerated do not want handouts, and are very grateful that the state of Texas has received over $11 million in grants, and we look forward to providing for our incarcerated persons over and over again, in terms of continuing the program.

I hope, for my colleagues, as we move this bill that it will go to the floor and that we will work with our colleagues in the Senate and this gets to the desk of the President, because this is an important statement, going forward.

In the words of Mr. Davis, the sponsor of the original Second Chance Act, “These men and women deserve a second chance. Their families, spouses, and children deserve a second chance. And the communities deserve a second chance.”

And I conclude by saying America deserves a second chance. No individual should be a throwaway individual. If you are incarcerated, you deserve an opportunity to come and give back to your nation, and as well, provide for your family. I ask my colleagues to support the legislation, and I yield back.

[The prepared statement of Ms. Jackson Lee follows:]
Chairman Goodlatte. Without objection, all other members' opening statements will be made a part of the record. Are there any amendments to H.R. 3406? What purpose of the gentleman from Wisconsin?

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Williams. Amendment to H.R. 3406, offered by Mr. Sensenbrenner of Wisconsin.

[The amendment offered by Mr. Sensenbrenner follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the amendment is considered as read, and the gentleman is recognized for five minutes.

Mr. Sensenbrenner. Mr. Chairman, this will be more like a 15-second pitch. This is a technical amendment to make sure that the authorization is good for a full five years. The underlying bill is 16 to 21. This makes it 17 to 22. We are already in fiscal year 16, so I do not think this should be controversial. Yield back.

Chairman Goodlatte. Would the gentleman yield? The chair recognizes himself in support of the amendment, and yields back. What purpose does the gentleman from Michigan
Mr. Conyers. Mr. Chairman, I rise in support of this amendment. It simply updates the use for which appropriations will be authorized, and I ask unanimous consent that the communication from the legal defense fund to yourself and me be entered into the record.

Chairman Goodlatte. Without objection, it will.

Mr. Conyers. I yield back.

Ms. Jackson Lee. Will the gentleman yield?

Mr. Conyers. Yes.

Ms. Jackson Lee. Might I just join, might I just join you, Mr. Conyers, in supporting this amendment? I think the gentleman from Wisconsin makes a very important point. We are already in 2016. This is a very important bill. We need to give it as long a life as it possibly can in order to rehabilitate individuals further, and I yield back. I support the technical amendment.

Chairman Goodlatte. The question is on the -- what purpose of the gentleman from Tennessee seek recognition?

Mr. Cohen. To strike the last word.

Chairman Goodlatte. Gentleman is recognized for five minutes.

Mr. Cohen. Mr. Chairman, I am glad that this committee is working to reauthorize the Second Chance Act, and I am pretty much in support of it. Our prison population in this
country has exploded a 500 percent increase over the past 30 years. Even worse, the prison population is alarmingly racially disparate. More than 60 percent of our prison population are racial and ethnic minorities, and this is unacceptable in America. The impact on the African-American community is staggering. One in three African-American males can expect to go to prison at some point in their life. As Ms. Jackson Lee mentioned, if you are in your 30s, one in 10 are in prison or in jail at any given day. This is not America. This is not the land -- the home of the free and the land of the brave. We need sentencing reform, and I am pleased this committee is taking a step in a right direction.

We also need to ensure that those who complete prison sentences have a chance to get back into society and become productive law-abiding citizens, and get with their families. If we fail to give them the tools they need for success, we are just asking for recidivism. I met with a group in my office yesterday in Memphis that are working on this, LifeLines in Memphis, and they are working on taking people from prison and getting them in the community, but they need help, and they need help from the Federal Government too. The Second Chance Act funds programs that help with employment, housing, substance abuse treatment, and other key reintegration necessities. There is more to
do, but this is a step in the right direction.

I want to thank Mr. Sensenbrenner, and also I want to remember Mr. Coble. Howard Coble, a member of this committee and one of the finest gentlemen I have ever met, is being honored tonight at a reception. He was very much in this vein, working on sentencing reform and second chances, and reached out in a bipartisan fashion. He was my ranking member, and I was his ranking member, and we worked together, regardless of party and regardless of whether it was East Carolina or the University of Memphis we were cheering for them. I hope this committee will also soon consider H.R. 2302, Mr. Chairman, the Police Training and Independent Review Act. We have got a problem in this country, a racial problem, with police shootings and mostly African-American individuals who have been the subject of shootings that are, indeed, questionable at best. This bill would encourage states to use independent prosecutors in cases in which police use of deadly force results in a death or injury. The bill was endorsed by the Chicago Tribune, which, as we all know, is a traditionally Republican editorial board.

In addition, the local prosecutor's office in Chicago, where we have got the Laquan McDonald case, has said they would have no objection to the bill. That makes sense. The bill helps prosecutors. Asking to investigate the same
police that they work with on a regular basis is unfair. That hand-in-glove relationship is there, and it makes people think the prosecutor may be acting in favor of one side than the other, and justice is always and should be blind, like Caesar's wife, beyond reproach. Even if prosecutors handle those cases perfectly, there will be a perception of bias, and that is something we cannot accept in our American system. And when all of us travel, and we all travel, we hear that the one thing people in foreign countries think most about the United States is our system of justice, and they envy that, and they want to have it too. And we need to make ours where everybody in America feels our system of justice is the way it should be. The perception of favoritism is harmful to prosecutors and to public trust in the criminal justice system. So I would hope that my colleagues on both sides of the aisle will take a look at this bill and consider the import it could have on our criminal justice system in general and reestablish faith and belief that the American system is working, and that Lady Justice is blind. Thank you, Mr. Chairman. I appreciate your work on this, and I appreciate your looking into this bill and possibly adding it into our criminal justice reform bill, and I yield back the balance of my time.

Mr. King. Mr. Chairman.
Chairman Goodlatte. What purpose does the gentleman from Iowa seek recognition?

Mr. King. Thank you, Mr. Chairman. And in listening to the debate here, I would like to add to this debate.

Chairman Goodlatte. Gentleman is recognized for five minutes.

Mr. King. Oh, excuse me. I would like to, yes, yield. I would like to add to this debate, in listening to it, and it is that, as I am watching, as we lament the imbalance of ethnicity within our prisons and our incarceration, as we address the sentencing reform that has been percolating through this Congress now for some time, perhaps over a year, I have seen some really good progress that has been made with regard to the recidivism that has been addressed in the right fashion, and I am encouraged by that, and I certainly support this amendment and the underlying bill. But I think that, if we fail to address the larger problem, the problem of high crime rates, especially in our inner cities, and the problem of drug abuse, which seems to be growing in this country, according to the reports I am reading, instead of diminishing in this country, and watching the carnage in a country like Mexico that has seen tens of thousands killed in the drug wars down there, we are not really addressing the root cause of this problem, which is the crime, especially in the inner city, the culture that
brings that.

And there are people on this committee that are closer to that than I am. However, I spent a weekend in Detroit here a couple of months ago, and I learned a lot. And I sat down with the chief of police, Chief James Craig, whom I am very impressed with. I spent two hours at a coffee shop, and we talked through all of that, and he sent his corporal to give me a guide, a guided tour through the parts of Detroit that have been decimated by the economic collapse, and then affected by the crime that flows with that. As disheartening for me to see a great, great city go through this, I also see that the downtown of Detroit is being rebuilt, and it looks like it has got some new life in it. So when I see good leadership in a place like that, I wanted to bring this up and inject it into the dialogue here and say that maybe it is not hopeless, but it will be hopeless if we are only putting Band-Aids on the problem. We are not going to fix the problem by turning these people out of prison earlier.

We can address the recidivism component of this, but the root cause of the crime has not been addressed by this committee, and I do not think we have had a frank conversation, and neither do I pose myself as the expert, but I think that it is something this committee should take a look at, is the real statistics on the real crime that
takes place, and it is almost an assembly line of homicide victims coming out of Chicago, especially on the weekends. And a country like this that, if you would pull some of the inner-city statistics out of our homicide rates, you would see our homicide rates dramatically drop in this country because it is not balanced across America.

And we look at the other countries south of us, for example. We have something like a 6.3 homicide violent-death rate in the United States. It was 4.6 just about five years ago. And you look south to Mexico. It is triple than ours, and Mexico is the safest place south of the United States right now. So I think we should take a big look at the incidence of crime, and we should examine this. And I would like to ask our ranking member, Mr. Conyers, if he would also be helpful with this, in helping us identify the causes of the crimes in these inner cities. Now that I see that there is hope there, let us see if we can actually get at the root of the problem. And I yield back.

Mr. Conyers. Would the gentleman...

Mr. King. I would be happy to yield.

Mr. Conyers. I wanted to commend the gentleman for his time spent in Detroit with our police chief who we feel is bringing new insight and vigor into battling crime and making the city safer for everyone. And I would like very much to continue this discussion with you and getting to
other parts of the problem, which are not necessarily being
handled in the legislation today. And I thank the
gentleman.

Mr. King And in reclaiming my time, I would add that,
two years ago, Detroit is homicide rate was the highest in
the country and one of the highest in the world. And over
the last two years, that homicide rate has gone down, and I
believe that is because they have established good
leadership in the community, and they have got a good start
in going the right direction. I thank the gentleman from
Detroit, and I yield back the balance of my time.

Ms. Bass. Mr. Chair, can I strike the last word?

Chairman Goodlatte. The gentlewoman from California is
recognized for five minutes.

Ms. Bass. Let me just add on to the gentleman before.
I would agree. I think that it would be very important for
this committee to take the time to look at the root causes
of crime, and I am glad that the gentleman recognizes that
he is not an expert in that issue, and that perhaps we could
call on some of the organizations, such as the RAND
Corporation, to come in and give us some reports and
understandings about the root causes of crime. I think we
are in a very interesting period in our country right now,
where many communities are experiencing an epidemic around
heroin. And it is very interesting to me to see this
epidemic today and recall the epidemic 20 years ago when crack cocaine hit. And our response to the epidemic today, I believe, is much more appropriate than it was 20 years ago. We recognize today that addiction is a health issue. It needs to be addressed through treatment and recovery services whereas, 20-some years ago, we addressed the crack cocaine epidemic through criminalizing people. And if you look at some of the root causes of the crime that we are experiencing today, some of the drug trafficking that is taking place in communities, you look at a community like Detroit that has lost a lot of its industrial base; where there is a lack of jobs, drug trafficking entered. And then our response was, unfortunately, to lock folks up instead of addressing the root cause. And I am glad we are not approaching the heroin epidemic in that same way.

And then, actually, if you think about it, what we did 20 years ago has led to the legislation that we are talking about today because we recognize that incarceration was not the sole answer to the problem. So one of the issues that The Second Chance Act addresses, and I want to thank Mr. Sensenbrenner and also Mr. Davis for your leadership over the years in this issue, is that once people go into prison, we also passed a ton of laws that forbid them from working in many, many occupations, which rendered them unemployable. And if you cannot work in the legal economy, and you have to
survive some kind of way, then you are going to resort back to drug trafficking, and it has created this terrible cycle of crime.

So, actually, massive incarceration has contributed to crime in inner-city communities because people are locked out of the economy. So I am glad that this legislation supports grants to nonprofit organizations. I started one such organization 25 years ago. One thing that is happening because so many people coming out of prison are not able to work; many of those individuals are actually starting their own organizations to help people with many obstacles that you would not even think about. So you come out of prison. You are banned from public housing. You have to have a place to live. You need your driver's license. You might not be able to get that because you owe back child support. You might not even know how to use a current cell phone or public transportation. There is a lot of basic support-group services that are needed to help people reintegrate themselves so that they do not go back to a life of crime.

So I am very glad that we are doing the Second Chance Act again today, and I would support my colleague in saying that let us have hearings where we look at the root causes, and let us bring in people from these communities who spend day in and day out trying to reverse the problems that are taking place in these areas. I yield back.
Chairman Goodlatte. What purpose does the gentleman from Texas seek recognition?

Mr. Gohmert. Move to strike the last word.

Chairman Goodlatte. Gentleman is recognized for five minutes.

Mr. Gohmert. Thank you, Mr. Chairman. I appreciate the gentlelady's comments. In fact, I have learned a lot since I have been on this committee. And when there were discussions about the unfairness of crack cocaine carrying higher sentences than powdered cocaine, Dan Lungren pointed out that he was here in Congress in the 1980s, when the Congressional Black Caucus, Charlie Rangel, and others, and I have seen articles since he brought it up that pointed it out they were making the point that if you do not support tougher sentences on crack cocaine than on powdered cocaine, then you would be a racist because it is destroying our inner cities, it is destroying our black communities, and we have got to get tougher on crack cocaine. And so there is always a lot to learn from prior mistakes.

Back 10, 11 years ago, when we were looking at Second Chance Act, marking it up, I always wanted to make sure that faith-based groups were not discriminated against, brought a bunch of amendments along those lines. But I did not; and the reason I did that is because, as a judge in Texas, I had seen in the 1990s results, the best results to avoid
recidivism seemed to be from faith-based Christian groups. They were doing an amazing job mentoring in prison and then following up and mentoring after prison. And so, you know, seeing those kind of good results, I wanted to make sure that they had a shot at grants to help avoid recidivism.

What I did not foresee is what I am now seeing; Senator Schumer raised in 2003, and this is his quote, "The imams flood the prisons with anti-American, pro-bin laden videos, literature, and sermon tapes. The point of prison should be to rehabilitate violent prisoners." Now, I realize the Second Chance Act deals with after they are in prison, but it seems the most effective programs start while people are in prison, and then transition and help mentor after prison. But we have also learned that a man named Al-Amoudi, who helped the Clinton Administration and then, until 2003 in his arrest for supporting terrorism, he was helping the Bush Administration in two big areas, particularly helping find chaplains for the military, and helping find chaplains for our prisons. We now know that, as Senator Schumer was foreseeing back in 2003, we have now seen it actually occur. This article from January 5th, 2016 from Jennifer Hickey has a quote from Patrick Dunleavy, author of "The Fertile Soil of Jihad: Terrorism's Prison Connection." He said, "If we continue to downplay the threat, we do so at our own peril." That we have prisons, as this article says, that "Federal
prisons have become a breeding ground for radicalization."

And then this: found this article from December 5th of 2014 that says, "Reports on the number of prisoners who convert to Islam vary and are framed in different ways. Some sources estimate 40,000 prisoners per year convert. Others put the number closer to 135,000 per year. Some posit that 80 percent of inmates who find faith in prison convert to Islam." But it goes on to point out that "The Nation of Islam is the largest prison ministry." And so I do not know the answer to this.

I have seen an article about a reentry program giving Muslims a second chance, and the article mentions the Islamic Society of North America is helping with the rehab program and gave 160,000. Well, we also know that in 2008, a prosecution of the Holy Land Foundation, the Islamic Society of North America was named as a co-conspirator in supporting terrorism. Of course, its president, former president, just immediate past, is Mohamed Majid, ISNA, named as a co-conspirator in 2008, now basically has an open door at the White House. But I am not sure, Mr. Chairman, what the answer is, but I would ask that we work together to see if we can insert something before a bill comes to the floor that would require review to make sure that anybody getting a grant to help with recidivism is not in some way helping radicalize people that will be enemies to bring down
America. And I yield back.

Chairman Goodlatte. If the gentleman would yield?

Mr. Gohmert. Yes.

Chairman Goodlatte. If the gentleman would yield, I would say to the gentleman that I share his concern about the misuse of programs. I will be happy to work with him, going to the floor on this issue. It may be that it is better addressed in another fashion, but either way, I am committing to work with you to make sure that well-intentioned programs are not misused to actually be of the opposite of what we intend.

Mr. Gohmert. Exactly.

Chairman Goodlatte. We are not trying to create terrorists. We are not trying to create criminals. We are trying to help people recidivate back into society in a way that does not cause them to go back to prison.

Mr. Gohmert. Right. Thank you.

Chairman Goodlatte. And so we will work with you.

Mr. Gohmert. I thank the chair for his work. Thank you.

Ms. Jackson Lee. Will the gentleman continue to yield, Mr. Gohmert? Let me also say that one of the more effective ways of responding to your concern, of course, is to build the database on the individuals that have been helped. As I indicated in my remarks, it is not just helping the
incarcerated person. As you well know, the increase of women who are incarcerated -- it is helping families. And I think one of the things we always think we have in the Federal Government, and we really do not, is data and support for the legislation that we have had in the past and what we are reauthorizing, and I think that is one of the things that we should also focus on so you will have the comfort that, at least if there is a mishap that you have just spoken of, the overwhelming aspect of this has been a successful story of helping people reclaim their lives. And I think I think we need that kind of data as we go forward as well. And I thank the gentleman for yielding.

Chairman Goodlatte. A question occurs on the amendment offered by the gentleman from Wisconsin.

All those in favor respond by saying aye.

Those opposed, no.

The ayes have it.

And the amendment is agreed to. Are there any other amendments? Reporting quorum being present, the question is on the motion to report the bill H.R. 3406 as amended favorably to the House.

Those in favor will say aye.

Those opposed, no.

The ayes have it.

And the bill is ordered reported favorably. Members
will have two days to submit views. Without objection, the
bill reported as a single amendment in the nature of a
substitute, incorporating all adopted amendments and staff
is authorized to make technical and conforming changes.
Pursuant to notice, I now call up HR 4240 for purposes of
markup and move that the committee report the bill favorably
to the House. The clerk will report the bill.

Ms. Williams. H.R. 4240, to requiring an independent
review of the operation and administration of the Terrorist
Screening Database maintained by the Federal Bureau of
Investigation and subsets of the TSDB, and for other
purposes.

[The bill follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any point, and I will begin by recognizing myself for an opening statement. I want to thank the gentlewoman from Texas, Ms. Jackson Lee, for introducing H.R. 4240. H.R. 4240, the No Fly for Foreign Fighters Act, is a common-sense bill that requires the U.S. Government Accountability Office to conduct an independent review of the operation and administration of the Terrorist Screening Database, or TSDB, which is sometimes referred to as the "terrorist watch list." The watch-listing and screening processes support the U.S. government's efforts to combat terrorism by consolidating the terrorist watch list, and providing screening and law-enforcement agencies with information to help them respond appropriately during encounters with known or suspected terrorists, among other things. At the same time, we must ensure that the watch list and the accompanying processes and procedures comport with the Constitution and the values of the American people.

The GAO previously conducted a study of the terrorist watch list, following the December 25, 2009 attempted bombing of Northwest flight 253, which exposed weaknesses in how the Federal Government nominated individuals to the
terrorist watch list, and gaps in how agencies used the list to screen individuals to determine if they posed a security threat. Several improvements were made to the watch-listing processes and procedures, following the December 25, 2009, attempted bombing. However, concerns have been raised over the effect of the watch-listing processes and procedures may have on law-abiding persons, including U.S. citizens, based on inaccurate or incomplete information in the database, or similar or identical names to watch-listed individuals.

The GAO stated in its 2012 watch-listing report that routine, government-wide assessments of the outcomes and impacts of agencies' watch-list screening or vetting programs, could help ensure that these programs are achieving their intended results, or identify if revisions are needed. Such assessments could also help identify broader issues that require attention, determine if impacts on agency resources and the traveling public are acceptable, and communicate to key stakeholders how the nation's investment in the watch-list screening or vetting processes is enhancing security of the nation's borders, commercial aviation, and other security-related activities. This bill provides for an independent review of the operation and administration of the watch list. It reaffirms our commitment to our nation's security, while upholding the Constitutional values that make America unique in the world.
I urge my colleagues to support this important legislation, and it is now my pleasure to recognize the ranking member of the Committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

[The prepared statement of Chairman Goodlatte follows:]

********** COMMITTEE INSERT **********
Mr. Conyers. Thank you, Mr. Chairman. Members of the committee, H.R. 4240, the No Fly for Foreign Fighters Act, is a common-sense measure that supports the Terrorist Screening Database maintained by the Federal Bureau of Investigation, and in doing so will aid in our efforts to combat terrorism and keep our nation safe. Since 2003, the FBI's Terrorist Screening Center helps to identify those individuals known or reasonably suspected of being involved in terrorist activity by integrating information collected from law enforcement, Homeland Security, and intelligence communities. This information is then entered into the database in order to populate various screening systems used by the United States government. The result is a sophisticated watch list and screening system that has undoubtedly saved lives.

Despite the diligent work of the Screening Center and the many dedicated individuals who make the screening database possible, this system is not flawless. Past incidents, such as the 2009 Christmas Day attack by the so-called underwear bomber, on a Northwest Airlines flight, put a spotlight on potential gaps in the system. In response,
significant improvements have been made to the database, and audits by the Department of Justice Office of Inspector General have revealed movement in the right direction. Despite these regular audits, no independent review has been conducted of the changes to the watch list and screening progress. To the extent additional improvements are necessary, or new weaknesses have emerged, such an independent review could serve to make us all safer. H.R. 4240 addresses this precise issue, by directing the United States Government Accountability Office to conduct an independent review of the operation and administration of the Terrorist Screening Database, and subsets of the database. This review will assess whether past weaknesses have been eliminated, and the extent to which existing vulnerabilities may be addressed or mitigated through additional changes. 4240 requires the GAO to complete and submit the results of the study to this Committee, and our counterpart in the Senate, not later than 18 months after the bill's enactment.

In closing, I commend the Subcommittee on Crime, Homeland Security, Terrorism and Investigation's ranking member, the gentlelady from Texas, Sheila Jackson Lee, for her leadership on this important issue, and I am proud do join her and many of my committee colleagues in co-sponsoring this bipartisan legislation. I thank the
Chairman of the committee, the full committee, for bringing H.R. 4240 before the committee today, and I urge my colleagues to join me in supporting it, and yield back the balance of my time.

[The prepared statement of Mr. Conyers follows:]

********** COMMITTEE INSERT **********

Chairman Goodlatte. Thank you, Mr. Conyers. It is now my pleasure to recognize the sponsor of the bill, and the ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, Ms. Jackson Lee of Texas, for her opening statement.
Ms. Jackson Lee. Thank you very much, Mr. Chairman, and thank you both, both Mr. Conyers and the Chairman, Mr. Goodlatte, for the collaborative effort that we are now moving on criminal justice reform. But I am also very appreciative of my friend and colleague on Homeland Security, Mr. Ratcliffe, who came on as an original co-sponsor, thanking him for his leadership. This is a current and present danger, if you will, and it is recognizing as we, the committee, and the holder of the values of the Constitution, it is equally important to ensure the safety and security of the American people. We know for a fact that it is not uncommon to see news of a flight being diverted on an emergency landing because a passenger happened to be on the no-fly list, but there was a delay in getting that information.

Let me acknowledge before I go further, is that this legislation has drawn the bipartisan support of this Judiciary Committee, with as equal almost number of
Republicans and Democrats, working together. Let me acknowledge the staff that looked at this legislation and began to work so that it could come to the Committee, and provide an opportunity for it to move to the floor, and then of course to work with our colleagues in the Senate to get this legislation passed. Why should it be passed? We realize that it is, again, an important aspect of security to know individuals who have had some connection with terrorist activity, and because we are seeing more and more people being inspired, as they have said, by ISIL or self-radicalizing, the accuracy of that list is going to be more important every single day.

Now, there is an issue of false positives. It is something that I know my -- some of my colleagues on the committee are particularly interested in, as well as groups such as the ACLU. Well, this will be covered by this legislation, because it is written broadly to cover all aspects of this watch list, to make sure that it is secure and it is accurate. In light of the events of the last 12 months, however, the issue of homeland security, and in particular the accuracy of our screening watch-listing process has become even more significant to me. More than 30,000 foreign fighters from at least 100 different countries have traveled to Syria and Iraq to fight for ISIL since 2011. This is a mobile world. People move from place
to place, and in order to ensure the American people's travel domestically or internationally, it is important to have, particularly internationally of course, the watch list that is accurate. In the last 18 months, the number of foreign fighters travelling to Syria and Iraq has more than doubled. The accuracy of our terrorist screening tools is more critical now, more than ever before. That is why I worked with the chairman and Mr. Ratcliffe, a fellow member of this Committee, again as I mentioned, and members of the Texas delegation, to introduce H.R. 4240, which mandates an independent review of the TSDBA's operation and administration.

I am very grateful for the cooperation of my ranking member as well, and his co-sponsoring the bill. The TSDB is a sophisticated tool that plays an absolutely critical role in keeping the American public safe. It must be accurate. That is without question. It has to be accurate to protect the American people, and I remember when we first started these lists, many of you may remember that some of our colleagues were even on the lists. And so, I think this legislation will at least ensure that our colleagues, fellow members of Congress, having no intent but to do good and to travel to their districts, will be protected by a more accurate list. The FBI's Terrorist Screening Center integrates information about individuals known or suspected
to be involved in terrorist activity, collected from law enforcement, Homeland Security and intelligence, into the TSDB, which is then used to populate various screening systems used by the U.S. government. H.R. 4240 directs the GAO to conduct an independent review of the operation and administration of TSDB and subsets of the TSDB, to assess whether past weaknesses have been addressed, and to the extent to which existing vulnerabilities may be resolved or mitigated through additional changes. This legislation is drafted broadly to allow the GAO to conduct a comprehensive review, not just of the TSDB's accuracy, but of its entire operation and administration, gaps that prevent an individual who should be added to the TSDBA from actually being added are obvious vulnerabilities. Flaws that result in false positives and divert valuable resources from real threats can be just as dangerous. This bill directs the GAO to study all weaknesses, including false positives.

Let me close by thanking the many members of this Committee who are co-sponsors of H.R. 4240, and urge my colleagues to continue to vote or to vote for this critical and timely bipartisan legislation. I have served on the Homeland Security Committee, finally, and I must say to my colleagues, it is something of great concern to me that the responsibility of this Congress is to secure the American people. I believe the Judiciary Committee is making another
giant step in helping to secure the American people. I ask my colleagues to support the No Fly for Foreign Fighters Act, and I yield back my time.

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

********** COMMITTEE INSERT **********

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

Mr. Ratcliffe. Move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for five minutes.

Mr. Ratcliffe. Thank you, Mr. Chairman. I am an original co-sponsor of H.R. 4240, the No Fly for Foreign Fighters Act, because recent events have highlighted that improving the efficiency and effectiveness of our terror screening and watch-listing efforts is now certainly a critical issue of national security. So I was grateful for the opportunity to support my colleague and friend, the gentlelady from Texas, Ms. Jackson Lee, and very much appreciate her leadership on this critical issue, and with
Chairman Goodlatte. The chair thanks the gentleman. For what purpose does the gentleman from Texas, Mr. Poe, seek recognition?

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

Chairman Goodlatte. The gentleman is recognized for five minutes.

Mr. Poe. I thank the chairman. I am concerned about government lists. It goes back to the days of the Soviet Union. I actually went to the Soviet Union, and they had lists. They had an Enemy of the State list, and they had an Enemy of the People list, later changed, and finally it was a list that Engaging in Anti-Soviet Activity. Government lists. You get on that list, and bad things happen to those folks. They got to move to Siberia. They lost their property, denied a job permit, et cetera. I am not comparing this to the Soviet Union, I am just saying I am concerned about the government keeping a list on people. And we have a bureaucracy that we do not know how folks get on the list. Folks have tried to get off the list, and some have been successful.

But if I understand the law, Mr. Chairman, there are actually two lists. There is the watch list, which about a million folks are on the watch list, and then there is a secondary list, that is the no-fly list, which there is
about 50,000 people on the no-fly list. And those decisions about who has made, who is put on those lists, we do not know the criteria. That concerns me, the due process involved in that. And the decision is made by a bureaucrat, or a group of bureaucrats that Bubba's put on the list or taken off the list. And I think that we should be very careful about giving the authority to bureaucracy to put people on a certain list.

No question about it, we do not want the bad guys going back and forth, and doing bad things, and flying. I introduced and it passed the House, the Passport Revocation Act, if a person is a member of a foreign terrorist organization, they cannot -- they get their passport revoked. So I hope in this study, we come across and make sure that due process does not get violated. And the second concern that I have, is that this list made by the government in the name of national security, is not used for other purposes to deny Constitutional rights of citizens. In other words, you are on this list, so therefore you cannot participate and be a -- let me say it a different way. You are on this list, therefore the government's going to take away your Second Amendment rights. Or your Fourth Amendment rights. Or your First Amendment rights, because you are on this government list. So, I hope the study clarifies that to make sure that due process and that the
Constitution is not violated, and we find out who gets on this list and who does not get on this list, and that we also make sure that people who work for the Federal Government that happen to be on the list, do not work for the Federal Government anymore. So, those are my concerns. I understand the gentlelady's bill. I hope the GAO figures all of this out, bearing in mind due process, Constitution, and with that, Mr. Chairman, I yield back.

Ms. Jackson Lee. Will the gentleman yield?

Mr. Poe. I will yield.

Ms. Jackson Lee. I thank the gentleman for his vigorous assessment and commitment to the Constitution. In my remarks, I indicated that the duties of this committee, besides the passing of laws dealing with justice, is to coddle the Constitution, to respect the Constitution. And I believe this bill, with the working of our staff, appropriately answers your concerns, because it seeks to determine the process, the basis of the list, and it seeks to get for this committee, vulnerabilities. Vulnerabilities may in fact be some of the issues you have raised, as well as the strength, and to make sure that this list is a list that pertains to its definition, and that is to protect the American people from individuals flying that would come to do harm. I am as equally concerned, and I am reminded, I think it was before you came, when the late Senator Ted
Kennedy was on a list. The civil-rights icon John Lewis was on a list, and we worked very hard to do it. But I do believe that in the climate that we are living, it is important to ensure that the list --

Mr. Poe. Reclaiming my time. I will reclaim my time.

Ms. Jackson Lee. Just that the lists we use are very accurate.

Mr. Poe. I heard your opening remarks, and I think that the point I am making is very simple. We cannot lose Constitutional rights in the name of national security. This list is produced by bureaucrats. There is no judicial intervention to make sure that due process is involved. Therefore, I hope that the legislation, when passed, will make sure to be very careful and tender with Constitutional rights, because of the issue of a secret government list ought to concern all of us, and make sure that the Constitution is not bruised in the process of going forward with the issue of national security, and I yield back to the chair.

Chairman Goodlatte. Will the gentleman yield?

Mr. Poe. Certainly.

Chairman Goodlatte. I appreciate the gentleman yielding, and I very much share the gentleman's concerns, so much so that the Committee has been working with Mr. Ratcliffe on another bill that addresses this issue of how
individuals can be better protected with their Constitutional rights, and how they can be removed from the list more easily, but also not get onto the list as easily as some may get onto that list. So, I also have interest in the GAO studying this, but I think the action on that legislation might be faster than a GAO study of it, so I would be happy to work with the gentleman on whether he thinks there is additional language that needs to be in this study, to make sure that that is a part of their review. But it also is a separate piece of legislation that we hope to move quickly.

Mr. Poe. Reclaiming my time. I am glad to work with the chair, and of course with my friend from Texas, Mr. Ratcliffe, on those issues in his legislation. And I yield back. Thank you.

Ms. Jackson Lee. Would the gentleman, Mr. Chairman, would you yield please, for a moment?

Chairman Goodlatte. I would be happy to yield to the gentlewoman from Texas.

Ms. Jackson Lee. Thank you. I think this is a vigorous discussion, an important discussion. My point that I was making is that we do have the responsibilities of protecting civil liberties and civil rights. I will add myself to the discussion with Mr. Ratcliffe and I think we will have a combined effort of a positive statement going
forward of securing America, but also protecting America’s
civil liberties and constitutional rights. I yield back.

Chairman Goodlatte. I thank the gentleman. I thank
the gentleman from Texas. Are there any amendments to
H.R.4240?

What purpose does the gentleman from Texas seek
recognition? Mr. Gohmert?

Mr. Gohmert. Strike the last word.

Chairman Goodlatte. The gentleman is recognized for
five minutes.

Mr. Gohmert. I appreciate my friend from Texas’
efforts, and it is a good idea to review this, and I was
thinking as I was reading, though, and then my fellow judge-
friend pointed out my concern that I was not sure that this
actually required the study to include telling us what were
the indices for putting people on the list, and so I very
much appreciate the chair pointing out we will have separate
legislation on this. It has been particularly of concern to
people in my district. I have a retired general that has
giving his entire adult life for the good of the country who
apparently shares a name with someone the administration is
concerned about and we have, a number of times, had to fight
for him, help get his name off the list so that he could fly
and travel appropriately.

The most heinous example came from Lufkin, when a
family had five young children that were taking their dream vacation to Disney World, and it turns out the five-year-old, the middle child, was considered to be on the terrorist watch list. In Houston, immediately, they recognized the five-year-old would not be the terrorist, but in Orlando, the five-year-old was pulled away from the parents, put in a separate room. When he was so emotional, he could not answer the question. He knew his month and the day of his birthday, but he could not give the year, and he was five.

They brought in an Arabic-speaking inquisitor to question the young boy, and the parents were not allowed to help the child. So anyway, all because -- and for heaven’s sake, anybody that has had kids knows if you were going to have a terrorist among your kids, it is not going to be the middle one, it would probably be the youngest one -- but in any event, the TSA in Orlando could not get that. The child had to have counseling for a very long time, separation anxiety kept from his parents. So this is something that needs to be looked at to make sure we do not continue to do harm to good, law-abiding Americans, and so I appreciate the chairman’s efforts and look forward to that legislation as well.

Chairman Goodlatte. Are there any amendments to H.R. 4240?

Ms. Jackson Lee. I have an amendment at the desk, a
Chairman Goodlatte. The clerk will report the amendment.


[The amendment offered by Ms. Jackson Lee follows:]

********** COMMITTEE INSERT **********

Chairman Goodlatte. Without objection, the amendment is considered as read and the gentlewoman is recognized for five minutes on her amendment.

Ms. Jackson Lee. This is a similar technical
amendment, similar to the one offered in the previous legislation. It simply corrects the deadline for the GAO to submit the mandate and forward to Congress. Specifically, this amendment adds, or makes the deadline one year, as opposed to 18 months, time-sensitive nature, I ask my colleagues to support the amendment.

Chairman Goodlatte. Will the gentlewoman yield?

Ms. Jackson Lee. I will be happy to yield.

Chairman Goodlatte. This amendment would speed up the information that we are all anxious to have about how this program works from 18 months to 12 months, so I support the amendment, and encourage my colleagues to the do the same. I yield back.

Ms. Jackson Lee. And I yield back as well, Mr. Chairman.

Chairman Goodlatte. Are there any further discussion on this amendment? If not, the question is on the amendment.

Those in favor will say aye.

Those opposed, no.

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

Any other amendments? Reporting quorum being present, the question is on the motion to report the bill H.R.4240 as amended favorably to the house.
Those in favor will aye.

Those opposed, no.

The ayes have it.

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

Pursuant to notice, I now call up H.R. 1854 for purposes of markup and move that the committee report the bill favorably to the House. The clerk will report the bill.

Ms. Williams. H.R. 1854, to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, veterans’ treatment services, mental health treatment, and substance abuse systems.

[The bill follows:]

********** COMMITTEE INSERT **********

Chairman Goodlatte. Without objection, the bill is
considered as read and open for amendment at any point. I will begin by recognizing myself for an opening statement. We consider H.R. 1854 the Comprehensive Justice and Mental Health Act of 2015 introduced by Congressman Doug Collins. This bill expands and improves upon the initiatives created in the Mentally Ill Offender Treatment and Crime Reduction Act. This law created the Justice and Mental Health Collaboration Program to help states and counties design and implement collaborative efforts between criminal justice and mental health systems. It provided training for law enforcement to identify and respond appropriately to individuals with mental health conditions and supported the development of law enforcement receiving centers as alternatives to booking people into jails in order to assess individuals in custody for mental health substance and substance abuse treatment needs.

Every year, an estimated two million individuals with serious mental health issues are booked in local jails. Serious mental illness is three to six times more prevalent in jails than in the general population. Even more individuals detained in jails each year have mental health problems that do not necessarily qualify as a serious mental illness, but nonetheless may still require a response. Adults with mental illnesses cycle through jails more often than individuals without mental illnesses and tend to stay
longer. According to the U.S. Department of Justice report, approximately 45 percent of people in federal prisons, 56 percent of people in state prisons, and 64 percent of people in jails display symptoms of a mental health condition. The bill we are considering today ensures a comprehensive response to individuals with mental illness in the criminal justice system, including support for veterans' treatment courts, reauthorization of mental health courts, and law enforcement training, increased focus on resources and training for jails and prisons, implementation of best practices for federal law enforcement, and innovative training at police academies. This legislation will ensure that state and local governments can continue to design and implement sound initiatives that improve the criminal justice system, increase public safety, reduce state and local spending, and help individuals with mental disorders. Companion legislation was approved by the Senate Judiciary Committee in April and the full Senate in December. I urge my colleagues to support this bipartisan and bicameral legislation. The chair recognizes the gentlewoman from Texas, Ms. Jackson Lee, the ranking member of the Subcommittee on Crime, for her opening statement.

[The prepared statement of Chairman Goodlatte follows:]

********** COMMITTEE INSERT **********
Ms. Jackson Lee. Thank you very much, Mr. Chairman.

So I think I will take the opportunity that we have just done three bills dealing with the framework of criminal justice. One deals with terrorism, of course, but I think this is, again, a pathway that says that we are looking forward to getting bills to the President’s desk dealing with these important issues, and mental health is clearly an aspect of the work that we are doing, and I am hoping that this bill will move as quickly as possible.

This legislation is part of dealing with the lives of individuals who find themselves in the criminal justice system. No comprehensive reform will be complete without addressing the relationship between mental illness and the criminal justice system. As we well know, the tragedy just 48 hours ago in Philadelphia; this individual and others are suggesting that there was a mental health issue of heinous act of shooting a police officer in the streets of Pennsylvania, of Philadelphia. H.R. 1854, the Comprehensive Justice and Mental Health Act of 2015, does exactly that. This legislation reauthorizes and updates funding programs for innovative programs that bring together mental health and criminal justice agencies to address the unique needs of persons with mental health conditions. And I will tell you that the mental health community wants this, and believes that they can be very instrumental in saving lives by having
these resources. This funding is used to identify, respond, and treat mental illness within the criminal justice system and to stop the use of incarceration as a way of addressing mental illness.

In my own community, Harris County Jail has looked, under the previous sheriff, and now a new proposal has come out under the present district attorney to have this jail have a component that deals with those incarcerated persons, many of whom stay as long as one would stay in a state system, to deal with their mental health needs and to deal with their families. H.R. 1854 provides a crucial support to the grant programs that will allow us to fulfill this need. It continues support for mental health courts crisis intervention teams and authorized investments in veterans' treatment courts, so very important with the many homeless veterans on the streets. As much as we have been trying to limit or to find solutions to homeless veterans, they are there, and many of them find their way into courts because of mental illness issues. It supports efforts to identify mentally ill people at each point in the system, and to appropriately direct them to services, increases focus on corrections-based programs, like transitional services, to reduce recidivism. It gives officials more control over program eligibility. As a result, individuals can be treated based on their need, not based on their offense.
Mental health courts are the most common programs funded by these grants. I have seen them work with a 115 mental health courts and other court-based initiatives receiving funding to date. Mental health courts supported by this program have served as national models. There are over 300 mental health courts in the country today. A program in San Antonio, Texas demonstrated an annual direct savings of $800,000 by diverting individuals with mental illness from emergency departments to direct placement at crisis care centers rather than sending the individuals to a local jail. This legislation enjoys broad support from law enforcement and correctional officials because it offers effective tools and resource savings.

A DOJ report found that 64 percent of those in jail, 54 percent of state prisons, and 45 percent of federal prisons have some form of mental illness. Jails and prisons now house more than three times the number of mentally ill individuals than do mental health facilities and hospitals. Using prisons and jails to treat the mentally ill is completely counterproductive. A 2014 state survey by the Treatment Advocacy Center and the National Sheriffs’ Association found that mentally ill inmates are often vulnerable and abused, disproportionately held in solitary, and frequently attempt suicide. A notorious case in our community was an individual who would not let the jailers
come near him for a period of time, which caused his living conditions to be squalor because he was suffering from mental illness. We must find the way to deal not only with those who are incarcerated, but certainly to be able to put a stopgap and find a detour for individuals suffering from mental illness so that they are not prone or not part of the criminal community by not having resources and thereby committing a crime. We have seen some of the most deadliest acts of violence being perpetrated by those who are suffering from mental illness. So in conclusion, treating, not incarcerating, those with mental illness makes long-term and good sense. I saw this firsthand in my work with the Harris County Jail, as I indicated, after that terrible incident. I am confident that H.R. 1854 can have a significant impact on a far greater amount of individuals and their families, and I will continue to work on the issues of mental health resources before the heinous crimes are committed. Let me thank the bill sponsor, Mr. Collins, for his leadership. I ask support for the legislation and I yield back my time.

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

********** COMMITTEE INSERT **********
Chairman Goodlatte. The Chair thanks the gentlewoman, and it is now my pleasure to recognize the sponsor of the bill, the gentleman from Georgia, Mr. Collins, for his opening statement.
Mr. Collins. Thank you, Mr. Chairman. Mr. Chairman, I want to thank you for holding today’s markup on H.R. 1854, the Comprehensive Justice and Mental Health Act. I ask you now to consent to enter into the record letters of support from the Major County Sheriffs’ Association, the National Association of Counties, the National Association of Police Organizations, the Police Foundation, the coalition letter representing more than 100 groups nationwide.

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

Mr. Collins. Thank you, Mr. Chairman. Mr. Chairman, this bill has brought bipartisan support and has over 75 cosponsors, including several from this committee and companion legislation passed the Senate by unanimous consent last month. I would like to take just an opportunity also to thank a couple of members, especially the gentleman from Florida, Mr. Nugent, and also my friend from across the aisle, Bobby Scott, who have both been leaders in this initiative in the past Congress and we want to encourage them in this one as well.

Across the country, an estimated 2 million mentally ill
individuals are booked into jails each year. Many jails hold more people with psychiatric illnesses than county psychiatric facilities. It does not make sense to use our criminal justice system as a mental health system. It does not help mentally ill individuals who would benefit more from treatment and supervision, and it does not save taxpayer money. It does not make communities or law enforcement any safer. If someone is mentally ill or suffering trauma, too often our first instinct is to treat them with fear and that is not right. It is time we do better. H.R. 1854 does that in a common sense and conservative way. H.R.1854 reauthorizes and improves the Mentally Ill Offender Treatment and Crime Reduction Act. It provides for continued support for mental health courts and authorized investments in veterans’ treatment courts. I have visited these types of courts back home in northeast Georgia and I have seen what a difference they can make.

The bill includes a new grant, new grant accountability measures and emphasizes the use of evidence-based practices to better protect taxpayer dollars. H.R. 1854 also recognizes that state and local solutions are usually more effective than federal, one-size-fits-all approaches, so enables those on the ground to implement practices that work best for their neighborhoods and communities. The bill also provides grants for diversion-planning initiatives, which
have been shown to reduce jail and prison costs and expedite case processing. In fiscal year 2015, Athens-Clarke County, which is partially located in my district, received a grant for this important purpose. These programs have a clear track record. One study shows that the corrections-based treatment programs can reduce an individual’s risk of recidivism by 25 to 50 percent. A study done in New York City found that post-booking jail diversion, they resulted in net savings of over $6,000 per person. In the DeKalb County, Georgia, in 2014, those who went through a mental health core program had a 71 percent retention rate. Nationally, participants in mental health corps programs serve fewer days in jails and were less likely to incur new charges. My home in northeast Georgia and the state of Georgia as a whole have been leaders in these efforts. In southwest Georgia, the Dougherty Superior Court of Mental Health and Substance Abuse Division was selected as one of just four peer-to-peer learning slots nationwide under the program. These slots are chosen to share their experience and expertise with agencies across the country so that others can learn from and build upon their successes. We need to encourage more work like that is being done in Georgia, and this bill provides tools to help make that happen and expand on the accomplishments back home. But importantly, this bill also lowers the program’s current
authorization level to a more accurately affect historic appropriations levels to ensure finite taxpayer resources are being wisely used. This bill is not a magic pill to fix the system, but it will improve access to mental health services to people who come in contact with the criminal justice system, and will give law enforcement better tools to identify and respond to needs in the community. This bill is a step towards doing better. I urge my colleagues to join in support of this legislation. Mr. Chairman, I yield back.

[The prepared statement of Mr. Collins follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. The chair thanks the gentleman.

Without objection, all other members’ opening statements will be made a part of the record. Are there any amendments to H.R.1854? A reporting quorum being present, the question is on the motion to report the bill H.R. 1854 favorably to the House.

Those in favor will say aye.

Those opposed, no.

The ayes have it.

The bill is ordered reported favorably. Members will have two days to submit views. That concludes our business for today. Thanks to all our members for attending. The markup is adjourned.

[Whereupon, at 11:50 a.m., the committee adjourned subject to the call of the chair.]