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


Staff Present: Shelley Husband, Staff Director; Brenden Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian
and General Counsel; Bobby Parmiter, Chief Counsel, Subcommittee on Crime, Terrorism, Homeland Security and Investigations; Jason Cervenak, Counsel, Subcommittee on Crime, Terrorism, Homeland Security and Investigations; Meg Barr, Counsel, Subcommittee on Crime, Terrorism, Homeland Security and Investigations; Alley Adcock, Clerk; Joe Graupensperger, Minority Counsel; Jason Everett, Minority Counsel; Matthew Morgan, Minority Counsel; Monalisa Dugue, Minority Deputy Chief Counsel; Danielle Brown, Minority Parliamentarian and Chief Legislative Counsel; Keenan Keller, Minority Senior Counsel; Perry Apelbaum, Minority Counsel; Rachel Calanni, Minority Professional Staff Member; and John Doty, Minority Senior Advisor.
Chairman Goodlatte. Good morning. The Judiciary Committee will come to order and without objection, the chair is authorized to declare a recess at any time.

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

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

[The bill follows:]

********** INSERT 1 **********
Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any time. I will begin by recognizing myself for an opening statement.

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

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

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

Furthermore, these attacks are a threat to public order and a challenge to the authority of the State. They fundamentally undermine a functional society. The bill will help deter these vicious attacks by permitting Federal
prosecution of anyone who knowingly causes serious bodily injury to a law enforcement officer, where the crime either affects interstate commerce or where the victim is a Federal law enforcement officer.

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

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

[The information follows:]

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

[The prepared statement of Chairman Goodlatte follows:]

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

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

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

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

As a result of the risks inherent to policing, there is no profession more widely protected under Federal and State
law than working law enforcement. All 50 States have laws that enhance penalties for crimes against peace officers and in some instances, crimes against the broadly defined category of first responders.

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

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

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

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

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

Last year alone, in 2017, almost 1,000 people were killed by police according to The Washington Post. Another media outlet estimates that there were more than 1,100 police related fatalities last year, with people of color representing more than 50 percent of those unarmed during fatal encounters with police. Yet in the 2 years since the creation of the bipartisan Policing Strategies Working Group, this committee has advanced no police reform legislation.
Instead, we are asked today to consider H.R. 5698, a one-sided approach that presents the strong risk of creating a perception of bias against community-based policing concerns. The committee’s interest would be better served by working to foster law enforcement reforms aimed at helping local jurisdictions meet their constitutional obligation of fair and unbiased policing.

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

[The prepared statement of Mr. Nadler follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Thank you, Mr. Nadler. I would like to recognize the sponsor of the legislation, Mr. Rutherford of Florida, for his opening statement.

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

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

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

And then, just a few months after that, Mr. Chairman, the Dallas Police Department is protecting that exact same group as they are marching in Dallas, Texas, and five Dallas, Texas police officers are ambushed and murdered.
Just this year alone, 87 officers have been shot in the line of duty, of which 28 ultimately lost their lives. That is 75 percent higher than last year at this time, and it is nothing short of a tragedy. We need a serious response through these enhanced penalties to deter these horrendous acts upon our police officers.

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

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

Targeting police officers and ambushing them while they sit in their cars or eat lunch cannot be tolerated. We must hold accountable those who seek to target and attack those
who dedicate their lives to keeping us safe. This dangerous

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

[The prepared statement of Mr. Rutherford follows:]

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

Ms. Jackson Lee. Thank you very much, Mr. Chairman. Let me first of all applaud the cosponsors of this legislation, Mr. Rutherford and certainly Ms. Demings. Mr. Rutherford is in the sheriff’s department if I recall, and Ms. Demings in the police department, if I recall, as chief, among many other titles that you have had. Let me intrude to the extent that I have worked extensively with police officers dealing with my role as a municipal court judge and assisting on late night warrants and probable cause warrants, and recognize the dangers that our officers face. I think it is important to take note of the fact that we are discussing a bill that, first of all, has as its premise many Federal and State criminal laws already in place that should be enforced dealing with the protection of officers. These laws have strong penalties and they also have been enhanced. Also, I think it is important to note that we want to protect against wide-spread attacks on police officers and in doing that, we want to have legislation that might be a pathway for bringing community and law enforcement together. Whether this bill does that
enough leads me to believe that we have more work to be done.

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

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

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

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

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

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

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

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

********** COMMITTEE INSERT **********
Chairman Goodlatte. Thank you, Ms. Jackson Lee. Are there any amendments to H.R. 5698?

Ms. Demings. Mr. Chairman?

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

Ms. Demings. Move to strike the last word?

Chairman Goodlatte. The gentlewoman is recognized.

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

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

While I am new to this committee, I was pleased to learn of the Community Policing Strategies Working Group, but extremely disappointed that the committee chose to do absolutely nothing to address hiring guidelines, community policing strategies, training, and use of force standards.
Bringing uniformity to these areas, I believe, protects our officers and our citizens. I do support this legislation because I am concerned of the number of ambush-style shootings that we have seen this year. You have already heard that we have seen a 75 percent increase in officers killed by firearms.

I am particularly concerned about these shootings. As you already heard, last month two deputies were assassinated while they ate lunch. And how could we forget former Dallas Police Chief, David Brown, who said this? When his five officers were ambushed and murdered, he said, and I quote, “Are we asking cops to do too much in this country? Every time society fails, we put it off on the cops to solve. Not enough mental health funding? Let the cops handle it. Got a loose dog problem? Let the cops chase it down. Schools fail? Let’s give it to the cops. That is too much to ask. Policing was never meant to solve all of our problems.”

We are, Mr. Chairman, law enforcement just the thin blue line. A handful of folks willing to do a very tough job. Without them, there would be continued lawlessness on our streets and we are a Nation of laws. We must continue to send a strong message that America has zero tolerance for the brutal murder of a police officer. While I support H.R. 5698, I am hopeful that this committee will allow the
Community Policing Strategies Group to do its work and we look forward to continuing to work with our subcommittee. I urge my colleagues to support this legislation. Thank you and I yield back.

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

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

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

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

But at the same time, there needs to be a look at situations to where a large percentage of our population feels that there is not an even-handedness and justice when it comes to law enforcement using deadly force in an improper and illegal fashion. And we have seen so many instances of that in the last few years where it has been videoed. And it is people of color, have been shot and killed when it was not appropriate, when they had not committed an offense that threatened the security of the officer or anybody else in the community.
There is a bill, Mr. Chairman, that we have. This is the Independent Review Act that I filed with Mr. Lacy Clay. It has training with law enforcement officers on the differences in our communities, sensitivity training, and also has an independent prosecutor portion of the bill to see that there is no appearance of unfair playing field.

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

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

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

Chairman Goodlatte. Will the gentleman yield?

Mr. Cohen. Yes, sir.
Chairman Goodlatte. I thank the gentleman for yielding and I will definitely take a look at the bill, and I will get back to you about whether there are possible further steps forward.

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

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

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

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

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

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

But I think one thing that we do not talk about in Congress. I am on Homeland Security and Judiciary, the two
committees with the jurisdiction. We have never had a hearing on Sovereign citizens that has killed more police officers than any other group, any other person, since we have been here. The Baton Rouge ambush that killed those officers was Sovereign Citizen. The St. John Parish ambush in Louisiana that killed two officers was Sovereign Citizen. But we will not look at domestic terrorism and Sovereign Citizens.

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

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

Now, this bill says if you attempt to murder police officers and cause grave bodily harm, which could be vague.
I have seen instances where trying to escape, you crash into their car, they break a leg. Then there is the question about what is serious bodily harm. But in the climate that we are in in this country, I think that if we are not holding police to a very strict standard, then what we are doing here today only exacerbates the mistrust or distrust and disconnect between law enforcement in the communities they represent.

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

And I am just concerned about where we are, and I would applaud the working group on community policing that I am a part of, but we have not moved forward with anything on that. So, if I am one of these young people who wake up, go to school, and are concerned about what is happening in my community, I think we are sending them a message right now that we moved on one issue without moving on the other one. And I will sit and reflect and would I hope that my friends in law enforcement, and especially my family that are law enforcement officers, understand that if I vote against this
But I think we may be taking a step in the wrong direction by picking sides, and I am not asserting motives to anyone. I think we are all judged by our life experiences. But my life experience is Danzinger Bridge, the Henry Glover shooting, and some others in New Orleans, and I just do not know where I can go on this. But, with that, I would thank you, Mr. Chairman.

Chairman Goodlatte. Would the gentleman yield?

Mr. Richmond. Sure.

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

Mr. Richmond. Yes.

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

But existing law, Federal law, 18 U.S.C., section 242, deals with deprivation of constitutional rights, including the use of excessive force, and so on, with regard to
individuals by State and local police officers. And that law, existing law, includes the death penalty for a police officer if that use of excessive force results in the death of an individual.

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

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

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

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

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

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

Chairman Goodlatte. If the gentleman would continue to yield, let me say I am happy to have further discussion with you; we can review 42 together, if there is some legislative remedy there, or if there is some communication we can make to the Department of Justice that we think this is a problem that they need to take into account as they take action. Either way, as I said to Mr. Cohen with regard to his legislation, we will take a close look at that. And I say that sincerely.

Mr. Richmond. Thank you, Mr. Chairman.

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

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

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

We obviously cannot solve all problems in this discussion. But I think, Mr. Chairman, as you know we have
a police working group on a number of issues, and, of course, we have the Law Enforcement Trust and Integrity Bill that we are now engaged in negotiations on. And I think one of the greatest elements of that is the funding, and the de-escalation, and the training. And also the sensitivity on, if you will, not only the professional development, but the societal stresses that police officers go through.

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

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

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

When I went to our national associations of police chiefs and sheriffs, and spoke to them over the last two
years, they were welcoming of legislation that would enhance their working tools, their training, their accreditation, focus on de-escalation, and a number of issues that they confront while they are out protecting and serving.

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

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

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

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Cicilline. Thank you, Mr. Chairman. I, too, of course, support this legislation, but really do want to associate myself with the remarks of the gentleman from Louisiana, the gentlelady from Florida, and the gentlelady from Texas. I hope that as we continue to think about ways
to enhance those police officers’ safety, and the safety of the communities we represent, that we recognize that fundamental challenges to build trusting relationships between the police and the community.

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

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

And, you know, there are a couple of examples we had in the city of Providence where we developed these relationships between the police and mental health organizations to respond with the police in the police car
to a domestic violence scene. So, immediately the family members would get access to professional mental health counseling on the scene, working in partnership.

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

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

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

Mrs. Handel. Yes, I yield my time to my colleague from Florida.
Chairman Goodlatte. The gentlewoman is recognized for 5 minutes, and she yields to the gentleman.

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

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

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

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

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

All those in favor, will say aye.

Those opposed, no.

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

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

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

[The bill follows:]

********** INSERT 2 **********
Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any time, and I will begin by recognizing myself for an opening statement.

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

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

The FIRST STEP Act will incentivize prisoners to participate in evidence-based recidivism reduction programs,
produce activities and jobs that will actually reduce their risk of recidivism.

This bill is vitally important for a number of reasons. First, the growing prison budget is consuming an ever-increasing percentage of the Department of Justice’s budget. These rising costs are becoming a real and immediate threat to public safety. The more dollars we put into unnecessary prison costs, the fewer dollars we can invest in criminal and national security investigations and prosecutions.

Imagine our communities with fewer U.S. Marshals, fewer ATF, FBI, and DEA agents to investigate and prevent crime, and imagine our communities with fewer U.S. attorneys to prosecute crimes.

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

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

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

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

[The prepared statement of Chairman Goodlatte follows:]

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

Mr. Collins. Mr. Chairman?

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

Mr. Collins. I move to table Mr. Nadler’s motion.

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

Mr. Collins. Reserving my motion.

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

Sentencing reform is the keystone of criminal justice reform.

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

Last Congress, members approved sentencing reform legislation as part of a package of criminal justice reforms. Unfortunately, this Congress, our sentencing reform efforts have lagged, as the majority has delayed
engaging in substantive negotiations on sentencing reform with Democratic members. By postponing the markup for 1 month, members will have time to develop a significant and bipartisan proposal on sentencing reform that can be paired with prison reform legislation.

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

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

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

Mr. Collins. Mr. Chairman, I renew my motion. This has been discussed; there is a lot of discussions been going on. My partner in this, Hakeem Jeffries, said to Richmond and many others have been discussing this. And there is a certain point in time when you actually look to help people and move things that actually help. There is also other times that we can descend to continue to discuss politics.
At this point in time, I believe this bill has reached its peak, it is time to move, and going along with the administration, the White House, the Department of Justice, working with our partners in the Senate, and working with our partners in the House, this is our time to move. I agree with the gentleman; I would like to see sentencing reform moved, but also I am also looking at this from a practical purpose of looking at families right now and saying, “Let’s help them now.” With that, I move to table.

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

All those in favor, respond by saying aye.

Those opposed, no.

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

Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman, with respect to today’s consideration of H.R. 5682, the FIRST STEP Act, I appreciate your efforts to work on one aspect of criminal justice reform, which is the need to do a better job of preparing Federal prisoners to return to their communities less likely to reoffend. I want to say at the outset that I am disappointed that we have not yet committed to adopting the main priority of committee Democrats with respect to criminal justice reform. That priority as
mentioned a moment ago was the enactment of legislation to reform Federal sentencing, particularly mandatory minimums, so that we significantly reduce mass incarceration.

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

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

The most significant driver of the fivefold increase in the Federal prison population over those 30 years has been mandatory minimums, particularly those for drug offenders. The extreme levels of incarceration come at a human and financial cost that is unjustified by the legitimate purposes of sentencing and that perversely undermines public safety.” That is why sentencing reform should be our first priority.
I do not doubt that H.R. 5682 is clearly well intentioned and considered. However, at the same time, I hope we will continue to explore ways to improve the bill and encourage as many prisons as possible to engage in recidivism reduction programming, seeking additional input from experts and practitioners. I know that we all want to pursue prison reform that is evidence-based, and that is as effective as possible.

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

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

[The prepared statement of Mr. Nadler follows:]

********** COMMITTEE INSERT **********
Chairman Goodlatte. Thank you, Mr. Nadler. I would now like to recognize the sponsor of the legislation, the gentleman from Georgia, Mr. Collins, for his opening statement.

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

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

Evidence-based works. Evidence-based approaches, this works. We see it in our States. We see it all over the country. And this is what this bill offers. This is the step that we need. FIRST STEP is a great title for this. It is something that we will look forward to.
And yes, we can argue about how far we want to go. We can argue and talk about how I would like to make it perfect. I wish that we actually passed perfect legislation up here all the time, but I do not think there has ever been one and holding a “no” vote on this bill because it is not perfect is wrong.

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

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

Now, make no mistake, there are some people who need to be in jail. There are those people who have just decided to
live outside of the bonds of life, and we need to find places for them. But then there is also some others that, frankly we are mad at. They need to pay for their crime, but also, at the same time, we need to make sure when they come out, they are ready to resume a life of production with their families and their friends. If you look at this bill any other way, just let me tell you how to look at it. You look at it with a face behind it. They are sons and daughters, moms and dads, aunts and uncles, even grandmoms and granddads that can be affected by this bill.

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

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

In support of this, BME National Fellowship, Can-Do Foundation, the Helen Baker Center for Human Rights, Hands
of Hope Outreach Ministry, Incorporated. Beloam, National Incarceration Association, Operation Restoration, Project Liberation, the Promise Justice Initiative, the Real Cost of Prisons Project, Restore Her, Big Pictures, Root and Rebound, Last Mile, Women’s Involved in Reentry Efforts, Women Who Never Give Up, the Texas Criminal Justice Coalition, the Antirecidivism Coalition, Operation Hope, Faith and Freedom Coalition, Just Attention, and also others that we have found as going along.

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

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

[The information follows:]

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

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

[The prepared statement of Mr. Collins follows:]

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

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

And even those who are appropriately in confinement should be given the opportunity at a second chance in life to reenter society and pursue the American dream. That is what the FIRST STEP Act is all about. We know that the mass incarceration epidemic in America began in 1971, when then-President declared drug abuse public enemy number 1. At the time, there were less than 350,000 people incarcerated in America. Today, there are more than 2.1 million. It is a scandal, the scandal that has ruined lives, ruined communities, and hurt the ability of the American economy to be as productive as it otherwise could be. Dramatic change is necessary on both the sentencing reforms side and on the prison reform side. But this is a
moment where we can take a first step toward meaningful change.

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

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

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

There are a variety of important provisions that are in this bill: the good time credit fix, the fact that we are prioritizing for this programming individuals who are medium- or high- risk so that they get the opportunity to participate in programming that can be transformative for
them and, in the process, be transformative for our society.

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

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

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

[The prepared statement of Mr. Jeffries follows:]

********** COMMITTEE INSERT **********
Mr. Collins. [Presiding.] The gentleman yields back.

The chair would like to recognize the ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, which would be our Ms. Jackson-Lee of Texas, for her opening statement.

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

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

Let me also acknowledge Mr. Sensenbrenner and my partner on the subcommittee on crime for his continued commitment to just and the reformation of the criminal justice system, and let me thank all other members of this committee, particularly those on the crime subcommittee, for
the expertise and commitment that they bring to this discussion.

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

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

To be honest to my constituents, to the Nation, it is important to argue for that combination again. But I do want to say, as we approach this bill today, I give an open letter to the Director of the Bureau of Prisons that the legislation, if finally signed, must be taken seriously. Additional staff has to be included. The lifting of the cap that is on the Bureau of Prisons gives them no extra funding for their actual staff, the utilizing of social workers in
guard positions. There has to be that commitment, that we make sure that we follow and have this working.

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

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

We have had many groups to support us on the idea of prison reform and, of course, the idea of sentencing reform. With that in mind, I call upon those groups to continue to work with us. As I close, Mr. Chairman, let me just say this final sentence: I am a product of the Civil Rights Movement. It was all the groups and Hollywood stars that came forward to help us express the need for freedom for African-Americans. I want to thank the Civil Rights groups, some of whom are in this room, for I would never deny that
they were a vital part of justice. Their advocacy, their
input, should continue, their strength should continue. And
if we do include all of those, Mr. Chairman, as we go
forward to the floor, I can assure you, this will be the
mantle that we march on as we build on criminal justice
reform and sentencing reform.

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

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

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

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

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

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

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

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

I can tell you, Mr. Chairman, this FIRST STEP Act
recognizes the importance of following up an arrest with
good correctional programming that attempts to change
behavior before sending these individuals back to the
community, and sending them back in a regulated and
intelligent way so that we have re-entry planning.

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

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

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

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

Mr. Cohen. Thank you, Mr. Chairman. I have an
amendment that should be at the desk.

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

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

[The amendment of Mr. Cohen follows:]

********** INSERT 3 **********
Mr. Collins. The amendment will be considered as read, and the gentleman from Tennessee is recognized for 5 minutes.

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

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

I have had clients, when I was a practicing attorney, who were sent back to prison after being in halfway houses for smoking a joint. That made no sense. The disproportionate punishment to the offense was not only a
cost financially to our society, but it was immoral to put that individual back in prison for another 10 years for smoking a joint.

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

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

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

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

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

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

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

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

Ms. Lofgren. I mean, so compromised that the cannot even act.

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

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

Mr. Jeffries. Right. And I think there is research
and evidence to make the argument that, at a certain point in time, age incapacitates you as it relates to propensity for violence.

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

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

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

Ms. Lofgren. Yes.

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

Ms. Lofgren. I agree with that.

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

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

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

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

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

Chairman Goodlatte. The gentleman is recognized for 5
Mr. Johnson of Georgia. Thank you, Mr. Chairman.

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

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

Home confinement under the pilot program is a privilege, and it is too much to ask for someone benefitting from it to obey certain rules, and I would encourage my
Mr. Cohen. Would the gentleman yield?

Mr. Johnson of Georgia. I will yield.

Mr. Cohen. Take out the portion on “only at felony.” Put them back for whatever you want, but make the program permanent.

Mr. Johnson of Georgia. I will be happy to work with the gentleman as we go further on this, and as the gentleman well knows, there are many things that we can work on with Mr. Jeffries and myself. But on this bill, I would oppose this amendment.

Chairman Goodlatte. The question occurs on the amendment offered by the gentleman from Tennessee. All those in favor will respond by saying, aye. Those opposed, no. In the opinion of the chair, the noes have it and the amendment is not agreed to.

Are there further amendments? A recorded vote is requested and the clerk will call the roll.

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Adcock. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?
Mr. Chabot?
[No response.]
Mr. Issa?
[No response.]
Mr. King?
Mr. King. No.
Ms. Adcock. Mr. King votes no.
Mr. Gohmert?
[No response.]
Mr. Jordan?
Mr. Jordan. No.
Ms. Adcock. Mr. Jordan votes no.
Mr. Poe?
[No response.]
Mr. Marino?
[No response.]
Mr. Gowdy?
[No response.]
Mr. Labrador?
[No response.]
Mr. Collins?
Mr. Collins. No.
Ms. Adcock. Mr. Collins votes no.
Mr. DeSantis?
Mr. DeSantis. No.

Ms. Adcock. Mr. DeSantis votes no.

Mr. Buck?

Mr. Buck. No.

Ms. Adcock. Mr. Buck votes no.

Mr. Ratcliffe?

Mr. Ratcliffe. No.

Ms. Adcock. Mr. Ratcliffe votes no.

Mrs. Roby?

Mrs. Roby. No.

Ms. Adcock. Ms. Roby votes no.

Mr. Gaetz?

Mr. Gaetz. No.

Ms. Adcock. Mr. Gaetz votes no.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. No.

Ms. Adcock. Mr. Johnson votes no.

Mr. Biggs?

[No response.]

Mr. Rutherford?

Mr. Rutherford. No.

Ms. Adcock. Mr. Rutherford votes no.

Mrs. Handel?

[No response.]

Mr. Rothfus?
Mr. Rothfus. No.

Ms. Adcock. Mr. Rothfus votes no.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Adcock. Mr. Nadler votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?


Mr. Cohen?

Mr. Cohen. Aye.

Ms. Adcock. Mr. Cohen votes aye.

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Adcock. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]

Mr. Richmond?
Mr. Richmond. Aye.

Ms. Adcock. Mr. Richmond votes aye.

Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Adcock. Mr. Jeffries votes aye.

Mr. Cicilline?

Mr. Cicilline. Aye.

Ms. Adcock. Mr. Cicilline votes aye.

Mr. Swalwell?

[No response.]

Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?

Mr. Raskin. Aye.

Ms. Adcock. Mr. Raskin votes aye.

Ms. Jayapal?


Mr. Schneider?

[No response.]

Ms. Demings?

Ms. Demings. Aye.

Ms. Adcock. Ms. Demings votes aye.

Chairman Goodlatte. The gentleman from Texas, Mr.
Mr. Gohmert. No.

Ms. Adcock. Mr. Gohmert votes no.

Chairman Goodlatte. The gentlewoman from Georgia, Mrs. Handel?

Mrs. Handel. No.

Ms. Adcock. Mrs. Handel votes no.

Chairman Goodlatte. The gentleman from Pennsylvania, Mr. Marino?

Ms. Adcock. Mr. Marino votes no.

Chairman Goodlatte. The gentleman from Illinois?

Ms. Adcock. Mr. Schneider votes yes.

Chairman Goodlatte. Has every member voted who wishes to vote? The clerk will report.

Ms. Adcock. Mr. Chairman, 14 members voted aye; 15 members voted no.

Chairman Goodlatte. And the amendment is not agreed to. Are there further amendments to H.R. 5682? For what purpose does the gentleman from Louisiana seek recognition?

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to H.R. 5682 offered by Mr. Richmond. Page 32, beginning on line 21, strike “prison
reform and --”

[The amendment of Mr. Richmond follows:]

********** INSERT 4 **********
Chairman Goodlatte. Without objection, the amendment is considered as read, and the gentleman is recognized for 5 minutes on his amendment.

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

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

Chairman Goodlatte. The chair thanks the gentleman and recognizes himself. This amendment clarifies that the language in the bill that deals with credit towards service of sentence for satisfactory behavior, commonly referred to as “good time credit.” It indicates that our amendment to that statute applies to all current prisoners.
While I feel that the current language is sufficient to cover all current prisoners, I understand that some members have genuine concerns that it needs to be stated explicitly. Respecting those concerns, I am happy to accept this amendment and urge my colleagues to support the amendment. The chair is happy to yield to the gentleman from Georgia.

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

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

Ms. Jackson Lee. Strike the last word.

Chairman Goodlatte. The gentlewoman is recognized.

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

Chairman Goodlatte. The chair thanks the gentlewoman
enthusiastically.

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

All those in favor, respond by saying, aye.

Those opposed, no.

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

Are there further amendments to H.R. 5682?

For what purpose does the gentleman from Florida seek
recognition?

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

Chairman Goodlatte. The clerk will report the
amendment.

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

[The amendment of Mr. Gaetz follows:]

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

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

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

Chairman Goodlatte. If the gentleman would yield.

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

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

Mr. Gaetz. Certainly, Mr. Chairman.

Chairman Goodlatte. I would tell the gentleman that I
think his amendment is a good one. We appreciate him working with us on both sides of the aisle, and I am prepared to accept the amendment. The gentleman from Georgia --

Mr. Collins. Would the gentleman yield?

Mr. Gohmert. Certainly.

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

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

All those in favor, respond by saying aye.

Those opposed, no.

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

Are there further amendments to H.R. 5682?

For what purpose does the gentleman from Texas seek recognition?

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

Chairman Goodlatte. The clerk will report the amendment.

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

[The amendment of Mr. Gohmert follows:]
********** INSERT 6 **********
Chairman Goodlatte. Without objection, the amendment is considered as read, and the gentleman from Texas is recognized for 5 minutes on his amendment.

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

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

This was supposed to be a country where you did not
discriminate against anyone or any group because of its basis in a faith, particularly faith in God and the kind of love and mentoring that accompanies groups like that. So, I am pleased with what I saw about mentioning of faith-based groups in a nondiscriminatory way.

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

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

Chairman Goodlatte. Would the gentleman yield?

Mr. Gohmert. Yes.

Chairman Goodlatte. I thank the gentleman for yielding. I have had the opportunity just in the last couple of years as we have been working on this to visit a number of Federal prisons. Thanks to the gentleman from Pennsylvania, Mr. Marino, I visited three Federal prisons in
his State; thanks to the gentleman from Georgia, I visited Atlanta Penitentiary. And everywhere I go I hear very favorable comments from the employees and the wardens in these prisons about the great work done by faith-based organizations of all kinds and all denominations.

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

Mr. Gohmert. “Just do not discriminate.”

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

Mr. Collins. Would the gentleman from Texas yield?

Mr. Gohmert. Yes.

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

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

Mr. Gohmert. Who is asking?

Mr. Johnson of Louisiana. Over here.
Mr. Gohmert. Oh, yes, Mr. Johnson.

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

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

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

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

All those in favor, respond by saying aye.
Those opposed, no.

The ayes have it. The amendment is agreed to.

Are there further amendments to H.R. 5682?

Mr. Swalwell. Mr. Chairman?

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

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to H.R. 5682, offered by Mr. Swalwell of California. Page 40; line 25, strike “and” at the end. Page 41; line five, strike --

[The amendment of Mr. Swalwell follows:]

********** INSERT 7 **********
Chairman Goodlatte. Without objection, the amendment is considered as read, and the gentleman is recognized for 5 minutes on his amendment.

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

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

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

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

Third, officers would not be permitted to be responsible for so many offenders that it would be
infeasible for them to respond to alerts. This is something we have learned is a chronic problem across the country.

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

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

There is also the problem of overwhelmed probation officers. For example, the Los Angeles Times reported in 2014 that Los Angeles County Probation officers are inundated with alerts and at times receive as many as 1,000 a day. So, this would increase transparency, understanding, and also make sure that our officers are not overwhelmed by the number of prisoners who are being monitored.
It is a straightforward amendment to make sure that as we rely on technology as a part of our effort to improve the transition of prisoners to society and reduce recidivism, we do so in a way that is safe for the community, helpful for offenders, and workable for probation officers. I believe no matter where you are on the underlying bill that this should be enacted, and that we want it to be implemented in the best possible way, so I urge all members to support my amendment. And if there are any questions, I would also be happy to yield time. I yield back.

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

Essentially, the amendment requires the Bureau of Prisons and the U.S. Probation employees to do their jobs. If there is a problem with how the BOP and U.S. Probation currently operate the electronic monitoring system, it can certainly be worked out between the Bureau of Prisons and Probation Pretrial Services. There is no need for Congress
to dictate exactly how the employees are to do their jobs
down to the minute details.

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

Mr. Swalwell. Would the chairman yield?

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

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

Mr. Swalwell. I appreciate the chair’s concerns, and
this is something that we have been researching with and
trying to work with the administrator of courts. And as you
pointed out, there is a separation of powers issue, but I
see that issue as the limited oversight ability we have on
individuals who are under electronic monitoring. It has
been very difficult for me to get data from the courts, and
in fact, data that has been sent to me they have marked as
law enforcement-sensitive.

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

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

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

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

Chairman Goodlatte. We will watch its progress.
Mr. Richmond. Mr. Chairman, just to save a little time
--

Chairman Goodlatte. The gentleman is recognized for 5
minutes.

Mr. Richmond. Thank you, Mr. Chairman. Similar to Mr.
Gohmert’s amendment, where he actually added section 106 about not discriminating because it is a faith-based organization, this amendment simply goes up that page to where we talk about savings and the money appropriated, that programs that were established under the Second Chance Act would qualify. And it does not mandate that it go there, but it specifically says those programs authorized by the Second Chance Act. And I think it is at the desk. So, it just adds --

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

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

[The amendment of Mr. Richmond follows:]

********** INSERT 8 **********
Chairman Goodlatte. Without objection, the amendment
is considered as read, and the gentleman may resume.

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

Chairman Goodlatte. Would the gentleman yield?

Mr. Richmond. Yes.

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

Mr. Richmond. Mr. Chairman, I withdraw.

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

A reporting quorum being present, the question is on
the --
Ms. Jackson Lee. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Adcock. Amendment to H.R. 5682, offered by Ms. Jackson Lee of Texas. Page 54; after the matter following line 4, insert the following: “Section” —

[The amendment of Ms. Jackson Lee follows:]

********** INSERT 9 **********
Chairman Goodlatte. Without objection, the amendment is considered as read, and the gentlewoman is recognized for 5 minutes on her amendment.

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

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

We have data that shows that infant mortality increases when a mother who is incarcerated gives birth and that child can no longer remain with that mother in terms of bonding and, obviously, nursing. And I know that several groups, including a group that I look forward to working with, who has worked very hard, cut50, has worked on issues dealing with women and incarcerated women, as well as our colleague,
Congresswoman Bass, who has worked on the shackling issue. So, this amendment would in fact take into consideration to accept the responsibility of the parents rearing the children in prison; participate in any educational counseling requirements of the pilot program, including child development, parenting skills, domestic violence, vocational training, substance abuse; abide by any court decision regarding the legal or physical custody of the child; transfer to the Bureau of Prisons any child support payments from any person or government entity, so they would be useful for the Federal prison; and specify a person who has agreed to take custody of the child if the prisoner's participation in the power program terminated before the prisoner’s release.

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

I would ask my colleagues to support this amendment, and I look forward to working, going forward, on a vital
component in the new arena, new atmosphere. And might I say
to all of the evangelical groups that we have I think it is
important to recognize that as you support the unification
of family, family values, this is family values. This is
family values.

With that, I ask unanimous consent, Mr. Chairman, to
submit into the record the letter dated May 8th coming from
the Leadership Conference on Civil and Human Rights.
Chairman Goodlatte. Without objection, the letter will
be made a part of the record.

[The information follows:]

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

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

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

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

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

Really, there is no limitation on length of sentence; there is no limitation on the type of crime. And one of the unintended, you know, consequences is that the mother could be in for, you know, a very long time, and then, at a certain point in time, there is the 3-year-old who would be separated from their parent, from their mother. As a pastor, as a chaplain -- and then we talk about nuclear
family -- this is a discussion. It is hard enough to have
the child while incarcerated, but then at a certain point
time have the other unintended consequences of, all of a
sudden, at 3 years old, being separated from the mother and
then having to live a life of separation at that point and
making other arrangements.

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

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

Ms. Jackson Lee. Would the gentleman yield?

Mr. Collins. I will yield.

Ms. Jackson Lee. Let me say that the gentleman has a
passion for families, and obviously in the pilot program the
child, through normal visitation of family members and
potentially the custodial person that would come into play
for the child past 3 years old, would have interfaced with
those individuals. And so, I do understand the breach, if
you will, that the child goes to live with Grandma. But
think of the strength of that child that has had the
exposure to that parent.

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

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

So, some of the issues that you raised; let us look
forward to setting a framework, and I thank you for your
input. I ask my colleagues to support the Jackson Lee --
Mr. Collins. And, reclaiming my time, I think I
appreciate the gentlelady’s concern. But, you know, given
the fact of moving forward with this amendment, due to the
many concerns that I have raised previously, I will ask for
a “no” vote on this amendment and do look forward to working
with the gentlelady as we move forward. Mr. Chairman, I
yield back.

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

All those in favor, respond by saying aye.

Those opposed, no.

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

Are there further amendments to H.R. 5682?

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

Ms. Adcock. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Adcock. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

[No response.]

Mr. Smith?

[No response.]

Mr. Chabot?

Mr. Chabot. Aye.

Ms. Adcock. Mr. Chabot votes aye.

Mr. Issa?

Mr. Issa. Aye.
Ms. Adcock. Mr. Issa votes aye.

Mr. King?

[No response.]

Mr. Gohmert?

[No response.]

Mr. Jordan?

[No response.]

Mr. Poe?

[No response.]

Mr. Marino?

[No response.]

Mr. Gowdy?

[No response.]

Mr. Labrador?

[No response.]

Mr. Collins?

Mr. Collins. Aye.

Ms. Adcock. Mr. Collins votes aye.

Mr. DeSantis?

Mr. DeSantis. Yes.

Ms. Adcock. Mr. DeSantis votes yes.

Mr. Buck?

Mr. Buck. Aye.

Ms. Adcock. Mr. Buck votes aye.

Mr. Ratcliffe?
Mr. Ratcliffe. Yes.

Ms. Adcock. Mr. Ratcliffe votes yes.

Mrs. Roby?

[No response.]

Mr. Gaetz?

Mr. Gaetz. Yes.

Ms. Adcock. Mr. Gaetz votes yes.

Mr. Johnson of Louisiana?

Mr. Johnson of Louisiana. Yes.

Ms. Adcock. Mr. Johnson votes yes.

Mr. Biggs?

[No response.]

Mr. Rutherford?

Mr. Rutherford: Yes.

Ms. Adcock. Mr. Rutherford votes yes.

Mrs. Handel?

[No response.]

Mr. Rothfus?

Mr. Rothfus. Aye.

Ms. Adcock. Mr. Rothfus votes aye.

Mr. Nadler?

Mr. Nadler. Mr. Chairman, though it is a much-improved bill, and I hope it improves further before it gets to the floor so I can vote yes at that point, at this point I have no choice but to vote no.
Ms. Adcock. Mr. Nadler votes no.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Adcock. Ms. Lofgren votes aye.

Ms. Jackson Lee?

Ms. Jackson Lee. I look forward to working on some of the issues of passion and compassion as we move forward to the floor, appreciating those who have cosponsored it. I vote no.

Ms. Adcock. Ms. Jackson Lee votes no.

Mr. Cohen?

Mr. Cohen. Not wanting the perfect to be the enemy of the good, I vote yes.

Ms. Adcock. Mr. Cohen votes yes.

Mr. Johnson of Georgia?

Mr. Johnson of Georgia. Aye.

Ms. Adcock. Mr. Johnson votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Adcock. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]

Mr. Richmond?
Mr. Richmond. Aye.

Ms. Adcock. Mr. Richmond votes aye.

Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Adcock. Mr. Jeffries votes aye.

Mr. Cicilline?

Mr. Cicilline. Aye.

Ms. Adcock. Mr. Cicilline votes aye.

Mr. Swalwell?

[No response.]

Mr. Lieu?

Mr. Lieu. Aye.

Ms. Adcock. Mr. Lieu votes aye.

Mr. Raskin?

Mr. Raskin. Because I want the first step to be the best step that we can take, I am voting no at this point.

Ms. Adcock. Mr. Raskin votes no.

Ms. Jayapal?

Ms. Jayapal. No.


Mr. Schneider?

Mr. Schneider. Aye.

Ms. Adcock. Mr. Schneider votes aye.

Ms. Demings?

Ms. Demings. Aye.
Ms. Adcock. Ms. Demings votes aye.

Chairman Goodlatte. The gentleman from Pennsylvania, Mr. Marino?

Mr. Marino. Yes.

Ms. Adcock. Mr. Marino votes yes.

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

Mr. King. No.

Ms. Adcock. Mr. King votes no.

Chairman Goodlatte. The gentleman from Texas, Mr. Gohmert?

Mr. Gohmert. Yes.

Ms. Adcock. Mr. Gohmert votes yes.

Chairman Goodlatte. The gentleman from Ohio, Mr. Jordan?

Mr. Jordan. Yes.

Ms. Adcock. Mr. Jordan votes yes.

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

Mr. Poe. Yes.

Ms. Adcock. Mr. Poe votes yes.

Chairman Goodlatte. Has every member voted who wishes to vote?

Mr. Collins. Mr. Chairman?

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

Mr. Collins. How am I recorded, Mr. Chairman?
Chairman Goodlatte. The clerk will advise the gentleman from Georgia how he voted on his bill.

Mr. Collins. Short-term memory loss.

Ms. Adcock. Yes.

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

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

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

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