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6 MARKUP OF:

7 H.R. 1693, THE "ELIMINATING A

8 QUANTIFIABLY UNJUST APPLICATION OF THE LAW

9 ACT" OR THE "EQUAL ACT";

10 H.R. 4035, THE "REAL JUSTICE FOR OUR

11 VETERANS ACT OF 2021";

12 H.R. 3372, THE "ONE STOP SHOP COMMUNITY

13 REENTRY PROGRAM ACT OF 2021";

14 AND H.R. 4435, THE "FIGHT NOTARIO FRAUD

15 ACT OF 2021"

16 Wednesday, July 21, 2021

17 House of Representatives,

18 Committee on the Judiciary,

19 Washington, D.C.

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23 The committee met, pursuant to call, at 10:11 a.m., in Room

24 2141, Rayburn House Office Building, Hon. Jerrold Nadler

25 [chairman of the committee] presiding.

26 Members present: Representatives Nadler, Lofgren, Jackson
27 Lee, Cohen, Johnson of Georgia, Deutch, Bass, Jeffries,
28 Cicilline, Swalwell, Lieu, Raskin, Jayapal, Demings, Correa,
29 Scanlon, Garcia, Neguse, McBath, Stanton, Dean, Escobar, Ross,
30 Bush, Jordan, Chabot, Gohmert, Issa, Buck, Gaetz, Johnson of
31 Louisiana, Biggs, McClintock, Steube, Tiffany, Massie, Roy,
32 Bishop, Fischbach, Spartz, Fitzgerald, Bentz, and Owens.

33 Staff present: Perry Apelbaum, Staff Director and Chief
34 Counsel; David Greengrass, Senior Counsel; John Doty, Senior
35 Advisor; Moh Sharma, Director of Member Services and Outreach
36 & Policy Advisor; Priyanka Mara, Professional Staff
37 Member/Legislative Aide; Cierra Fontenot, Chief Clerk; John
38 Williams, Parliamentarian and Senior Counsel; Gabriel Barnett,
39 Staff Assistant; Atarah McCoy, Staff Assistant; Merrick Nelson,
40 Digital Director; Kayla Hamedi, Deputy Communications Director;
41 Ben Hernandez-Stern, Counsel for Crime; Joe Graupensperger, Chief
42 Counsel for Crime; Monalisa Dugue, Deputy Chief Counsel for Crime;
43 Christine Leonard, Counsel for Crime; Katy Rother, Minority
44 Deputy General Counsel and Parliamentarian; Ella Yates, Minority
45 Member Services Director; Jason Cervenak, Minority Chief Counsel
46 for Crime; Ken David, Minority Counsel; Andrea Woodard, Minority
47 Professional Staff Member; and Kiley Bidelman, Minority Clerk.

48 Chairman Nadler. The Judiciary Committee will please come
49 to order, a quorum being present. Without objection, the chair
50 is authorized to declare a recess at any time.

51 Pursuant to Committee Rule 2 and House Rule 11 Clause 2,
52 the chairman may postpone further proceedings today on the
53 question of approving any measure or matter or adopting an
54 amendment for which a recorded vote for the ayes and nays are
55 ordered.

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

64 Finally, I would ask all members, both those in person and
65 those appearing remotely, to mute your microphones when you are
66 not speaking. This will help prevent feedback and other technical
67 issues. You may unmute yourself any time you seek recognition.

68 Pursuant to notice, I now call up H.R. 1693, the Eliminating
69 a Quantifiably Unjust Application of the Law Act or the EQUAL
70 Act.

71 [The Bill H.R. 1693 follows:]

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

73 For purposes of markup, I move that the committee report
74 the bill favorably to the House.

75 The Clerk will report the bill.

76 Ms. Fontenot. H.R. 1693, to eliminate disparity and
77 sentencing for cocaine offenses --

78 Chairman Nadler. Without objection, the bill is considered
79 as read and open for amendment at any point. I will begin by
80 recognizing myself for an opening statement.

81 H.R. 1693, the Eliminating a Quantifiably Unjust Application
82 of the Law Act or the EQUAL Act will eliminate the unjust
83 sentencing disparity between crack cocaine and powder cocaine
84 offenses. This long overdue bipartisan legislation for those
85 who allow defendants who were previously convicted or sentenced
86 to a federal offense involving crack cocaine petition for a
87 sentence reduction.

88 In 1986, Congress passed the Anti-Drug Abuse Act which
89 created mandatory minimum penalties for drug offenses and
90 introduced the 100 to 1 sentencing disparity between crack cocaine
91 and powder cocaine offenses. This meant that a person who
92 distributed 5 grams of crack cocaine received the same 5 year
93 mandatory minimum sentence as a person who distributed 500 grams
94 of powder cocaine. A person who distributed 50 grams of crack
95 cocaine received the same 10 year mandatory minimum sentence as
96 a person who distributed 5,000 grams of powder cocaine.

97 It soon became evident that this sentencing disparity had
98 also created a significant racial disparity. Four years after
99 Congress passed the Anti-Drug Abuse Act, the average federal
100 sentence for Black defendants was 49 percent higher than the
101 average for White defendants. In the ensuing decades, the
102 Sentencing Commission and many members of the law enforcement
103 community strongly and repeatedly criticized the 100 to 1 ratio
104 and urged Congress to address the disparity.

105 As early as 1995, the Sentencing Commission began urging
106 Congress to rectify this unfairness. Besides the troubling
107 racial disparity in sentencing, the Commission also expressed
108 concern over the significant difference in punishment between
109 street-level dealers of crack cocaine and the powder cocaine
110 suppliers who sold the cocaine in the first instance.
111 Unfortunately, Congress rejected the Commission's proposed
112 amendment to the sentencing guidelines to equalize the penalties
113 for crack and powder cocaine.

114 From 1997 to 2007, the Commission continued to warn Congress
115 about the unjustified ratio, noting that there is no legislative
116 history that explains Congress' rationale for selecting the 100
117 to 1 drug quantity ratio for powder cocaine and crack offenses.

118 It provided evidence of its findings that the penalties
119 exaggerated the relative harmfulness of crack cocaine, swept too
120 broadly, most often applied to lower level offenders and mostly

121 impacted minorities.

122 Congress, however, took no action, prompting the Commission
123 to pass an amendment to the sentencing guidelines in 2007 as a
124 partial and modest remedy to the urgent and compelling problem
125 associated with the ratio. In doing so, the Commission
126 unanimously and strongly urged Congress to take action on its
127 recommendations and to provide a comprehensive solution.

128 In 2010, Congress finally acted by passing the Fair
129 Sentencing Act which did not eliminate the disparity, but
130 significantly reduced the disparity from 100 to 1 to 18 to 1.

131 The fair sentencing applied only to pending and future cases,
132 leaving thousands of inmates without a path to petition for
133 relief.

134 The First Step Act of 2018 made the Fair Sentencing Act
135 retroactive, providing a path of relief for some, but not all
136 individuals affected by the sentencing disparity. It is now past
137 time to finish the job. The crack cocaine and powder cocaine
138 disparity has greatly contributed to the rise of mass
139 incarceration, devastating communities of color, and severely
140 undermine public confidence in our criminal justice system.

141 The EQUAL Act would finally equalize the treatment of powder
142 cocaine and crack cocaine, two forms of the same drug, by
143 eliminating the sentencing disparity. It would also provide a
144 path to retroactive relief from a disparity that is not rooted

145 in science, does not promote public safety, and fosters racial
146 disparity.

147 This bipartisan legislation represents an important step
148 in our efforts to reform the criminal justice system. I commend
149 Representative Jeffries for introducing this important
150 legislation and for assembling a broad and bipartisan coalition
151 of stakeholders in support of the bill, including the Department
152 of Justice and advocacy groups that span the ideological spectrum.

153 I urge all my colleagues to support this bill.

154 I now recognize the Ranking Member of the Judiciary
155 Committee, the gentleman from Ohio, Mr. Jordan, for his opening
156 statement.

157 Mr. Jordan. Thank you, Mr. Chairman. Since Congress
158 passed the Anti-Drug Abuse Act of 1986, the Federal Criminal Code
159 has contained harsher punishments for individuals convicted of
160 or sentenced for federal crimes related to crack cocaine as
161 compared to powder cocaine, as you said in your opening statement.

162 The Anti-Drug Abuse Act of 1986 created a 100 to 1 sentencing
163 disparity between these two substances.

164 At a hearing on this hearing just a few weeks ago, many on
165 the other side of the aisle discussed the racial disparity that
166 these mandatory minimum sentences have on communities of color.

167 But we should remember how this disparity came into existence.

168 The Anti-Drug Abuse Act of 1986 passed the Democrat-controlled

169 House by a vote of 392 to 16. Among the Democrats voting for
170 the act in '86 were then Representatives Chuck Schumer, Dick
171 Durbin, Charlie Rangel, Major Owens. In the Senate, the Act
172 passed 97 to 2 with then Senators Joe Biden, John Kerry, and Al
173 Gore, all voting in favor. In fact, then-Senator Biden, not only
174 voted for the measure, he co-sponsored it and helped write in.

175 In 2010, Congress passed the Fair Sentencing Act which
176 reduced the sentencing disparity between crack and powder cocaine
177 from 100 to 1 to 18 to 1, so a step in the right direction. In
178 2018, Congress passed, and President Trump signed, the First Step
179 Act, which made the Fair Sentencing Act retroactive. This law
180 allowed anyone sentenced for federal drug offenses related to
181 cocaine to move for a re-sentencing under the 2010 standard.

182 The EQUAL Act would eliminate the federal sentencing
183 disparity between crack and powder cocaine and allow someone
184 previously convicted of an offense related to cocaine to move
185 for re-sentencing.

186 Mr. Chairman, I thank you and yield back and look forward
187 to our discussion.

188 Chairman Nadler. I now recognize the chair of the
189 Subcommittee on Crime, Terrorism, and Homeland Security, the
190 gentlelady from Texas, Ms. Jackson Lee, for her opening statement.

191 Ms. Jackson Lee. Good morning and thank you so very much,
192 Mr. Chairman and to the Ranking Member. I am proud to support

193 H.R. 1693 which will finally eliminate the sentencing disparity
194 between crack cocaine and powder cocaine offenses and provide
195 retroactive relief to the thousands of individuals who received
196 harsh and unfair sentencing based on this disparity.

197 If you were to take a journey through the sentence systems
198 of America, both state and federal, you would see the remnants
199 of the failed War on Drugs, individuals who received 20 and 30
200 and 40 year sentences, mostly falling and burdening those in urban
201 centers, and yes, rural centers.

202 I have long championed the equalization of crack cocaine
203 and powder cocaine offenses. Beginning in 2007, I introduced
204 legislation H.R. 295 that would have ended the disparity because
205 we had learned that most of the assumptions on which the 100 to
206 1 ratio was based turned out to be unfounded. For example,
207 science made clear that powder cocaine and crack cocaine are two
208 forms of the same drug, producing similar effects once they reach
209 the brain. There is no scientific basis for treating crack cocaine
210 more harsher than powder cocaine.

211 We also learned that there is no greater danger to public
212 safety from crack offenders and powder cocaine offenders and that
213 the 100 to 1 ratio overstated the relative harmfulness of the
214 two forms of cocaine and diverted federal resources away from
215 prosecuting the highest level traffickers.

216 The unfounded assumption that led to the 100 to 1 sentencing

217 disparity has damaged communities of color for generations. A
218 higher percentage of Black Americans are convicted of crack
219 cocaine versus powder cocaine offenses and received significantly
220 longer sentences for comparable offenses.

221 I am aware of a neighbor's brother was standing on a street
222 corner, had crack cocaine, and was not only charged with that
223 offense, but was charged with conspiracy and was sentenced to
224 25 years in his young life. The percentage of individuals serving
225 reasonably longer sentences because of the disparity are not mere
226 statistics from the Sentencing Commission. This data reflects
227 lost years for thousands of individuals and family. These
228 individuals are fathers, mothers, sons, and daughters. They are
229 William Underwood, Matthew Charles, and Cynthia Shank, who
230 testified before the House and Senate Judiciary Committee about
231 the devastating impact of the sentencing disparity and mandatory
232 minimum laws have had on them, their families, and countless
233 others who are similarly situated.

234 The crack and powder cocaine sentencing disparity is another
235 byproduct of our country's failed War on Drugs and our punitive
236 response to the crack cocaine crisis of the 1980s. Congress
237 allowed race-based myths and unfounded assumptions about crack
238 cocaine has shaped federal crack cocaine policy. But it is time
239 for science, data, and evidence to reform it. Congress started
240 that process in 2010 when it passed the Fair Sentencing Act and

241 reduced the sentencing disparity to 18 to 1. The First Step Act
242 in 2018 made the Fair Sentencing Act retroactive.

243 But the crack and powder cocaine disparity persists even
244 under the 18 to 1 ratio. In Fiscal Year 2019, nearly 81 percent
245 of crack cocaine offenders were Black, while 27.4 percent of
246 powder cocaine offenders were Black.

247 In Fiscal Year 2020, 77.1 percent of crack cocaine offenders
248 were Black, while 27.3 percent of powder cocaine offenders were
249 Black. Since 2010, the gap between the average sentence imposed
250 for crack and powder cocaine offenses have narrowed, but not
251 closed. And as the Supreme Court recently noted in Terry versus
252 the United States, the lowest level of crack cocaine offenders
253 are still ineligible for release despite Congress' passage of
254 the First Step Act.

255 Today, we can end this injustice by passing the EQUAL Act
256 of 2021 putting an end to the harmful impact of the crack and
257 powder cocaine sentencing disparity. Doing so we will also
258 ensure that thousands of people who lost years of their lives
259 because of the failed policies of the War on Drugs and the
260 opportunity for re-sentencing.

261 I thank our friends, Representative and Chairman Jeffries
262 for introducing this bipartisan and bicameral legislation with
263 original cosponsors of Representative Bobby Scott, Kelly
264 Armstrong, and Don Bacon. I am delighted for those of us in the

265 Judiciary, as well as myself, to be cosponsors on this important
266 legislation.

267 I also thank Chairman Nadler for his leadership in bringing
268 up this bill as part of our federal sentencing reform agenda that
269 we will continue to press in the subcommittee of which I chair.

270 I urge my colleagues to join in bipartisan support and that
271 means all of our colleagues on both sides of the aisle for the
272 EQUAL Act which includes members of this committee and to vote
273 yes on H.R. 1693.

274 Mr. Chairman, I yield back.

275 Chairman Nadler. The gentlelady yields back and I now
276 recognize the Ranking Member of the Crime Subcommittee, the
277 gentleman from Arizona, Mr. Biggs, for his opening statement.

278 Mr. Biggs. I thank the chairman. It is so important to
279 remember the words of one of our witnesses from a hearing on this
280 topic just a few weeks ago. At a hearing on this issue, many
281 on the other side of dais discussed the racial disparity that
282 these mandatory minimum sentences have on communities of color.

283 Mr. Malcolm noted how he "had been struck at how often people
284 agree about what ought to be done, even if they disagree about
285 why those measures are warranted." He urged us to "focus on your
286 areas of agreement, and not let the perfect be the enemy of the
287 good."

288 I hope that is what happens here today. Whether you support

289 the bill or oppose it, I hope we can have an honest debate on
290 this discussion.

291 I was struck at that hearing just a couple of weeks ago that
292 many members on the other side claimed that the crack powder
293 disparity is rooted in racist ideology. The reason that was so
294 striking to me is because President Biden, Speaker Pelosi, and
295 Majority Leader Schumer, all here when that law was put into place,
296 supported the underlying laws the EQUAL Act would now amend.

297 Are we to believe that Democrats put racists in three of
298 the top four political positions in this country as would be
299 implied by the previous speaker's comments?

300 Around the time these laws were being passed, Ebony Magazine
301 profiled Congressman Charlie Rangel. The magazine labeled
302 Congressman Rangel as "the front line general in the War on Drugs."

303 Representative Rangel is quoted as saying "I don't know what
304 is behind the lackadaisical attitudes towards drugs, but I do
305 know that the American people have made it abundantly clear.
306 They are outraged by the indifference of the U.S. Government to
307 this problem."

308 A couple of years after that article, Congressman Rangel
309 stated "We should not allow people to be able to distribute this
310 poison without the fear that maybe they might be arrested and
311 put in jail."

312 Nobody in this room believes Charlie Rangel was or is a

313 racist. So as we go through this today, I hope that we have a
314 meaningful substantive discussion rather than a discussion that
315 imputes motivations, that may be wildly inaccurate. I hope that
316 cooler heads prevail.

317 Mr. Chairman, thank you. I yield back.

318 Chairman Nadler. The gentleman yields back. Without
319 objection, all other opening statements will be included in the
320 record.

321 I now recognize myself for purposes of offering an amendment
322 in the nature of a substitute. The Clerk will report the
323 amendment.

324 [The Amendment offered by Chairman Nadler follows:]

325

326 *****COMMITTEE INSERT*****

327 Ms. Fontenot. Amendment in the nature of a substitute to
328 H.R. 1693 offered by Mr. Nadler of New York. Strike all that
329 follows after the enacting clause --

330 Chairman Nadler. Without objection, the amendment in the
331 nature of a substitute will be considered as read and shall be
332 considered as base text for purposes of amendments. I will now
333 recognize myself to explain the amendment.

334 This amendment adds the phrase of 2021 to the bill's short
335 title, but it makes no substantive changes to the bill. I urge
336 members to support the amendment and I yield back the balance
337 of my time.

338 Are there any amendments to the amendment in the nature of
339 a substitute?

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

341 Chairman Nadler. For what purpose does the gentleman from
342 New York, Mr. Jeffries' response to the bill seek recognition?

343 Mr. Jeffries. Move to strike the last word.

344 Chairman Nadler. The gentleman is recognized.

345 Mr. Jeffries. I thank the distinguished chairman for your
346 leadership and for recognizing me today. We are here to markup
347 H.R. 1693, the Eliminating a Quantifiably Unjust Application of
348 the Law Act, otherwise referred to as the EQUAL Act which will
349 finally eliminate the federal crack and powder cocaine sentencing
350 disparity and provide retroactive relief to those who have already

351 been convicted or sentenced.

352 In 1986, Congress passed the Anti-Drug Abuse Act which
353 established a 100 to 1 disparity in sentencing for crack cocaine
354 and powder cocaine. That means a five year mandatory prison
355 sentence for distribution of 500 grams of powder cocaine, but
356 only 5 grams of crack cocaine to trigger the same sentence. Of
357 course, there is no policy justification punishing crack cocaine
358 offenses more harshly in the same offense involving powder
359 cocaine.

360 Indeed, there is no pharmacological difference, no chemical
361 difference, no physical difference in how the body processes crack
362 cocaine as compared to powder cocaine. But there was a difference
363 in terms of its disparate impact on communities of color and
364 low-income communities of every single race in urban America,
365 in rural America, small town America, and in Appalachia.

366 Now according to the U.S. Sentencing Commission in Fiscal
367 Year 2020, 77.1 percent of crack cocaine trafficking offenses
368 were Black, whereas most powder cocaine offenders ultimately
369 convicted and prosecuted were either White or Hispanic.

370 There is significant economic cost as well to the sentencing
371 disparity. A recent report from the Prison Policy Initiative
372 found that our system of mass incarceration fueled in part by
373 unjust sentencing drug laws cost the government and American
374 families and the taxpayers at least \$182 billion every year.

375 Of course, the human and economic costs of these policies have
376 not resulted in improved public safety which was the rationale
377 used to justify the original laws.

378 That is why we have the support of right of censor groups
379 like the Major Cities Chiefs Association, the Association of
380 Prosecuting Attorneys, as well as notably the National District
381 Attorneys Association. Stakeholders, who of course, understand
382 what is necessary to keep America safe and have dedicated their
383 life to doing so. They recognize that this law has been
384 unsuccessful, unjust, and uneconomical.

385 Now Congress has acted several times led by the Judiciary
386 Committee to incrementally eliminate and address the sentencing
387 disparity. In 2010, Congress passed the bipartisan Fair
388 Sentencing Act led by former Members Bobby Scott and Jim
389 Sensenbrenner which reduced the disparity from 100 to 1 to 18
390 to 1. And then, of course, the bipartisan First Step Act of 2018
391 which former President Trump signed into law, made that change
392 from 100 to 1 to 18 to 1 retroactive.

393 Today, 35 years after the Anti-Drug Abuse Act was signed
394 into law and 50 years after President Richard Nixon declared the
395 beginning of the failed War on Drugs, it is time for this Judiciary
396 Committee to finish the job that we have started over a decade
397 ago and end this discriminatory law once and for all.

398 The bill has broad support from groups within the law

399 enforcement community, civil rights community, faith community,
400 medical community, progressives, conservatives, and all points
401 in between. And I would like to thank them for their tireless
402 advocacy.

403 Mr. Chairman, I ask unanimous consent to enter into the
404 record letters from the organizations and their statements of
405 support.

406 Chairman Nadler. Without objection.

407 Mr. Jeffries. I also want to thank the bipartisan
408 cosponsors of this legislation, Representatives Kelly Armstrong,
409 Bobby Scott, and Don Bacon for their partner and leadership.
410 I want to thank the chair of the subcommittee, Representative
411 Sheila Jackson Lee for her steadfast leadership in this area,
412 as well as the Republican supporters of this legislation in the
413 Senate, Senators Portman, Tillis, and Rand Paul, along with
414 Senators Booker and Durbin on our side of the aisle. I appreciate
415 the time and consideration and urge the committee to support this
416 legislation and I yield back.

417 Chairman Nadler. The gentleman yields back. For what
418 purpose does the gentleman from Texas, Mr. Gohmert, seek
419 recognition?

420 Mr. Gohmert. Move to strike the last word.

421 Chairman Nadler. The gentleman is recognized.

422 Mr. Gohmert. Thank you, Mr. Chairman, and I am grateful

423 to Congressman Jeffries for bringing this bill and just so there
424 is clarity about why there is such a gross disparity. Since I
425 have been here in Congress, the issue came up of the great
426 disparity and there were comments made at the time that gee, this
427 was a racist disparity. Dan Lungren was here and he was saying
428 that he was here back in the '80s when that had passed and that
429 Republicans had been told of the White members, if you don't
430 support -- and Charlie Rangel was pushing it and most of the
431 Congressional Black Caucus was, but he said Rangel's pitch was
432 if you do not support this big disparity in punishing crack
433 cocaine, then you must be against minority communities because
434 crack cocaine is absolutely destroying black communities. And
435 the Republicans didn't want to be seen as racists, so they voted
436 for that big disparity.

437 And I agree with my colleagues across the aisle, now, there
438 really was -- that was not appropriate to have that kind of
439 disparity. As someone who has sentenced people for both powder
440 and crack cocaine under state law, I don't see any reason there
441 should be this kind of disparity. But I would also caution that
442 we be careful about how the term racist is used because that term
443 enabled the bill to pass that actually was racist not in the
444 intention of anybody, including the Black Caucus that was pushing
445 it, but in effect, it was very unfair in the way it ended up
446 treating people who had crack cocaine as opposed to powder

447 cocaine.

448 So I had made the comment previously that it would be great
449 if we could have a bill that just fixed this gross disparity,
450 even the 18 to 1, and I am grateful to Mr. Jeffries for doing
451 exactly that. This was a very clean bill that did exactly what
452 the gentleman had indicated it would and that is why I am pleased
453 to be a cosponsor and very grateful that you have handled it this
454 way.

455 Chairman Nadler. Will the gentleman yield?

456 Mr. Gohmert. Certainly.

457 Chairman Nadler. Well, the gentleman is exactly right.
458 Charlie Rangel and other members of the Black Caucus did back
459 in the 1980s say that this was racist. They were wrong then and
460 they have admitted since then that they were wrong. I don't think
461 there is any single member of the Black Caucus, current or present,
462 who doesn't think, hasn't admitted that they would then hear their
463 mistake.

464 Mr. Gohmert. Reclaiming my time. So I applaud this. This
465 is the way we ought to be doing things. I like having one subject,
466 one bill, and we agree this does need to be fixed. So I thank
467 the chairman for bringing this to committee for markup and I am
468 very grateful for the way in which this was brought to the
469 committee.

470 Mr. Jeffries. Will the gentleman yield?

471 Mr. Gohmert. Certainly.

472 Mr. Jeffries. I want to thank the distinguished gentleman
473 from Texas. We had had this conversation informally, you and
474 Cedric Richmond, when he was a part of the committee, and we
475 appreciate your support and your commitment to dealing with this
476 issue. And I think the record is very clear. It was a bipartisan
477 failure. And as --

478 Mr. Gohmert. But you did it, and you made it happen. And
479 I am grateful for that. And the record should reflect you did
480 exactly what you said you were going to do and I am very grateful.

481 Mr. Jeffries. Thank you.

482 Mr. Gohmert. I yield back.

483 Chairman Nadler. The gentleman yields back. For what
484 purpose does the gentleman from Rhode Island, Mr. Cicilline, seek
485 recognition?

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

487 Chairman Nadler. The gentleman is recognized.

488 Mr. Cicilline. I want to thank you, Mr. Chairman, for
489 bringing this bill to the committee and I want to thank my friend,
490 Chairman Jeffries, for introducing this vital and overdue
491 bipartisan and bicameral legislation.

492 In 1986, Congress passed the Anti-Drug Abuse Act. This law
493 unjustly drew a drastic distinction between crack cocaine and
494 powder cocaine, the same drug, just in a different form. That

495 distinction created a sentencing disparity of up to 100 to 1
496 meaning you needed 100 times the amount of powder cocaine than
497 crack cocaine to get the same sentence. We cannot overlook that
498 this difference, like many drug enforcement laws in our history,
499 created a highly disproportionate impact on communities of color
500 and there was no evidence-base rationale for this disparity.

501 After decades of advocates and experts fighting to change
502 the sentencing disparity, Congress finally acted in 2010 with
503 the Fair Sentencing Act which changed the disparity from 100 to
504 1 to 18 to 1. The First Step Act of 2018 made that change
505 retroactive. We finally took a step in the right direction, but
506 that wasn't enough. Just because 18 is lower than 100 doesn't
507 mean we made things fair. There is still a huge sentencing
508 disparity between crack and powder cocaine related offenses
509 today.

510 This vital legislation finally ends the discriminatory
511 sentencing disparity between crack and powder cocaine. It also
512 importantly allows for those commonly-serving sentences related
513 to crack cocaine to petition to have their sentences appropriately
514 reduced. Our prisons are overcrowded and lives are hurt every
515 day because of sentencing disparity and high sentencing minimums
516 for non-violent crimes in America. This is one step of the many
517 we need to take to change this horrible cycle.

518 I want to thank Chairman Jeffries for this important

519 legislation and I am proud to support it today and I urge my
520 colleagues to do the same. And with that, I yield back.

521 Chairman Nadler. The gentleman yields back. For what
522 purpose does the gentleman from California, Mr. Issa, seek
523 recognition?

524 Mr. Issa. Strike the last word, Mr. Chairman.

525 Chairman Nadler. The gentleman is recognized.

526 Mr. Issa. Mr. Chairman, I think today is an extremely
527 important day for all of us who want to take away a talking point
528 which is real, which appropriately needs to be reduced. Like
529 you, I was here when we reduced from 100 to 1 to 18 to 1, recognizing
530 an extremely addictive drug, and one that that still has an adverse
531 effect on our community. But in fairness, if the debate continued
532 to be about the disparity between crack and powder cocaine, then
533 we are missing the point. The point is that the War on Drugs
534 is not over and to the extent that someone had called it a failed
535 war for purposes of reducing or eliminating the punishment and
536 the real effort to stop the illicit use of these dangerous drugs,
537 they missed the point.

538 Moving it to a one to one ratio, I believe is not
539 decriminalizing, nor would I support it if it is. Crack cocaine,
540 powder cocaine, the various opiates of all sorts including the
541 synthetics like fentanyl, continue to represent a threat to our
542 society and in fact, are to a great extent the cause of violence.

543 Legalizing these drugs or decriminalizing them would not in any
544 way, shape, or form, make our streets safer, our communities more
545 productive, or life better for the very people we speak about
546 today.

547 For that reason, the reason of wanting to make sure that
548 people have a confidence that it is not about one group over the
549 other, it is not about punishing one group based on their race
550 or the location that they are likely to live in, but rather a
551 recognition that these drugs are dangerous. These drugs need
552 to be stopped and people will be punished, but that punishment
553 will be equal to the suburban, well to do, powder user versus
554 the urban crack user, is a worthwhile effort.

555 So just as we did a decade ago, it is time to send that
556 message, the message that Congress takes the illicit use of these
557 drugs seriously, and wants to make sure that people believe that
558 the protection of the communities versus the punishment of those
559 who break the law is equal under the law. I support this
560 legislation. But again, I do not support this legislation
561 because it decriminalizes or because it is going to make the
562 sentences light. I support it because it is going to allow people
563 to get off the subject of somehow the disparity and on the subject
564 of the danger of cocaine, just as the danger of fentanyl and other
565 drugs are real and continue to have a detrimental effect on our
566 society.

567 So I hope that as we quickly pass this legislation, move
568 it to the President's desk, we will do so recognizing two things,
569 one, that we are still engaged in what will be a struggle for
570 all of our lives which is to keep our children from being hooked
571 on addictive drugs that diminish their ability to be productive;
572 and two, that we are not here to say that people are racist because
573 of what the law was.

574 As some of the other speakers have said, many of the people
575 who did this did so at a time of great strife in their communities.

576 I served with Charlie Rangel as many of us on the dais did.
577 I know that, in fact, he was dealing with a community that was
578 ravaged by crack cocaine and that he was doing what he thought
579 at the time was the best. If he were here today, I have no doubt
580 he would be leading the charge for this very change, but not
581 because he cared differently about his community, but because
582 the time for the message has changed, but not the time to continue
583 the struggle against illicit drugs that diminish the lives of
584 people in our community, whether the suburban, the rural, or the
585 urban.

586 Mr. Chairman, I thank you for bringing this legislation in
587 a timely fashion and yield back. Of course, I yield.

588 Ms. Jackson Lee. Let me just, quickly, with your assessment
589 of Mr. Rangel's advocacy, all of us knew him and the chairman
590 is right. But I do think it is important to take note that facts

591 change.

592 Crisis do not but facts change, and I believe Mr. Rangel,
593 a former U.S. Attorney -- Assistant U.S. Attorney -- was trying
594 to save lives as well as the Congressional Black Caucus.

595 We maintain that we are the conscious of the Congress as
596 it relates to these issues, and I can truly say that is where
597 his direction was.

598 This is now done by the gentleman from New York. I think
599 it's more than appropriate. But I think we should recognize the
600 times of that particular moment as related to crack cocaine.

601 We are now looking to equalize the issues and to treat drug
602 addiction in a totally different way.

603 I'd just conclude my remarks by saying we remember the War
604 on Drugs led by other persons, and we see that that did not work.
605 And so here we're trying to do what is right in 2021.

606 I thank you for allowing me to have the time. I yield back.

607 Mr. Issa. I thank the gentlelady and yield back.

608 Chairman Nadler. The gentleman yields back.

609 For what purpose does Ms. Scanlon seek recognition?

610 Ms. Scanlon. Mr. Chairman, I move to strike the last word.

611 Chairman Nadler. The gentlelady is recognized.

612 Ms. Scanlon. The disparate sentencing between crack and
613 powder cocaine is a harmful remnant of the War on Drugs and it's
614 contributed to the mass incarceration we see across the country.

615

616 I'm thankful that national leadership and this Congress have
617 chosen to learn from history and correct the mistakes of the past,
618 in this case, the discriminatory sentencing disparities in crack
619 cocaine offenses, which turbo charged the rise in mass
620 incarceration.

621 We have made progress on this issue with the Fair Sentencing
622 Act and the First Step Act in recent years. But today, we can
623 go further.

624 Six years ago, I had the privilege to participate in the
625 Clemency 2014 Project, a joint initiative of the White House,
626 the Department of Justice, and a host of nonprofit organizations
627 across the ideological spectrum, ranging from the Koch Brothers
628 to Families Against Mandatory Minimums.

629 With that project, I joined private bar lawyers across the
630 country in screening thousands of case files of nonviolent
631 offenders who had been subjected to these unfair mandatory
632 minimums.

633 We filed hundreds of clemency petitions, and I was so pleased
634 to be part of an effort with my firm where we obtained clemency
635 for 29 individuals.

636 In representing those clients, the devastation of the drug
637 epidemic became clear, as did the fact that that devastation was
638 compounded by harsh sentences for nonviolent low-level offenders.

639

640 By representing these folks, by talking with them and their
641 families, we saw how it had destroyed their lives, destroyed their
642 families, destroyed their communities.

643 So now is the time to fully fix -- actually, it's past time
644 to fully fix this unjustified disparity once and for all,
645 especially for those still serving sentences based upon it.

646 Importantly, this bill is retroactive and allows those
647 harmed by this misguided policy to seek justice.

648 Thank you, Mr. Chairman and Mr. Jeffries, for putting forth
649 this critical legislation for our consideration today. I'm
650 looking forward to voting to pass the EQUAL Act out of committee
651 today and urge all of my colleagues to support the bill.

652 I yield back.

653 Chairman Nadler. The gentlelady yields back.

654 For what purpose does Mrs. Demings seek recognition?

655 Mrs. Demings. Move to strike the last word.

656 Chairman Nadler. The gentlelady is recognized.

657 Mrs. Demings. Thank you, Mr. Chairman.

658 As a former police chief, I joined the Major City Chiefs
659 Association in their support of this bipartisan legislation, the
660 EQUAL Act.

661 While we, as a nation, have come a long way, I, clearly,
662 understand that there is still much work to do and I am honored

663 that we are doing that work together on this day.

664 I served 27 years as an enforcer of the law, and now I have
665 the privilege of serving here with my colleagues in Congress
666 writing the laws. Accountability does matter.

667 But regardless of our political affiliation, as legislators
668 we share the awesome responsibility to eliminate, modify, tweak
669 any policy or practice that has a disparate impact on any group
670 of people.

671 I know, as a former law enforcement officer and a social
672 worker, that drug addiction has devastated many communities and
673 many families, and I look forward to in the future working together
674 to invest more resources in the treatment of individuals suffering
675 from this devastating disease.

676 But we must address sentencing disparities. Many
677 colleagues here today have already pointed out an individual
678 convicted of an offense involving five grams of crack cocaine
679 would face the same mandatory minimum sentence as an individual
680 convicted of a crime involving 500 grams of powdered cocaine.

681

682 We know that that is not right. I, clearly, hear the
683 concerns of my brothers and sisters of the National Association
684 of Police Organizations about violent crime. As a police chief,
685 the reduction of violent crime was my number-one priority.

686 But the disparities involving the mere possession of crack

687 versus powder cocaine must -- they must be addressed. Forty-one
688 states have already eliminated the sentencing disparities at the
689 state level.

690 Protecting Americans continues to be my top priority. The
691 rule of law and the proper application of the law clearly define
692 who we are as a nation. We can and we must rise up to meet this
693 moment.

694 I urge my colleagues to let's unanimously support this
695 legislation. I thank the gentleman from New York.

696 And with that, Mr. Chairman, I yield back.

697 Chairman Nadler. For what purpose -- the gentlelady yields
698 back.

699 For what purpose does Mr. Biggs seek recognition?

700 Mr. Biggs. Move to strike the last word.

701 Chairman Nadler. The gentleman is recognized.

702 Mr. Biggs. Thank you, Mr. Chairman.

703 My only purpose is to submit for the record a letter dated
704 July 16th, 2021 from National Association of Police
705 Organizations, Inc.

706 Chairman Nadler. Without objection.

707 [The information follows:]

708

709 *****COMMITTEE INSERT*****

710 Mr. Biggs. Thank you. I yield back.

711 Chairman Nadler. The gentleman yields back.

712 For what purpose does Mr. Cohen seek recognition?

713 Mr. Cohen. Strike the last word (simultaneous speaking)
714 past 20 years.

715 Chairman Nadler. The gentleman is recognized.

716 Mr. Cohen. Thank you, Mr. Chairman.

717 When I walked in today I thought of Bill Murray and I thought
718 of it even more when I got here. The first person I saw on entering
719 Rayburn was Bob Goodlatte, the honorable, decent, good human being
720 Bob Goodlatte. And it was like Groundhog's Day seeing Bob walk
721 into the building.

722 And then to come to committee where he used to chair and
723 hear us discussing crack cocaine and who was racist and what is
724 racist, and the drug -- War on Drugs is even more Groundhog's
725 Day.

726 This War on Drugs is as much and, I would submit, a greater
727 failure than Afghanistan. If we can get out of Afghanistan, which
728 we have done, which I think is the right thing to do but it's
729 still going to be a detriment to the girls and the women of
730 Afghanistan and probably the many of the people who helped us
731 because we're not going to be able to get them out, wait until
732 the last minute to try to get them out, the people that helped
733 us as interpreters, translators, aides, et cetera, we can get

734 out of the War on Drugs, too.

735 But it will take a bipartisan effort. It'll take the
736 president to work with us. And it doesn't mean legalizing
737 everything. But it means seeing these things as social problems,
738 as mental health and physical health issues.

739 Sending somebody who's hooked on heroin or cocaine or some
740 other drug of that nature to jail is a waste of time and in error.
741 To get them help and treatment is the right thing to do.

742 This bill is long overdue. I remember when Bobby Scott,
743 and we worked to get it to 18 to 1. Well, 18 to 1 was not as
744 bad as a hundred but it was still wrong, and that was 10 years
745 ago, I think.

746 What Congressman Jeffries is doing and those of us who
747 co-sponsored are doing the right thing. But, unfortunately,
748 Congress is slow as molasses in getting things done right and
749 getting up to date and getting over cultural lag.

750 This is a cultural lag oasis, and this bill ends one of those
751 cultural lags. But another is having marijuana scheduled as
752 Schedule One. We have been talking about that the entire 15 years
753 I've been here and before, and that's just as insane and just
754 as much of a cultural lag.

755 Marijuana is not as dangerous as heroin and the other drugs
756 of which it's associated, and we need to deschedule it and get
757 it out of the federal jurisdiction.

758 You know, there was just a sprinter, Ms. Sha'Carri
759 Richardson, who was America's top 100-meter contestant to be in
760 the Olympics. Her mother died. She smoked some marijuana after
761 her mother's death because she was depressed and aggrieved.

762 She was in Oregon, a state where it's legal. But she had
763 it in her system because it stays in your system for give or take
764 20 days. And so the Olympic Committee said, no, she can't
765 compete. A lifelong dream that she had been working for for years
766 and years and years and she's not allowed to go to Tokyo.

767 Marijuana is not a performance-enhancing drug unless you're
768 entered in the Coney Island hot dog eating contest on the 4th
769 of July. To take her right to appear and her dream away from
770 her is absurd, and this Congress should see that we don't have
771 these problems in the future.

772 We deschedule marijuana. We leave it up to the states.
773 If she'd have got rip-roaring drunk on margaritas, Red Bull or
774 whatever else you drink out there these days -- lagers -- she'd
775 have been fine because it wouldn't have shown up in her system,
776 and if it had shown in her system -- if she'd have been .20 alcohol,
777 she still would have been allowed to run. But for marijuana,
778 and it could have been 20 days ago and just a puff or two, she's
779 gone.

780 So let's get real. The War on Drugs is a total failure.
781 Nancy Reagan was wrong. Everybody who followed her and the

782 others who said just say no were wrong because that wasn't
783 sufficient.

784 Let's pass this bill and let's decriminalize marijuana, and
785 let's get our people to where they are not being afflicted by
786 the cultural lag of the United States Congress.

787 Thank you. I yield back the balance of my time.

788 Chairman Nadler. The gentleman yields back.

789 For what purpose does the gentlelady from Texas seek
790 recognition?

791 Ms. Jackson Lee. Chairman, I have an amendment at the desk.

792 Chairman Nadler. The clerk will report the amendment.

793 Ms. Fontenot. Amendment to the amendment in the nature of
794 a substitute to H.R. 1693 offered by Ms. Jackson Lee. Page 2,
795 strike lines 10 through 18.

796 Chairman Nadler. The amendment will be considered as read.

797 [The Amendment offered by Ms. Jackson Lee follows:]

798

799 *****COMMITTEE INSERT*****

800 Chairman Nadler. The gentlelady is recognized to explain
801 her amendment.

802 Ms. Jackson Lee. I thank the chairman. I move to strike
803 the last word.

804 This amendment, which focuses on H.R. 1693's retroactivity
805 provision makes technical but important changes to ensure that
806 our courts have the ability and discretion to efficiently decide
807 sentence reduction motions that are filed by or on behalf of
808 individuals who have been sentenced to crack cocaine offenses.

809

810 After we passed the Fair Sentencing Act and First Step Act,
811 federal courts were immediately bogged down in litigation
812 involving a range of technical and substantive issues about the
813 legislation.

814 This litigation led to circuit splits and considerable delay
815 for individuals seeking relief. The amendment, first, clarifies
816 that the EQUAL Act's retroactivity provision applies to
817 individuals that, in fact, who were sentenced to specific federal
818 offenses involving crack cocaine on or before the date of
819 enactment.

820 Second, it allows courts to decide and hold resentencing
821 hearings without the requirement that the defendant be present.

822 Rule 43 of the Federal Rules of Criminal Procedure requires the
823 defendant is present at sentencing hearings. But resentencing

824 presents issues that are not generally implicated during the
825 initial sentencing process.

826 Specifically, defendants who are already serving sentences
827 are often incarcerated at federal facilities in states that are
828 far from the district in which they were sentenced.

829 This means that U.S. Marshals would have to transport
830 individuals for hearings in which relief may or may not be granted
831 by the court. Depending on the location, this transport could
832 take weeks, denying that particular incarcerated person their
833 rights.

834 By adding language that does not require the defendant's
835 presence, we will eliminate the burden on the marshals and
836 unnecessary litigation over a technical issue. This also allows
837 individuals seeking resentencing to receive a timely adjudication
838 of their motions.

839 We have already made a commitment as we support the EQUAL
840 Act that we live in an unfair system. As we proceed to
841 retroactively deal with re-sentencing, let's make it so these
842 incarcerated persons can get their just day, hopefully, their
843 fair day.

844 Third, the amendment adds to First Step Act's language
845 limiting the number of motions that can be made under the EQUAL
846 Act. This promotes judicial economy without diminishing the
847 ability for all affected by the crack cocaine disparity to be

848 heard and resentenced by courts in a timely manner. Again,
849 justice must prevail.

850 Finally, the amendment makes clear that courts have the
851 discretion to grant motions for a sentence reduction based on
852 the factors raised in 18 USC Section 3553(a). Sentencing courts
853 are in the best position to decide sentences based on all of the
854 factors before it.

855 We must ensure that we maintain a court's judicial discretion
856 and the mandate on courts to impose sentences that are sufficient
857 but are fair, just, and not greater than necessary under the
858 current law.

859 I believe that this represents the sentiment of most of the
860 members of this committee over the years.

861 With that, I ask my colleagues to support this amendment,
862 and I yield back.

863 Mr. Jordan. Mr. Chairman?

864 Chairman Nadler. For what purpose does the gentleman seek
865 recognition?

866 Mr. Jordan. To strike the last word.

867 I would just say I think -- I think the amendment makes sense
868 and is a good amendment, and I think our side will support that
869 and appreciate the gentlelady bringing it forward.

870 Ms. Jackson Lee. Thank you, Mr. --

871 Chairman Nadler. The gentleman yields back, and I now

872 recognize myself to speak in support of the Jackson Lee amendment.

873

874 The amendment makes several important changes to the EQUAL
875 Act to strengthen the underlying legislation. It clarifies the
876 application of the Act's retroactivity provisions specifically
877 for crack cocaine offenses.

878 It also promotes judicial economy by not requiring
879 defendants to be present at resentencing, by incorporating the
880 First Step Act's limitation on successive motions, and by making
881 clear that courts have discretion deciding motions for
882 resentencing relief.

883 Making these changes will ensure that individuals affected
884 by the unjust sentencing disparity have a clear pathway for relief
885 and that our judicial system is not overburdened as courts fully
886 exercise their discretion to consider motions for thousands of
887 individuals who have been waiting year after year for the relief
888 provided by the EQUAL Act.

889 I thank Chairwoman Lee for offering the amendment. I thank
890 Mr. Jordan for supporting it, and I urge my colleagues to support
891 it as well.

892 I yield back.

893 For what purpose does Mr. Raskin seek recognition?

894 Mr. Raskin. I move to strike the last word, Mr. Chairman.

895 Chairman Nadler. The gentleman is recognized.

896 Mr. Raskin. I rise in very strong favor of Mr. Jeffries'
897 legislation and I just want to salute him on the EQUAL Act, which
898 eliminates that 18 to 1 sentencing disparity between powder
899 cocaine and crack cocaine offenses, which itself, of course, was
900 an improvement over the 100 to 1 sentencing disparity embodied
901 in the 1986 Anti-Drug Abuse Act.

902 And it's especially gratifying to see, you know, such broad
903 bipartisan support across the aisle for doing this, and I just
904 wanted to take a moment to observe that we are all recognizing
905 that this is an unjust disparity built into the law that has clear
906 racially disproportionate effects.

907 But it was not undertaken with any deliberate racist motive,
908 all of which is to say that the law can operate in a way that
909 adversely affects racial minority groups even if the law is not
910 adopted with a specific invidious purpose of discriminating
911 against them.

912 So it's a good teaching and learning moment for all of us,
913 and I'm glad that we're moving forward to make the law much more
914 equal and much more fair, regardless of where you stand on the
915 underlying question of the War on Drugs.

916 And I yield back to you, Mr. Chairman.

917 Chairman Nadler. The gentleman yields back.

918 For what purpose does Ms. Dean seek recognition?

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

920 Chairman Nadler. The gentlelady is recognized.

921 Ms. Dean. I, too, rise in support of the underlying
922 legislation as well as the amendment offered by the gentlelady
923 from Texas.

924 This is a remarkable day. It's terrific to hear legislators
925 recognizing the disparate impact -- the unfair unjust impact of
926 former legislation. It's always the right time to correct what
927 was a mistake of the past.

928 This morning, I lend my unwavering support to the EQUAL Act.
929 I recognize the importance of speaking truth to power when we
930 discuss both addiction and racist sentencing disparities that
931 have cast a shadow on the United States since the beginning of
932 the so-called War on Drugs.

933 During multiple hearings, I've spoken to the failure that
934 the War on Drugs in the United States has imposed and commend
935 the committee, Chairman Nadler, you, for bringing up this
936 important bill to markup.

937 I echo the leadership of Representative Jeffries in
938 highlighting the unjust sentencing disparities between crack
939 cocaine and powder cocaine, a disparity not supported by criminal
940 justice, not supported by science, and only supported by racial
941 disparities that continue to be present within our criminal
942 justice system.

943 Our criminal justice system currently is not a

944 one-size-fits-all system. For far too long, the United States
945 has relied on a system of over criminalization in which we overused
946 and misused criminal law to address societal harms that could
947 be more effectively handled through civil channels or other
948 institutions.

949 We have to deal with the issue of addiction and not simply
950 criminalize it. This is evidenced by the nation's present
951 incarcerated population, which, sadly, boasts of approximately
952 2.3 million people.

953 This bill is an important first step to address the unjust
954 War on Drugs through its important retroactivity provisions made
955 stronger by this amendment.

956 I look forward to a future where drug addiction is addressed
957 in a manner supported by science and health, decriminalization
958 and compassion for those who suffer from this disease.

959 I urge my colleagues in this House to lend your support to
960 the overdue bill, and I yield back the balance of my time, Mr.
961 Chairman.

962 Chairman Nadler. The gentlelady yields back.

963 For what purpose -- the question occurs on the Jackson Lee
964 amendment to the amendment in the nature of a substitute.

965 All in favor say aye.

966 Opposed?

967 The ayes, obviously, have it.

968 Are there any further amendments to the amendment in the
969 nature of a substitute?

970 Mr. Fitzgerald. Mr. Chair?

971 Chairman Nadler. Who seeks recognition?

972 For what purpose does Mr. Fitzgerald seek recognition?

973 Mr. Fitzgerald. Mr. Chair, I have an amendment at the desk.

974 Ms. Jackson Lee. Point of order.

975 Chairman Nadler. The point of order is reserved.

976 The clerk will report the amendment.

977 Ms. Fontenot. Amendment to the amendment in the nature of

978 a substitute to H.R. 1693 offered by Mr. Fitzgerald of Wisconsin.

979 Add at the end the following (d) fentanyl or fentanyl analog

980 cases. Nothing in this section --

981 Chairman Nadler. The amendment will be considered as read.

982 [The Amendment offered by Mr. Fitzgerald follows:]

983

984 *****COMMITTEE INSERT*****

985 Chairman Nadler. The gentleman is recognized in support
986 of his amendment.

987 Mr. Fitzgerald. Thank you, Mr. Chair.

988 Good bill before us today, and a good amendment that we just
989 adopted. Has everything kind of moving in the right direction.

990 I think I have something that I would hope that members of
991 the committee would consider. I just returned from McAllen,
992 Texas, last week with Representative Biggs, and we had an
993 opportunity not only to meet with Border Patrol and observe a
994 lot of things that, quite honestly, were surprising to me or
995 shocking to me, having not been to the border before in that
996 context.

997 But the one thing we heard from Homeland Security is kind
998 of the methods they used or the approach they used to continue
999 to catch most of the narcotics that they could, in fact, by design
1000 come up with a strategy to capture that are making their way across
1001 the border right now at an alarming rate.

1002 And there were some percentages thrown out where only 20
1003 percent of maybe what's coming across is actually being
1004 apprehended. The major discussion was -- again, it is
1005 interesting to hear some of the comments -- but, you know, a lot
1006 of it that was being captured was marijuana, cocaine, and
1007 Fentanyl. Fentanyl, fentanyl, fentanyl.

1008 And, you know, so I know there was some discussion here about

1009 the War on Drugs. But, unfortunately, America is not fighting
1010 the War on Drugs in a vacuum. There are so many other global
1011 influences on what's happening here.

1012 We know that the components of fentanyl are being
1013 manufactured in China, making their way to many different parts
1014 of South America, and then the fentanyl comes across.

1015 And there was a couple of anecdotal stories, but the one
1016 I just wanted to relay was there was a bachelor party where four
1017 guys were smoking pot and, unfortunately, that pot was laced with
1018 Fentanyl and one of the individuals died and three of them ended
1019 up in the hospital.

1020 So, you know, what's being dismissed, I think, as, you know,
1021 don't worry about it, it's just a few people smoking pot, that
1022 is not necessarily the case.

1023 The Mexican cartels, they continue. They have full control
1024 over the production and supply of fentanyl into the U.S. and,
1025 you know, if you talk to law enforcement they're going to tell
1026 you, you know, this stuff is so deadly and so available, it's
1027 the new front that we need to fight on a regular basis.

1028 So the amendment I have before the committee today would
1029 simply, you know, once again, incorporate the idea that fentanyl
1030 should be a Schedule One drug, and we're working on that with
1031 the SOFA Act, and we need to close any of these loopholes that,
1032 I think, currently exist.

1033 And, like I said, good bill before us today. Great bill.
1034 Great bill. It is going to tackle something that's very complex,
1035 and I think that Representative Jackson's amendment makes it
1036 better.

1037 And I think this also would not only, I think, do that, and
1038 if we were going to have a bill later on that was going to deal
1039 with the fentanyl issue, great. Okay. Let's do that.

1040 But, you know, it's here. We're here this morning. We're
1041 tackling something that's bipartisan. We all know that this is
1042 a major issue, and I think that this amendment would make this
1043 bill much better.

1044 And who would oppose it once we get out of this committee?
1045 I mean, I can't believe that there would be anybody that would
1046 dismiss this as not necessary.

1047 If you talk -- if you talk to your local law enforcement,
1048 they're going to tell you it's here. It's not -- it's not
1049 something that's coming. It's here on our doorstep.

1050 Let's do something about it right here this morning. Let's
1051 close this down. Let's give law enforcement the tools they need
1052 to fight this deadly drug that's now here in America.

1053 And I yield back.

1054 Chairman Nadler. The gentleman yields back.

1055 Does the gentlelady insist on a point of order?

1056 Ms. Jackson Lee. Mr. Chairman, I withdraw my point of order.

1057 Chairman Nadler. Point of order is withdrawn.

1058 [Pause.]

1059 Chairman Nadler. The gentlelady withdraws the point of
1060 order.

1061 I recognize myself in opposition to the amendment. The
1062 amendment is, clearly, well intended. But it is not -- it is
1063 not necessary, and I am concerned that someone may read -- that
1064 the amendment may be read incorrectly, that it may be read as
1065 limiting the application of the bill in a way that we wouldn't
1066 want it limited.

1067 So I would oppose it, although I really don't think it --
1068 and I don't think it's necessary. It might be misread.

1069 So on those grounds I'd oppose it. I yield back.

1070 Does anyone else seek recognition on this amendment?

1071 Mr. Jeffries. Mr. Chairman?

1072 Move to strike the last word.

1073 Yeah. No, I appreciate the spirit in which the
1074 distinguished gentleman has offered this amendment and,
1075 certainly, look forward to working with him on some of these issues
1076 and challenges related to fentanyl.

1077 I think, as the distinguished gentleman from Texas, Mr.
1078 Gohmert, indicated, our objective here was to deal with this issue
1079 of the sentencing disparity involving crack cocaine and powder
1080 cocaine in the cleanest possible way.

1081 And it's for that reason that I oppose the amendment, but
1082 I appreciate the spirit in which it has been offered.

1083 Mr. Fitzgerald. Mr. Chairman?

1084 Chairman Nadler. The gentleman yields back.

1085 Does the gentleman yield back?

1086 The gentleman yields back.

1087 For what purpose does Mr. Jordan seek recognition?

1088 Mr. Jordan. Well, I'd strike last word, Mr. Chairman.

1089 This is as simple as it gets. I mean, as the gentleman from
1090 Wisconsin just -- it's a one-sentence amendment that says we all
1091 know fentanyl is bad. Let's make sure we keep it that way and
1092 deal with it in the appropriate fashion.

1093 It's straightforward. If the chairman thinks it's -- I
1094 don't see where the chairman could think it is not necessary to
1095 state what we all know is obvious in a plain and straightforward
1096 amendment dealing with the substance that is wreaking havoc in
1097 so many of our communities in every one of our districts.

1098 So why not err on the side of making sure we deal with
1099 something in the best way possible, particularly a drug of this
1100 -- a dangerous drug like this that has done so much harm to so
1101 many communities?

1102 With that, unless the gentleman from Wisconsin would like
1103 some time.

1104 Mr. Cohen. Would the gentleman yield?

1105 Mr. Jordan. I'd be happy to yield to the gentleman from
1106 Wisconsin, then I'll yield to the gentleman from Tennessee, if
1107 that -- if there's time left.

1108 Mr. Fitzgerald. Thank you. Thank you to the ranking
1109 member. I mean, we know that, you know, maybe we were in a
1110 territory where there was a question of germaneness. That's why
1111 we drafted an amendment to the amendment to kind of clear that
1112 up.

1113 I think we're -- I think we're really in good shape right
1114 now, and I can't -- I can't understand why we wouldn't just
1115 simply take care of this right now. It makes -- it makes no
1116 sense to me. I mean, I understand, you know, people get kind
1117 of protective of their own piece of legislation and they don't
1118 want it amended and they don't want it maybe off the target.

1119 But I mean, this is all I heard about at the border, was
1120 fentanyl and the deadliness of it and the effect it's having on
1121 this country. And like I said earlier, if there was a bill coming
1122 down the pike that dealt with just that issue, great, let's take
1123 that up. But I'm unaware of that. And here it is before us this
1124 morning.

1125 Again, Mr. Chair, I'm not sure why we -- why we wouldn't
1126 tackle this right now. I yield back to the ranking member. Yield
1127 to the gentleman from Tennessee.

1128 Mr. Cohen. Thank you, Mr. Jordan. And the question really

1129 is directed to anybody who can answer it. I don't see how this
1130 relates to the bill we've got before us. It changes crack and
1131 cocaine, it deals with crack and cocaine.

1132 I'm all against fentanyl, but this bill doesn't relate to
1133 fentanyl and it doesn't change anything to do with fentanyl.
1134 It doesn't make the sentences less. I see it. It doesn't change
1135 them, it has nothing to do with fentanyl.

1136 So if somebody can tell my why this fits and if we do it
1137 what difference it'll make in the world. I mean, I'm all against
1138 fentanyl. I'll be for all the anti-fentanyl, anti-heroin,
1139 anti-buggery, anti whatever bills you want to bring. But what
1140 does it got to do with this bill?

1141 Mr. Jordan. Well, I think the Chairman already answered
1142 that question, said it was germane, and it deals with a very
1143 important issue that is confronting our country, confronting our
1144 nation, confronting every single neighborhood. And that's why
1145 the gentleman from Wisconsin brought this amendment forward.

1146 Be happy to yield to the gentleman from Ohio.

1147 Mr. Chabot. I thank the gentleman for yielding. I won't
1148 take a lot of time but I mean, I thank the -- I thank the
1149 gentleman for offering this very constructive amendment, I
1150 believe.

1151 And this has been a pretty bipartisan markup here, and I
1152 think we're for the most part on the same time -- on the same

1153 side on this. We're trying to do what's here. And I think what's
1154 fair would be to include the gentleman's amendment in this.

1155 Fentanyl is killing thousands and thousands of Americans
1156 all across the country in all of our districts. I know it is
1157 in my district. And the thing that's so deadly about it is
1158 oftentimes people, let's face it, shouldn't be ingesting or
1159 smoking or however they're taking the drugs to begin with, but
1160 some do. And many aren't aware that it's been laced with
1161 fentanyl.

1162 And there are analogs and so the bad guys who've been able
1163 to get around the traditional fentanyl by just modifying it in
1164 a slight manner molecularly, which makes it tough for the laws
1165 to actually apply in every case, makes it tough for prosecutors.

1166 And we've worked on that issue in a bipartisan manner for some
1167 time.

1168 But it's killing thousands and thousands of Americans. And
1169 I guess it's -- it would be more convenient just to ignore it
1170 altogether in this hearing. Why? Well, maybe because for
1171 example it's coming in from our greatest rival, China, and
1172 competitor, some would say enemy.

1173 But it's coming from there, and much of it is coming across
1174 a border which was pretty secure for quite some time because of
1175 the work of the previous administration, and the Congress to some
1176 extent. Which now is a tremendous crisis now, the Biden crisis

1177 at our southern border. It's coming across there and killing
1178 Americans.

1179 But I think if I had that record, I wouldn't want to talk
1180 about this either. So thank you to the gentleman for offering
1181 it, and I yield back.

1182 Chairman Nadler. The gentleman's time has expired. For
1183 what purpose does Ms. Jackson Lee seek recognition?

1184 Ms. Jackson Lee. Mr. Chairman, thank you, I'd like to strike
1185 the last word.

1186 Let me associate myself with Mr. Chabot's remarks that this
1187 legislation and this discussion has been enormously bipartisan.

1188 And I take the words of the ranking member seriously. I withdrew
1189 my objection. I think the gentleman from New York, the proponent
1190 of this legislation, has a very pointed remark.

1191 What I would say to you is that I think if we did a poll,
1192 I am assured that everyone would be opposed to fentanyl. It
1193 kills. So the Chairman, ranking member, and to the proponent
1194 of the amendment, let's let our committee and our subcommittee
1195 is very interested in this issue.

1196 And I would make the argument that we could work together
1197 on the question of fentanyl in a more extensive way that would
1198 not, if you will, steer us away from the intent and mindset of
1199 the EQUAL Act.

1200 I think it's important for us to address fentanyl on its

1201 two weak and wicked legs, and that is clearly what it is. It
1202 is a killer. And so I'd extend to the gentleman the opportunity
1203 to work together on a focused legislation, a focused opportunity
1204 to deal with fentanyl.

1205 We have not taken that up yet. We've had some other issues
1206 of course on our side of the aisle about increased mass
1207 incarceration. But we have no opposition for the deadliness of
1208 fentanyl.

1209 So I would indicate that I am in opposition to its present
1210 submission as an amendment, but to the ranking member Mr. Jordan
1211 and his point, Mr. Chabot's point about bipartisanship on this
1212 legislation, I can say to you that we could work on this matter
1213 in our subcommittee. And we'd be happy to work with the gentleman
1214 on that question at this time.

1215 With that, I will yield back my time, or yield to the
1216 gentleman on it. If not, I'll yield back.

1217 Chairman Nadler. The gentlelady yields back. Is there any
1218 further discussion of this amendment? For what purpose does Mr.
1219 Roy seek recognition?

1220 Mr. Roy. Move to strike the last word.

1221 Chairman Nadler. The gentleman is recognized.

1222 Mr. Roy. Thank the Chairman. I certainly don't want to
1223 rain on the bipartisan parade. I'll have a little bit more to
1224 talk about it in a minute about my concerns and disagreement with

1225 the underlying legislation.

1226 But with respect to the amendment, I do believe that the
1227 amendment has merit. I would recognize that it is, you know,
1228 not directly on point with respect to cocaine specifically and
1229 the purpose of the underlying bill.

1230 However, given the extent to which fentanyl is in fact laced
1231 into numerous narcotics, notably cocaine, I do believe it's
1232 important to make that very clear that nothing would, you know,
1233 negatively impact the ability of law enforcement to be able to
1234 go after those that are peddling, distributing fentanyl.

1235 And right now, we do in fact have a crisis of epic proportions
1236 relating to fentanyl. And I think it's, you know, what we do
1237 as a body matters. What we do in terms of messaging matters.

1238

1239 I think saying that whatever the result is of this debate
1240 on the crack powder disparity and what that means with respect
1241 to punishing those who peddle crack or cocaine, which I'll have
1242 more to say about in a minute, we should be very clear that the
1243 distribution of fentanyl, which is decimating our young and
1244 decimating thousands of Americans directly as a consequence of
1245 why the open borders. Which is literally not able to be refuted,
1246 right. It's just, it's factual.

1247 Right, why did Governor DeSantis send resources to Texas?

1248 In his speech he made very clear, because of the opioid problem

1249 throughout this country. Oh, no, we can laugh all day long about
1250 open borders and laugh all day long about the impact on Texas
1251 right now, today, with fentanyl pouring into Texas while my
1252 colleagues on the other side of the aisle don't give a whit, not
1253 one whit about what's happening to Texans today, right now, in
1254 south Texas.

1255 Right now, ranches getting overrun. Right now, human
1256 trafficking, right now sex trafficking. Right now a little girl
1257 being moved up I-35 because we don't secure the border. And right
1258 now, some child in Texas dying because of an abuse, an overdose
1259 of fentanyl.

1260 Now, I understand the argument here about the connection
1261 to the underlying bill, I get that. But I would note that when
1262 we're talking about the extent to which prosecutors have to go
1263 about their job in the U.S. Attorney's Office and make decisions
1264 about prosecuting, I think it would be great if this body in the
1265 context of talking about how we're prosecuting cocaine offenses
1266 could at least acknowledge the extent to which it often laced
1267 with fentanyl.

1268 And we want to be very clear that when people are distributing
1269 fentanyl, that we are going to go after them. And that we are
1270 going to go after them with the full force of the law because
1271 it is so extraordinarily damaging and dangerous.

1272 And again, I'll have more to say in a minute on the actual

1273 underlying bill. But I'm not going to be a part of hopping on
1274 this pendulum swinging back away from criminal justice while Joe
1275 Biden runs away, runs away from his very efforts to make sure
1276 that we are responding to the crimes in the 1980s and responding
1277 to the scourge and the dangers that was occurring in inner city
1278 America and throughout the United States.

1279 And now, the President, for political purposes, runs away
1280 from the very legislation that he put forward in order to try
1281 to attack the dangers that was occurring to people throughout
1282 our country while we saw the increases that resulted from the
1283 expansion of crack cocaine in 1986. We all know the history of
1284 that and we've seen the history of that.

1285 And now today, we're seeing a history and a moment where
1286 fentanyl is pouring into our border through the Southwest region
1287 of the United States for very obvious reasons because we will
1288 not actually secure the border. And that we are not going to
1289 say, ho, we're not going to even talk about it here as we talk
1290 about winding back and pulling back from our obligation to ensure
1291 that we're enforcing the law against those who peddle these
1292 dangerous substances.

1293 With that I --

1294 Mr. Johnson of Louisiana. Will the gentleman yield? Will
1295 the gentleman yield, Mr. Roy?

1296 Mr. Roy. I will yield to the gentleman from Louisiana.

1297 Mr. Johnson of Louisiana. With his 40 seconds that are left
1298 I'll be brief. I'd echo and identify myself with everything he
1299 just said. This is a crisis.

1300 And here's the point, to answer Mr. Cohen, if it is in fact
1301 not related, as you say, I think the benefit of this amendment
1302 far outweighs the risk of saying something that may be
1303 superfluous. All it says is nothing in this section shall apply
1304 to an offense involving fentanyl, which is what you just said
1305 is already obvious.

1306 Well, why not put it in the language of the bill? There's
1307 no risk in doing that. And if there is indeed a nexus between
1308 cocaine products and them laced or mixed with fentanyl, it
1309 directly relates. It's certainly germane, and it ought to be
1310 a part of legislation.

1311 So I lend my voice of support to it and I yield back.

1312 Mr. Massie. I yield back.

1313 Chairman Nadler. The gentleman yields back. The question
1314 occurs on the amendment to the amendment in the nature by Mr.
1315 Fitzgerald. All in favor, say aye,

1316 (Chorus of aye.)

1317 Chairman Nadler. Opposed, no.

1318 (Chorus of no.)

1319 Chairman Nadler. The noes have it.

1320 Mr. Fitzgerald. Mr. Chair, yeas and nays.

1321 Chairman Nadler. The yeas and nays are requested. The
1322 Clerk will call the roll.
1323 Ms. Fontenot. Mr. Nadler.
1324 Chairman Nadler. No.
1325 Ms. Fontenot. Mr. Nadler votes no.
1326 Ms. Lofgren.
1327 Ms. Lofgren. No
1328 Ms. Fontenot. Ms. Lofgren votes no.
1329 Ms. Jackson Lee.
1330 Ms. Jackson Lee. No.
1331 Ms. Fontenot. Ms. Jackson Lee votes no.
1332 Mr. Cohen.
1333 Mr. Cohen. Yes.
1334 Ms. Fontenot. Mr. Cohen votes yes.
1335 Mr. Johnson of Georgia.
1336 Mr. Johnson of Georgia. No.
1337 Ms. Fontenot. Mr. Johnson of Georgia votes no.
1338 Mr. Deutch.
1339 Ms. Bass.
1340 Ms. Bass. No. No. I'm right here.
1341 Ms. Fontenot. Sorry, Ms. Bass. Ms. Bass votes no.
1342 Mr. Jeffries.
1343 Mr. Jeffries. No. Ms. Fontenot. Mr. Jeffries votes no.
1344 Mr. Cicilline.

1345 Mr. Cicilline. No.

1346 Ms. Fontenot. Mr. Cicilline votes no.

1347 Mr. Swalwell. Mr. Swalwell.

1348 Mr. Swalwell. No.

1349 Ms. Fontenot. Mr. Swalwell votes no.

1350 Mr. Lieu.

1351 Mr. Lieu. No.

1352 Ms. Fontenot. Mr. Lieu votes no.

1353 Mr. Raskin.

1354 Mr. Raskin. No.

1355 Ms. Fontenot. Mr. Raskin votes no.

1356 Ms. Jayapal.

1357 Ms. Jayapal. No.

1358 Ms. Fontenot. Ms. Jayapal votes no.

1359 Ms. Demings.

1360 Ms. Demings. No.

1361 Ms. Fontenot. Ms. Demings votes no.

1362 Mr. Correa.

1363 Mr. Correa. No.

1364 Ms. Fontenot. Mr. Correa votes no.

1365 Ms. Scanlon.

1366 Ms. Scanlon. No.

1367 Ms. Fontenot. Ms. Scanlon votes no.

1368 Ms. Garcia.

1369 Ms. Garcia. As a Texas that does give a twit, I vote no.

1370 Ms. Fontenot. Ms. Garcia votes no.

1371 Mr. Neguse.

1372 Mr. Neguse. No.

1373 Ms. Fontenot. Mr. Neguse votes no.

1374 Ms. McBath.

1375 Mr. Stanton.

1376 Mr. Stanton. No.

1377 Ms. Fontenot. Mr. Stanton votes no.

1378 Ms. Dean.

1379 Ms. Dean. No.

1380 Ms. Fontenot. Ms. Dean votes no.

1381 Ms. Escobar.

1382 Ms. Escobar. No.

1383 Ms. Fontenot. Ms. Escobar votes no.

1384 Mr. Jones.

1385 Ms. Ross.

1386 Ms. Ross. No.

1387 Ms. Fontenot. Ms. Ross votes no.

1388 Ms. Bush.

1389 Ms. Bush. Bush votes no.

1390 Ms. Fontenot. Ms. Bush votes no.

1391 Mr. Jordan.

1392 Mr. Jordan. Yes.

1393 Ms. Fontenot. Mr. Jordan votes yes.
1394 Mr. Chabot.
1395 Mr. Chabot. Aye.
1396 Ms. Fontenot. Mr. Chabot votes aye.
1397 Mr. Gohmert.
1398 Mr. Issa.
1399 Mr. Buck.
1400 Mr. Buck. Aye.
1401 Ms. Fontenot. Mr. Buck votes aye.
1402 Mr. Gaetz.
1403 Mr. Johnson of Louisiana.
1404 Mr. Johnson of Louisiana. Aye.
1405 Ms. Fontenot. Mr. Johnson of Louisiana votes aye.
1406 Mr. Biggs.
1407 Mr. Biggs. Aye.
1408 Ms. Fontenot. Mr. Biggs votes aye.
1409 Mr. McClintock.
1410 Mr. McClintock. Aye.
1411 Ms. Fontenot. Mr. McClintock votes aye.
1412 Mr. Steube.
1413 Mr. Steube. Yes.
1414 Ms. Fontenot. Mr. Steube votes yes.
1415 Mr. Tiffany.
1416 Mr. Tiffany. Aye.

1417 Ms. Fontenot. Mr. Tiffany votes aye.
1418 Mr. Massie.
1419 Mr. Massie. Aye.
1420 Ms. Fontenot. Mr. Massie votes aye.
1421 Mr. Roy.
1422 Mr. Roy. Aye.
1423 Ms. Fontenot. Mr. Roy votes aye.
1424 Mr. Bishop.
1425 Mr. Bishop. Yes.
1426 Ms. Fontenot. Mr. Bishop votes yes. Ms. Fischbach.
1427 Ms. Fischbach. Aye.
1428 Ms. Fontenot. Ms. Fischbach votes aye.
1429 Ms. Spartz.
1430 Mrs. Spartz. Yes.
1431 Ms. Fontenot. Ms. Spartz votes yes. Mr. Fitzgerald.
1432 Mr. Fitzgerald. Aye.
1433 Ms. Fontenot. Mr. Fitzgerald votes aye.
1434 Mr. Bentz. Mr. Owens.
1435 Mr. Owens. Aye.
1436 Ms. Fontenot. Mr. Owens votes aye.
1437 Mr. Cohen. Mr. Chairman, how am I recorded?
1438 Ms. Fontenot. Mr. Cohen, you are recorded as aye.
1439 Mr. Cohen. That was a mistake. I should be no.
1440 Ms. Fontenot. Mr. Cohen votes no.

1441 Chairman. Nadler. Mr. Issa.

1442 Mr. Issa. Mr. Chairman, how am I recorded?

1443 Ms. Fontenot. Mr. Issa votes aye.

1444 Mr. Gaetz. Gaetz?

1445 Ms. Fontenot. Mr. Gaetz, you are not recorded.

1446 Mr. Gaetz. I'd like to vote aye.

1447 Ms. Fontenot. Mr. Gaetz votes aye.

1448 Chairman Nadler. Ms. McBath.

1449 Mrs. McBath. McBath votes no.

1450 Ms. Fontenot. Ms. McBath votes no.

1451 Chairman Nadler. Are there any other members who wish to

1452 be recorded who haven't been recorded? The Clerk will report.

1453 Ms. Fontenot. Mr. Chairman, there are 17 ayes and 23 noes.

1454 Chairman Nadler. The amendment is not agreed to.

1455 Are there any other amendments to the amendment in the nature

1456 of a substitute? For what purpose does Ms. Jackson Lee seek

1457 recognition?

1458 Ms. Jackson Lee. Mr. Chairman, you will be glad that I do

1459 not have another amendment, but I do want to acknowledge two guests

1460 that are in the room with us temporarily.

1461 And in the spirit of bipartisanship and the hard work of

1462 Congresswoman Bass, I want to acknowledge Alissa Findlay,

1463 President of the Botham Jean Foundation. Her brother met an

1464 untimely death by law enforcement. And Dr. Tiffany Crutcher,

1465 Executive Director of the Terence Crutcher Foundation. Her
1466 brother as well.

1467 They are here to add support to the judiciary work that we're
1468 doing, both in terms of the George Floyd Justice in Policing Act,
1469 which I hope will be bipartisan continuing, and H.R. 40, because
1470 Dr. Crutcher is a resident of Greenwood, Oklahoma, Tulsa,
1471 Oklahoma. And of course we know the Greenwood massacre and the
1472 idea of reparations, and she is here supporting H.R. 40 and the
1473 work that this committee is doing.

1474 We thank you, Mr. Chairman, for the work that you're doing,
1475 and Congresswoman Bass. And we just wanted to welcome them here
1476 for Oklahoma and from -- Florida? New York. Thank you very
1477 much.

1478 Chairman Nadler. The Chair extends the welcome on behalf
1479 of the Committee.

1480 The question -- for what purpose does Mr. Roy seek
1481 recognition?

1482 Mr. Roy. Move to strike the last word.

1483 Chairman Nadler. The gentleman is recognized.

1484 Mr. Roy. Mr. Chairman, I appreciate the opportunity. When
1485 I first came to the Hill as a staffer in 2003, I worked on the
1486 Senate Judiciary Committee and came to know then-Senator Jeff
1487 Sessions fairly well, along with his staff. And obviously
1488 Senator Sessions went on to become the Attorney General of the

1489 United States.

1490 Senator Sessions is fairly well known for his efforts and
1491 belief as a former United States Attorney and prosecutor to take
1492 the 100 to one ratio and reduce it and introduce legislation along
1493 those lines to do it. And I had many conversations with Senator
1494 Sessions at the time asking him why, learning as a young lawyer,
1495 and talking to his staff about it. And came to the belief that
1496 the 100 to one disparity probably was in fact out of whack, and
1497 that we should make changes to that end.

1498 And there are number of Republicans who worked with Democrats
1499 across the aisle to do that. Obviously we saw a change in 20
1500 -- I think it was, and my history is a little vague here because
1501 I wasn't on the Hill at the time, but 2010, '11, '12, when we
1502 came into the Obama Administration. And then we saw that
1503 reduction from 100 to one to 18 to one.

1504 I do believe that that is a step in the right direction and
1505 a good thing to try to get to the right place. But let's remember
1506 why, let's remember why we embraced these changes in the 80s and
1507 the 90s. The levels of crime that we were seeing in our cities
1508 were at extraordinary levels.

1509 And it was in fact the Black community that came to Congress
1510 in large numbers, clergy, activists, organizations, asking for
1511 Congress to take action because of the highly addictive nature
1512 of crack cocaine, the highly negative impact on communities of

1513 crack cocaine.

1514 And so this was what the genesis of that was. And there
1515 was massive bipartisan efforts at the time, massive bipartisan
1516 agreement at the time. These are irrefutable facts. That's
1517 exactly what occurred.

1518 The question then becomes today what do we do. And as we
1519 look today at significant rising crime, significant increases
1520 of crime in our communities, when we look today at the -- the
1521 website of the Justice Department about gangs, gang violence has
1522 risen sharply, especially in large cities.

1523 There's a whole section in this section on the Department
1524 of Justice website of the nexus and the connection from gang
1525 activity to crack cocaine still today. The extent to which this
1526 is a massive problem in the communities.

1527 I then went back and looked at what Attorney General Sessions
1528 was talking about with respect to crime when he took over as
1529 Attorney General. This man who had spent a great deal of his
1530 life as Senator trying to deal with the disparity issue, which
1531 we all recognized needed to be dealt with.

1532 And when he got, and he talks about this -- drug trafficking
1533 is an inherently violent business. If you want to collect a drug
1534 debt, you can't and don't file a lawsuit in court, you collect
1535 it by the barrel of a gun. And for the approximately then 52,000
1536 Americans who died of a drug overdose in 2015, drug trafficking

1537 was a deadly business.

1538 We are now well past 52,000 drug overdoses in our country
1539 as we see the opioid epidemic raging. He wrote then, "My fear
1540 is that this surge in violent crime is not a blip but the start
1541 of a dangerous new trend, one that puts at risk the hard-won gains
1542 that have made our country a safer place."

1543 I would just say to this committee how short our memories
1544 are as we now watch what is occurring throughout our country and
1545 the significant increase in crime, the significant problems that
1546 we see. I do not want to be a part of hamstringing our law
1547 enforcement community and the U.S. Attorney's Office and
1548 prosecutors for being able to go after the baddest actors.

1549 Never in my time in the Office of the U.S. Attorney did I
1550 ever go try to lock up under federal law somebody who was, you
1551 know, smoking a joint behind the bleachers at a football game,
1552 right. We were going after the worst actors, the ones that the
1553 state came to us and said hey, this guy or this gal is a really
1554 bad actor, and here's why.

1555 And you sit down and you work with law enforcement to do
1556 that. And then you look at what you've got and you look at the
1557 penalties in front of you, and then you go make a decision to
1558 go prosecute the worst offenders.

1559 I can talk chapter and verse about federalism. I've
1560 supported some of the laws about, you know, let's defer to the

1561 states on their moves to make decisions about marijuana, for
1562 example. Crack cocaine and powder cocaine, these are lethal,
1563 dangerous drugs. And we want to talk about disparity, I'm happy
1564 to talk about bringing down the powder numbers, if we want to
1565 talk about something to further discuss disparity.

1566 But in my view, changing this by just a one-way ratchet of
1567 taking the 28 grams and going up, I think that's a problem. I
1568 think it'll hamstring our United States Attorneys from being able
1569 to go after the worst actors in our country. And for that reason,
1570 I will ask for a roll call vote, and I will vote no.

1571 I yield back to the Chairman.

1572 Chairman Nadler. The gentleman yields back. For what
1573 purpose does Ms. Bush seek recognition? For what purpose does
1574 -- for what purpose does Ms. Bush seek recognition? You're
1575 muted.

1576 Ms. Bush. Can you hear me? I move to strike the last word.

1577 Chairman Nadler. Now we can, now we can.

1578 Ms. Bush. All right. St. Louis and I thank you, Chairman
1579 Nadler. It has been a longstanding commitment from me and our
1580 St. Louis community to remedy the anti-Blackness and
1581 dehumanization that have informed crack cocaine disparities and
1582 allowed our criminal legal system to sentence thousands of people
1583 to mandatory minimum prison sentences.

1584 Growing up in St. Louis, I saw the crack cocaine epidemic

1585 rob my community of so many lives. I lived through a malicious
1586 drug war that saw Black people arrested and incarcerated for
1587 possession at a much higher rate than our White counterparts.

1588 As a nurse, I've watched Black patients be criminalized for crack
1589 use while White patients are treated for cocaine use.

1590 The vicious drug war that has prioritized punishment over
1591 treatment, violence over healing, and trauma over dignity has
1592 influenced and affected all of our lives. Our jails were not
1593 originally proposed to be treatment centers, and yet our jails
1594 have become some of the largest substance use treatment centers
1595 in America.

1596 People with a history of substance use are being sent to
1597 jails that are in no way equipped to treat their trauma or
1598 addiction. This is a public health crisis.

1599 Too often drug offenses are born out of poverty. The system
1600 allows those with wealth to more easily escape the trauma of police
1601 raids, civil asset forfeiture, and mandatory minimums because
1602 they can afford top-notch treatment or they have been given a
1603 second chance, while the rest of the country is left to hurt in
1604 silence.

1605 Today's consideration of the EQUAL Act is long overdue.
1606 Congress should never have imposed this inequity in the first
1607 place. For 35 years, rather than treat drug use, we've
1608 criminalized and stigmatized it. Too many times lives have been

1609 destroyed. Far too many families have been destabilized. And
1610 we talk about building families.

1611 And thousands of children have grown up without their parents
1612 because our prison systems have taken the place of treatment and
1613 wrap-around care. That's the devastation caused by the crack
1614 cocaine sentencing disparity, an ongoing trauma I've seen
1615 first-hand.

1616 I am compelled to support this legislation because the EQUAL
1617 Act will eliminate the disparity between crack and powder cocaine
1618 altogether and make the change retroactive, providing an
1619 opportunity for redress to those serving excessively long
1620 sentences due to this disparity.

1621 Rarely do we have legislation that not only addresses these
1622 issues, but is committed to redressing the decades of abuse and
1623 the violence this inequity have caused. I applaud my colleagues
1624 on this committee for advancing this important legislation that
1625 will undoubtedly help save thousands of lives.

1626 We must ensure this bill is not just passed, but signed into
1627 law. And that we also right the wrongs that this racist
1628 sentencing disparity have caused. This bill puts us one step
1629 closer to reducing the harms caused by a deeply carceral and
1630 punitive approach to public safety. It's long past time for it
1631 to end.

1632 I move to submit into the record a letter written by the

1633 Leadership Conference and the ACLU that discusses the importance
1634 of this legislation and how powerful it is that we have a
1635 legislation that addresses this issue retroactively.

1636 Chairman Nadler. Without objection.

1637 Ms. Bush. And I yield back.

1638 Chairman Nadler. The gentlelady yields back. For what
1639 purpose does the gentleman from Colorado seek recognition?

1640 Mr. Buck. Strike the last word.

1641 Chairman Nadler. The gentleman is recognized.

1642 Mr. Buck. I am opposed to this legislation and would just
1643 tell the gentleman from New York that if he proposed legislation
1644 that increased the penalties for powder cocaine 18 times to have
1645 -- to eliminate the disparity between these two drugs, I would
1646 welcome that.

1647 And I wonder sometimes where my colleagues, what world
1648 they're living in. At what point in time do we start speaking
1649 for the victims of crime on this committee and stop talking about
1650 mass incarceration and stop talking about racist implications
1651 of these -- the laws that are passed?

1652 What I saw, over and over again, were dead bodies from drug
1653 overdoses, from murders. My friends, the talk about these, you
1654 know, jails and prisons being used as drug rehab centers, jails
1655 and prisons are used to incarcerate people who commit murder,
1656 who commit armed robbery, who commit burglaries and commit a whole

1657 slew of violent crimes. And they are -- the people that are
1658 in there are often drug addicts, and they are driven to commit
1659 these violent crimes because of their addiction.

1660 Yes, we should be treating those addictions in prison. But
1661 we should be incarcerating people that commit these serious
1662 crimes. To pretend that we can somehow wave a wand and do away
1663 with violent crime is just crazy. We have to recognize that there
1664 is a direct link between the addictive nature of a drug and the
1665 other crimes that are being committed.

1666 Crack cocaine is different than powder cocaine. It is more
1667 addictive than powder cocaine. To treat it the same as powder
1668 cocaine is a mistake. It was reduced from 100 to one to 18 to
1669 one because much of the violence in our inner cities was reduced
1670 as a result of putting people away.

1671 And to suggest that criminals don't understand what the law
1672 is is a mistake. I prosecuted across the river crack cocaine
1673 cases where mules were bringing these drugs up from Florida.
1674 And they had exactly one gram less than the mandatory minimum
1675 amount so that they wouldn't be caught in that particular law.

1676
1677 Criminals know the law very well, and it acts as a deterrent.

1678 When we do away with laws like this, we do away with the deterrent
1679 effect of these laws. We see an increasing amount of violent
1680 crime in this country because we are not taking these drugs

1681 seriously enough.

1682 People talk about the war on drugs has failed. And I don't
1683 know that it's failed because we have too few drug rehab programs,
1684 which I'm absolutely in favor of. We reduced the crime rate in
1685 my judicial district while I was an elected district attorney
1686 with drug rehab programs. They're absolutely essential.

1687 But to suggest that we don't take the violent crime seriously
1688 and we don't recognize the impact on victims of crime from these
1689 dangerous drugs I think is a serious mistake.

1690 And I would love to work with my colleagues across the aisle
1691 to make sure that we distinguish between those who have committed
1692 violent crimes and those who are merely addicted to drugs. But
1693 there is a very close correlation between those two.

1694 Mr. Cohen. Would the gentleman yield?

1695 Mr. Buck. I'll be glad to yield.

1696 Mr. Cohen. Wouldn't the state laws still be in effect, and
1697 so if this guy's so smart that he knows not to bring the one gram
1698 in, that the state prosecutor in Colorado can still prosecute
1699 him?

1700 Mr. Chabot. Sure, and reclaiming my time.

1701 Mr. Cohen. Sure.

1702 Mr. Chabot. The purpose of arresting a mule is to work your
1703 way up an organization and be able to get the kingpins, whether
1704 they're in Jamaica, whether they're in Mexico, whether -- no

1705 matter where they are. So there is a purpose for the federal
1706 government to be able to go after someone carrying drugs. And
1707 to make sure that you have a harsh enough penalty that encourages
1708 that person to provide information in return for a reduced
1709 sentence.

1710 So there is a purpose in the federal government engaging
1711 in that. But certainly the state government, the state of
1712 Illinois has the primary jurisdiction over a murder that is gang-
1713 and drug-related in Chicago. Or the same in Los Angeles, the
1714 same in New York.

1715 The federal government has an obligation, in my opinion.
1716 Cocaine isn't grown in the United States. It's typically grown
1717 in Colombia and other countries and brought into the United
1718 States. And the U.S. Government has an obligation under our laws
1719 to try to stop that importation.

1720 I yield back.

1721 Chairman Nadler. The gentleman yields back. The question
1722 occurs on the amendment. For what purpose does --

1723 Mr. Jeffries. Move to strike the last word.

1724 Chairman Nadler. The gentleman -- I will strike the last
1725 word and yield to the gentleman.

1726 Mr. Jeffries. Thank you, Mr. Chairman.

1727 I just have great respect for the distinguished gentleman
1728 from Colorado, but I just wanted to make, you know, two

1729 observations, or three observations. One, from the
1730 crime-fighting public service, public safety perspective, you
1731 know, this change, the EQUAL Act, does have the support, as
1732 Congresswoman Demings indicated, of the major city chiefs'
1733 association. And I think they're concerned about public safety
1734 and crime fighting.

1735 And it has the support of the Association of Prosecuting
1736 Attorneys. I think they're concerned about public safety and
1737 crime fighting. And it also has the support of the National
1738 District Attorneys' Association. I think it's fair to say that
1739 they have great concern with public safety and crime fighting,
1740 not just retroactively, but the current situation as well as
1741 moving forward.

1742 And when you go back to the original 1986 law, I think it's
1743 widely understood that the notion that five grams of crack cocaine
1744 would yield effectively the same sentence of 500 grams of powder
1745 cocaine, as if there was no quantifiable difference between the
1746 two, is just extraordinary.

1747 Five grams of crack cocaine essentially would be the
1748 equivalent of these two peanuts, these two peanuts. Which would
1749 yield the same sentence as -- this is 450 grams, a little bit
1750 more than this bottle of powder cocaine, if it were powder cocaine.

1751 And so I think one of the reasons why you see people who
1752 are Democrats and Republicans, progressives and conservatives,

1753 law enforcement organizations and civil rights organizations
1754 coming together is because they recognize that the original
1755 legislation was deeply flawed, it had no justification under law.
1756

1757 And even the revision has no current justification, in part
1758 because there's scientific evidence, medical evidence that there
1759 is no pharmacological difference between how the body reacts to
1760 crack cocaine and powder cocaine. That was originally believed
1761 to be the case in 1986. But crack cocaine is not more highly
1762 addictive. That's just the medical reality. Though in 1986 that
1763 was the view.

1764 I'd also point out in 1986 that there are a lot of folks
1765 who believe that the original law in part was not simply a reaction
1766 to the violent crime that was taking place in many parts of
1767 America. Yes, that was the motivation of many and Charlie Rangel
1768 acting in good faith, as has been indicated by members on both
1769 sides of the aisle.

1770 But there was another intervening event, and that was the
1771 death of Len Bias, who, you know, was a star basketball player.

1772 Many people thought he could rival Michael Jordan. He had just
1773 been drafted by the Boston Celtics. And the night after he was
1774 drafted, he dies of a drug overdose. And it was a national story.

1775 And Congress reacted. That was a horrific death. But
1776 Congress reacted a few weeks after Len Bias's untimely passing

1777 by comparing this amount of powder cocaine to this amount of crack.

1778 It was wrong. And Democrats got it wrong. And there were some
1779 Republicans who got it wrong. It was a Democratic House, and
1780 it was a Republican President.

1781 And Democrats and Republicans today are coming together to
1782 try to fix that wrong. Which was in part inspired not by the
1783 evidence of what was happening all across America, but by Len
1784 Bias's death. As tragic as that was, we can't make public policy
1785 on that basis.

1786 And we've seen the consequences decades later of what happens
1787 when we do just that. So I'm just thankful for all my colleagues
1788 who have different views, some supportive of the EQUAL Act, some
1789 who perhaps believe that we should maintain what currently exists.

1790 This has been a very positive discussion of people with different
1791 views.

1792 But I just wanted to make sure that the record reflected
1793 that the science is very clear now, and that the motivations in
1794 part in 1986 weren't simply what was happening across the country,
1795 but it was a reaction to a particularly sensationalized event
1796 that led to doing something that clearly had adverse consequences
1797 for significant communities, not just Black communities, but low
1798 income communities of every race. Not just in the inner city,
1799 but in rural America and small America and in Appalachia as well.

1800 And I yield back.

1801 Chairman Nadler. Reclaiming my time. I just want to point
1802 out also that there are mandatory minimums for cocaine. The bill
1803 before us equalizes the penalty for the two different forms of
1804 cocaine, which are medically indistinguishable in its effect.

1805 But there are mandatory minimums now. Maybe we ought to reduce
1806 those mandatory minimums, maybe we ought to increase those
1807 mandatory minimums, but they're there.

1808 And this bill simply recognizes medical -- recognizes a
1809 medical reality that the two forms of cocaine have the same
1810 pharmacological effect.

1811 I yield back. Does anyone else seek -- for what purpose
1812 does the gentleman seek recognition?

1813 Mr. Biggs. Move to strike the last word.

1814 Chairman Nadler. The gentleman is recognized.

1815 Mr. Biggs. Thank you, Mr. Chairman.

1816 I just want to quickly read in response, appreciate the
1817 gentleman from New York and law enforcement organizations he
1818 cited. I want to read from the National Association of Police
1819 Organizations, Inc.

1820 Quote, "As crack is usually sold in much smaller quantities
1821 than powder cocaine, NAPO believes that tinkering with the --
1822 with the current sentencing structure will negatively affect the
1823 work law enforcement has done to protect our nation's communities
1824 from the crime and violence associated with crack cocaine. A

1825 reduction of crack cocaine penalties will only accelerate the
1826 destruction brought to our neighborhoods by those convicted of
1827 federal crack offenses."

1828 With that, I yield to my friend from Colorado.

1829 Mr. Buck. I thank the gentleman for yielding. And I want
1830 to indicate to the gentleman from New York, the sponsor of this
1831 bill, that I have great respect for him and don't question motives
1832 at all. And I, in my experience, crack cocaine is more addictive.

1833 And I want to just read something. I just looked this up
1834 on my phone, thank God for phones where we can get this
1835 information. But I just find it hard to believe that crack is
1836 not more addictive.

1837 And according to Web MD, an article on Web MD, "Crack is
1838 inhaled through the lung and spreads through the body, producing
1839 the high much more quickly and lasts for a shorter time than
1840 snorting cocaine," said John Diordano, an addiction counselor
1841 and the founder of National Institute for Holistic Addiction
1842 Studies. "This causes a cycle of binging and crashing which puts
1843 the user at a greater risk of dependence."

1844 And there are several other experts who are quoted as saying
1845 the same thing. So I respectfully disagree about the addictive
1846 qualities of crack cocaine and would suggest that there should
1847 be a disparity in the sentencing treatment of that. And I yield
1848 back to my friend from Arizona.

1849 Mr. Biggs. Mr. Chairman, I yield back.

1850 Chairman Nadler. The gentleman yields back. Are there any
1851 further amendments to the amendment in the nature of a substitute?
1852 In that case, the question occurs on the amendment in the
1853 nature of a substitute as amended. This bill be followed by
1854 immediately -- immediately by a vote and final passage of the
1855 bill.

1856 All those in favor, respond by saying aye.

1857 (Chorus of aye.)

1858 Chairman Nadler. Opposed, no.

1859 (Chorus of no.)

1860 Chairman Nadler. In the opinion of the Chair, the ayes have
1861 it, the amendment in the nature of a substitute is agreed to.

1862 A reporting quorum being present, the question is on the
1863 motion to report the bill H.R. 1693 as amended favorably to the
1864 House. Those in favor respond by saying aye.

1865 (Chorus of aye.)

1866 Chairman Nadler. Opposed, no.

1867 (Chorus of no.)

1868 Chairman Nadler. The ayes have it and the bill is ordered
1869 reported favorably to the House. The ayes and nays are requested.
1870 The Clerk will call the roll.

1871 Mr. Buck. Thanks, Mr. Chairman.

1872 Ms. Fontenot. Mr. Nadler.

1873 Chairman Nadler. Aye.

1874 Ms. Fontenot. Mr. Nadler votes aye.

1875 Ms. Lofgren.

1876 Ms. Lofgren. Aye.

1877 Ms. Fontenot. Ms. Lofgren votes aye.

1878 Ms. Jackson Lee.

1879 Ms. Jackson Lee. Aye.

1880 Ms. Fontenot. Ms. Jackson Lee votes aye.

1881 Mr. Cohen.

1882 Mr. Cohen. Aye.

1883 Ms. Fontenot. Mr. Cohen votes aye.

1884 Mr. Johnson of Georgia.

1885 Mr. Johnson of Georgia. Aye.

1886 Ms. Fontenot. Mr. Johnson of Georgia votes aye.

1887 Mr. Deutch.

1888 Mr. Deutch. Aye.

1889 Ms. Fontenot. Mr. Deutch votes aye.

1890 Ms. Bass.

1891 Ms. Bass. Aye.

1892 Ms. Fontenot. Ms. Bass votes aye.

1893 Mr. Jeffries.

1894 Mr. Jeffries. Aye. Ms. Fontenot. Mr. Jeffries votes aye.

1895 Mr. Cicilline.

1896 Mr. Cicilline. Aye.

1897 Ms. Fontenot. Mr. Cicilline votes aye.
1898 Mr. Swalwell. Mr. Swalwell.
1899 Mr. Swalwell. Aye.
1900 Ms. Fontenot. Mr. Swalwell votes aye.
1901 Mr. Lieu.
1902 Mr. Lieu. Aye.
1903 Ms. Fontenot. Mr. Lieu votes aye.
1904 Mr. Raskin.
1905 Ms. Jayapal.
1906 Ms. Jayapal. Aye.
1907 Ms. Fontenot. Ms. Jayapal votes aye.
1908 Ms. Demings.
1909 Ms. Demings. Aye.
1910 Ms. Fontenot. Ms. Demings votes aye.
1911 Mr. Correa.
1912 Mr. Correa. Aye.
1913 Ms. Fontenot. Mr. Correa votes aye.
1914 Ms. Scanlon.
1915 Ms. Scanlon. Aye.
1916 Ms. Fontenot. Ms. Scanlon votes aye.
1917 Ms. Garcia.
1918 Ms. Garcia. Aye.
1919 Ms. Fontenot. Ms. Garcia votes aye.
1920 Mr. Neguse.

1921 Mr. Neguse. Aye.

1922 Ms. Fontenot. Mr. Neguse votes aye.

1923 Ms. McBath.

1924 Mrs. McBath. Aye.

1925 Ms. Fontenot. Ms. McBath votes aye.

1926 Mr. Stanton.

1927 Mr. Stanton. Aye.

1928 Ms. Fontenot. Mr. Stanton votes aye.

1929 Ms. Dean.

1930 Ms. Dean. Aye.

1931 Ms. Fontenot. Ms. Dean votes aye.

1932 Ms. Escobar.

1933 Ms. Escobar. Aye.

1934 Ms. Fontenot. Ms. Escobar votes aye.

1935 Mr. Jones.

1936 Ms. Ross.

1937 Ms. Ross. Aye.

1938 Ms. Fontenot. Ms. Ross votes aye.

1939 Ms. Bush.

1940 Ms. Bush. Bush votes aye.

1941 Ms. Fontenot. Ms. Bush votes aye.

1942 Mr. Jordan.

1943 Mr. Jordan. Yes.

1944 Ms. Fontenot. Mr. Jordan votes yes.

1945 Mr. Chabot.

1946 Mr. Chabot. Aye.

1947 Ms. Fontenot. Mr. Chabot votes aye.

1948 Mr. Gohmert.

1949 Mr. Gohmert. Aye.

1950 Ms. Fontenot. Mr. Gohmert votes aye.

1951 Mr. Issa.

1952 Mr. Issa. Aye.

1953 Ms. Fontenot. Mr. Issa votes aye.

1954 Mr. Buck.

1955 Mr. Buck. No.

1956 Ms. Fontenot. Mr. Buck votes no.

1957 Mr. Gaetz.

1958 Mr. Johnson of Louisiana.

1959 Mr. Johnson of Louisiana. Aye.

1960 Ms. Fontenot. Mr. Johnson of Louisiana votes aye.

1961 Mr. Biggs.

1962 Mr. Biggs. No.

1963 Ms. Fontenot. Mr. Biggs votes no.

1964 Mr. McClintock.

1965 Mr. McClintock. Aye.

1966 Ms. Fontenot. Mr. McClintock votes aye.

1967 Mr. Steube.

1968 Mr. Steube. No.

1969 Ms. Fontenot. Mr. Steube votes no.

1970 Mr. Tiffany.

1971 Mr. Massie.

1972 Mr. Massie. Aye.

1973 Ms. Fontenot. Mr. Massie votes aye.

1974 Mr. Roy.

1975 Mr. Roy. No.

1976 Ms. Fontenot. Mr. Roy votes no.

1977 Mr. Bishop.

1978 Mr. Bishop. Yes.

1979 Ms. Fontenot. Mr. Bishop votes yes. Ms. Fischbach.

1980 Ms. Fischbach. No.

1981 Ms. Fontenot. Ms. Fischbach votes no.

1982 Ms. Spartz.

1983 Mrs. Spartz. Yes.

1984 Ms. Fontenot. Ms. Spartz votes yes. Mr. Fitzgerald.

1985 Mr. Bentz.

1986 Mr. Bentz. Mr. Bentz votes yes.

1987 Ms. Fontenot. Mr. Bentz votes yes.

1988 Mr. Owens. Mr. Owens.

1989 Chairman Nadler. Mr. Owens, put on your mic. Yeah, why

1990 don't you try thumbs up or thumbs down since we can't hear you.

1991 I'll take that as an aye vote. Okay.

1992 Ms. Fontenot. Mr. Owens votes aye.

1993 Mr. Raskin. Mr. Chairman, how am I recorded?

1994 Chairman Nadler. Mr. Raskin.

1995 Mr. Raskin. I vote aye.

1996 Ms. Fontenot. Mr. Raskin votes aye.

1997 Chairman Nadler. Mr. Fitzgerald.

1998 Mr. Fitzgerald. Aye. Ms. Fontenot. Mr. Fitzgerald

1999 votes aye.

2000 Chairman Nadler. The Clerk will report.

2001 Ms. Fontenot. Mr. Chairman, there are 36 ayes and 5 noes.

2002 Chairman Nadler. The ayes have it. The bill is amended

2003 as reported -- ordered reported favorably to the House. Members

2004 will have two days to submit views. Without objection the bill

2005 will be reported a single amendment in the nature of a substitute,

2006 incorporating all adopted amendments. And the staff is

2007 authorized to make technical and conforming changes.

2008 Pursuant to notice, I now call up H.R. 4035, the Real Justice

2009 for Our Veterans Act of 2021 for purposes of markup and move that

2010 the Committee report the bill favorably to the House.

2011 [The Bill H.R. 4035 follows:]

2012

2013 *****COMMITTEE INSERT*****

2014 Chairman Nadler. The Clerk will report the bill.

2015 Ms. Fontenot. H.R. 4035, to amend the Omnibus Crime Control
2016 and Safe Streets Act of 1968 to prioritize veterans court
2017 treatment programs and ensure equal access for racial and ethnic
2018 minorities and women and for other purposes.

2019 Chairman Nadler. Without objection, the bill is considered
2020 as read and open for amendment at any point. I will begin by
2021 recognizing myself for an opening statement.

2022 H.R. 4035, the Real Justice for Our Veterans Act of 2021,
2023 is an important bill to buttress the veterans court system by
2024 ensuring that the most effective rehabilitative treatments are
2025 implemented and are available to all veterans who need them.

2026 This bill would also expand access to rehabilitative
2027 services to veterans who would otherwise qualify for treatment
2028 and alternatives to incarceration but who do not have a veterans
2029 treatment court in their jurisdiction.

2030 For more than a decade, veterans treatment court programs
2031 around the country have successfully provided support to veterans
2032 struggling with substance abuse or mental health issues. These
2033 courts allow qualifying veterans to receive court-supervised
2034 comprehensive treatment provided by the Department of Veterans
2035 Affairs or community organizations providing mental health or
2036 substance abuse treatment.

2037 Because veterans -- because veterans courts across the

2038 country offer so many different and wide ranging services,
2039 comprehensive data collection is needed to discern and replicate
2040 the most promising methods. That is why the Real Justice for
2041 Our Veterans Act would expand data collection on the effectiveness
2042 of certain treatment practices in reducing recidivism.

2043 In addition, the bill would ensure that referrals to veterans
2044 treatment courts are determined in a fair and equitable manner.

2045 The bill would also establish a pilot program to examine
2046 promising and innovative treatment and rehabilitation programs.

2047 Finally, the bill opens up treatment courts to veterans who
2048 otherwise qualify for veterans treatment court but who live in
2049 a jurisdiction where a veterans court has not yet been
2050 established. In doing so, the bill ensures that the maximum
2051 number of veterans are offered the chance to get the support they
2052 need and to avoid incarceration.

2053 These are modest but important changes to the veterans
2054 treatment court program, and these improvements come at a time
2055 when our country stands at an inflection point. Nearly 20 years
2056 of war in Afghanistan are coming to an end. Over the course of
2057 the last two decades, millions of American service members have
2058 served abroad fighting on behalf of our nation.

2059 As the final troops come home, we must answer the call as
2060 a country to support veterans and their families during any and
2061 all challenges that they face. As of this year, there are roughly

2062 21 million veterans of the United States armed forces. Among
2063 these veterans, there are over a million people diagnosed with
2064 service-connected disabilities, in addition to the many more who
2065 may not have had an official diagnosis.

2066 By some estimates, nearly one in ten veterans who return
2067 from the wars in Iraq and Afghanistan will have an encounter with
2068 the criminal justice system. Of those incarcerated veterans
2069 surveyed by the Bureau of Justice Statistics, 48% of those in
2070 prison and 55% of those in jail reported that they had been told
2071 by a mental health professional that they had a mental health
2072 disorder.

2073 The Bureau of Justice Statistics found that the number of
2074 incarcerated veterans who had seen combat who reported mental
2075 health disorders was even higher, 60% of those in prison and 67%
2076 of those in jail.

2077 Another study conducted in the first decade of the Iraq and
2078 Afghanistan wars estimated that one-third of service members
2079 previously deployed to Iraq or Afghanistan suffered from
2080 post-traumatic stress disorder, PTSD; major depression; or
2081 traumatic brain injury, TBI.

2082 Despite these somber statistics, there is some hope.
2083 Veteran defendants who successfully complete veterans courts
2084 programs can avoid jail time, receive needed treatment, and have
2085 their records expunged. That is why today we take up the Real

2086 Justice for Our Veterans Act of 2021.

2087 The beneficiaries of expanded and improved veterans
2088 treatment court services are some of the most deserving of our
2089 fellow Americans. They have sacrificed on behalf of their
2090 country, sometimes returning home with unseen wounds of war.
2091 These programs provide veterans with holistic rehabilitative
2092 services and reduce recidivism rates and ultimately benefit
2093 individuals as well as the community at large.

2094 I am proud to be a co-sponsor of this important legislation,
2095 and I thank Chairwoman Jackson Lee for her leadership as the author
2096 of this bill, and for her continued dedication and support to
2097 our veterans. I support this bill, and I urge its quick adoption
2098 by the Committee today.

2099 I now recognize the ranking member of the Judiciary
2100 Committee, the gentleman from Ohio, Mr. Jordan, for his opening
2101 statement.

2102 Mr. Jordan. Thank you, Mr. Chairman. The United States
2103 of America is the greatest country in the history of the world.

2104 I frankly think it's something we should say a little more often
2105 around this place. And a large part of that reason, of course,
2106 is for the greatness in the men and women of our military.

2107 These men and women and their families make sacrifices for
2108 our country. Sometimes they make the ultimate sacrifice. And
2109 the wounds of war oftentimes follow our heroes home. Many

2110 veterans suffer from substance use disorders, mental health
2111 conditions, and trauma. As a result, many veterans end up in
2112 the criminal justice system.

2113 Veterans treatment court programs are modeled after other
2114 treatment court programs such as drug treatment courts to provide
2115 services specific to meet the unique needs of a group, in this
2116 case, our veterans.

2117 Veterans treatment courts are not only designed to benefit
2118 veterans in the criminal justice system, but taxpayers as well.

2119 These programs lower recidivism for participants who complete
2120 them, saving money that would have otherwise been spent on
2121 incarceration.

2122 The bill before us today authorizes a pilot program to make
2123 grants to improve retention rates in veterans treatment court
2124 programs. It also allows veterans in jurisdictions that do not
2125 operation veterans court programs to participate in drug courts
2126 instead.

2127 I appreciate the bipartisan work on this legislation and
2128 look forward to our discussion and this bill moving. Thank you.

2129 Chairman Nadler. The gentleman yields back. I now
2130 recognize the Chair of the Subcommittee on Crime, Terrorism, and
2131 Homeland Security, the gentlelady from Texas, Ms. Jackson Lee,
2132 for her opening statement.

2133 Ms. Jackson Lee. [Inaudible] greatness of our nation,

2134 recognized our greatness through the whole idea of the men and
2135 women -- men and women who serve. And over the years we have
2136 faltered in our response to their needs.

2137 There is no doubt if we begin in our present lifetime to
2138 look at some of the wars that we currently have history of,
2139 starting with the Vietnam War, not ignoring World War II or the
2140 Korean War, World War I, or any others, but we have a current
2141 image of Vietnam vets, of whom we note that many of them are
2142 homeless and many of them are afflicted with the disease of drug
2143 usage and of course abandonment, PTSD.

2144 And that transcends itself or continues through our soldiers
2145 in other conflicts, including both Iraq and Afghanistan. They
2146 cry out for help.

2147 So I thank you, Mr. Chairman, for calling up my bill, H.R.
2148 4035, the Real Justice for Our Veterans Act. I recall introducing
2149 some years ago when Chairman Mercer was alive, he worked with
2150 me extensively to create an offsite PTSD center away from a
2151 veterans hospital in a neighborhood where veterans could come
2152 who were homeless to get treatment for PTSD.

2153 It was like a bright light, and I hope this bill will be
2154 a bright light. This straightforward bill would build upon the
2155 ongoing success of veterans courts. It will ensure that the most
2156 effective alternative treatment courts are accessible to all
2157 qualified veterans.

2158 As amended in the nature of a substitute, this bill has three
2159 primary goals. First, the bill would expand data collection
2160 regarding the effectiveness of veterans courts. Second, it
2161 authorizes a pilot program that would investigate and promote
2162 promising retention models in veterans and drug courts. Third,
2163 it would open up drug treatment courts to veterans in areas where
2164 there may not be a veterans court.

2165 There is a great disparity between the number of drug courts
2166 and the number of veterans courts. We want our veterans
2167 everywhere to have access to the idea of treatment for whatever
2168 ails them as relates to their war duties or their military service.

2169 In doing so, this provision enables veterans who qualify
2170 for veterans court to participate in a drug treatment program
2171 in locations that haven't established a veterans court yet. This
2172 measure would ensure that access would be available to a broader
2173 number of qualifying veterans, even those that may have more
2174 serious past offenses.

2175 The veterans court program from my hometown of Houston, TX,
2176 inspired this legislation. 2009, Harris County created the first
2177 veterans treatment court in the state of Texas. In Harris County,
2178 our veterans treatment court provides program participants with
2179 integrated treatment services, including traditional substance
2180 abuse treatment, vocational rehabilitation, mental healthcare,
2181 and veterans benefits.

2182 These programs, along with additional support from the
2183 Veterans Administration, provide judges, prosecutors, and
2184 participants a wide range of rehabilitative options. Even though
2185 current data is limited, there is sufficient evidence to suggest
2186 that other veteran treatment courts across the country could
2187 benefit from adopting the innovative practices underway in
2188 Houston and elsewhere.

2189 The need for more widespread, innovative, and multifaceted
2190 approaches is clear. By one estimate, approximately nine percent
2191 of veterans who served in Iraq and Afghanistan have arrested --
2192 have been arrested since returning home. Again, nine percent
2193 of veterans who served our country, some wounded in Iraq and
2194 Afghanistan, seen their brothers and sisters having lost their
2195 life in battle, arrested -- have been arrested since returning
2196 home.

2197 Based on the most recent data, the Bureau of Justice
2198 Statistics estimate that approximately 181,500 veterans were
2199 incarcerated in jails, as well as state and federal prisons.
2200 Veterans have served our country and deserve the best chance at
2201 a successful rehabilitation possible. I would indicate that in
2202 some of our visits to the prison system, we have met some of these
2203 veterans.

2204 In addition, this legislation authorizes a new pilot program
2205 that allows DOJ to test promising retention programs that promote

2206 greater enrollment and participation by veterans through the
2207 duration of their treatment program. If there's a rehabilitative
2208 therapy out there than can improve veteran outcomes and reduce
2209 recidivism, return them to their families, their lives, and their
2210 occupations, we should be dedicating the resources to test out
2211 the model.

2212 Expanding access for veteran rehabilitation means offering
2213 those who live outside a jurisdiction that has veterans court
2214 a chance of rehabilitation and access to a veterans court, which
2215 is the underlying purpose and value of this legislation.

2216 Currently the federal law bars those who have a past violent
2217 conviction from participating in drug treatment courts. The same
2218 is not true of veterans courts. Veterans who have a past
2219 convictions and are otherwise qualified may be referred to a
2220 veterans treatment court.

2221 We do owe these service members, these persons who have been
2222 in battle, who have experienced things that we have never seen,
2223 we owe their moment of justice. The effect of this ban means
2224 that veterans who have a past conviction and live in one of the
2225 approximately 1,500 jurisdictions where there is no veterans but
2226 there is a drug treatment court are barred from participating
2227 in rehabilitative treatment. This is absurd, and my bill
2228 corrects this error.

2229 In the immediate future, I also plan to introduce legislation

2230 eliminating the so-called previous conviction bar from drug
2231 treatment court. Regardless of past offenses, any qualified
2232 participant should be considered for these meaningful programs.

2233 A life changed around is a life that is better for this nation.

2234 Past legislative efforts to strengthen veterans treatment
2235 court have yielded broad support. I hope my colleagues on the
2236 Committee in a bipartisan manner will support this bill today.

2237 Mr. Chairman, thank you for your courtesies. I yield back.

2238 Chairman Nadler. The gentlelady yields back. I now
2239 recognize the ranking member of the Crime Subcommittee, the
2240 gentleman from Arizona, Mr. Biggs, for his opening statement.

2241 Mr. Biggs. Thank you, Mr. Chairman.

2242 We owe much of what we value in this country to our veterans.

2243 Our veterans have earned our respect and our gratitude.

2244 Sometimes we don't do enough to recognize the sacrifices they
2245 have made for this great country.

2246 Unfortunately for some, the trauma they experience on the
2247 battlefield doesn't stay there. It follows them home and
2248 manifests itself in substance abuse and/or mental health
2249 problems. Those problems can lead veterans to find themselves
2250 in the criminal justice system.

2251 Veterans courts provide an opportunity for these veterans
2252 to receive treatment and assistance that may help address
2253 underlying conditions and help -- and prevent them from facing

2254 more serious repercussions.

2255 In a number of jurisdictions in my home state, we have these
2256 types of courts for veterans, and also substance abuse courts.

2257 They have been highly effective. This bill aims to strengthen
2258 veterans court programs, which will hopefully help our veterans
2259 to not find their way back into the criminal justice system.

2260 Chairman Nadler mentioned traumatic brain injury and PTSD.

2261 Indeed, there are many veterans who suffer from the effects of
2262 traumatic brain injury, or TBI, and PTSD. A proven aid to
2263 veterans with TBI and PTSD is hyperbaric oxygen treatment. HBOT
2264 should be recognized by the Veterans Administration, and HBOT
2265 should be regularized as treatment for the veteran -- for veterans
2266 suffering from PTSD and TBI.

2267 I hope that that will become part of the treatments that
2268 are offered through the veterans courts as jurisdictions expand
2269 and use these more regularly.

2270 With that, Mr. Chairman, I thank you for the opportunity,
2271 and I yield back.

2272 Chairman Nadler. The gentleman yields back. Without
2273 objection, all other opening statements will be included in the
2274 record.

2275 I now recognize myself for purposes of offering an amendment
2276 in the nature of a substitute. The Clerk will report the
2277 amendment.

2278 [The amendment offered by Chairman Nadler follows:]

2279

2280 *****COMMITTEE INSERT*****

2281 Ms. Fontenot. Amendment in the nature of a substitute to
2282 H.R. 4035 offered by Mr. Nadler. Strike all after the --
2283 Chairman Nadler. Without objection the amendment in the
2284 nature of a substitute will be considered as read and it shall
2285 be considered as base text for purposes of amendment. I will
2286 recognize myself to explain the amendment.

2287 The amendment in the nature of a substitute makes one
2288 substantive change. As introduced, the Real Justice for Our
2289 Veterans Act of 2021 contained a preference for veterans court
2290 grants -- for veterans court grant applicants that meet certain
2291 conditions. The amendment eliminates that preference
2292 consideration.

2293 Instead, the Attorney General's report will include an
2294 analysis of referral practices, including consideration of
2295 demographic information. This is a modest but important change,
2296 and I urge all members to support the amendment.

2297 I yield back the balance of my time. Are there any
2298 amendments to the amendment in the nature of a substitute?

2299 For what purpose does Mrs. McBath seek recognition?

2300 Mrs. McBath. Thank you, Mr. Chairman.

2301 And I really want to thank our colleague, Representative
2302 Sheila Jackson Lee, for bringing forth this really important piece
2303 of legislation, as I, myself, work a great deal with the veterans
2304 community in my district.

2305 And I know that one of the privileges that I have had in
2306 Congress is to work to improve the lives of those that have really
2307 given so much to our country and to our nation, and that is our
2308 veterans. And I come from a family of many veterans, and I'm
2309 proud to have a veteran actually working in my district office
2310 to help serve our veterans in our community.

2311 We all know that our veterans sometimes pay a great cost
2312 in terms of their physical health in service to our country, but
2313 many also suffer from depression, anxiety, PTSD, and other mental
2314 health conditions. And some also face the burdens of addiction.

2315 Veteran Treatment Courts play an important role in helping
2316 our veterans who have mental health or drug problems when they
2317 get involved with our criminal justice system. And often, these
2318 are people who need just simply treatment, counseling, and
2319 mentorship, not a prison sentence.

2320 While every program is different, they are all designed to
2321 provide structure, accountability, and a path forward for those
2322 who are willing to get the treatment that they need or to do the
2323 hard work of facing their own addictions.

2324 And I've been proud to support our Veteran Treatment Courts
2325 in my community, and this bill will make sure that more veterans
2326 get the help that they need to get back on track again, and to
2327 again become the pillars of our communities that they really so
2328 often are.

2329 And I am pleased that this bill has provisions that will
2330 improve data collection. With this data, we can better develop
2331 the best practices for Veteran Treatment Courts and do even more
2332 to reduce recidivism. We'll also be able to see whether or not
2333 these courts are serving the needs of all our veterans, including
2334 women and, most specifically, veterans of color.

2335 Our brave men and women, they sacrifice so very much to
2336 protect our democratic ideals. And when they end their service,
2337 we must see to it that we take care of them, whether their needs
2338 are physical, mental, or behavioral. And the Real Justice for
2339 Our Veterans Act is a part of that effort, and I thank
2340 Congresswoman, once again, Sheila Jackson Lee and the chair of
2341 the Crime Subcommittee for introducing this legislation. I am
2342 pleased to support it.

2343 And I yield back the balance of my time.

2344 Chairman Nadler. The gentlelady yields back.

2345 For what purpose does Ms. Ross seek recognition?

2346 Ms. Ross. Mr. Chairman, I move to strike the last word.

2347 Chairman Nadler. The gentlelady is recognized.

2348 Ms. Ross. Thank you very much, Mr. Chairman.

2349 This bill, led by our colleague, Congresswoman Jackson Lee,
2350 marks a critical step in ensuring that our veterans are properly
2351 cared for within our criminal justice system. Veterans suffer
2352 disproportionate rates of substance abuse that are often related

2353 to mental illness. Such mental health disorders, if untreated,
2354 can lead many veterans to become involved in the criminal justice
2355 system. My dad was a psychiatrist in the Air Force during the
2356 Vietnam era and saw the effects that war can have on our service
2357 members.

2358 Treatment Courts provide a key resource for veterans because
2359 their judges have demonstrated experience in handling veterans'
2360 cases and understand factors that lead to veteran involvement
2361 in the criminal justice system. These courts possess
2362 institutional knowledge of veteran-targeted resources that can
2363 be offered in lieu of incarceration.

2364 As a Representative of a State and a district with a large
2365 veteran population, I care deeply about ensuring that gender or
2366 race does not dictate access to Veteran Treatment Courts. I urge
2367 my colleagues to support this legislation, as a promising path
2368 forward to care for our veterans who have sacrificed so much for
2369 our country.

2370 And, Mr. Chairman, I yield back.

2371 Chairman Nadler. The gentlelady yields back.

2372 For what purpose does Ms. Scanlon seek recognition?

2373 Ms. Scanlon. Thank you, Mr. Chairman.

2374 And I also want to thank Chairman Jackson Lee for her
2375 leadership in introducing this important bill.

2376 As several of our colleagues have mentioned, too often our

2377 veterans suffer wounds of war that make them more vulnerable to
2378 substance abuse disorder and mental health challenges that can
2379 lead them into the criminal justice system.

2380 I want to share a few words from a veteran who now serves
2381 in Philadelphia's Veterans Treatment Court. "After returning
2382 to Philadelphia from Iraq in 2003, it took me only four days to
2383 see the inside of a jail cell. I was arrested for aggravated
2384 assault. My drinking, and eventually drugging, had given me all
2385 of what I thought I needed to transition back into society. I
2386 was wrong. It was exactly what I didn't need. I put a band-aid
2387 on my emotions by using substances to get through each day. Those
2388 substances destroyed my life. I had seven arrests and spent a
2389 year in prison. I lost my family, and what hurt the most was
2390 not being with my daughter for the first four years of her young
2391 life. Something had to change if I was going to survive.

2392 After my final arrest, I was put into the Philadelphia's
2393 Veterans Court. There is no question it saved my life. I found
2394 other veterans who were all working on the same mission, the
2395 mission of recovery. Help is what we get in Veterans Treatment
2396 Courts. My life began to change.

2397 After graduation from Veterans Court, I decided to stick
2398 around and continue to be a volunteer for the new veterans coming
2399 into court each week. My mission about recovery isn't just about
2400 me; it's the younger version of me who was about to see the inside

2401 of a jail cell for the first time."

2402 What Veterans Courts do is make sure that veterans don't
2403 see the inside of those jail cells more than once. For veterans
2404 who rely on the Veteran Treatment Courts for substance abuse and
2405 mental health treatment services, it's critical that we ensure
2406 that those programs are using evidence-based treatments. This
2407 bill will accomplish that, while also guaranteeing that the
2408 quality and access to care is equal for racial and ethnic
2409 minorities and women.

2410 I'm also glad to see the language includes a pilot program
2411 that aims to improve retention rates in veteran court treatment
2412 programs and encourage programs to improve their completion
2413 rates. Veterans who have sacrificed their physical and mental
2414 safety for our country should have the highest level of care upon
2415 their return. This includes access to substance abuse and mental
2416 health resources, as this bill ensures; and also, legal aid to
2417 ensure that they can take advantage of the programs they're
2418 entitled to.

2419 That's why I've introduced the bipartisan Veterans Medical
2420 Legal Partnership Act, which would provide grants to state and
2421 local governments to create medical-legal partnerships aimed at
2422 ensuring access to legal services for veteran, ultimately,
2423 reducing homelessness and recidivism and preventing
2424 victimization among former service members.

2425 I look forward to working with my colleagues to move that
2426 bipartisan piece of legislation and other veteran-focused
2427 legislation through our committee. And I encourage my colleagues
2428 to support the Real Justice for Our Veterans Act, which would
2429 make meaningful change for our veterans.

2430 Thank you again, Chairwoman Jackson Lee, for your leadership
2431 and focus on this important issue.

2432 I yield back.

2433 Chairman Nadler. The gentlelady yields back.

2434 For what purpose does Mr. Correa seek recognition?

2435 Mr. Correa. Move to strike the last word, Mr. Chairman.

2436 Chairman Nadler. The gentleman is recognized.

2437 Mr. Correa. Thank you. And I also want to stand to thank
2438 my colleague, Ms. Jackson Lee, for this important legislation.

2439 In my home county, Orange County, California, we also have
2440 a drug court, treatment court, homeless court, veterans court.

2441 And I've seen the difference that these courts can make in a
2442 person's life -- instead of having a confrontational criminal
2443 court environment, a prosecutor, defense attorney, probation
2444 officer, social service workers, all teaming up to make sure that
2445 veterans receive the services they need to get back on their feet.

2446 This bill is a tremendous step forward, but it's not enough.

2447 We also have veterans, veterans that have fought for our nation,
2448 served with honor, and have been discharged honorably, and these

2449 vets, legal immigrants with green cards, get into trouble because
2450 of things like PTSD, and then, have their green card and residency
2451 removed, pulled, and are then deported.

2452 These veterans, under current law, cannot return to the
2453 United States. However, once they die in foreign soil, they can
2454 have their bodies returned to the United States and buried in
2455 a national cemetery. What a terrible travesty of justice. As
2456 has been said many times here today, our veterans deserve better.

2457 And with that, I yield.

2458 Chairman Nadler. The gentleman yields back.

2459 Are there any amendments to the amendment in the nature of
2460 a substitute?

2461 [No response.]

2462 The question occurs on the amendment in the nature of a
2463 substitute.

2464 This will be followed immediately by a vote on final passage
2465 of the bill.

2466 All those in favor, respond by saying aye.

2467 Opposed, no.

2468 In the opinion of the chair, the ayes have it and the
2469 amendment in the nature of a substitute is agreed to.

2470 A reporting quorum being present, the question is on the
2471 motion to report the bill H.R. 4035, as amended, favorably to
2472 the House.

2473 Those in favor, respond by saying aye.

2474 Opposed, no.

2475 The ayes have it and the bill is ordered reported favorably
2476 to the House.

2477 Members will have two days to submit views.

2478 Without objection, the bill will be reported as a single
2479 amendment in the nature of a substitute incorporating all adopted
2480 amendments, and staff is authorized to make technical and
2481 conforming changes.

2482 For what purpose does Ms. Jackson Lee seek recognition?

2483 Ms. Jackson Lee. Mr. Chairman, I'm pleased to ask to be
2484 able to submit into the record a letter of support for the Real
2485 Justice for Our Veterans Act from the National Association of
2486 Drug Court Professionals. I ask unanimous consent to submit it
2487 into the record.

2488 Chairman Nadler. Without objection.

2489 [The information follows:]

2490

2491 ***** COMMITTEE INSERT *****

2492 Ms. Jackson Lee. And I'd like to submit into the record
2493 an article from The New York Times, "Suicides Among Post-9/11
2494 Veterans Are Four Times as High as Combat Vets, a New Study Finds,"
2495 June 22, 2021. I ask unanimous consent.

2496 Chairman Nadler. Without objection.

2497 [The information follows:]

2498

2499 ***** COMMITTEE INSERT *****

2500 Ms. Jackson Lee. Thank you. Thank you, Members.

2501 Chairman Nadler. Pursuant to notice, I now call up H.R.

2502 3372, the One Stop Shop Community Reentry Program Act of 2021

2503 for purposes of markup, and move that the committee report the

2504 bill favorably to the House.

2505 The clerk will report the bill.

2506 Ms. Fontenot. "H.R. 3372, to authorize implementation" --

2507 Chairman Nadler. Without objection, the bill is considered

2508 as read and open for amendment at any point.

2509 [The bill H.R. 3372 follows:]

2510

2511 ***** COMMITTEE INSERT *****

2512 Chairman Nadler. I'll begin by recognizing myself for an
2513 opening statement.

2514 I am proud to support H.R. 3372, the One Stop Shop Community
2515 Reentry Program Act of 2021. This bipartisan, bicameral
2516 legislation, which passed the committee in the House last
2517 Congress, would authorize grants to community organizations to
2518 create centralized reentry, intake, and coordination centers.

2519 These centers would serve as the home base for individuals
2520 recently released from correctional facilities, as they go
2521 through the difficult process of rejoining their communities.

2522 At one stop reentry centers, reentering individuals would
2523 be provided personalized step-by-step assistance to access the
2524 resources, both public and private, that are needed to
2525 successfully integrate back into the communities. At the one
2526 stop center, reentering individuals would be given assistance
2527 at every step of the way -- from the moment they are released
2528 until they have the capability to fully rejoin their communities.

2529 This important legislation recognizes that a comprehensive
2530 reentry approach is needed to improve reentry outcomes, which,
2531 ultimately, has the effect of improving public safety. The bill
2532 adopts a whole-person approach that would ensure that all elements
2533 of a returning individual's life are supported. This includes
2534 transportation to and from appointments, temporary housing,
2535 assistance applying for benefits and job training.

2536 Additionally, for those who have formal reentry plans, the one
2537 stop community reentry centers proposed by this bill would also
2538 provide case management and wraparound support.

2539 The challenges faced by individuals returning from prison
2540 are great and they warrant the type of support the One Stop Shop
2541 Community Reentry Program Act would authorize. Unfortunately,
2542 the reentry support services that many prisoners receive while
2543 incarcerated do not sufficiently prepare them for the transition
2544 back to their communities. Many incarcerated individuals also
2545 have preexisting conditions that make reentry even more
2546 difficult. Physical disabilities, mental health concerns, and
2547 substance abuse issues further complicate reentry plans, and
2548 additional support, like those detailed in H.R. 3372, are needed
2549 to promote successful outcomes.

2550 Specialists employed at one stop centers can build
2551 relationships with providers, private groups, religious
2552 organizations, and public agencies to build networks of support
2553 that will help returning individuals get the care and support
2554 they need to succeed. Inadequate reentry support leads to
2555 recidivism is unnecessary financial strain on the community.
2556 Both the short- and long-term costs associated with incarceration
2557 pale in comparison against the minimal front-end costs associated
2558 with a successful reentry.

2559 Of the few studies that have assessed the effectiveness of

2560 reentry services, a number have found that more robust and
2561 comprehensive reentry services are better at reducing recidivism
2562 and promoting the long-term success of reentering individuals.

2563 This bill offers greater opportunities for success for
2564 individuals returning from prison as well as their communities.

2565 I thank Representative Bass, Representative Reschenthaler,
2566 and their bipartisan cosponsors for introducing this important
2567 legislation again, and I urge my colleagues to join me in
2568 supporting the bill.

2569 I now recognize the ranking member of the Judiciary
2570 Committee, the gentleman from Ohio, Mr. Jordan, for his opening
2571 statement.

2572 Mr. Jordan. Thank you, Mr. Chairman.

2573 Successful reentry into society helps reduce recidivism,
2574 improve public safety, and save taxpayer dollars. We have seen
2575 successful criminal justice reform programs, including reentry
2576 programs, work in Republican-led states like Texas. This is a
2577 worthwhile goal and something that President Trump and his
2578 administration prioritized.

2579 H.R. 3372 would build on President Trump's strong record
2580 of criminal justice reforms, and I am pleased that my Democrat
2581 colleagues are following on his lead. In 2018, he signed the
2582 FIRST STEP Act into law. The FIRST STEP Act reauthorized the
2583 Second Chance Act, a 2007 law aimed at reducing recidivism and

2584 improving outcomes for people returning from incarceration.
2585 H.R. 3372 applies a holistic approach to reentry to achieve
2586 results that are more favorable to the offender and to our
2587 communities.

2588 While this goal is important, I do think it's important we
2589 understand the bill authorizes programs duplicative of existing
2590 federal grant programs already authorized by the Second Chance
2591 Act. In other words, grants that would be created by H.R. 3372
2592 can be funded currently with currently authorized and
2593 appropriated programs. Overall, I think this is a good piece
2594 of legislation, and I yield back.

2595 Chairman Nadler. The gentleman yields back.

2596 I now recognize the chair of the Subcommittee on Crime,
2597 Terrorism, and Homeland Security, the gentlelady from Texas, Ms.
2598 Jackson Lee, for her opening statement.

2599 Ms. Jackson Lee. Thank you, Mr. Chairman, and I thank the
2600 author of this legislation as well.

2601 I rise in strong support of H.R. 3372, the One Stop Shop
2602 Community Reentry Program, and applaud our colleague,
2603 Representative Karen Bass, for authoring this bill and for her
2604 work on important reentry issues.

2605 This bill is a compassionate, common-sense measure. It
2606 makes sense for the individual leaving incarceration and the
2607 community that they are returning to. All but 5 percent of people

2608 who are incarcerated are eventually released. That means 95
2609 percent of those currently incarcerated will have to make the
2610 difficult journey to reentry and make a new life for themselves.

2611 Starting life anew is difficult enough; we know it. We know
2612 these people. They are our neighbors in our community.

2613 The journey is even more difficult for a previously
2614 incarcerated individual. Many previously incarcerated
2615 individuals will return to their neighborhoods that they barely
2616 recognize without jobs or a place to live. Many will not have
2617 basic job skills to compete in the modern economy, and only the
2618 lucky few will have family members or friends there to assist
2619 them through this difficult transition.

2620 H.R. 3372 will provide the critical link between the
2621 reentering individual and the resources they need to succeed to
2622 come out of incarceration. A single point of information makes
2623 referrals and carrying out reentry plans substantially easier,
2624 and therefore, more likely to succeed. The concept that this
2625 bill promotes from release to self-sufficiency is critical to
2626 successful reentry efforts.

2627 Many of us have visited shelters or veterans' facilities,
2628 and we see the veterans there, many of them young, who are also
2629 individuals who have come out of prison. They need help. To
2630 connect these individuals to the resources they need, the bill
2631 would authorize a 24/7 reentry hotline to connect these recently

2632 released with reentry services near their home. The reentry
2633 hotline would maintain a list of reentry services throughout the
2634 United States for individuals who are released into smaller or
2635 new communities.

2636 The public safety benefits of this legislation are clear.
2637 Reentry success produces cost savings and community benefit.
2638 This bill provides citizens leaving prison with the necessary
2639 tools and resources to be economically self-sufficient. It gives
2640 reentering individuals a stronger chance. That's why I am such
2641 an enthusiastic supporter of this bill.

2642 I, again, thank the chairman for taking up this legislation
2643 and applaud Representative Bass for authoring this important
2644 bill.

2645 With that, Mr. Chairman, I yield back.

2646 Chairman Nadler. And now, the gentlelady yields back.

2647 I now recognize the ranking member of the Crime Subcommittee,
2648 the gentleman from Arizona, Mr. Biggs, for his opening statement.

2649 Mr. Biggs. Thank you, Mr. Chairman.

2650 Mr. Chairman, I support reentry programs. They do help in
2651 the reduction of recidivism, and that, in turn, helps improve
2652 our public safety. However, I am opposed to the federal
2653 government bribing the states to implement policies. We see this
2654 all too often in this committee. And as one who is a strong
2655 believer in federalism, this continues to undermine my goals of

2656 restoration of federalism, and actually, the separation of
2657 powers, as James Madison described it, both horizontally and
2658 vertically.

2659 So many of those we see before this committee are just bribes
2660 to the states to implement a particular policy. The grants
2661 created by this bill are also duplicative of existing grants
2662 authorized by the Second Chance Act. If state and local
2663 governments need additional funding, they should provide that
2664 funding, especially with the dollars that have been sent their
2665 way from the federal government over the past year.

2666 It is not the responsibility of the federal government to
2667 provide grants to states and local governments to cover their
2668 expenses. Instead of creating new grant programs, Members should
2669 work with their state legislatures, city councils, or other local
2670 government bodies to address these issues.

2671 We need to get serious and recognize the financial crisis
2672 facing our nation as well. We need to find a way to address these
2673 issues without increasing spending. I will be opposing the bill.

2674 I yield back.

2675 Ms. Jackson Lee. [Presiding.] The gentleman yields back.

2676 I'm pleased to recognize the author of the legislation,
2677 Congresswoman Bass.

2678 Ms. Bass. Thank you. Move to strike the last word.

2679 I want to thank the chairman for, once again, bringing this

2680 bill up for consideration the second time in the past two
2681 Congresses we considered it. The One Stop Shop Community Reentry
2682 Program Act, which I've introduced along with my colleague,
2683 Representative Guy Reschenthaler, and Representative Owens, will
2684 fill a critical void in reentry services by providing resources
2685 for state and local jurisdictions to make grants to establish
2686 a more centralized process for assisting individuals who are
2687 reentering their communities after a period of incarceration.

2688 Madam Chairman, during the debate over the EQUAL Act, we
2689 discussed how the sentencing laws for cocaine led to a disruption
2690 of families and neighborhoods. We all know the statistics. More
2691 people are incarcerated in the United States than anywhere in
2692 the world. During the War on Drugs, during the "Get Tough on
2693 Crime" period, we actually abandoned rehabilitation and just
2694 focused on punishment. We passed hundreds of laws that banned
2695 people who were incarcerated from participating in the legal
2696 economy -- from working, from living in certain areas. Arrests,
2697 then, were concentrated in certain ZIP codes, and individuals,
2698 then, returned to these ZIP codes.

2699 When our laws effectively block people from working or fully
2700 participating, unfortunately, they will survive by any means
2701 necessary. So, it's no surprise that, without options, many
2702 return to crime. In California, the recidivism rate has been
2703 close to 70 percent. People cycle in and out, destabilizing

2704 families and disrupting neighborhoods. This bill will assist
2705 in reducing crime in areas that are disproportionately impacted
2706 by assisting individuals reintegrate to the legal economy, find
2707 housing, and access to health care.

2708 Last year, when the Subcommittee on Crime, Terrorism, and
2709 Homeland Security held a hearing entitled, "Returning Citizens
2710 -- Challenges and Opportunities for Reentry," at that hearing,
2711 we heard about the challenges that many individuals face. So,
2712 imagine, you're incarcerated for many years. During the time
2713 period of your incarceration, you were diagnosed with diabetes,
2714 placed on insulin, or you were diagnosed with schizophrenia,
2715 placed on antipsychotic medication, and then, you are released
2716 back into the community with no access to health care. Your
2717 medicines are cut off. You don't have an ID. You can't get a
2718 driver's license because you owe back child support. You don't
2719 have a place to live. You can't associate with people who have
2720 been formerly incarcerated, even though there might be members
2721 of your family that were formerly incarcerated or, certainly,
2722 in your neighborhood.

2723 So, these challenges can oftentimes be insurmountable, and
2724 we must figure out how to address them, because access to support
2725 services is so critical to successful reentry. And if you don't
2726 care about the individuals, you know, that's unfortunate, but
2727 understand that, when people are arrested and incarcerated in

2728 concentrated ZIP codes, and you return them to those neighborhoods
2729 and block them from any way to be reintegrated into the legal
2730 economy, you actually contribute to crime in those areas because
2731 you leave people without options.

2732 The one stop shop model that this legislation supports would
2733 provide a fully panoply of reentry services, all at a single
2734 location, calibrated to address the critical elements of the
2735 reentry process. Critical services, such as housing and job
2736 training, navigating access to health care, would be available
2737 at the one stop centers. And hopefully, these centers will be
2738 led and staffed by people who were formerly incarcerated.

2739 In addition to one stop centers, this bill authorizes the
2740 Attorney General to establish a 24-hour, 7-day-a-week reentry
2741 service assistance hotline to direct recently released
2742 individuals to appropriate reentry services in their locations.

2743 When Congress passed the hallmark Second Chance Act that
2744 the ranking member talked about, we demonstrated our commitment
2745 to provide housing, employment assistance, substance abuse
2746 treatment, and other related services to returning individuals
2747 with the goal of reducing recidivism. This one stop shop bill
2748 would go a step further by ensuring that returning citizens can
2749 actually access these services.

2750 One of the things that we have done with reentry resources,
2751 both on a federal level and on a state level, is we've given those

2752 resources over to probation. People still have difficulty
2753 accessing the services that are supposed to be available in the
2754 Second Chance Act. And so, without critical reentry services,
2755 without programs that are led and staffed by people who were
2756 formerly incarcerated, who can do the hand-holding that is,
2757 frankly, inappropriate for law enforcement or probation to do,
2758 people will continue to fall through the cracks and won't be able
2759 to access the services that are provided in legislation that we
2760 pass, such as the Second Chance Act. So, we must help to
2761 facilitate this access, which will also help to ensure a reduction
2762 in recidivism, help to keep our communities safe, and reduce
2763 crime.

2764 So, I want to thank the chairman. I want to thank the
2765 cosponsors for this bill. And I urge my colleagues to support
2766 this measure today.

2767 I yield back.

2768 Chairman Nadler. [Presiding.] The gentlelady yields
2769 back.

2770 For what purpose does Ms. Scanlon seek recognition?

2771 Ms. Scanlon. Thank you, Chairman. I move to strike the
2772 last word.

2773 Chairman Nadler. The lady is recognized.

2774 Ms. Scanlon. Thank you.

2775 Hundreds of thousands of people are released from custody

2776 each year, and reentry services provide a crucial tool to help
2777 them find success back at home. But a lot of the time, returning
2778 individuals are given too little or no resources to support them
2779 as they reintegrate into our communities. Too often, they
2780 struggle to access safe and affordable housing, educational
2781 opportunities, and steady employment, once they're home.

2782 This bill would provide critical, accessible, and
2783 comprehensive resources to individuals returning home, like job
2784 skills training and help obtaining IDs, housing, mental health
2785 services, and more. Importantly, this bill would expand two
2786 services that I view as critical to increasing the success of
2787 reentering citizens: legal assistance and opportunities for
2788 mentorship as part of reentry services.

2789 For years, I had the opportunity to work with a reentry
2790 program started by judges in the Eastern District of Pennsylvania,
2791 with the goal of reducing recidivism, the STAR Program. It became
2792 a model for federal courts, recruiting volunteer attorneys to
2793 represent returning citizens to address the myriad legal issues
2794 that impeded their success in reentry. Whether it was getting
2795 a driver's license reinstated, so that a person could get a job,
2796 or helping them secure housing, or medical insurance -- all of
2797 these things were providing blocks to people being able to
2798 successfully reenter.

2799 In addition, this program provides an opportunity for

2800 mentoring. And as chair of the Bipartisan Congressional Youth
2801 Mentoring Caucus, I know how valuable mentorship can be in helping
2802 individuals navigate the challenges of returning home after
2803 incarceration. Mentoring is an evidence-based initiative that
2804 leads to positive outcomes in areas like employment and
2805 educational attainment, and it's important that returning
2806 individuals have access to this support.

2807 So, thank you, Mr. Chairman, for putting forth this critical
2808 legislation for our consideration today. And thank you to
2809 Representative Bass for introducing this important, bipartisan
2810 bill. I look forward to voting to pass the One Stop Shop Community
2811 Reentry Program Act out of committee today and urge all of my
2812 colleagues to support this bill.

2813 I yield back.

2814 Chairman Nadler. The gentlelady yields back.

2815 For what purpose does Mr. Tiffany seek recognition?

2816 Mr. Tiffany. Mr. Chairman, I have an amendment at the desk.

2817 Chairman Nadler. The clerk will report the amendment.

2818 The gentlelady reserves a point of order.

2819 Ms. Bass. Reserve a point of order.

2820 Ms. Fontenot. "Amendment to H.R. 3372 offered by Mr.

2821 Tiffany of Wisconsin.

2822 Page 15" --

2823 Chairman Nadler. Without objection, the amendment will be

2824 considered as read.

2825 [The amendment offered by Mr. Tiffany follows:]

2826

2827 ***** COMMITTEE INSERT *****

2828 Chairman Nadler. The gentleman is recognized to explain
2829 his amendment.

2830 Mr. Tiffany. Okay. Thank you. Thank you very much, Mr.
2831 Chairman.

2832 So, I share this important amendment with you today. And
2833 in a nutshell, what it is is a maintenance-of-effort provision
2834 to make sure that we're protecting funding for our law
2835 enforcement. I mean, we are hearing across the country the
2836 clarion call of "Defend the police," and some people in some cities
2837 are following through with that. And we're seeing the results
2838 of higher crime. So, I'm asking for your support today for this
2839 amendment to the One Stop Shop Community Reentry Center Grant
2840 Program.

2841 Today, we are seeing bills that aim to lessen the penalties
2842 for those who willingly choose to break our laws, victimize
2843 families, and harm our communities. Crime rates are soaring
2844 across America. It's important that we support those who enforce
2845 the laws of this nation, those men and women who sacrifice each
2846 day to make our communities safer, from those who are
2847 beneficiaries of reduced criminal penalties and no cash bail
2848 systems.

2849 My amendment does that and prohibits grant money from being
2850 awarded to states who arbitrarily and capriciously defund their
2851 police departments to appease the loud minority. If we are

2852 proposing giving grants to reintegrate convicted criminals into
2853 society, we must also never forget the hard work and sacrifices
2854 made by those who investigate the crimes, protect the victims
2855 of crimes, prevent crimes, and bring those same criminals to
2856 justice. I strongly urge my colleagues to support this amendment
2857 to show solidarity and support for our law enforcement and first
2858 responders.

2859 Mr. Chairman, this is really an important amendment to this
2860 to make sure that the funding is getting to where it is supposed
2861 to. And that's why I term it a maintenance-of-effort provision,
2862 so that the funding for law enforcement agencies is protected.

2863 And I hear the continued talk about the FIRST STEP Act that
2864 was such an important piece of legislation; other pieces of
2865 legislation here that are reducing criminal penalties, that they
2866 are so important, that there's a better way to go about this than
2867 there was 30 to 40 years ago. Well, I have to say that, if the
2868 funding does not stay with our police departments, which this
2869 amendment will make sure that it does, your actions could
2870 jeopardize things like the FIRST STEP Act.

2871 I mean, this is a great experiment that's going on in America
2872 right now, and I can tell you Americans are deeply concerned about
2873 rising crime. They saw it last year, and with the riots that
2874 were held across this country, it sent a clear message to people,
2875 some who have taken advantage of that message, that, you know

2876 what? Law enforcement is backing down. And that is exactly
2877 what's happened.

2878 In fact, you can see how the message is resonating with the
2879 populace, rather than, as I term, the loud minority, by what
2880 happened in the New York City Mayor's primary race, where you
2881 had someone with law enforcement who received the most votes.

2882 And I think you're going to see more of that because it is average
2883 Americans that see the horrible effects of rising crime across
2884 America, and Americans are not going to accept that for long.

2885 And my colleague from Texas referred to the pendulum a little
2886 bit earlier. I would just say, make sure that we're funding law
2887 enforcement. Make sure we're giving law enforcement the respect
2888 that they deserve, that we're giving them the tools that they
2889 need to have. Because we need someone that is going to stand
2890 up for victims, someone who is going to take the bad guys and
2891 make sure that they're going to be sent to jail and prosecuted.

2892 Otherwise, we're going to see that pendulum swing back, and what
2893 you saw back in the 1980s could repeat itself again in the
2894 not-too-distant future. If you want to save lives, if you want
2895 to make sure law enforcement has their tools, you will vote for
2896 this amendment.

2897 I yield back, Mr. Chairman.

2898 Chairman Nadler. The gentleman yields back.

2899 I recognize myself in opposition to the amendment.

2900 This amendment has nothing to do with this bill. The bill
2901 is talking about reentry centers for veterans. The amendment
2902 is talking about the merits of defunding a police department.

2903 And the gentleman quite correctly points out that the
2904 electorate in New York City, at least in the Democratic primary
2905 recently, supported a candidate who favored greater spending on
2906 the police, but maybe next year they'll support a candidate who
2907 wishes to change some of the funding from the police department
2908 to the fire department, because we have a lot of fires, or
2909 whatever, but that's up to the people.

2910 In any event, it has nothing to do with this bill and
2911 shouldn't be in this bill. It's a distraction. And I oppose
2912 the amendment for that reason.

2913 I yield back.

2914 Mr. Jordan. Mr. Chairman?

2915 Chairman Nadler. For what purpose does the gentleman from
2916 Ohio seek recognition?

2917 Mr. Jordan. Strike the last word.

2918 Chairman Nadler. The gentleman is recognized.

2919 Mr. Jordan. Yes, I support the amendment. I mean, this
2920 is about public safety. That's what this bill is. We've both
2921 talked about reducing recidivism rates and public safety. This
2922 is about public safety. This is a fundamental issue that is one
2923 of the key debates in our culture, in our country today. And

2924 we all know what has happened to every single major urban area
2925 in this country, as police forces around the nation have been
2926 defunded.

2927 So, it's a straightforward, simple amendment. It makes
2928 sense, good common sense. We should keep the bipartisan approach
2929 that has been evident here today and been in practice here today.
2930 We should keep that in play and support this amendment. It's
2931 a good amendment to a good piece of legislation.

2932 And I would yield the balance of my time to the gentleman
2933 from Wisconsin.

2934 Mr. Tiffany. I just want to say thank you to the gentleman
2935 from Ohio for yielding.

2936 So, the term was used by the chair that this is a distraction.
2937 You go tell that to the people in Minneapolis. You go tell that
2938 to the people in New York City. You go tell that to the people
2939 in Portland, a beautiful city that is now becoming the Beirut
2940 of the West Coast. Just talk to people who have been there to
2941 Portland, because I have, and they're seeing the harmful effects
2942 of crime.

2943 And all this bill does is make sure that those dollars are
2944 spent by law enforcement. It's a simple maintenance-of-effort
2945 provision. There is nothing wrong with adding this to this bill.

2946 I mean, when I sat in the state legislature, we saw
2947 maintenance-of-effort provisions all the time from the federal

2948 government. And this is an appropriate one to make sure that
2949 we're funding the police.

2950 And this goes right back to the difference between us and
2951 the other side at this point. Are you going to stand up against
2952 rising crime or not?

2953 Ms. Bass. Will the gentleman yield?

2954 Mr. Tiffany. You're going to have to make a choice here.
2955 Are you going to stand up against rising crime, and are you going
2956 to stand with the police? Because this --

2957 Ms. Bass. Will the gentleman yield?

2958 Mr. Tiffany. Just one second.

2959 This makes sure that resources are not taken away from police
2960 departments. Because I've seen the actions from places like
2961 Minneapolis and other cities where they're making clear yet that
2962 they want to defund the police, and they'll find any way to do
2963 it. And we should not allow them to take federal money that's
2964 going to be authorized with this bill and backfilling it with
2965 money that they pull away. Let's make sure that that does not
2966 happen.

2967 I yield to the gentlewoman.

2968 Ms. Bass. Thank you.

2969 I am confused because I know that you're expressing
2970 tremendous concern about defunding the police, but my confusion
2971 is that my colleagues on the other side of the aisle that were

2972 concerned about defunding the police also voted against the Rescue
2973 Plan that provided billions of dollars to local governments, so
2974 that they could fund the police. So, why is it that you are
2975 concerned about this bill, which has nothing to do with funding
2976 the police, has everything to do with preventing crime by making
2977 sure that people who come out of prison can successfully
2978 reintegrate and have jobs and not commit crimes?

2979 I yield back.

2980 Mr. Tiffany. I reclaim my time.

2981 So, thank you for your comments from the gentlewoman from
2982 California.

2983 And, yes, we want good reentry programs. We want people
2984 to get that rehabilitation. That's really important. I voted
2985 for those things like drug courts and others when I was in the
2986 state legislature in Wisconsin. I understand how important they
2987 are.

2988 But you asked why we put this here. Because now is the place
2989 and time.

2990 Ms. Bass. Why you voted against the Rescue Plan.

2991 Mr. Tiffany. Now is the place and time. Now is the place
2992 and time to deal with this. I mean, we have a bill before us.

2993 We want to make sure -- or this amendment will make sure that
2994 we do not have a city or any municipality across the country
2995 somewhere that wants to take this money and backfill, because

2996 there are sometimes some clever bean counters in some
2997 municipalities that they chose to do such things. Let's make
2998 sure that the money that's going to be going for this program,
2999 that it doesn't go for other purposes and that we make sure that
3000 our law enforcement is able to retain the money that's been
3001 allocated to them --

3002 Mr. Cicilline. Mr. Tiffany, will you yield for a question?

3003 Mr. Tiffany. -- as we go forward.

3004 Mr. Cicilline. Mr. Tiffany, will you yield for a question?

3005 Mr. Tiffany. I yield back the balance of my time.

3006 Chairman Nadler. The gentleman yields back.

3007 For what purpose does the gentleman from Rhode Island, Mr.
3008 Cicilline, seek recognition?

3009 Mr. Cicilline. I move to strike the last word.

3010 Chairman Nadler. The gentleman is recognized.

3011 Mr. Cicilline. I want to just associate myself with the
3012 remarks of Congresswoman Bass. This has nothing to do with this
3013 bill.

3014 But I would make one point about the consequences of this
3015 amendment, which I'm sure Mr. Tiffany doesn't intend. But I was
3016 mayor of the city of Providence, and we created this highly
3017 effective, and now nationally recognized, program where we
3018 partnered with a community-based organization on the issue of
3019 domestic violence. And experts in domestic violence prevention

3020 actually ride with police officers to arrive at the scene of a
3021 domestic violence call, so they can immediately interact with
3022 the victim of domestic violence, particularly children, because
3023 of the trauma that children experience while someone is being
3024 arrested and the police arrive at their home. It's an incredibly
3025 effective program, one which the police helped create and strongly
3026 support.

3027 And so, the Providence Police Department allocates some
3028 resources to that agency that does this work. And I think your
3029 amendment would say they would no longer be eligible because it
3030 says that defund means, with respect to any police department,
3031 that the budget of such police department is reduced for any
3032 reason. This was reduced for a really, really good reason, one
3033 the police wanted and supported that reduced crime; reduced the
3034 trauma of domestic violence; made response to domestic violence
3035 calls safer.

3036 So, I get that you're trying to raise this issue of defunding
3037 the police. It has nothing to do with this bill. But, even the
3038 way it's drafted, it would prevent the kind of community police
3039 partnerships that are so critical in reducing crime.

3040 So, I urge you to withdraw your amendment, so we can get
3041 back to Congresswoman Bass' excellent bill on reentry. And --
3042 Mr. Raskin. But would the gentleman yield?

3043 Mr. Cicilline. Of course, I'll yield to the gentleman from

3044 Maryland.

3045 Mr. Raskin. Well, I just wanted to thank the former mayor
3046 of Providence, Rhode Island, our distinguished colleague, Mr.
3047 Cicilline, for pointing this out. This is what jumped out at
3048 me immediately. This amendment is a radical assault on
3049 federalism and the right of state and local governments to manage
3050 their own budgets.

3051 It's defining "defunding," and I understand that that's the
3052 word of the hour. And so, the whole point is to try to inject
3053 political rhetoric into this. But it defines "defunding" as any
3054 reduction of any amount. It could be a thousand dollars in a
3055 police budget for any purpose at all, other than reflecting a
3056 decrease in revenue. Why would we try to micromanage the budgets
3057 of tens of thousands of jurisdictions across the country in this
3058 way, all to make a political point?

3059 You know, if you want to demonstrate your support for law
3060 enforcement, and I understand that you do, then please go meet
3061 with Officer Fanone, meet with Officer Dunn, meet with the law
3062 enforcement officers who saved our lives against the worst violent
3063 assault on the U.S. Capitol in our lifetimes with domestic terror
3064 groups involved in it.

3065 And we understand that there's an attempt to make up for
3066 the bill here. You have a lot of people to support law enforcement
3067 in this context, but this is a bad way to do it.

3068 And I yield back to the gentleman.

3069 Mr. Cicilline. I yield back, Mr. Chairman.

3070 Chairman Nadler. The gentleman yields back.

3071 For what purpose does Mr. Bishop seek recognition?

3072 Mr. Bishop. Thank you, Mr. Chairman. To strike the last
3073 word.

3074 Chairman Nadler. The gentleman is recognized.

3075 Mr. Bishop. I thought I would comment very briefly on the
3076 gentlewoman from California's point suggesting that one of most
3077 amazing contentions in modern political discourse that I've ever
3078 heard is that members of the Republican Party who did not support
3079 the \$1.9 trillion Christmas tree earlier this year, that did
3080 almost nothing for COVID relief, were in the process, did by that
3081 vote, defund police.

3082 One of the things that came out after that notion was
3083 popularized by Democrats and their allies in the media is that
3084 there's no mention of police in the entire legislation. The
3085 possibility on which this premise rests, apparently, is that some
3086 of the money that was spewed around, and has resulted in inflation
3087 in which the price of milk and eggs is up for every Americans,
3088 a tax increase, a regressive tax increase on Americans in every
3089 way, that result has occurred. But the notion that there could
3090 have been something connected to the police is that some of that
3091 money could have been used by somebody to augment a police budget.

3092 It is almost as if the Members on the other side do not know
3093 how police are paid for in this country.

3094 Policing is a local government function. And Democrats
3095 across the country, since last summer, including Members of this
3096 body, have repeatedly called for police to be defunded and/or
3097 abolished. That is the issue to which Mr. Tiffany's amendment
3098 speaks, I believe.

3099 And the notion, in response to that, that Republicans are
3100 trying to defund the police is almost -- I don't know whether
3101 it's funny or clueless, but it's one or the other.

3102 Mr. Cicilline. Mr. Biggs, will you yield? And maybe I can
3103 clarify for you.

3104 Mr. Bishop. Well, let me --

3105 Mr. Cicilline. I'm sorry. Mr. Bishop. I know Mr. Biggs
3106 would never make a comment like that.

3107 [Laughter.]

3108 Mr. Bishop. Mr. Tiffany had asked for me to yield to him.
3109 So, I'm going to yield to him. If he's got time, I'll yield
3110 to Mr. Cicilline.

3111 Mr. Tiffany --

3112 Mr. Tiffany. Thank you.

3113 Mr. Bishop. -- I yield to you.

3114 Mr. Tiffany. Yes, thank you for yielding, Mr. Bishop.

3115 So, just a couple of things. We just heard, in regards to

3116 the assault on the Capitol -- and I can understand why the
3117 gentleman from Maryland may not be familiar with it -- but I was
3118 there in 2011 when there was a three-week assault on the Wisconsin
3119 State Capitol, when people were hunkered down, bedded down in
3120 the Wisconsin State Capitol. I've seen it before.

3121 And also, I heard this thing about a radical assault on local
3122 government. I mean, in just a little over a year that I've been
3123 here, as I read these bills and stuff like that, I mean, talk
3124 about an assault on local government. I mean, we are sending
3125 down mandates and requirements, and all kinds of stuff, that are
3126 just simply constant. I mean, when I sit in the other committee
3127 -- I'm on Natural Resources -- I just see it constantly, how the
3128 federal government is dictating to local governments. So, to
3129 hear that there's this radical assault on local government that
3130 this is, I think that's rather disingenuous.

3131 I'm not going to withdraw this amendment. I think this is
3132 a really important amendment to make sure that police are funded
3133 appropriately across our country, even if some people don't want
3134 to do it, especially in our big cities of the United States.
3135 I think we need to continue to fund the police.

3136 And if you're serious about crime, as the American people
3137 are right now -- because just talk to the American people at this
3138 point, this is one of their top three issues, especially if you're
3139 in the cities. They are tired of the crime, especially the

3140 violent crime. I mean, we've seen the statistics, the increases.

3141 I mean, just a few months ago in Minneapolis, what was it?

3142 Carjackings were up over 300 percent. I mean, those type of crime

3143 statistics we are seeing across the country.

3144 This protects funding for the police and, hopefully, gets

3145 us to a place where we have less violent crime that is happening

3146 in our country, because it's out of control right now.

3147 I yield back to the gentleman from North Carolina.

3148 Mr. Bishop. And before I yield a few seconds to Mr.

3149 Cicilline, I would say that one thing, for those who would suggest,

3150 as I mentioned earlier, the absurd notion that voting against

3151 the \$1.9 trillion big spending bill meant you were against police,

3152 it's really simple to decide whether you are for, or to signal

3153 whether you're for or against police by voting for this amendment.

3154 And if you vote no, everybody knows. It's very clear.

3155 I yield to the gentleman from Rhode Island.

3156 Mr. Cicilline. I thank the gentleman for yielding.

3157 I just would make the point to amplify Congresswoman Bass'

3158 point. We appropriated \$350 billion to state and local

3159 government in the Coronavirus Relief Fund. The Department of

3160 the Treasury specifically said law enforcement was eligible for

3161 that funding because of the rise in crime during the COVID

3162 pandemic.

3163 So, you can say you support the police, but we should judge

3164 you by your actions. You voted against \$350 billion which could
3165 be used to fund local police departments. I know the cities and
3166 towns that I represent, they'll be using some of that to support
3167 law enforcement. So, it's easy to say you're for the police,
3168 but in the moment when you were tested, every single Republican
3169 voted against funding the police. That's Congresswoman Bass'
3170 point.

3171 And I yield back and thank the gentleman for extending the
3172 courtesy.

3173 Chairman Nadler. The gentleman's time has expired.

3174 For what purpose does Mrs. Demings seek recognition?

3175 Mrs. Demings. Move to strike the last word.

3176 Chairman Nadler. The gentlelady is recognized.

3177 Mrs. Demings. Mr. Chairman, are we at this again? Are we
3178 really doing this yet again? We all have a lot of things to say,
3179 but I would prefer to look at what you do. You're sitting here,
3180 yet again -- Mr. Chairman, they are sitting here, yet again,
3181 talking about supporting the police, funding the police, when
3182 they voted against the opportunity to fund police when local
3183 governments were screaming for help, and the American Rescue Plan
3184 would have helped them. They didn't support the police then.

3185 Secondly, when the police were being attacked -- it's not
3186 what you say; it's what you do -- on January 6, and you had an
3187 opportunity to vote in favor of an independent commission that

3188 would have gotten to the bottom of it and held every criminal
3189 accountable, not just the ones who, the 550-something who were
3190 arrested for attacking the police, but those who incited it, those
3191 who inspired it, those who funded it, and you chose not to do
3192 that.

3193 You know, let me tell you about the heart of a good police
3194 officer, because I believe there's a little lesson that needs
3195 to be taught here. There's nobody more dedicated, and as a former
3196 officer, to protecting and serving our communities, but we don't
3197 pick and choose, as law enforcement, when we want to do that.

3198 Good police officers do their job well, but you know what? They
3199 are also very supportive of programs just like this because they
3200 understand you hold the most violent criminals accountable, but
3201 you also work to address the quality-of-life issues that plague
3202 communities in the first place.

3203 So, here we are again with rhetoric. If you support the
3204 police, don't pick and choose the moments that you want to do
3205 that. Support police all the time.

3206 Mr. Chairman, I yield back.

3207 Chairman Nadler. The gentlelady yields back.

3208 For what purpose does Mr. Chabot seek recognition?

3209 Mr. Chabot. Move to strike the last word.

3210 Chairman Nadler. The gentleman is recognized.

3211 Mr. Chabot. Thank you, Mr. Chairman.

3212 I think what you're seeing here is kind of desperation.
3213 My Democratic colleagues are desperate. It's so clear; they're
3214 in trouble. They know they're on the brink, on the verge of losing
3215 the House and control of this committee in the relative near
3216 future.

3217 And one of the key issues that they're losing, they've lost
3218 the American public on, is support for the police and the crime
3219 that's rampant across the country, particularly in our cities.

3220 And so, the gentleman from Wisconsin here has offered, I
3221 think, a perfectly legitimate amendment that we'll see on this
3222 vote how it goes down. My guess is all the Republicans will vote
3223 for it, support it, and I think all the Democrats will vote against
3224 it, even though they'll say they support the police, but they'll
3225 vote against it.

3226 And let's, again, look at this amendment. It, basically,
3227 says, if a community defunds the police department, they're not
3228 eligible for grants under this program or this fund or this bill
3229 or this section. So, you defund the police; you don't get any
3230 of this money. It's perfectly clear, and we'll see on the vote
3231 which side members ultimately fall.

3232 And now, they're trying, because they are so desperate and
3233 understand that they're in trouble because their support for the
3234 police, I was going to say is being questioned. It's really not
3235 being questioned. And it's not every Democrat. We'll see how

3236 they vote, but it's not every Democrat, but there certainly are
3237 Democrats who want to defund the police.

3238 Ms. Lofgren. Would the gentleman yield?

3239 Mr. Chabot. Well, I'm on a roll here.

3240 [Laughter.]

3241 Ms. Lofgren. All right.

3242 Mr. Chabot. If I have some time left at the end, I will.

3243 So, the Democrats, as I say, are desperate. And so, they've
3244 thrown back -- and Ms. Bass is a good friend of mine and I respect
3245 her tremendously. We have worked here on a whole range of issues.

3246 She's great. But she's also indicated that, well, to
3247 Republicans, well, you voted against this one bill, and therefore,
3248 you voted against funding for the police. And they're talking
3249 about this so-called rescue bill or the COVID relief bill.

3250 Now let's look back before that, in the last Congress where
3251 Democrats controlled one house. They controlled the House of
3252 Representatives. Republicans controlled the Senate. So, it had
3253 to be bipartisan.

3254 So, when we were dealing with COVID around this place, it
3255 was bipartisan. We passed the CARES Act and a whole range of
3256 bills that were bipartisan. We had the PPP program. I was the
3257 lead Republican on the House Small Business Committee at the time,
3258 and we saved a whole of jobs all over the country because of that
3259 program. There's a lot of other good stuff in there. They were

3260 bipartisan bills.

3261 The Democrats took over both houses as a result of the last
3262 election. And so, they didn't have to be bipartisan anymore.

3263 So, they had this almost \$2 trillion bill that was a so-called
3264 "COVID relief". That's what it was called, COVID relief bill.
3265 Nine percent of the money in there went for COVID relief.

3266 And this money that they were giving out to cities, for
3267 example, could be spent for anything. As my colleague from North
3268 Carolina, Mr. Bishop, said, there's not a word in there about
3269 police. And they're saying, "Well, maybe the police could have
3270 got some of that." But it wasn't in there.

3271 We know that it was given to cities to do whatever the heck
3272 they wanted to and states. States that got in financial trouble
3273 because of bad decisions, huge amounts of money for that.

3274 And, yes, I think all the Republicans voted against that
3275 huge boondoggle bill that wasn't bipartisan. And now, they're
3276 saying, because they're so desperate, that, "Oh, Republicans are
3277 against the police." Well, we'll see what the public, the way
3278 they look at this, which party is more for the police, Republicans
3279 or Democrats. There's no question in my mind. That's why
3280 they're so scared on this issue.

3281 When we talked about protecting the police, look at in this
3282 very committee the qualified immunity debate. They wanted to
3283 take away, basically, the little protection that police officers

3284 have. They wanted to allow them to be sued personally -- your
3285 personal assets. Who's going to want to become a police officer
3286 if they can go after your kids' college funds or your pension,
3287 stuff that's basically for your family, because you've violated
3288 some rule and you may not even have known it? You may have
3289 followed police policies. They were willing to put the police
3290 in that kind of jeopardy. That was their answer to the
3291 instability that we saw a couple of summers back.

3292 So, I would just conclude here, because I'm about running
3293 out of time, that there's no question which party is supportive
3294 of the police and trying to do something about this out-of-control
3295 stuff that's going on all over the community.

3296 And defunding the police almost happened in my community
3297 in Cincinnati. They had on the ballot there to take \$50 million
3298 from the police and give it to so-called affordable housing.
3299 And that's the kind of thing this is all about.

3300 So, thank you for offering this amendment.

3301 And I'm out of time. I yield back.

3302 Chairman Nadler. The gentleman yields back.

3303 For what purpose does Ms. Dean seek recognition?

3304 Ms. Dean. Mr. Chairman, to strike the last word.

3305 Chairman Nadler. The gentlelady is recognized.

3306 Ms. Dean. Thank you, Mr. Chairman.

3307 I rise to oppose this amendment. And it is a striking

3308 amendment, and the use of the language any local government that
3309 moves to defund the police, if somehow those on the other side
3310 of the aisle were among that list of those who defund the police,
3311 you would be disqualified as a result from the funding.

3312 Let's take a look at what really happened over the course
3313 of the last year or so.

3314 Following the insurrection, many in the conference on the
3315 other side of the aisle would not meet with Capitol police. Not
3316 a single member of the Republican Congress voted for support for
3317 late -- state and local government, which every one of our
3318 municipalities, boroughs were crying for. And, fortunately, I
3319 will say, Democrats got it done, and \$350 billion has gone out
3320 to state and local governments to support the very people who
3321 keep us safe. That is called funding the police.

3322 We passed a security supplemental for Capitol police in
3323 desperate need of resources. The great majority of your members
3324 vote no. You wanted to defund the Capitol police. They now
3325 remain at risk of not being able to pay salaries, let alone beef
3326 up the support that they need, the capital that General Honore
3327 spoke about.

3328 And, finally, most shamefully, 21 of your members couldn't
3329 bring him or herself to vote in favor of the recognition of the
3330 gold medal for Capitol police who literally saved every one of
3331 our lives.

3332 So, I rise in opposition to this reckless, fearmongering
3333 amendment that is not based in fact or truth.

3334 I do lend my support for the underlying legislation, the
3335 One Stop Shop Community Reentry Program. This is a common sense
3336 piece of legislation to address the challenges of millions of
3337 Americans who were thrown into a vicious cycle the scholars have
3338 labeled the revolving door to prison.

3339 This year alone we have spoken multiple times of our broken
3340 criminal justice system. Again, more than 2 million individuals
3341 are currently incarcerated, but we don't discuss that over 95
3342 percent of those who are incarcerated will eventually be released
3343 back into our communities.

3344 What are we doing about that? What are we, as a body, doing
3345 to represent these Americans so that they can become active
3346 citizens again? Current law makes it impossible to find work,
3347 find health care, find a home. And this is wrong. This is
3348 America, we know this is wrong.

3349 I commend Representative Bass on addressing this issue
3350 through the holistic legislation. The bill streamlines the
3351 services that have been proven to decrease recidivism rates in
3352 the United States. Formerly incarcerated people are almost ten
3353 times more likely to be unhoused than the general public. This
3354 is a bill that goes beyond rehabilitation services; it goes to
3355 acknowledging the humanity of formerly incarcerated people. We

3356 have a duty to give people returning to society a fighting chance
3357 at reentry and regaining their families and their lives.

3358 After someone serves his or her time, he or she should not
3359 be punished in perpetuity. This bill takes a logical step to
3360 address that issue. I urge all of my colleagues to support this
3361 legislation and encourage us to consider and yield the balance
3362 of our time in order to do such work.

3363 Again, defunding the police, sadly, is a response by the
3364 other side of the aisle, it is not the response here.

3365 And I yield back.

3366 Chairman Nadler. The gentlelady yields back.

3367 For what purpose does Mr. Biggs seek recognition?

3368 Mr. Biggs. Move to strike the last word.

3369 Chairman Nadler. The gentleman is recognized.

3370 Mr. Biggs. Thank you so much.

3371 I am actually kind of getting a kick out of this because
3372 I am beginning to think people really believe the rhetoric that
3373 the Republicans voted to defund the police by voting no on this
3374 monstrosity spending bill. But you know what, our loyal
3375 supporters in the media, those people who always support us
3376 Republicans and conservatives in the media, the Washington Post
3377 -- wait a second, I got that backwards -- but even the Washington
3378 Post said, un-un, Democrats, three Pinocchios, three Pinocchios
3379 on you for saying that by voting against that bill that was a

3380 defund motion.

3381 The Post's Salvador Rizzo wrote, "Although Republicans all
3382 opposed Biden's coronavirus relief package, no one voted to cut
3383 or defund anything."

3384 So, you can spin that all you want, but it is simply untrue.
3385 And the reason, the reason that you all are saying that is because
3386 you passed a bill out of here earlier on did two things: moved
3387 hundreds of millions of dollars out of policing into filing
3388 federally-mandated reports, moving it from normal police
3389 activities so you can get more reports and information to distract
3390 them from the job of policing that they want to do. And in that
3391 bill you threw in elimination of qualified immunity.

3392 That is a big deal. So, so let's just see here. President
3393 Biden said he supported reallocating police resources. The Vice
3394 President said, I applaud Ed Garcetti for defunding the L.A.
3395 police, we have to renege on public safety.

3396 Biden's Associate A.G. General Vanita Gupta said officials
3397 must give calls to decrease police budgets.

3398 Boston mayor, Biden's Secretary of Labor Marty Walsh, when
3399 he was mayor, said, proposed a budget to divert funding from law
3400 enforcement.

3401 A member of this committee said the Minneapolis City Council
3402 "was very thoughtful voting to dismantle the police."

3403 The speaker, fellow Democrats refused to criticize the

3404 Minneapolis City Council that did defund police when they were
3405 given the opportunity to.

3406 Another member of our body said protestors need to get more
3407 confrontational with police.

3408 Another representative from the other side of the aisle said,
3409 called for dismantling the Minneapolis Police Department. And
3410 a member of this committee called for defunding police.

3411 And recently, in the last two weeks, we have had two members
3412 of not this committee, but this body from the other side of the
3413 aisle, one stood by the calls to reallocate resources away from
3414 police, saying that a reaction to that based on crime is just
3415 "hysteria."

3416 Another said she still supports defunding police.

3417 Let's not, let's not spin this away from what it is.

3418 Here, how about some cities? Maybe this will help you
3419 understand. Cities that have defunded police:

3420 Austin, \$150 million cut;

3421 Baltimore, \$22 million;

3422 Boston, \$12 million;

3423 Burlington, Vermont, a million;

3424 Columbus, \$23 million;

3425 Denver, \$55 million;

3426 Eureka, California, \$1.2 million;

3427 Hartford, \$2 million;

3428 L.A., California, \$175 million cut.

3429 The only time I've actually agreed with the sheriff of L.A.
3430 County. He came from Arizona. He went from Arizona over to L.A.
3431 I have seen his career. When he was bellyaching recently and
3432 one of the things he -- well, that is kind of where I am, too,
3433 but one of the things I thought that was so interesting about
3434 it is he brought up the defund police movement in L.A.

3435 Madison, Wisconsin, \$2 million;

3436 Minneapolis, \$8 million;

3437 New York, a billion;

3438 Norman, Oklahoma, \$865,000;

3439 Oakland, California, \$14.6 million;

3440 Oklahoma City, \$5.5 million;

3441 Philadelphia, PA, \$33 million;

3442 Portland, \$50 million;

3443 Salt Lake, 5.3;

3444 San Francisco, \$120 million;

3445 Seattle, \$69 million;

3446 Steamboat Spring, \$1.5 million;

3447 Washington, D.C., \$50 million;

3448 Total, \$1.73 billion cut. What do they all have in common?

3449 They are not led by Republican mayors or councils. How about
3450 that? That spin it enough for you?

3451 I got another laugh when someone talked about the Independent

3452 Commission regarding January 6th. It is so independent that
3453 Nancy Pelosi has control of the membership of that committee and
3454 said -- and that said, and she booted off two of our members.
3455 That is independence for you. That is fair. That is getting
3456 to the bottom of things.

3457 I tell you what, when I hear the revisionist history coming
3458 from across the aisle today on this, it is outrageous. That gets
3459 us to the point of where we sit.

3460 Chairman Nadler. Will the gentleman yield?

3461 Mr. Biggs. No. I am finishing now. I have 18 seconds,
3462 otherwise I would. I have 18 seconds, I have to finish up here.

3463 I support this amendment. It is rational. It makes good
3464 sense. It is tied to what we are trying to do here today.

3465 And with that, Mr. Chairman, I yield back.

3466 Chairman Nadler. The gentleman yields back.

3467 For what purpose does the gentlelady from California seek
3468 recognition?

3469 Ms. Bass. Move to strike the last word.

3470 Chairman Nadler. The gentlelady is recognized.

3471 Ms. Bass. Yield to you.

3472 Chairman Nadler. Thank you.

3473 The gentleman spoke of why Nancy Pelosi didn't let the
3474 Republicans have the people they want on the commission. The
3475 fact of the matter is, you gave her that right. You gave it to

3476 her. You could have had an independent commission.

3477 Remember, there was an independent commission set up that
3478 the Democrats wanted, with an equal number of Republicans and
3479 an equal number of Democrats, and the Republican Senate voted
3480 it down. So, we had to set up a select committee, and that select
3481 committee is an unequal number and the Speaker has choices.

3482 But you gave her that choice because you refused. By "you"
3483 I mean the Republicans, not you, Mr. Biggs. You, the Republicans,
3484 set up this situation by voting down the independent commission
3485 which would have had an equal number of Republicans, an equal
3486 number of Democrats, and the --

3487 Mr. Bishop. Would the gentleman yield for a question?

3488 Chairman Nadler. In a moment.

3489 And the Speaker would not have had any power of choice.

3490 I will yield to --

3491 Ms. Bass. He can't. He can't yield my time.

3492 Mr. Bishop. Will the gentlewoman yield for a question?

3493 Ms. Bass. I reclaim my time.

3494 Mr. Bishop. Will the gentlewoman yield for a question?

3495 Ms. Bass. I will yield to Representative Cicilline first.

3496 Mr. Cicilline. I thank the gentlelady for yielding.

3497 I have spoken on the amendments. I would like to spend a
3498 moment to get us back on track and talk about the actual piece
3499 of legislation before us.

3500 I want to thank you, Chairman Nadler, for holding this
3501 markup, and thank you to Congresswoman Bass for her extraordinary
3502 leadership in sponsoring this necessary bipartisan and bicameral
3503 legislation that gives formerly incarcerated people a fighting
3504 chance at success upon release.

3505 Every year roughly 600,000 people in the United States are
3506 released from state and federal prisons. Though no longer behind
3507 bars, in many ways their sentences continue. A victim of sexual
3508 abuse who served time for drug-related charges should have the
3509 opportunity to find safe, affordable housing, and substance abuse
3510 treatment upon release.

3511 A person suffering from mental illness who was convicted
3512 of a low-level drug charge should have the opportunity to find
3513 a job to support their family.

3514 According to a March 2020 report by the Prison Policy
3515 Initiative, most crimes committed in the United States are
3516 misdemeanors or non-criminal violations, not serious or violent
3517 crimes.

3518 Low-level offenses like technical violations of probation
3519 and parole often lead to incarceration and additional
3520 consequences. But instead of investing in community-driven
3521 safety initiatives, many cities and counties continue to spend
3522 inordinate amounts of taxpayer money on incarcerating people for
3523 minor offenses.

3524 I mentioned earlier I served as Mayor of Providence. During
3525 that time, I assembled a reentry council that brought together
3526 community leaders, housing experts, religious leaders, business
3527 folks to help formerly incarcerated individuals to transition
3528 back into the community safely after they completed their
3529 sentence.

3530 During my time as mayor, I saw how increasing access to
3531 reentry services helps reduce the likelihood that people will
3532 return to prison. Comprehensive reentry services, including
3533 food assistance, access to employment opportunities help to
3534 ensure that justice-involved individuals have the support they
3535 need to provide for themselves and their families and to be
3536 productive members of their communities.

3537 That is why I am proud to support this legislation which
3538 provides grants to community-based organizations and other
3539 eligible entities to create community reentry centers. There
3540 is currently no agency responsible for helping people who are
3541 released from prison in obtaining essential services or
3542 overcoming the stigma of incarceration.

3543 The One Stop Shop Community Reentry Program Act incentivizes
3544 community-based solutions for access to housing, education,
3545 employment, and health care. It also assists with reconnecting
3546 returning prisoners to their families and neighborhoods. The
3547 resources and services offered include everything from help with

3548 obtaining an I.D. or a driver's license, to referrals for legal
3549 assistance, family counseling, and facilitating treatment or
3550 access to health care.

3551 This legislation removes barriers to essential services for
3552 successful reentry and seeks to end the revolving door of
3553 recidivism. It helps people navigate life after prison. And,
3554 importantly, it makes our communities safer. It gives people
3555 a second chance.

3556 I urge my colleagues to support this bill. And I thank
3557 Congresswoman Bass for her really strong leadership on a piece
3558 of legislation that is going to make our communities safer and
3559 lead to many more individuals leading productive, healthy,
3560 law-abiding lives. And for that, our nation owes her a debt of
3561 gratitude.

3562 I yield back.

3563 Ms. Bass. For my colleagues on the other side of the aisle
3564 that have raised repeatedly the rise in crime, this bill
3565 specifically addresses that issue by successfully reintegrating
3566 people back into the community so that they won't re-offend.
3567 Providing them access to jobs, access to housing is a way to reduce
3568 crime.

3569 So, I would ask for their support. And I would also ask
3570 that we get back to the issue at hand and vote for this bill.

3571 I yield back.

3572 Chairman Nadler. The gentlelady yields back.

3573 For what purpose does Ms. Fischbach seek recognition?

3574 Ms. Fischbach. Mr. Chair, I move to strike the last word.

3575 Chairman Nadler. The gentlelady is recognized.

3576 Ms. Fischbach. Mr. Chair, first I would like to associate
3577 myself with the comments of my colleague from Arizona, and
3578 particularly my colleague from Ohio who did talk about the COVID
3579 relief package that the Democrats are saying was our vote against,
3580 the Republican vote against police officers.

3581 But I do want to just yield to my colleague from Wisconsin,
3582 who is the author of the amendment, to talk a little bit more
3583 about it.

3584 Mr. Tiffany. Thank you. Thank you to the gentlewoman from
3585 Minnesota for yielding.

3586 So, the question was posed, are we at this again? And I
3587 would just say that what I have seen here in 2021 is we get rare
3588 chances to amend bills. I think about some of the other
3589 committees that I am in. We see stuff that just goes straight
3590 to the floor, straight to the floor, not going through regular
3591 process. I don't have any examples immediately offhand, but that
3592 has been striking to me over the last couple months that you would
3593 like to propose an amendment but, boy, that bill is going straight
3594 to the floor.

3595 And what I hear from committee chairs is that, boy, this

3596 is so urgent we just have to get this done.

3597 So, when we do get an opportunity to offer an amendment,
3598 I think it is very important to do it. And this was the one time
3599 that I could get an amendment in in regards to a maintenance of
3600 effort provision.

3601 And by the way, to the author of the bill, I know her
3602 intentions are genuine and sincere. There is no question about
3603 that. I am not questioning that at all. What I am saying is
3604 that this is an opportunity to make sure that we don't have cities
3605 that are going to be defunding their police. And I believe the
3606 American people, I believe the American people agree with that.

3607 And I will go back to the comments I made in my original
3608 remarks. Crime is rising in our country. It is. And the
3609 pendulum swings. And you are going to jeopardize the gains with
3610 the First Step Act and things like that if we don't make sure
3611 we have good policing in our communities around America. And
3612 that is why an amendment like this, while it is small in the scheme
3613 of things is really important to make sure that we are sending
3614 a message also that we in Congress want changes in policing, we
3615 want some changes in law enforcement and things like that, but,
3616 by gosh, we do want public safety to continue to be preeminent
3617 because it is one of our number one duties is to make sure that
3618 we are providing for the public safety.

3619 So, this amendment is given to you sincerely. And I believe

3620 if you, if you want to make sure that the police are funded around
3621 our country, which I believe most of us do, this is a really good
3622 amendment. We see maintenance of effort provisions that are put
3623 in bills regularly. While I am not a big fan of them oftentimes,
3624 I think this is an instance when it comes to public safety where
3625 maintenance of effort is appropriate.

3626 And I yield back and thank my colleague from Minnesota.

3627 Ms. Fischbach. Thank you. And I yield.

3628 Chairman Nadler. The gentlelady yields back. Oh, sorry.

3629 Mr. Tiffany. I yield back.

3630 Ms. Fischbach. No. Mr. Chair, I yield the remainder of
3631 my time to my colleague from North Carolina.

3632 Mr. Bishop. I thank the gentlelady.

3633 You know, I think one other point needs to be made. Mr.
3634 Biggs did a fine job of reciting the proposed calling out this
3635 rhetoric that Republicans had not supported police by virtue of
3636 not voting for the massive COVID bill, the 1.9 -- we said it was
3637 a COVID bill, but it wasn't even that.

3638 But I think there is another point that deserves to be made.

3639 The question of funding police is not one -- those who have
3640 defunded police across the country did not do so because of the
3641 availability of money or its lack. Rather, they did it for
3642 ideological reasons. They did it because they believed, they
3643 articulated a belief that that was the way to make things better.

3644 The gentlewoman from Michigan in this body said, end
3645 policing. That is what she said. And I understand why that
3646 produces desperation on the other side. Because -- and you will
3647 run in every direction that you can because you are simultaneously
3648 seeking to accommodate that abominable ideological notion that
3649 every American knows is wrong, everyone with common sense, and
3650 at the same time try to sell the American people on the fact that
3651 you are not doing exactly that.

3652 That is a problem. It is a matter of life and death. Ten
3653 percent cut in Portland, 553 percent increase in murders. People
3654 are being killed. The games should stop.

3655 I yield back.

3656 Chairman Nadler. The gentleman yields back.

3657 For what purpose does the gentlelady from Texas seek
3658 recognition?

3659 Ms. Jackson Lee. To strike the last word.

3660 Chairman Nadler. The gentlelady is recognized.

3661 Ms. Jackson Lee. Last week in my district I stood with the
3662 Houston Police Department and very emotionally and sincerely as
3663 we presented them with almost a million dollars to deal with crime
3664 victims. Of course, we would like not to have crime victims.

3665 But we did have a crime victim there who said thank you for caring
3666 about them. Thank you for caring about crime victims.

3667 I would imagine that there are Democrats across this land

3668 who interact every day with their police officers. And so I take
3669 umbrage and offense of any sort of characterization.

3670 I do want to emphasize what I believe the gentlelady from
3671 California's bill is all about. In a research question given
3672 to individuals who are coming out of prison, 67 men, 18 to 66,
3673 what they wanted in life was what most Americans say they want:
3674 to be able to own their own home, drive nice cars, take their
3675 families on vacation, among other things. Several wanted to be
3676 doctors and lawyers, prestigious careers by American standards.

3677 Many also said they wanted to give their children opportunities
3678 that they hadn't had, like the chance to go to a prestigious
3679 college.

3680 This bill is about those opportunities. Can we not see
3681 plainly and clearly what the intent of the gentlelady's bill is,
3682 the One Stop Shop Community Reentry Program, and particularly
3683 the hot line, so no matter what rural hamlet you are in you can
3684 access what can I do to become a doctor, or a lawyer, or own a
3685 home, or to treat my children fairly, or to give them the
3686 blessings, as Barbara Jordan said, of this nation, the promise
3687 of America.

3688 Further, in a report that has come to my attention that the
3689 first estimate of homeless among five million formerly
3690 incarcerated people living in the United States, this report
3691 finding that formerly incarcerated people are almost ten times

3692 more likely to be homeless than the general public. Break that
3693 down to status by race, gender, age, and other demographics and
3694 it becomes even more severe.

3695 This is what this legislation is about, to be able to treat
3696 individuals who have done their time with dignity. To be able
3697 to say, yes, you can have that dream, that American home. You
3698 can have the best for your children.

3699 And so, when we enter an amendment that I am going to speak
3700 to the technical aspects of it, I don't really understand what
3701 defund means because what is the definition of my friends? And
3702 then I am not sure if this has been named, but they are now
3703 interfering with states' rights, and I thought they were truly
3704 states' rights individuals. They are interfering with decisions
3705 made by law enforcement officers in individual states. They are
3706 making a federal fiat of how you run your police department.

3707 They want to be merciful. They want to be humane in the
3708 way that they treat the issues of crime. We all are outraged
3709 by crime in America. All of us are outraged by this crime. We
3710 cry for the victims. But we also understand what is necessary
3711 to do good policing and good reform. This is a reform bill.
3712 And I would venture to say that law enforcement persons on this
3713 panel would celebrate reform, would celebrate trying to deal with
3714 ending recidivism. I want to end recidivism.

3715 And I do want to say to my friends, on January 6th there

3716 are probably many people that are not in this Congress that are
3717 suffering from Post-Traumatic Stress Disorder and they are our
3718 officers that are on the front lines. I would like to think that
3719 we are more concerned about ensuring that that never happens
3720 again, that we will not ever call that a tourist trip, people
3721 taking cameras with their Kodak paper cameras taking pictures
3722 while someone's head was squeezed into the door pleading for his
3723 life, or beaten to his death, almost a gun taken out of one officer.
3724 That is what we should be speaking against.

3725 But a amendment, all well-meaning, I am sure the gentleman
3726 is well-meaning, I cannot support it because it doesn't even
3727 define what this means. And I cannot support it when law
3728 enforcement persons are asking for reform, and victims are asking
3729 that people who are recidivist that we stop that, and that the
3730 bad guys are the bad guys and those who are seeking a new life
3731 are being helped by the gentlelady's legislation. That is what
3732 I think we should be discussing.

3733 And I might, as I end, say thank you for a bipartisan
3734 discussion that we have had of the other bills. I appreciate
3735 it. And I am hoping that we can do so here and understand the
3736 complexity.

3737 I just want to submit into the record "Post-prison people
3738 just want normal things." Americans say that is too much to
3739 expect. But we are seeing what they want. Ask unanimous

3740 consent.

3741 And then a Prison Policy Institute, "Nowhere to go:
3742 Homelessness among formerly incarcerated persons." I ask
3743 unanimous consent to submit these into the record.

3744 Chairman Nadler. Without objection.

3745 [The information follows:]

3746

3747 *****COMMITTEE INSERT*****

3748 Ms. Jackson Lee. And I ask support for the bill.

3749 I yield back. Thank you.

3750 Chairman Nadler. The gentlelady yields back.

3751 Mrs. Spartz. Mr. Chairman.

3752 Chairman Nadler. For what purpose does Ms. Spartz seek
3753 recognition?

3754 Mrs. Spartz. I move to strike the last word.

3755 Chairman Nadler. The gentlelady is recognized.

3756 Mrs. Spartz. I yield my time to the gentleman from
3757 Wisconsin.

3758 Mr. Tiffany. Okay. Thank you very much for yielding.

3759 And we saw some pounding on the table here, outraged by crime,
3760 yet we have somebody in this body who just in the last week or
3761 two said we should not only defund the police, but we should defund
3762 the Border Patrol, we should defund ICE. I mean, anything that
3763 serves as protection for the American people I guess that person
3764 is advocating, that person who is in the House of Representatives,
3765 is advocating for defunding.

3766 And the American people hear that. And also people who are
3767 perhaps choosing a life of crime, that they also hear that message,
3768 too. And you are seeing our cities overrun. I mean, if you look
3769 at what has happened in California with no pass fail and things
3770 like that, I mean you have companies like Target and others, and
3771 you see the stories, they can't even open their doors anymore.

3772 I mean, what is it, \$1,000, you can shoplift up to \$1,000 and
3773 you just go right back out on the street? I mean, that stuff
3774 it is simply craziness.

3775 And the American people are saying, hey, we have to make
3776 sure that our police are funded. This has gone too far.

3777 And I will go back to what I said twice before now. You
3778 are going to jeopardize the gains for the First Step Act and some
3779 of those things that you see as progress in regards to law
3780 enforcement in our country and how law enforcement reacts because
3781 the pendulum is going to swing back. And this bill==or, excuse
3782 me, this amendment is just a simple effort with the opportunity
3783 that avails us, because it is so rare when we see bills that go
3784 straight to the floor, this is an opportunity to make sure that
3785 police continue to be funded as they should be.

3786 And I can tell you, you go to these municipalities around
3787 America and I will bet you they will tell you that they support
3788 this amendment. And that is why I brought it forward. And I
3789 understand the intent of the bill. I think it is genuine. I
3790 think it is sincere, as I said before. And but this amendment
3791 is also, but most importantly, it is important for public safety
3792 in America.

3793 I yield back to the gentlewoman from Indiana.

3794 Mrs. Spartz. Thank you for yielding back. And I yield my
3795 time to the gentleman from North Carolina.

3796 Mr. Bishop. I thank the gentlelady.

3797 And one more point needs to be made, I believe. The chairman
3798 spoke to the question, well, I guess in a fairly elongated logical
3799 chain, or a chain that appeared to be, intended to be logic.
3800 There was a reference to the failure of Republicans to vote for
3801 the so-called bipartisan commission to examine January 6th.

3802 Well, I offered one of the objections to what was proposed
3803 on the floor myself. And that was that contrary to being a
3804 bipartisan commission, the staff was to be controlled by the
3805 majority. And anybody who spends any time here for long
3806 understands that that means the work of the commission would be
3807 controlled by the majority. It would be bipartisan only in a
3808 patina, only in appearance.

3809 Now, for those who have a suspicion about that, the other
3810 side thought that was horrific that you would even think that.

3811 So, now there is a select committee in which the appointments
3812 are made by the speaker. And the way things always work around
3813 here for members of the public who don't know is that the minority
3814 gets, the minority leader gets to suggest nominees for the
3815 minority. And that is what Mr. McCarthy has done. And now the
3816 speaker has rejected the ranking member on this committee, Mr.
3817 Jordan, and Mr. Banks from Indiana who, among other things, chairs
3818 the Republican Study Committee.

3819 Now, what I understood the chairman to say just a moment

3820 ago is she had to do that because it is no longer a bipartisan
3821 committee? You mean, because it is now a select committee chosen
3822 by the speaker she must act in a partisan way? Doesn't that
3823 validate the skepticism that members of the minority had when
3824 voting on that so-called bipartisan commission? That once the
3825 power is vested in the speaker to decide, what did she do? She
3826 takes a rank, partisan act, the exclusion of members of the
3827 minority from participating on a committee.

3828 You guys are headed down the slippery slope so fast it will
3829 make someone's head spin. The last thing that you have done is
3830 preclude Marjorie Taylor Green from being on a committee because
3831 she had comments before she was in Congress. And now respected
3832 members of unquestionable integrity in this Congress are being
3833 precluded by the speaker from participating because she is
3834 compelled to act in a partisan way, I suppose.

3835 My time is exhausted. I yield back.

3836 Chairman Nadler. The gentleman yields back.

3837 Does anyone else seek recognition on this amendment?

3838 If not, the question occurs on the amendment.

3839 All in favor say aye.

3840 Opposed, no.

3841 The noes have it.

3842 Yeas and nays requested. The clerk will call the role.

3843 Ms. Fontenot. Mr. Nadler.

3844 Chairman Nadler. No.

3845 Ms. Fontenot. Mr. Nadler votes no.

3846 Ms. Lofgren.

3847 Ms. Lofgren. No.

3848 Ms. Fontenot. Ms. Lofgren votes no.

3849 Ms. Jackson Lee.

3850 Ms. Jackson Lee. No.

3851 Ms. Fontenot. Ms. Jackson Lee votes no.

3852 Mr. Cohen.

3853 [No response.]

3854 Ms. Fontenot. Mr. Johnson of Georgia. Mr. Johnson of

3855 Georgia. Johnson votes aye. Oh, excuse me, votes nay.

3856 Ms. Fontenot. Mr. Johnson of Georgia votes no.

3857 Mr. Deutch.

3858 [No response.]

3859 Ms. Fontenot. Ms. Bass.

3860 Ms. Bass. No.

3861 Ms. Fontenot. Ms. Bass votes no.

3862 Mr. Jeffries.

3863 Mr. Jeffries. No.

3864 Ms. Fontenot. Mr. Jeffries votes no.

3865 Mr. Cicilline.

3866 [No response.]

3867 Ms. Fontenot. Mr. Swalwell.

3868 [No response.]
3869 Ms. Fontenot. Mr. Lieu.
3870 Mr. Lieu. No.
3871 Ms. Fontenot. Mr. Lieu votes no.
3872 Mr. Raskin.
3873 [No response.]
3874 Ms. Fontenot. Ms. Jayapal.
3875 Ms. Jayapal. No.
3876 Ms. Fontenot. Ms. Jayapal votes no.
3877 Ms. Demings.
3878 Mrs. Demings. No.
3879 Ms. Fontenot. Ms. Demings votes no.
3880 Mr. Correa.
3881 Mr. Correa. No.
3882 Ms. Fontenot. Mr. Correa votes no.
3883 Ms. Scanlon.
3884 Ms. Scanlon. No.
3885 Mr. Fontenot. Ms. Scanlon votes no.
3886 Ms. Garcia.
3887 Ms. Garcia. No.
3888 Ms. Fontenot. Ms. Garcia votes no.
3889 Mr. Neguse.
3890 [No response.]
3891 Ms. Fontenot. Ms. McBath.

3892 Mrs. McBath. McBath votes no.

3893 Ms. Fontenot. Ms. McBath votes no.

3894 Mr. Stanton.

3895 Mr. Stanton. No.

3896 Ms. Fontenot. Mr. Stanton votes no.

3897 Ms. Dean.

3898 Ms. Dean. No.

3899 Ms. Fontenot. Ms. Dean votes no.

3900 Ms. Escobar.

3901 Ms. Escobar. No.

3902 Ms. Fontenot. Ms. Escobar votes no.

3903 Mr. Jones.

3904 [No response.]

3905 Ms. Fontenot. Ms. Ross.

3906 Ms. Ross. Ross votes no.

3907 Ms. Fontenot. Ms. Ross votes no.

3908 Ms. Bush.

3909 Ms. Bush. Bush votes no.

3910 Ms. Fontenot. Ms. Bush votes no.

3911 Mr. Jordan.

3912 [No response.]

3913 Ms. Fontenot. Mr. Chabot.

3914 Mr. Chabot. Aye.

3915 Ms. Fontenot. Mr. Chabot votes aye.

3916 Mr. Gohmert.
3917 [No response.]
3918 Ms. Fontenot. Mr. Issa.
3919 Mr. Issa. Aye.
3920 Ms. Fontenot. Mr. Issa votes aye.
3921 Mr. Buck.
3922 Mr. Buck. Aye.
3923 Ms. Fontenot. Mr. Buck votes aye.
3924 Mr. Gaetz.
3925 [No response.]
3926 Ms. Fontenot. Mr. Johnson of Louisiana.
3927 [No response.]
3928 Ms. Fontenot. Mr. Biggs.
3929 Mr. Biggs. Aye.
3930 Ms. Fontenot. Mr. Biggs votes aye.
3931 Mr. McClintock.
3932 Mr. McClintock. Aye.
3933 Ms. Fontenot. Mr. McClintock votes aye.
3934 Mr. Steube.
3935 Mr. Steube. Yes.
3936 Ms. Fontenot. Mr. Steube votes yes.
3937 Mr. Tiffany.
3938 Mr. Tiffany. Aye.
3939 Ms. Fontenot. Mr. Tiffany votes aye.

3940 Mr. Massie.

3941 Mr. Massie. Aye.

3942 Ms. Fontenot. Mr. Massie votes aye.

3943 Mr. Roy.

3944 [No response.]

3945 Ms. Fontenot. Mr. Bishop.

3946 Mr. Bishop. Yes.

3947 Ms. Fontenot. Mr. Bishop votes yes.

3948 Ms. Fischbach.

3949 Ms. Fischbach. Yes.

3950 Ms. Fontenot. Ms. Fischbach votes yes.

3951 Mrs. Spartz.

3952 Mrs. Spartz. Yes.

3953 Ms. Fontenot. Mrs. Spartz votes yes.

3954 Mr. Fitzgerald.

3955 [No response.]

3956 Ms. Fontenot. Mr. Bentz.

3957 Mr. Bentz. Mr. Bentz votes yes.

3958 Ms. Fontenot. Mr. Bentz votes yes.

3959 Mr. Owens.

3960 Mr. Owens. Owens, yes.

3961 Ms. Fontenot. Mr. Owens votes yes.

3962 Mr. Raskin. Mr. Chairman, how am I recorded, Mr. Raskin?

3963 Ms. Fontenot. Mr. Raskin, you are not recorded.

3964 Mr. Raskin. I vote no.

3965 Ms. Fontenot. Mr. Raskin votes no.

3966 Mr. Cicilline, you are not recorded.

3967 Mr. Cicilline. No.

3968 Ms. Fontenot. Mr. Cicilline votes no.

3969 Chairman Nadler. Are there any other members who have not
3970 been recorded who wish to be recorded?

3971 [No response.]

3972 Chairman Nadler. The clerk will report.

3973 Mr. Gaetz. How am I recorded?

3974 Chairman Nadler. Mr. Gaetz?

3975 Ms. Fontenot. Mr. Gaetz, you are not recorded.

3976 Mr. Gaetz. I would like to vote aye.

3977 Ms. Fontenot. Mr. Gaetz votes aye.

3978 Mr. Chairman, there are 14 ayes and 20 noes.

3979 Chairman Nadler. The amendment is not agreed to.

3980 Are there any other amendments to the amendment in the nature
3981 of a substitute?

3982 [No response.]

3983 Chairman Nadler. Hearing none, a reporting quorum being
3984 present, the question is -- thank you -- a reporting quorum being
3985 present, the question is on the motion to report the bill H.R.
3986 3372, as amended, favorably to the House.

3987 Those in favor, say aye.

3988 Opposed, no.

3989 The ayes have it. And the bill is ordered to be reported

3990 favorably to the House.

3991 Yeas and nays have been requested.

3992 The clerk will call the role.

3993 Ms. Fontenot. Mr. Nadler.

3994 Chairman Nadler. Aye.

3995 Ms. Fontenot. Mr. Nadler votes aye.

3996 Ms. Lofgren.

3997 Ms. Lofgren. Aye.

3998 Ms. Fontenot. Ms. Lofgren votes aye.

3999 Ms. Jackson Lee.

4000 Ms. Jackson Lee. Yes.

4001 Ms. Fontenot. Ms. Jackson Lee votes yes.

4002 Mr. Cohen.

4003 [No response.]

4004 Ms. Fontenot. Mr. Johnson of Georgia. Mr. Johnson of

4005 Georgia? Mr. Johnson of Georgia. Johnson of Georgia votes aye.

4006 Ms. Fontenot. Mr. Johnson of Georgia votes aye.

4007 Mr. Deutch.

4008 [No response.]

4009 Ms. Fontenot. Ms. Bass.

4010 Ms. Bass. Aye.

4011 Ms. Fontenot. Ms. Bass votes aye.

4012 Mr. Jeffries.
4013 Mr. Jeffries. Aye.
4014 Ms. Fontenot. Mr. Jeffries votes aye.
4015 Mr. Cicilline.
4016 Mr. Cicilline. Aye.
4017 Ms. Fontenot. Mr. Cicilline votes aye.
4018 Mr. Swalwell.
4019 [No response.]
4020 Ms. Fontenot. Mr. Lieu.
4021 Mr. Lieu. Aye.
4022 Ms. Fontenot. Mr. Lieu votes aye.
4023 Mr. Raskin.
4024 Mr. Raskin. Aye.
4025 Ms. Fontenot. Mr. Raskin votes aye.
4026 Ms. Jayapal.
4027 Ms. Jayapal. Aye.
4028 Ms. Fontenot. Ms. Jayapal votes aye.
4029 Ms. Demings.
4030 Mrs. Demings. Aye.
4031 Ms. Fontenot. Ms. Demings votes aye.
4032 Mr. Correa.
4033 Mr. Correa. Aye.
4034 Ms. Fontenot. Mr. Correa votes aye.
4035 Ms. Scanlon.

4036 Ms. Scanlon. Aye.

4037 Mr. Fontenot. Ms. Scanlon votes aye.

4038 Ms. Garcia.

4039 Ms. Garcia. Aye.

4040 Ms. Fontenot. Ms. Garcia votes aye.

4041 Mr. Neguse.

4042 Mr. Neguse. Aye.

4043 Ms. Fontenot. Mr. Neguse votes aye.

4044 Ms. McBath.

4045 Mrs. McBath. Aye.

4046 Ms. Fontenot. Ms. McBath votes aye.

4047 Mr. Stanton.

4048 Mr. Stanton. Aye.

4049 Ms. Fontenot. Mr. Stanton votes aye.

4050 Ms. Dean.

4051 Ms. Dean. Aye.

4052 Ms. Fontenot. Ms. Dean votes aye.

4053 Ms. Escobar.

4054 Ms. Escobar. Aye.

4055 Ms. Fontenot. Ms. Escobar votes aye.

4056 Mr. Jones.

4057 [No response.]

4058 Ms. Fontenot. Ms. Ross.

4059 Ms. Ross. Ross votes aye.

4060 Ms. Fontenot. Ms. Ross votes aye.
4061 Ms. Bush.
4062 Ms. Bush. Bush votes aye.
4063 Ms. Fontenot. Ms. Bush votes aye.
4064 Mr. Jordan.
4065 [No response.]
4066 Ms. Fontenot. Mr. Chabot.
4067 Mr. Chabot. Aye.
4068 Ms. Fontenot. Mr. Chabot votes aye.
4069 Mr. Gohmert.
4070 Mr. Gohmert. Aye.
4071 Ms. Fontenot. Mr. Gohmert votes aye.
4072 Mr. Issa.
4073 Mr. Issa. Aye.
4074 Ms. Fontenot. Mr. Issa?
4075 Mr. Issa. Aye.
4076 Ms. Fontenot. Mr. Issa votes aye.
4077 Mr. Buck.
4078 [No response.]
4079 Ms. Fontenot. Mr. Gaetz.
4080 [No response.]
4081 Ms. Fontenot. Mr. Johnson of Louisiana.
4082 Mr. Johnson of Louisiana. Aye.
4083 Ms. Fontenot. Mr. Johnson of Louisiana votes aye.

4084 Mr. Biggs.
4085 Mr. Biggs. No.
4086 Ms. Fontenot. Mr. Biggs votes no.
4087 Mr. McClintock.
4088 Mr. McClintock. Aye.
4089 Ms. Fontenot. Mr. McClintock votes aye.
4090 Mr. Steube.
4091 Mr. Steube. No.
4092 Ms. Fontenot. Mr. Steube votes no.
4093 Mr. Tiffany.
4094 Mr. Tiffany. No.
4095 Ms. Fontenot. Mr. Tiffany votes no.
4096 Mr. Massie.
4097 Mr. Massie. No.
4098 Ms. Fontenot. Mr. Massie votes no.
4099 Mr. Roy.
4100 [No response.]
4101 Ms. Fontenot. Mr. Bishop.
4102 Mr. Bishop. No.
4103 Ms. Fontenot. Mr. Bishop votes no.
4104 Ms. Fischbach.
4105 Ms. Fischbach. No.
4106 Ms. Fontenot. Ms. Fischbach votes no.
4107 Ms. Spartz.

4108 Mrs. Spartz. Yes.

4109 Ms. Fontenot. Ms. Spartz votes yes.

4110 Mr. Fitzgerald.

4111 Mr. Fitzgerald. No.

4112 Ms. Fontenot. Mr. Fitzgerald votes no.

4113 Mr. Bentz.

4114 Mr. Bentz. Yes.

4115 Ms. Fontenot. Mr. Bentz votes yes.

4116 Mr. Owens.

4117 Mr. Owens. Owens, aye.

4118 Ms. Fontenot. Mr. Owens votes aye.

4119 Chairman Nadler. Mr. Deutch.

4120 Mr. Deutch Aye.

4121 Ms. Fontenot. Mr. Deutch votes aye.

4122 Mr. Swalwell. How is Mr. Swalwell recorded?

4123 Ms. Fontenot. Mr. Swalwell, you're not recorded.

4124 Mr. Swalwell. Aye.

4125 Ms. Fontenot. Mr. Swalwell votes aye.

4126 Mr. Buck. Mr. Chairman, how am I recorded? This is Ken

4127 Buck.

4128 Ms. Fontenot. Mr. Buck, you are not recorded.

4129 Mr. Buck. I vote no.

4130 Ms. Fontenot. Mr. Buck votes no.

4131 Chairman Nadler. Are there any other members who wish to

4132 be recorded who have not been recorded?

4133 [No response.]

4134 Chairman Nadler. The clerk will report.

4135 Ms. Fontenot. Mr. Chairman, there are 31 ayes and 8 noes.

4136 Chairman Nadler. The ayes have it. The bill is ordered
4137 reported favorably to the House.

4138 Members will have two days to submit views.

4139 Pursuant to notice, I now call up H.R. 4435, the Fight Notario
4140 Fraud Act of 2021. For purposes of markup I move that the
4141 committee report the bill favorably to the House.

4142 The clerk will report the bill.

4143 [The Bill H.R. 4435 follows:]

4144

4145 *****COMMITTEE INSERT*****

4146 Ms. Fontenot. H.R. 4435, to amend title 18, United States
4147 Code --

4148 Chairman Nadler. Without objection, the bill is considered
4149 as read and open for amendment at any point.

4150 I will begin by recognizing myself for an opening statement.

4151 The Fight Notario Fraud Act of 2021 would criminalize the
4152 practice by unlicensed and often untrained people who offer legal
4153 services in immigration matters to unsuspecting victims. Last
4154 Congress we passed a nearly identical version of the bill out
4155 of this committee and through the House on a bipartisan voice
4156 vote, and hope we will do the same again this year.

4157 The bipartisan nature of last year's vote speaks to the
4158 widespread condemnation of these fraudulent practices. Notario
4159 fraud grifters take advantage of the translation of "notario
4160 publico" in Spanish to "notary public" in English. While the
4161 translation may be technically accurate, the meaning is very
4162 different. And the intent of these scam artists is malevolent:
4163 to defraud unsuspecting patrons seeking immigration help.

4164 In Latin America, "notario publico" often refers to a
4165 licensed attorney, whereas in the United States, a notary public
4166 is only permitted to witness the signing of documents, not to
4167 act as a lawyer. But many immigrants, particularly Latinos,
4168 unfamiliar with the American meaning of the term can be fooled
4169 by fraudulent notary publics into seeking legal assistance in

4170 immigration matters, often with disastrous consequences. Many
4171 of these immigrants may lose thousands of dollars and their
4172 immigration applications may go nowhere. But they are lucky
4173 compared to those whose immigration cases are irreparably harmed
4174 and whose opportunities to normalize immigration status are
4175 prejudiced or even lost.

4176 Notarios may also abandon their victims and flee with
4177 important documentation that immigrants need to file for
4178 immigration relief. Victims of notario fraud who have entrusted
4179 these fraudsters with their future and their hopes are both ripped
4180 off and, potentially, stripped of the opportunity to pursue the
4181 American dream.

4182 To address the prevalence of notario fraud, the Fight Notario
4183 Fraud Act would create three new federal crimes:

4184 First, it would outlaw the provision of fraudulent
4185 immigration services.

4186 Second, it would prohibit misrepresentations by individuals
4187 who falsely claim to be authorized to practice immigration law.

4188 This narrowly-crafted provision would establish targeted
4189 criminal penalties for the flagrant abuse of immigrants seeking
4190 relief. It would hold accountable those who take advantage of
4191 some of the least sophisticated consumers. This measure provides
4192 a much-needed tool for prosecutors to prevent this type of fraud
4193 and abuse.

4194 And, finally, the bill would criminalize threats and
4195 retaliatory acts associated with the provision of fraudulent
4196 immigration services.

4197 These provisions of the bill are particularly important.

4198 Notario fraud schemes are very rarely reported because so many
4199 immigrants are afraid of retaliation. By some estimates, only
4200 1 in every 100 cases is ever reported to the authorities. Failure
4201 to report these crimes, along with limited prosecutions, allows
4202 notarios to continue their scams. With this bill, greater focus
4203 and emphasis will be placed on notario scams by providing
4204 additional authority and resources to prosecute these crimes,
4205 including through the creation of no fewer than 15 special United
4206 States attorney positions to prosecute notario fraud crimes.

4207 I thank Representative Escobar for her leadership in
4208 introducing this vital legislation. And I would ask all my
4209 colleagues to join me in supporting this bill today.

4210 I now recognize the ranking member -- I now recognize Mr.
4211 Biggs for his opening statement.

4212 Mr. Biggs. I thank the chairman.

4213 H.R. 4435 is the majority's effort to deal with what they
4214 see as a serious situation. And I also think it is a serious
4215 situation. It seems obvious to me that it is.

4216 Within my district we have notarios that are practicing.

4217 I don't know the extent of whether there is fraud or whether

4218 they are legitimate, but I do see their storefront offices going
4219 through my district.

4220 Chapter 47 of Title 18 of the U.S. Code deals with fraud
4221 and false statements though. And in that chapter there are
4222 currently 40 sections. This bill would make it 41. And this
4223 is what I would refer to as over-criminalization. Certainly
4224 there are other state or federal laws that could deal with notario
4225 fraud.

4226 We should be looking, in my opinion, at shrinking Title 18,
4227 shrinking the criminalization, not growing it.

4228 This bill also directs the attorney general to establish
4229 at least 15 special United States attorneys to prosecute these
4230 crimes. Now, think about it. When you look in the sections of
4231 this bill and you look at the fraud section or the
4232 misrepresentation section, these are, these are misdemeanors.

4233 And you are going to assign 15 U.S. attorneys to investigate
4234 misdemeanors. I question whether that is a wise use of our
4235 limited resources.

4236 I wish that the supporters of this bill shared my view.
4237 And I am sure I will have more to say as we go along.

4238 And I yield back, Mr. Chairman. Thank you.

4239 Chairman Nadler. The gentleman yields back.

4240 I now recognize the ranking member of the Crime Subcommittee
4241 -- I am sorry, I now recognize the chair of the Subcommittee on

4242 Crime, Terrorism, and Homeland Security, the gentle lady from
4243 Texas, Ms. Jackson Lee, for her opening statement.

4244 Ms. Jackson Lee. Mr. Chairman, thank you very much.

4245 And I am proud to be an original co-sponsor of H.R. 4435,
4246 the Fight Notario Fraud Act, and thank the chairman for addressing
4247 this important issue and, of course, my colleague and fellow
4248 Texan, Ms. Escobar, for her leadership on this issue.

4249 The bill makes necessary changes to federal law to ensure
4250 the appropriate prosecutorial tools are in place to target those
4251 who prey on immigrants, some of the most vulnerable members of
4252 our society. Notario fraud refers to the practice of unlicensed
4253 immigration consultants offering immigration legal services.
4254 And they are plentiful. Their advertisements, their signs, their
4255 tweets, their cards are everywhere.

4256 Unfortunately, it has been an ongoing problem in my district
4257 and many districts around America. The gravity and scope of the
4258 notario fraud problem in the State of Texas cannot be understated.

4259 According to one report, almost 100 businesses have been
4260 closed for offering legal services without the required
4261 authorization since 2002 just in my home state of Texas alone.

4262 What happens is it combines or it leaves open the individuals
4263 who use these services to a desperate circumstance, that they
4264 are not in compliance, or they haven't done what they are supposed
4265 to do, that they are subject to deportation. It is absolutely

4266 tragic.

4267 One report from my district highlights the economic and legal
4268 harm of these bad actors. One of my fellow Houstonians discovered
4269 18 years too late that the notario that she has contracted with
4270 had bilked her out of more than \$15,000. This so-called notario
4271 also never notified her that her application for permanent legal
4272 resident status had been rejected years ago. Other immigrants
4273 have discovered that their applications were bungled, their
4274 ability to change their status ruined.

4275 Notario fraud has destroyed the American dreams of too many.
4276 These schemes also reduced community trust in the immigrant
4277 process which, in turn, has the effect of chilling immigrants'
4278 participation in prosecution of notario fraud.

4279 Notario fraud perpetrators take advantage of their victims'
4280 lack of familiarity with our complex immigration laws and exploit
4281 the fear of some immigrants to report crimes to government
4282 authorities.

4283 This bill includes protection against retaliation for
4284 reporting instances of notario fraud. This type of protection
4285 is necessary to encourage reporting of these types of illegal
4286 practices.

4287 There is also an important addition to the 117th version
4288 of this bill that I want to highlight for my colleagues. This
4289 Congress the bill includes a provision to focus on the linguistic

4290 competency of any federal prosecutor appointed to serve in any
4291 of the special U.S. attorney positions established by this
4292 legislation. As a result, prosecutors should be more effective
4293 in the prosecution of cases involving non-English speaking
4294 victims and witnesses. Additionally, having prosecutors who
4295 speak the language of the victims is critically critical to
4296 promoting trust in the community. This is especially true in
4297 Texas.

4298 Houston public media has also reported that notario fraud
4299 scams are also targeting Houston's Vietnamese-speaking community
4300 as well.

4301 The bill also requires that 15 federal prosecutors be
4302 designated to handle these cases. In doing so, the bill will
4303 also prioritize and promote affirmative steps to protect
4304 immigrants from notario fraud. Communities like my hometown of
4305 Houston need immediate action and attention to stop notario fraud
4306 and to hold notario fraud scammers accountable.

4307 I venture to say the nation needs this legislation.
4308 Moreover, this committee must encourage practices like those in
4309 the Fight Notario Fraud Act that meet the needs of victims.

4310 I thank my fellow Texan, Representative Veronica Escobar,
4311 again for taking up this legislation and for her leadership on
4312 this issue. I also thank the chairman for again moving forward
4313 on this important issue.

4314 And I want to acknowledge an article that deals with the
4315 notario fraud scammers target Houston's immigrant community, and
4316 immigrant lawyers warn of notario fraud. I ask unanimous consent
4317 to submit that into the record.

4318 Chairman Nadler. Without objection.

4319 [The information follows:]

4320

4321 *****COMMITTEE INSERT*****

4322 Ms. Jackson Lee. And I ask my colleagues again to support
4323 the underlying bill for this important issue.

4324 Thank you.

4325 Chairman Nadler. The gentlelady yields back.

4326 Without objection, all other opening statements will be
4327 included in the record.

4328 Are there any amendments to H.R. 4435?

4329 For what purpose does Ms. Escobar seek recognition?

4330 Ms. Escobar. Thank you, Mr. Chairman. Move to strike the
4331 last word.

4332 Chairman Nadler. The gentlelady is recognized.

4333 Ms. Escobar. Mr. Chairman, I am so proud to be able to
4334 continue the work from last Congress of my friend and former
4335 colleague Debbie Mucarsel-Powell who did some incredible work
4336 on this bill. I am proud to continue to fight to protect some
4337 of the most vulnerable members of our society. And I am proud
4338 and grateful to my co-sponsors Representative Sheila Jackson Lee
4339 and Sylvia Garcia, my colleagues from Texas.

4340 The Fight Notario Fraud Act gives the Department of Justice
4341 the tools to go after perpetrators of notario fraud. This bill
4342 criminalizes providing fraudulent immigration services,
4343 misrepresentations by certain individuals claiming to be
4344 authorized to practice immigration law, threats or retaliation
4345 against the victims of notario fraud, and directs the attorney

4346 general of the United States to establish no less than 15 U.S.
4347 attorneys to investigate and prosecute reports of notario fraud.

4348 One of my colleagues mentioned concern about that particular
4349 aspect of the bill. And I would just like to emphasize that the
4350 impact that notario fraud has on the lives of some of some of
4351 the most vulnerable among us is devastating. People's ability
4352 to access the legal immigration system is at stake, people's
4353 livelihoods are at stake, people's families are at stake. I
4354 cannot emphasize enough the devastation that comes with the fraud
4355 related to notario fraud.

4356 And, in fact, this is fraud that is perpetrated all over
4357 the country. I have heard from colleagues who represent
4358 different states all over America who say that this is a badly
4359 needed piece of legislation. And so, this would bring relief
4360 to communities all across America.

4361 Grifters, many of whom are certified notary publics in the
4362 U.S., misrepresent their credentials to potential victims and
4363 offer immigration services they are not qualified to handle.
4364 We all know how complicated the U.S. immigration system is. We
4365 all know that there are fewer legal avenues today, fewer than
4366 ever before. And we all know how complex it is already. And
4367 so when these grifters offer services to vulnerable immigrants
4368 and rob them of their opportunity, that should be alarming to
4369 all of us.

4370 In addition to taking thousands of dollars from their
4371 victims, scammers often commit filing mistakes, give incorrect
4372 legal advice, and many have even lost or stolen important
4373 documents vital to their victims immigration cases. Sometimes
4374 the damage caused by scammers is severe and irreversible, and
4375 can cost victims their immigration case and their status in the
4376 United States.

4377 Fear of retaliation from scammers and fear of deportation
4378 by the U.S. Government means that victims of notario fraud rarely
4379 come forward to report the crime. Notario fraud is so under
4380 reported that it is difficult to find accurate statistics, though
4381 some estimates find that only about 1 in every 100 instances of
4382 fraud is ever reported.

4383 This committee voted the Fight Notario Fraud Act in a
4384 bipartisan manner out of this committee last Congress, and must
4385 do so again. I urge my colleagues to support this bill. And
4386 I thank everyone who helped make it better.

4387 Mr. Chairman, I yield back.

4388 Chairman Nadler. The gentlelady yields back.

4389 There are votes on the floor. We are going to recess the
4390 committee until immediately after the votes. So, please come
4391 back immediately after the votes.

4392 The committee stands in recess.

4393 [Recess.]

4394 Chairman Nadler. We will now resume consideration of H.R.
4395 4435.

4396 Who seeks recognition?

4397 Ms. Garcia. Mr. Chairman, I move to strike the last word.
4398 Chairman Nadler. The gentlelady is recognized.

4399 Ms. Garcia. Thank you, Mr. Chairman, and thank you for
4400 bringing this bill forward.

4401 Today, we take bold steps to address recidivism and
4402 sentencing disparities, provide equal access to veterans court
4403 treatment programs for racial and ethnic minorities and women,
4404 as well as address individuals who claim to practice immigration
4405 law and misrepresent themselves.

4406 I'm especially proud to co-lead the Fight Notario Fraud Act
4407 of 2021, which would hold public notaries accountable who abuse
4408 their power. Some of these bad actors take advantage of
4409 vulnerable communities with language barriers or of those who
4410 cannot read or fully understand the American legal system.

4411 Many Spanish-speaking immigrants, for example, turn to
4412 notaries because in their home countries a notario publico refers
4413 to a lawyer.

4414 So H.R. 4435 criminalizes notario fraud schemes, ensuring
4415 that no one can take advantage of the literal sounding translation
4416 of notario publico.

4417 Significantly, some scammers have fraudulently used a notary

4418 public title to market themselves as authorized to provide legal
4419 advice and services, especially in immigration law.

4420 When I was legal aid lawyer, I remember seeing firsthand
4421 many of the deceitful practices at the expense of indigent people
4422 due to their illiteracy or language barrier.

4423 Sadly, that wrong was -- that was wrong then and it is still
4424 wrong today. As a member of Congress, we have gotten many of
4425 these similar complaints.

4426 So the practice still continues. We have a responsibility
4427 to protect the well being and livelihoods of the most vulnerable
4428 among us, including immigrant families across our country.

4429 Certainly, courts have recognized the widespread prevalence
4430 of notario fraud and the negative impact on immigrants and their
4431 families is clear.

4432 I want to thank my Comadre Congresswoman Veronica Escobar
4433 of El Paso and Congresswoman Sheila Jackson Lee, my colleague
4434 from Houston, for their leadership on this issue, and I thank
4435 them for their continued work that started with our other Comadre
4436 Debbie Mucarsel-Powell of Florida, formerly with us on this
4437 committee.

4438 I urge my colleagues to support this important legislation.
4439 Let's put an end to these fraudulent schemes.

4440 And, Mr. Chairman, I agree with Mr. Biggs. Fifteen U.S.
4441 Attorneys is something we should rethink. Frankly, that's just

4442 enough for Texas. What do we do about the rest of the states?

4443

4444 We should make sure that if we're going to ask for these
4445 cases to be prosecuted that we have enough staff to handle the
4446 number of complaints that I know we get in Texas, that he gets
4447 in Arizona, that they get in California, New York, Florida, and
4448 I could go on and on.

4449 Mr. Chairman, this is an important piece of legislation.

4450 I urge all my colleagues to support it.

4451 With that, I yield back the balance of my time and I thank
4452 you so much for your leadership on this issue.

4453 Chairman Nadler. The gentlelady yields back.

4454 For what purpose does Mr. Stanton seek recognition?

4455 Mr. Stanton. Mr. Chairman, I move to strike last word.

4456 Chairman Nadler. The gentleman is recognized.

4457 Mr. Stanton. Thank you, Mr. Chairman.

4458 I am proud to support H.R. 4435, the Fight Notario Fraud
4459 Act of 2021. I urge my colleagues to do the same. This bill
4460 addresses an issue that affects way too many people in my home
4461 state of Arizona.

4462 Fraudsters, often without any credentials, pose as legal
4463 professionals offering immigration services to unsuspecting
4464 targets. They prey on vulnerable immigrant communities, of whom
4465 many do not speak English as a first language. The notario

4466 provides advice and counsel as if they are an attorney. But,
4467 in fact, they are untrained, unlicensed, and too often malicious.

4468

4469 The risk posed by these scams is obvious. Mistakes in
4470 immigration proceedings and paperwork carry heavy penalties.
4471 And, too often, the victim of the swindles is left with little
4472 or no recourse and faces threat of retaliation.

4473 The Fight Notario Fraud Act of 2021 would fix this by
4474 criminalizing these fraudulent activities and establishing at
4475 least 15 special U.S. Attorneys to prosecute the bad actors.

4476 And I also want to offer my thanks to Representative Escobar,
4477 Jackson Lee, and Garcia for their ongoing leadership on this
4478 issue, and I ask my colleagues to join me in supporting this
4479 important bill.

4480 I yield back.

4481 Chairman Nadler. The gentleman yields back.

4482 For my purpose does Ms. -- for what purpose does Ms. Ross
4483 seek recognition?

4484 Ms. Ross. Mr. Chairman -- Mr. Chairman, I move to strike
4485 the last word.

4486 Chairman Nadler. The gentlelady is recognized.

4487 Ms. Ross. Thank you, Mr. Chairman.

4488 The Fight Notario Fraud Act of 2021 led by my colleague,
4489 Representative Escobar, addresses real harms incurred to

4490 vulnerable immigrant communities that fall prey to notario fraud.

4491

4492 Spanish-speaking immigrants in particular often face
4493 confusion about the role and power of notaries, and can be led
4494 to believe that notaries are legally authorized to provide legal
4495 services.

4496 I have seen this in my state. These predatory practices
4497 have immense and often irreversible consequences on immigrant
4498 communities. Fraudulent notary practices can lead to the missing
4499 of key deadlines and the filing of incorrect, incomplete, and
4500 false claims with the government, leaving individuals with not
4501 only missed opportunities to obtain legal residency, but the
4502 possibility of facing criminal liability and deportation.

4503 I represent a district with a large immigrant population
4504 that's benefitted from rigorous enforcement of state laws that
4505 prohibit notary fraud. However, not all states have these laws.

4506

4507 I'd like to highlight the leadership of North Carolina
4508 Secretary of State Elaine Marshall, who has led the charge in
4509 preventing notario fraud by increasing the capability of the state
4510 to investigate misconduct and has worked with the state bar to
4511 provide continuing legal education for attorneys that help
4512 identify the notario misconduct.

4513 She has also improved methodologies to positively identify

4514 document signers. But again, all states do not have these
4515 protections, and that is why we need this important piece of
4516 legislation.

4517 I urge my colleagues to support the bill, and I yield back.
4518 Chairman Nadler. The gentlelady yields back.

4519 For what purpose does Ms. Scanlon seek recognition?

4520 Ms. Scanlon. I move to strike the last word.

4521 Chairman Nadler. The gentlelady is recognized.

4522 Ms. Scanlon. Thank you, Mr. Chairman, for putting this
4523 legislation for our consideration today, and thank you to my
4524 friend, Representative Escobar, for introducing this important
4525 bill.

4526 As co-chair of the Legal Aid Caucus and someone who's worked
4527 for decades to expand access to legal services for those in need,
4528 I've seen how important access to quality legal counsel is.

4529 This is especially true in immigration matters, where our
4530 complicated laws and broken bureaucracy are difficult to
4531 navigate, even with legal counsel.

4532 But I've heard too many heartbreaking stories from
4533 vulnerable immigrants who were defrauded by notarios posing as
4534 legitimate immigration experts. These notarios take advantage
4535 of the complexity of our immigration system and the fears of
4536 immigrants seeking to navigate it in the hopes of making a better
4537 life in our country.

4538 And the impact of these fraudulent notarios is devastating.
4539 Not only do they extort hundreds of thousands of dollars from
4540 families who count on them for sound legal advice, but they often,
4541 through fraud or incompetence, irreparably damage legitimate
4542 opportunities for immigrants to gain visas, green cards, and other
4543 legal immigration status.

4544 That's why I'm so proud to support this legislation which
4545 would criminalize unlawful notario schemes as well as any threats
4546 and retaliation associated with those schemes.

4547 Additionally, I'm pleased that this legislation would
4548 allocate DOJ resources to ensure that notario fraud is rooted
4549 out and stopped before it can ruin the lives of immigrants looking
4550 for legal counsel.

4551 Ensuring access to quality affordable legal aid should be
4552 a priority for our committee and this Congress, and part of that
4553 effort lies in rooting out bad actors who aim to take advantage
4554 of vulnerable individuals looking for legal assistance.

4555 I encourage my colleagues to support the Fight Notario Fraud
4556 Act, which would make meaningful change for immigrants across
4557 our country.

4558 Thank you, again, to my colleagues for your leadership and
4559 your focus on this important issue. I yield back.

4560 Chairman Nadler. The gentlelady yields back. For what
4561 purpose does Mr. Biggs seek recognition?

4562 Mr. Biggs. I have an amendment at the desk.

4563 Chairman Nadler. Clerk will report the amendment.

4564 Ms. Lofgren. I reserve a point of order.

4565 Chairman Nadler. Point of order is reserved. The clerk
4566 will report the amendment.

4567 Ms. Fontenot. Amendment to H.R. 4435, offered by Mr. Biggs
4568 of Arizona. Add at the end of the bill the following. Section
4569 3, inadmissibility and --

4570 Chairman Nadler. The amendment will be considered as read.

4571 [The Amendment offered by Mr. Biggs follows:]

4572

4573 *****COMMITTEE INSERT*****

4574 Chairman Nadler. The gentleman is recognized to explain
4575 his amendment.

4576 Mr. Biggs. Thank you, Mr. Chairman.

4577 Well, Mr. Chairman, my amendment is quite simple. I mean,
4578 we have heard a lot of passion about the gravity of notario fraud,
4579 and I'm not minimizing it all.

4580 I think that it probably does and it is such a problem, quite
4581 frankly, because it is being -- this type of fraud and this kind
4582 of action is being used to prey on aliens who are living in United
4583 States.

4584 And those who are holding themselves out to be immigration
4585 specialists, they take the money of unsuspecting aliens in that
4586 way. They're not the kind of people, if they're foreign
4587 nationals, that we really want in the United States.

4588 They have violated a very serious law. They've impersonated
4589 lawyers. They've -- and you guys on the other side have really
4590 catalogued all the things that can happen and the impact on lives.

4591 I was kind of surprised that you left it at misdemeanor,
4592 though. So what my amendment does is it ensures that a foreign
4593 national who commits notario fraud, as defined by this bill, is
4594 both inadmissible to and deportable from the United States.

4595 See, a misdemeanor conviction is not enough for the Biden
4596 administration to make an alien a priority for removal. So the
4597 least we can do, in my opinion, is to speak with a strong unified

4598 voice that people who commit these types of crimes who are here,
4599 and they're foreign nationals, they should be removed from the
4600 country.

4601 I hope that all of my colleagues will work with me to convince
4602 the Biden administration that aliens who commit notario fraud
4603 and other -- and all other aliens convicted of crimes should be
4604 removed from the United States of America.

4605 Now, when I look at this, too, what I find interesting is
4606 I think there's an additional flaw in the bill. I'm not going
4607 to -- I'm not going to offer an amendment. I mean, I don't know
4608 that that necessarily is appropriate for me to offer that
4609 amendment. But I wish you would consider this.

4610 When you get to on the fifth page, line 19, linguistic
4611 competence, I understand that you want linguistic competence,
4612 but I want to -- I want to give you some context. You're going
4613 to have 15 special U.S. Attorneys and their linguistic capability
4614 -- their multilingual capability will be considered.

4615 The way this is structured here I hope they speak a lot of
4616 languages because, for instance, in the Yuma sector just about
4617 six, eight weeks ago when I was down their the number-one country
4618 from which people were being apprehended was Brazil.

4619 And I talked to the head of the station. I said, well, how
4620 you doing, because that's a Portuguese-speaking nation. He
4621 says, we don't have interpreters. We don't have translators.

4622

4623 That's a problem. What was number two? Russians. Had
4624 trouble getting Russian speakers to translate. Romanians -- the
4625 big groups -- the two big groups I saw when I was down there,
4626 Romanians. That's a problem.

4627 So when you have this kind of cross here, you might have
4628 an unintended consequence that you can't fulfill the
4629 qualification requirement for your U.S. Attorney -- Assistant
4630 U.S. Attorney General. I raise that because I don't know that
4631 that's intentional. I suspect it's not.

4632 But I think it possibly could be a problem. I don't think
4633 you have a problem with more common languages like Spanish or
4634 even French.

4635 But there's also Mandarin and Cantonese speakers. There
4636 are Farsi speakers that have come across, and I would assume that
4637 some of them are also victimized by notario fraud.

4638 The reason I say that is because in my district you can
4639 go and you will find many notarios in storefronts, you know,
4640 shopping centers. And so if you're coming across, regardless
4641 of where you -- what country of origin, you might end up there
4642 instead of at a lawyer.

4643 Now, let me just raise one other issue that does concern
4644 me, and I raised this -- and it's not meant -- I don't mean to
4645 be offensive with humor. But I'm trying to figure out why the

4646 state bars, and I belong to three different state bars, I would
4647 like to know why they're not enforcing provisions against
4648 nonattorneys practicing law. I wish they would and I think that's
4649 a problem here, and I think you're trying to correct that.

4650 But I think it might be better served in that way. So I
4651 urge everyone to consider my amendment. I would hope -- I hope
4652 it gets adopted.

4653 And with that, Mr. Chairman, I'll yield back.

4654 Chairman Nadler. The gentleman yields back.

4655 The gentleman yields back.

4656 Does the gentlelady insist on her point of order?

4657 Ms. Lofgren. I do insist on the point of order, Mr.
4658 Chairman.

4659 The amendment purports to amend Section 8 of U.S. Code,
4660 whereas the bill is entirely about Title 18 of the U.S. Code.

4661 Therefore, it's beyond the scope of the bill and it is not
4662 germane.

4663 Mr. Biggs. Mr. Chairman --

4664 Chairman Nadler. The gentlelady -- gentleman will be heard
4665 on the point of order?

4666 Mr. Biggs. Yes, I'd like to be heard, if I might.

4667 Chairman Nadler. The gentleman is recognized.

4668 Mr. Biggs. Thank you, Mr. Chairman.

4669 I recognize that we're talking in two different sections

4670 but -- of the U.S. Code, but I think what's important to understand
4671 here is if you go to page 2 and you begin looking at -- under
4672 Section 2 and you start going through this, everything in here,
4673 and particularly on page 4 on lines 5 through 17, everything there
4674 is geared and discusses immigration status, the notario fraud
4675 impacting immigration status, is there something about perceived
4676 immigration status or attempts to secure immigration status that
4677 impacts the person's -- or results in the removal of that person
4678 from the United States, or it leads to the loss of immigration
4679 status.

4680 All of those things there go hand in hand with the immigration
4681 laws that my amendment is dealing with. It is extremely germane.
4682 It goes hand in glove with this. I'm kind of surprised that
4683 this was raised.

4684 But, in reality, I think, Mr. Chairman, if you look even
4685 in lines 12 through 15, or 16, I mean, in verse -- clause C, again,
4686 talking about person applying for an immigration benefit or to
4687 lose the opportunity to apply for an immigration benefit, we are
4688 talking about that through and through.

4689 And it seems to me that this is dependent upon this bill,
4690 and I urge that it'd be real germane, Mr. Chairman.

4691 Chairman Nadler. The chair is prepared to rule. Clause
4692 7 of House Rule 16 prohibits amendments that are on a subject
4693 matter different than the proposal that is under consideration.

4694

4695 he subject of the amendment -- I'm sorry, the subject of
4696 the bill we are currently considering is fraud and false
4697 statements regarding immigration law.

4698 The gentleman's amendment proposes to amend immigration laws
4699 that are not addressed in this bill, which is a subject different
4700 from what we are considering in this bill.

4701 The amendment, therefore, is not germane and violates clause
4702 7 of Rule 16.

4703 Mr. Biggs. I would appeal the ruling of the chair.

4704 Ms. Lofgren. I move to table.

4705 Chairman Nadler. Motion to table is made. The motion to
4706 table is not debatable. The clerk will call the roll.

4707 Ms. Fontenot. Mr. Nadler?

4708 Chairman Nadler. Aye.

4709 Ms. Fontenot. Mr. Nadler votes aye.

4710 Ms. Lofgren?

4711 Ms. Lofgren. Aye.

4712 Ms. Fontenot. Ms. Lofgren votes aye.

4713 Ms. Jackson Lee?

4714 Mr. Cohen?

4715 Mr. Cohen. Aye.

4716 Ms. Fontenot. Mr. Cohen?

4717 Mr. Johnson of Georgia?

4718 Mr. Johnson of Georgia. Aye.

4719 Ms. Fontenot. Mr. Johnson of Georgia votes aye.

4720 Mr. Deutch?

4721 Ms. Bass?

4722 Ms. Bass?

4723 Ms. Lofgren. You're muted.

4724 Ms. Bass. Aye. Aye.

4725 Ms. Fontenot. Ms. Bass votes aye.

4726 Mr. Jeffries?

4727 Mr. Jeffries. Aye.

4728 Ms. Fontenot. Mr. Jeffries votes aye.

4729 Mr. Cicilline?

4730 Mr. Cicilline. Aye.

4731 Ms. Fontenot. Mr. Cicilline votes aye.

4732 Mr. Swalwell?

4733 Mr. Lieu?

4734 Mr. Lieu. Aye.

4735 Ms. Fontenot. Mr. Lieu votes aye.

4736 Mr. Raskin?

4737 Mr. Raskin?

4738 Chairman Nadler. Mr. Raskin, you're muted.

4739 Mr. Raskin. Aye.

4740 Ms. Fontenot. Mr. Raskin votes aye.

4741 Ms. Jayapal?

4742 Ms. Jayapal. Aye.

4743 Ms. Fontenot. Ms. Jayapal votes aye.

4744 Mrs. Demings?

4745 Mrs. Demings. Aye.

4746 Ms. Fontenot. Mrs. Demings votes aye.

4747 Mr. Correa?

4748 Mr. Correa. Aye.

4749 Ms. Fontenot. Mr. Correa votes aye.

4750 Ms. Scanlon?

4751 Ms. Scanlon. Aye.

4752 Ms. Fontenot. Ms. Scanlon votes aye.

4753 Ms. Garcia?

4754 Ms. Garcia. Aye.

4755 Ms. Fontenot. Ms. Garcia votes aye.

4756 Mr. Neguse?

4757 Mr. Neguse. Aye.

4758 Ms. Fontenot. Mr. Neguse votes aye.

4759 Mrs. McBath?

4760 Mrs. McBath. Aye.

4761 Ms. Fontenot. Mrs. McBath votes aye.

4762 Mr. Stanton?

4763 Mr. Stanton. Aye.

4764 Ms. Fontenot. Mr. Stanton votes aye.

4765 Ms. Dean?

4766 Ms. Dean. Aye.

4767 Ms. Fontenot. Ms. Dean votes aye.

4768 Ms. Escobar?

4769 Ms. Escobar. Aye.

4770 Ms. Fontenot. Ms. Escobar votes aye.

4771 Mr. Jones?

4772 Ms. Ross?

4773 Ms. Bush?

4774 Mr. Jordan?

4775 Mr. Jordan. No.

4776 Ms. Fontenot. Mr. Jordan votes no.

4777 Mr. Chabot?

4778 Mr. Gohmert?

4779 Mr. Issa?

4780 Mr. Buck?

4781 Mr. Gaetz?

4782 Mr. Gaetz. No.

4783 Ms. Fontenot. Mr. Gaetz votes no.

4784 Mr. Johnson of Louisiana?

4785 Mr. Johnson of Louisiana. No.

4786 Ms. Fontenot. Mr. Johnson of Louisiana votes no.

4787 Mr. Biggs?

4788 Mr. Biggs. No.

4789 Ms. Fontenot. Mr. Biggs votes no.

4790 Mr. McClintock?
4791 Mr. McClintock. No.
4792 Ms. Fontenot. Mr. McClintock votes no.
4793 Mr. Steube?
4794 Mr. Steube. No.
4795 Ms. Fontenot. Mr. Steube votes no.
4796 Mr. Tiffany?
4797 Mr. Tiffany. No.
4798 Ms. Fontenot. Mr. Tiffany votes no.
4799 Mr. Massie?
4800 Mr. Massie. No.
4801 Ms. Fontenot. Mr. Massie votes no.
4802 Mr. Roy?
4803 Mr. Bishop?
4804 Mr. Bishop. No.
4805 Ms. Fontenot. Mr. Bishop votes no.
4806 Mrs. Fischbach?
4807 Mrs. Fischbach. No.
4808 Ms. Fontenot. Mrs. Fischbach votes no.
4809 Mrs. Spartz?
4810 Mr. Fitzgerald?
4811 Mr. Fitzgerald. No.
4812 Ms. Fontenot. Mr. Fitzgerald votes no.
4813 Mr. Bentz?

4814 Mr. Owens?

4815 Mr. Owens. Owens, no.

4816 Ms. Fontenot. Mr. Owens votes no.

4817 Mr. Issa. Mr. Chairman, how am I recorded?

4818 Ms. Fontenot. Mr. Issa, you are not recorded.

4819 Mr. Issa. I vote no.

4820 Ms. Fontenot. Mr. Issa votes no.

4821 Ms. Jackson Lee. How am I recorded?

4822 Ms. Fontenot. Ms. Jackson Lee, you are not recorded.

4823 Ms. Jackson Lee. Yes. Yes.

4824 Ms. Fontenot. Ms. Jackson Lee votes yes.

4825 Chairman Nadler. Mr. Swalwell?

4826 Mr. Swalwell. Aye.

4827 Ms. Fontenot. Mr. Swalwell votes aye.

4828 Chairman Nadler. Are there any other members who wish to
4829 be recorded who haven't been recorded?

4830 [No response.]

4831 Chairman Nadler. Clerk will report.

4832 Mr. Chabot. How am I recorded?

4833 Chairman Nadler. Mr. Chabot?

4834 Mr. Chabot. This is Chabot. How am I recorded?

4835 Chairman Nadler. You are not recorded.

4836 Mr. Chabot. Okay. No.

4837 Ms. Fontenot. Mr. Chabot votes no.

4838 Mr. Chabot. Thank you.

4839 Chairman Nadler. The clerk will still report.

4840 [Pause.]

4841 Ms. Fontenot. Mr. Chairman, there are 20 ayes and 14 noes.

4842 Chairman Nadler. Mr. Biggs' motion to appeal the chair's
4843 ruling in his amendment is laid on the table.

4844 Who seeks recognition? For what purpose does Mr. Correa
4845 seek recognition?

4846 Mr. Correa. Chairman, I have an amendment at the table.

4847 Chairman Nadler. The clerk will -- the clerk will report
4848 the amendment.

4849 Ms. Fontenot. Amendment to H.R. 4435, offered by Mr. Correa
4850 of California. Page 6, after line 3 insert the following and
4851 redesignate --

4852 Chairman Nadler. The amendment will be considered as read.

4853 [The Amendment offered by Mr. Correa follows:]

4854

4855 *****COMMITTEE INSERT*****

4856 Chairman Nadler. The gentleman will explain his amendment.

4857

4858 Mr. Correa. Thank you, Mr. Chairman, for holding this most
4859 important markup today, and I want to thank Ms. Escobar, the
4860 sponsor of this bill, for reintroducing it once again.

4861 This bill holds criminals accountable for their crimes for
4862 misrepresenting their qualifications to practice immigration
4863 law. In my district, this is a minor crime that happens every
4864 day that adds up to millions and millions of dollars of damage.

4865

4866 A few years ago, La Guadalupana law firm -- Guadalupana law
4867 firm made local headlines before a local district attorney shut
4868 them down. This firm was made up of crooked attorneys, bad
4869 notaries who took millions of dollars from hard-working
4870 immigrants, and by the time authorities shut them down they had
4871 fled the country.

4872 And the worst of it is that these attorneys and advisors
4873 recommended that their victims sign documents that were not true,
4874 resulting in many of these victims permanently being disbarred
4875 from legalization or barred, I should say, from legalization.

4876

4877 I support this Notario Fraud Act. But there's so much more
4878 that needs to be done. Let's not forget the real damage is to
4879 the victims. They should have at least the opportunity to seek

4880 monetary restitution. That's why my amendment requires that
4881 practicing immigrant attorneys and accredited immigration
4882 representatives have adequate errors omissions insurance so that
4883 victims may be compensated at least partly for their harm.

4884 And with that, I support the bill and I withdraw my amendment.

4885

4886 Chairman Nadler. The amendment is withdrawn. Are there
4887 any other amendments to the -- are there any other amendments?

4888 Mr. Fitzgerald. Mr. Chair?

4889 Ms. Jackson Lee. Reserve a right to object.

4890 Chairman Nadler. For what purpose does Mr. Fitzgerald seek
4891 recognition?

4892 Mr. Fitzgerald. Mr. Chair, I have an amendment at the desk.

4893 Chairman Nadler. Clerk will report the amendment.

4894 Ms. Fontenot. Amendment to H.R. 44 --

4895 Chairman Nadler. Point of order is reserved.

4896 Ms. Fontenot. -- to 4435 offered by Mr. Fitzgerald of
4897 Wisconsin, page 3 after line 10 --

4898 Chairman Nadler. Without objection the amendment is
4899 considered as read.

4900 [The Amendment offered by Mr. Fitzgerald follows:]

4901

4902 *****COMMITTEE INSERT*****

4903 Chairman Nadler. The gentleman will explain his amendment.

4904

4905 Mr. Fitzgerald. Thank you, Mr. Chair.

4906 I guess I would start with saying once again we find ourselves
4907 kind of in a position of the bill is -- has got a laudable goal,
4908 and obviously, with what we're hearing and what's been
4909 demonstrated today is that this is -- this is needed.

4910 But I -- but I think I do have an amendment before the
4911 committee that would, once again, tighten things up, make things
4912 a little bit more succinct and, actually, I think improve on the
4913 statutes.

4914 I guess I would also say I'm disappointed that Mr. Correa
4915 had withdrawn his amendment because, actually, what I'm seeing
4916 is that amendment kind of speaks to what we are recognizing is
4917 one of the issues and that is, once again, the cartels, and let
4918 me further describe my definition.

4919 They are more transnational criminal organizations. Just
4920 -- you know, I know that there's different terms that are used
4921 sometimes for the cartels.

4922 But I wanted to just reiterate that, you know, this is a
4923 global issue, not just something happening within the borders,
4924 certainly, of the United States, but also our bordering countries.

4925

4926 So what this amendment would do is -- and DOJ has been asking

4927 for some of this stuff. They have been trying to root out
4928 immigration law fraud and prosecute notario fraud under mail and
4929 wire fraud. That's been going on. It's been going on for a long
4930 time.

4931 So because, obviously, we know fraud is never acceptable
4932 and this -- it's an unauthorized practice. I don't know if you
4933 want to call it a shell game, and the way it's been described
4934 numerous times is misrepresentation of legal services.

4935 So this amendment would allow judges to increase sentencing
4936 for any violation of this act when the individual involved is,
4937 guess what, related to the cartels, related to these transnational
4938 criminal organizations.

4939 And you would say, well, how would you determine that? Well,
4940 the way you would determine it is by the case or by trying to
4941 prosecute. You know, that's how this would emerge. That's where
4942 this would come from is in that prosecution because that would
4943 reveal the connection.

4944 Because otherwise, what we are led to believe, based on what
4945 we're seeing today, is that these are all just individuals
4946 operating on their own. Come on. That's not true. We know
4947 that's not true.

4948 So I think this amendment goes a long way to, once again,
4949 improving the bill, improving the efforts of the author. I
4950 applaud Representative Escobar in what's going on here.

4951 But again, I think this amendment addresses something that,
4952 clearly, is happening and would make this bill much better.

4953 And I would yield back.

4954 Chairman Nadler. The gentleman yields back.

4955 For what purpose does the gentlelady from California seek
4956 recognition?

4957 Ms. Lofgren. I move to strike the last word.

4958 Chairman Nadler. Oh. Do you insist on your point of order?

4959 Ms. Jackson Lee. I had the point of order. I do not insist
4960 on my point of order. Thank you.

4961 Chairman Nadler. Point of order is withdrawn.

4962 The gentlelady is recognized.

4963 Ms. Lofgren. I'm pretty confident that every single member
4964 of this committee opposes the drug cartels. I mean, that's a
4965 given. And most of them are transnational organized crime.

4966 But I don't know really what else is transnational organized
4967 crime, to be honest. Although I have watched these predators
4968 for many years, the notarios, I've never once, even when there
4969 have been local prosecutions, there's never been an instance where
4970 they were connected with the cartels.

4971 So I think this is worthy of further investigation. But
4972 I think the drafting of this is loose enough that I don't know
4973 that we would know what we would be voting to approve.

4974 So I couldn't support this today. But I do -- and I don't

4975 think there's really any nexus, honestly, between the notarios
4976 and the cartels, although if there is, certainly, we would want
4977 to do something about that.

4978 But whether or not there's a connection between the notarios
4979 and the cartels, the cartels are a threat. They're a threat to
4980 our country and they're a threat to individuals who run into them,
4981 whether those individuals are documented or undocumented.
4982 They're a threat to our law enforcement officers. They're bad
4983 dudes, and we're against them. But --

4984 Mr. Bishop. Would the gentlelady yield for a question?

4985 Ms. Lofgren. I would be happy to yield.

4986 Mr. Bishop. I thank the gentlelady.

4987 And I guess the question that occurs to me as I hear your
4988 argument in response to this amendment is, what harm does it do?

4989 It would -- it would apply an enhanced penalty if someone who's
4990 engaging in this conduct that the bill seeks to strike at --

4991 Ms. Lofgren. Well, reclaim --

4992 Mr. Bishop. -- also is a conspirator with one of the --
4993 with one of the cartels.

4994 Ms. Lofgren. Reclaiming my time. Transnational organized
4995 crime is not defined and that's the concern. When we pass a law
4996 providing for imprisonment of four years, I think we ought to
4997 know specifically what the terms mean, and we do not know what
4998 the terms mean in this amendment.

4999 Mr. Bishop. Would the gentlelady yield?

5000 Ms. Escobar. Would the gentlelady yield?

5001 Ms. Lofgren. Let me just finish and I'd be happy to yield.

5002 That doesn't mean that we couldn't find out. We could. We could
5003 have a hearing. We could do some research.

5004 But I don't think we know at this moment what that term means,
5005 and I am happy to yield to the gentlelady who's done so much good
5006 work on this bill, the gentlelady from Texas.

5007 Ms. Escobar. Thank you so much, Ms. Lofgren --
5008 Representative Lofgren.

5009 To my colleagues, I think you know I represent El Paso, Texas,
5010 on the southern border -- a border community. Before I was in
5011 Congress, I served in local government, and so I've been fortunate
5012 to be a public servant for a long time for my border community.

5013

5014 I have -- even as a local elected official, I received
5015 countless complaints from community members about notario fraud.

5016 I have never once heard that they are linked in any way in the
5017 way that is identified in this amendment, not once, and I have
5018 been as close to the community as it gets.

5019 In recrafting this bill and speaking with colleagues from
5020 across the country, I have never once heard that this is an issue.

5021 I would be very interested in any examples that you all might
5022 have come across because if there is even one example I'd love

5023 to explore it, talk about it, and as Ms. Lofgren mentioned, perhaps
5024 even have a hearing about it.

5025 And I will tell you that I am someone who believes that the
5026 cartels are evil, and the way that they prey on some of the most
5027 vulnerable human beings is detestable and horrific.

5028 And so I absolutely stand with anyone who wants to legislate
5029 to create better safety for the most vulnerable against the evil
5030 that is the cartel.

5031 But I think it's so important to make sure that when we
5032 legislate we legislate to solve a problem that exists, and we
5033 don't create overreach for something that doesn't exist.

5034 And so I would love to hear any examples that might exist.

5035 But after years in public service, I have not.

5036 And thank you so much, Ms. Lofgren, for yielding. I
5037 appreciate the time. I yield back.

5038 Ms. Lofgren. I thank the gentlelady for yielding back.

5039 I would just note that over the years I've run across cases
5040 where just horrendous situations have occurred because of this
5041 fraud, and it's important that this bill, which I think has a
5042 match in the Senate, pass and pass along the lines it can pass
5043 in the United States Senate, because real harm is being done to
5044 innocent people who are trying to comply with the law.

5045 And with that, Mr. Chairman, my time is expired.

5046 Chairman Nadler. The gentlelady yields back.

5047 Who seeks recognition?

5048 Mr. Bishop. Mr. Chairman, I move to strike last word.

5049 Chairman Nadler. The gentleman is recognized.

5050 Mr. Bishop. Thank you. And I wonder -- it seems to me that
5051 this is -- I have a hard time seeing what's difficult about this.

5052

5053 I do understand the comment of the gentlelady from
5054 California, I guess, in a technical way that what -- that there's
5055 no definition in the amendment of a transnational organized crime.

5056

5057 But, then again, I doubt that's a very big obstacle and I
5058 don't see what mischief could occur because it's not a -- it's
5059 not a term that is likely to be thought of as ambiguous. Organized
5060 crime is pretty clear. Transnational organized crime is pretty
5061 clear.

5062 And so the possibilities or the problem, it seems to me,
5063 would exist if a court were to over interpret it to include a
5064 bunch of stuff that wouldn't be included.

5065 Mr. Cicilline. Mr. Bishop, would you yield?

5066 Mr. Bishop. I'd be -- I'd be delighted to yield to the
5067 gentleman from Rhode Island.

5068 Mr. Cicilline. Yeah. I just want to associate myself with
5069 the remarks of the gentlelady from California. This is a criminal
5070 statute and so there are significant problems if definitions are

5071 not provided because you have to provide notice to a defendant
5072 or an accused of what the circumstances are that led to the charges
5073 that have been leveled against him.

5074 I was a practicing criminal defense lawyer for many, many
5075 years. You can't leave it up to courts to decide what the
5076 definition is -- what those terms mean, because that doesn't
5077 provide sufficient notice to an accused. It raises serious due
5078 process questions.

5079 Mr. Bishop. Reclaiming my time, and I'd be delighted to,
5080 perhaps, extend more time. But just to engage in something in
5081 the nature of a colloquy, if we could, I would submit that we
5082 were just in a very long markup over some bills that had great
5083 potential impact that had some terms that were extraordinarily
5084 broad and ambiguous and not defined, like critical trading
5085 partner, if that one rings a bell.

5086 And so, invariably, courts have to interpret words that
5087 Congress has not defined with great precision. But I would
5088 contrast this situation with that one and invite the gentleman
5089 from Rhode Island to comment on that --

5090 Mr. Cicilline. Yeah, of course. But there's, obviously,
5091 a very significant difference between a criminal statute that
5092 imposes penalties of imprisonment and requires due process
5093 considerations that don't exist in the civil context.

5094 So they're completely different circumstances.

5095 Mr. Bishop. Reclaiming my -- reclaiming my time.

5096 Is the gentleman's proposition that the language
5097 transnational organized crime would be so ambiguous as to raise
5098 a due process objection?

5099 Mr. Cicilline. The absence of a definition. It's not a
5100 question of whether it's ambiguous to you. It's to whether or
5101 not there is a definition that provides an accused with a clear
5102 understanding of the prohibited conduct. That's just not
5103 contained in this amendment.

5104 And by the way, critical trading partner had a definition
5105 in our bill. But there's a reason you have to provide an accused
5106 with the actual definition of the conduct that you are
5107 criminalizing so that person is on notice that if you engage in
5108 this, you can lose your freedom and go to prison.

5109 You don't leave it up to a court to later on decide whether
5110 it met that definition. That would turn the due process
5111 protections on their head.

5112 Voice. Would the gentleman yield?

5113 Mr. Cicilline. If it were up to me -- Mr. Bishop?

5114 Mr. Bishop. Reclaiming my -- reclaiming my time.

5115 Well, let me then yield for a moment and give him some time
5116 to yield back to Mr. Biggs.

5117 Mr. Biggs. Yeah. I'm just looking at the definition in
5118 USC Title 10, Section 28416, which defines transnational

5119 organized crime, and it seems to me that that's in the statute,
5120 it's defined, and so it would obviate the argument that it's
5121 indefinable, because it's in statute already, that definition
5122 -- 10 USC Section 28416.

5123 Mr. Bishop. I thank the gentleman, and perhaps to
5124 facilitate or solve the problem, I seek to be recognized to offer
5125 a second degree amendment.

5126 Mr. Chairman?

5127 Chairman Nadler. For what purpose --

5128 Mr. Bishop. I seek -- I seek to be recognized to offer a
5129 second degree amendment.

5130 Chairman Nadler. The gentleman is recognized.

5131 Mr. Bishop. And the amendment is at the desk.

5132 Chairman Nadler. Clerk will report the amendment.

5133 Ms. Jackson Lee. Reserve a point of order.

5134 Chairman Nadler. Point of order is reserved.

5135 Ms. Fontenot. Amendment --

5136 Mr. Cicilline. Point of parliamentary inquiry, Mr.

5137 Chairman. Who controls the time right now?

5138 Mr. Bishop. I've just sought to be recognized for a second
5139 degree amendment and was so recognized.

5140 Mr. Cicilline. Okay.

5141 Ms. Fontenot. Amendment to H.R. 4435, offered by Mr.

5142 Bishop. Page 3 --

5143 Chairman Nadler. Without objection, the amendment is
5144 considered as read.

5145 [The Amendment offered by Mr. Bishop follows:]

5146

5147 *****COMMITTEE INSERT*****

5148 Chairman Nadler. The gentleman will explain his amendment.

5149

5150 Mr. Bishop. I thank the chairman and I just -- I assume
5151 I get a new five minutes?

5152 Chairman Nadler. Yes.

5153 Mr. Bishop. Thank you. Thank you, Mr. Chairman.

5154 So this second degree amendment will interpose the language
5155 following the term transnational organized crime with a
5156 definition, which is an offense whose inception, perpetration,
5157 or direct or indirect effects involve more than one country.

5158 And I think that solves the problem to which Mr. Cicilline
5159 spoke and, again, it, it seems to make great sense in terms of
5160 it makes -- it certainly ought to absolve any concerns whatsoever
5161 about Mr. Fitzgerald's amendment because all his amendment does,
5162 for goodness sake, is say if someone who's engaged in this notario
5163 fraud that the bill strikes that is also engaged in this
5164 transnational organized crime that we all know -- and Ms. Lofgren
5165 made the comment everybody's against it -- and frankly, the
5166 enhancement is not that significant.

5167 There are crimes -- penalties as long as three years against
5168 these folks for notario fraud in the -- in the bill if it involves,
5169 I think, a matter of more than \$10,000.

5170 And in this case, it would then -- it just extends it to
5171 four years if the person is participating with the cartel. How

5172 easy could that be?

5173 Ms. Escobar. Would the gentleman yield?

5174 Mr. Bishop. I'd be -- let me -- I understood someone wanted
5175 me to yield back here. Is that correct?

5176 Yes, I'd be delighted to yield to the bill's sponsor.

5177 Ms. Escobar. Could you give me an example of when this has
5178 happened?

5179 Mr. Bishop. I couldn't speak -- frankly, I don't have the
5180 knowledge of when a notario fraud has happened. But I've heard
5181 from members of the panel across the board that it's happening
5182 a lot, that these people are bad people.

5183 I do know that the cartels are very involved, as I'm sure
5184 you do, that by virtue of the open border that the Biden
5185 administration has undertaken the cartels are bringing people
5186 across the Rio Grande, getting paid \$6,000 a head.

5187 Ms. Escobar. But just to be -- just to be clear, you don't
5188 have an example of this ever happening, correct?

5189 Mr. Bishop. But I don't have an example. I'm fixing the
5190 definition, and perhaps Mr. Fitzgerald would want to speak to
5191 it. But I do not have an example because, again, I don't have
5192 an example of notario --

5193 Chairman Nadler. Would the gentleman yield?

5194 Mr. Bishop. I would yield to the chairman.

5195 Chairman Nadler. I thank the gentleman.

5196 Let me just say that the original amendment, because it is
5197 so broad in a way without the definition in a criminal offense,
5198 as said by Mr. Cicilline, is insupportable, and the secondary
5199 amendment is so vague that it doesn't -- it doesn't solve the
5200 problem.

5201 And I just want to say that I have to oppose the secondary
5202 amendment and I have to oppose the amendment, and I yield.

5203 Mr. Bishop. Mr. Chairman, reclaiming my time.

5204 Chairman Nadler. Yes.

5205 Mr. Bishop. I understand that there's a source of that
5206 definition. It's from -- that is a -- is the definition of
5207 transnational organized crime, according to the United Nations,
5208 which seems like -- boy, I would think that would work for you
5209 tremendously well, and I submit that it really does clean this
5210 up very much and I hope that, therefore, the majority would be
5211 delighted -- the majority, certainly, opposing transnational
5212 organized crime, certainly be opposed to the cartels, as the
5213 gentlewoman woman from California indicated everyone is.

5214 Let's dispense with this quickly and take care of the second
5215 degree amendment.

5216 Mr. Cicilline. Mr. Bishop, will you yield for a question?

5217 Mr. Bishop. I do yield to the gentleman from Rhode Island.

5218 Mr. Cicilline. Thanks. I don't think anyone questions
5219 your intention here. But I guess my question is this. I think

5220 you're conflating two problems.

5221 I think we all agree transnational crime and organized crime
5222 is a serious problem. Maybe the notarios fraud that is the
5223 subject of the bill may be less familiar to you.

5224 But this is -- these are crimes which are committed against
5225 the immigrant community relative to accessing legal services or
5226 immigration services where people are, essentially, defrauded
5227 of money in their effort to either stay in this country or go
5228 through some immigration process.

5229 That's not a fertile area for organized crime. This is
5230 victims of defrauding individuals who are trying to access legal
5231 services. So they're --

5232 Mr. Bishop. Reclaiming my -- reclaiming my time.

5233 Mr. Cicilline. Let me just finish real quickly.

5234 Mr. Bishop. Reclaiming my time. I get your point, Mr.
5235 Cicilline, and respectfully, the response to that is, well, then
5236 there should be no harm.

5237 If a notario is also a member of a cartel, then they get
5238 an enhanced sentence. Who could be opposed to that? It's really
5239 easy. So even if it's not likely that these reprehensible
5240 notarios we're hearing so much about could also be a member of
5241 the Mexican cartel, I mean, I don't know why that's so implausible.

5242 But then again, I'm from North Carolina.

5243 But I submit that we have solved the problem with the

5244 definition. That cleans up the due process problem. I
5245 appreciate your contribution on that point. We have cleaned this
5246 up. We could really get this dispensed with very quickly.

5247 And with that, I yield back.

5248 Ms. Lofgren. [Presiding.] The gentleman yields back.

5249 Does anyone else wish to be heard?

5250 Ms. Jackson Lee is recognized to strike the last word.

5251 Ms. Jackson Lee. Thank you so very much.

5252 Mr. Bishop, as I strike the last word, and also I would throw
5253 in my point of order, let me just say that your amendment is worthy
5254 of further discussion.

5255 But I do believe my colleague and -- my colleagues plural
5256 -- are seeing these every day in their districts.

5257 Congresswoman Escobar, Congresswoman Garcia and myself,
5258 we're seeing the real life daily in the United States
5259 domestic-based individuals who are seeking -- and let me just
5260 read very quickly.

5261 Immigrants hire these persons to file taxes, work on
5262 immigration papers, and handle other legal matters. Scammers
5263 then steal their return -- their tax return money, overcharge
5264 clients and botch paperwork. These are some of the things. They
5265 are also -- their culture. They're coming from a country where
5266 a notario is someone that is highly esteemed, is respected in
5267 the community, has all these credentials to practice law, though

5268 they do not.

5269 So when they come across, this person in the United States,
5270 of course, they assume this is a person that can help with my
5271 immigration case.

5272 And I think I asked to submit the notario fraud scammers
5273 into the record -- I ask unanimous consent -- article on
5274 immigration lawyers.

5275 My point is is that your idea is worthy, again, as I indicated
5276 Mr. Fitzgerald of a more intense review -- a transnational review.

5277 But I do think you have some Achilles' heels, the definition,
5278 even though you tried to amend it, and the expanse of what you
5279 do in this as opposed to what the bill is.

5280 The bill is narrowly framed to deal with these scammers that
5281 attack our constituents every day.

5282 And so I would make the argument that we can do this another
5283 time. Hate to say that. We have said that before, and that we
5284 can address the complexity of transnational organizations dealing
5285 with immigration crime and dealing with crime.

5286 With that, I would have to oppose the amendment and the
5287 underlying amendment. And also, as I conclude, hoping that we
5288 will pass this Ms. Escobar's bill, I ask that we support the
5289 underlying bill.

5290 I think it is a vital change to, in essence, really saving
5291 lives, because what happens is these people find out what has

5292 happened to them and the fraud 15 years later, and they are in
5293 the midst of the immigration process to be deported, their
5294 children separated from them. It is a mess. This bill is long
5295 overdue and it is needed, and I think we should move quickly.

5296

5297 As I say that, let me thank all of my colleagues for voting
5298 on bills out of the Crime Subcommittee in a bipartisan manner.

5299 Maybe you'll do that in this bill. And I want to thank the Crime
5300 Subcommittee staff for doing an excellent job for getting these
5301 bills out.

5302 Again, I ask that you support the Escobar bill, H.R. 4435,
5303 and that we do it in a bipartisan manner because it is needed.

5304 With that, Madam Chair, I yield back.

5305 Ms. Lofgren. The gentlelady yields back. Does anyone else
5306 wish to be recognized?

5307 Mr. Tiffany is recognized to strike the last word.

5308 Mr. Tiffany. Yeah. I move to strike the last word.

5309 Thank you, Madam Chair. So I think part of the reason that
5310 we want to include this amendment we may not get another
5311 opportunity, and it appears to me that we have -- as the gentlelady
5312 from Texas just said, this is a worthy bill and -- but this is
5313 a great opportunity, a golden opportunity, to be able to make
5314 sure that we deal with something that's very serious.

5315 I mean, we just heard from the gentleman from California.

5316 He was talking about he broke up a ring, or they broke up a ring
5317 in -- what was it, the LA area or something like that?

5318 I'm assuming that's where they're at. And they said they
5319 escaped across the border. You don't think that they were
5320 colluding? That sounds to me like that could be a transnational
5321 organization that was doing that.

5322 So I think that this is a great opportunity to be able to
5323 deal with an example that just came to us and making sure to close
5324 a loophole and give us greater ability to be able to make this
5325 law even more effective and be able to get at people that are
5326 doing something that is really wrong to fellow human beings.

5327 And so I really -- I think the gentleman from Wisconsin,
5328 Representative Fitzgerald, really came forward with a good
5329 amendment here, and us being able to close this loophole with
5330 the transnationals and include them in the bill to make this bill
5331 really work to deal with a terrible situation that happens to
5332 people, I think this is a terrific opportunity.

5333 And as the gentlelady from Texas was saying, we could --
5334 we should move quickly on this. We can dispense with the whole
5335 thing really quickly here by voting for this, and I urge everybody
5336 to vote yes to Mr. Fitzgerald's amendment and let's put on the
5337 second amendment also -- the secondary amendment -- and I think
5338 we'll have had a good day in regards to this bill.

5339 I yield back.

5340 Ms. Lofgren. The gentleman yields back.

5341 I'd like to ask unanimous consent that we add an E to the
5342 second to the last word. I'm sure that was what Mr. Fitzgerald
5343 intended -- more than one country, not more than on country.

5344 And without objection, that is done.

5345 Who else wishes -- Mr. Johnson of Georgia is recognized.

5346 Mr. Johnson of Georgia. Thank you, Madam Speaker. I move
5347 to strike the last word, and I rise in opposition to the amendment.

5348 And while that I am sympathetic with the goals of this
5349 legislation, which seeks to get at notario fraud, I have not been
5350 convinced that we need to make a federal case out of it.

5351 In the state of Georgia, such misconduct would constitute
5352 an everyday theft by deception or some other kind of fraud that
5353 is recognized under state law, and I assume that most states would
5354 have statutes in place that would get at the misconduct that this
5355 legislation seeks to get at.

5356 And with there being very slight evidence of any
5357 transnational activities with respect to garden variety notario
5358 fraud, you know, then it means that there's generally no organized
5359 conspiracy.

5360 It's just individuals set up on a street corner in a shop
5361 that advertise and then they get a victim in there, and they don't
5362 do the work that they promise to do or they do it such that it
5363 is not effective, or sometimes they just skip off with the money

5364 and do absolutely nothing.

5365 But those are, like, garden variety theft cases. And so
5366 when we insert in the federal statutes a specific provision on
5367 notario fraud, which primarily takes place in Latino communities
5368 across the United States, then we're opening up federal agents
5369 and federal prosecution focused on Latino areas and focused on
5370 Latinos.

5371 And I'm just -- you know, I am not convinced that we need
5372 to go this far to get at this issue. I'm thinking it's more of
5373 a state issue and -- but I'm still open minded, and I'm looking
5374 forward to hearing -- continuing to listen to the debate as we
5375 move forward on this markup.

5376 And with that, I yield back.

5377 Ms. Lofgren. The gentleman yields back.

5378 Who else seeks recognition?

5379 Mr. Raskin is recognized.

5380 Mr. Raskin. Thank you, Madam Chair.

5381 You know, perhaps it's unnecessary to get too much more
5382 deeply into it. But I just want to point out that the so-called
5383 secondary or clarifying amendment just adds multiple new layers
5384 of confusion, ambiguity, and vagueness to it.

5385 If you look at the insertion on the amendment, it says any
5386 person who violates subsection (a), (b), or (c) and who
5387 participates or conspires to participate in transnational

5388 organized crime, then the insert is, which is an offence whose
5389 inception, perpetration, or direct or indirect effects involve
5390 more than, I think, that's one country.

5391 So, basically, we've -- with this amendment, we have defined
5392 a -- we have defined an entity, which is transnational organized
5393 crime, as an offense whose inception or perpetration or direct
5394 or indirect effects involve more than one country.

5395 What would it mean to say that, okay, you've got
5396 international organized crime. If it is a crime or if it is an
5397 offense or its indirect effects relate to more than one country,
5398 what are the indirect effects of a crime? You could say that's
5399 everything.

5400 So, you know, look, I believe the underlying bill is
5401 excellent and addresses a serious problem based on real empirical
5402 research that is actually going to advance the public interest.
5403 All of this just seems to me to be like legislative graffiti.
5404 It's just scrolling a bunch of ideas on paper and it doesn't
5405 advance a real public interest.

5406 So I -- you know, I thank that the author of the bill and
5407 those who are, you know, struggling to add an amendment. But
5408 if you want to deal with the problem of transnational organized
5409 crime --

5410 Mr. Bishop. Would the gentleman yield?

5411 Mr. Raskin. Yes, by all means.

5412 Mr. Bishop. Do I understand that the U.N. definition of
5413 transnational crime is, in your view -- what was it, legislative
5414 graffiti?

5415 Mr. Raskin. Well, certainly, in this context it is. I
5416 don't know where it's coming from. I don't know if the -- I don't
5417 know if all the misspellings were part of the original but I don't
5418 like the way the United Nations spells perpetration or the word
5419 one.

5420 So yeah, I guess I would stick to American law rather than
5421 -- you know, it just -- it seems to me that this is an ill-advised
5422 road to go down here.

5423 And there's a well-developed body of law dealing with
5424 transnational organized crime, and if you've got some ideas on
5425 how to --

5426 Mr. Bishop. Would the gentlemen yield?

5427 Mr. Raskin. Yes, by all means.

5428 Mr. Bishop. There's also a well-developed body of law on
5429 dealing with the unauthorized practice of law, isn't there?

5430 Mr. Raskin. Well, not with respect to notaries because this
5431 is -- this is a criminal statute. I think what you're -- what
5432 you're talking about is either bar discipline or else the
5433 unauthorized practice --

5434 Mr. Bishop. Under state law.

5435 Mr. Raskin. I don't know whether -- I don't know whether

5436 that's ever been used before in this context. Do you know whether
5437 it has been?

5438 Mr. Bishop. May I ask you, sir, do you know whether there
5439 is any other subject matter where the unauthorized practice of
5440 law is prosecutable under federal law as opposed to by state
5441 authorities under state law?

5442 Mr. Raskin. Well, that's the whole purpose of the
5443 legislation is deal with this problem.

5444 Mr. Bishop. So the answer is no, you're not -- for example,
5445 in bankruptcy practice, in tax practice, in trademark practice,
5446 you're not aware, are you, sir, of any other area where the
5447 unauthorized practice of law, the law of that, has been
5448 federalized and criminalized?

5449 Mr. Raskin. Well, sure. Under mail fraud, for example,
5450 there are people who would pretend to be lawyers who are prosecuted
5451 under the mail fraud statute or the wire fraud statutes --

5452 Mr. Bishop. Well, is that an authorized practice of law?

5453 Mr. Raskin. If they pretend to be a lawyer and they defraud
5454 people of their money, sure. Yeah, I can find you a lot of cases
5455 like that.

5456 In any event, Madame --

5457 Mr. Bishop. Madame Chairman.

5458 Mr. Raskin. Yes.

5459 Ms. Lofgren. Mr. Raskin's time has not yet expired.

5460 Mr. Raskin. Okay. So, Madame Chair, this is just to say
5461 that what we have got is a very worthy underlying legislative
5462 vehicle and the amendment strikes me, whether it comes from the
5463 United Nations or somewhere else, it doesn't it here and I think
5464 it would just add a lot of chaos and confusion to the federal
5465 law.

5466 I yield back.

5467 Ms. Lofgren. The gentleman yields back.

5468 Mr. Bishop?

5469 Mr. Bishop. Yes. I withdraw the second degree amendment.

5470 Mr. Biggs. Madame Chair, I seek recognition to offer a
5471 second degree amendment.

5472 Ms. Lofgren. I'm sorry. First, we have to get -- by
5473 unanimous consent we will withdraw the second degree amendment.

5474 And hearing none, that can be secondary -- meant to offer
5475 a second agreement. Hearing none, that second degree amendment
5476 is withdrawn.

5477 Mr. Biggs. Thank you, Madam Chair. I seek recognition to
5478 offer a second degree amendment.

5479 Ms. Lofgren. You are recognized for that purpose.

5480 Mr. Biggs. Thank you, Madam Chair, and --

5481 Ms. Lofgren. Clerk will report.

5482 Ms. Fontenot. Amendment to H.R. 4435 offered by Mr. Biggs
5483 of Arizona. Page 3 --

5484 Ms. Lofgren. By unanimous consent the amendment will be
5485 considered as read and the clerk will dispense -- will hand out
5486 the amendment.

5487 [The Amendment offered by Mr. Biggs follows:]

5488

5489 *****COMMITTEE INSERT*****

5490 Ms. Lofgren. And a point of order has been reserved by the
5491 gentlelady from Texas.

5492 You are recognized.

5493 Mr. Biggs. Thank you, Madam Chair, and I appreciate the
5494 procedural safeguard to reserve a point of order.

5495 But this is, basically -- the first part of this amendment
5496 is exactly the same as the last part. The only thing that's
5497 different is since there seems to be such a concern about the
5498 definition, this -- what we have done is we have actually defined
5499 it with the definition of transnational organized crime in Section
5500 10 USC Section 284(i)(6).

5501 So in that definition, it says, and I want to read this so
5502 everybody understands what it says so maybe it will clear it up
5503 and maybe ameliorate some of the concerns that I've heard.

5504 Number one, this is it. This is what it says. The term
5505 transnational organized crime means self-perpetuating
5506 associations of individuals who operate transnationally for the
5507 purpose of obtaining power, influence, monetary or commercial
5508 gains wholly or in part by illegal means while protecting their
5509 activities through a pattern of corruption or violence or through
5510 a transnational organization structure and the exploitation of
5511 transnational commerce communication mechanisms.

5512 So you actually have the definition that is in the United
5513 States Code being inserted into this amendment being offered by

5514 Mr. Fitzgerald.

5515 Poor Mr. Fitzgerald. He thought he was offering a simple
5516 amendment that nobody could disagree with, and then we're trying
5517 to make it better.

5518 Mr. Bishop. Will the gentleman yield?

5519 Mr. Biggs. I'll yield to you, Mr. Bishop.

5520 Mr. Bishop. It would seem that whatever problem of legal
5521 graffiti might have existed with my second degree amendment has
5522 been 100 percent resolved with yours. Would you agree?

5523 Mr. Biggs. Mr. Bishop, I would wholly agree and if Mr.
5524 Cicilline he was here he'd be calling you Mr. Biggs and me, Mr.
5525 Bishop. But either way, I would agree.

5526 And we put this in here to make it very clear because I think
5527 -- I think maybe some of the questions were justified, although,
5528 you know, I used to do some international legal work and I never
5529 -- I thought the U.N. had -- actually had some problems with its
5530 vernacular from time to time.

5531 But I think now you're going to be arguing against the U.S.
5532 Code because we have taken language for the U.S. Code trying to
5533 ameliorate some of the concerns of my colleagues across the way.
5534 I think that resolves it.

5535 I don't want to belabor the point, Madam Chair. We have
5536 had a lot of discussion today about this, and I don't think any
5537 of us thought we'd be having this kind of lengthy discussion.

5538 But I would say I hope we have ameliorated the concerns.

5539 And with that, I yield back to the chair.

5540 Ms. Lofgren. The gentleman yields back. I recognize
5541 myself in opposition to the second degree amendment, and let me
5542 say why. I appreciate the effort that's been made to make this
5543 more certain and to address the ambiguities.

5544 But I think there are still some drafting issues that it's
5545 not clear that the -- there needs to be conspiracy related to,
5546 and I've just pulled up and I hope that Cornell Law is right in
5547 terms of having the code online, but, presumably, they are.

5548 I would recommend that, you know, we take a step back and
5549 look at whether the issue of transnational crime and notarios
5550 are actually related at all. I don't believe there's any evidence
5551 that they are.

5552 If there is, I think we would have a bipartisan effort to
5553 do something about it, and I think this has gotten -- of course,
5554 we're the Judiciary Committee. If we can complicate something
5555 we will.

5556 But I think that we -- at this point, we would be better
5557 off moving on to the bill itself, agreeing to talk together about
5558 whether these are -- the cartels are, in fact, at all connected
5559 with the abuses that we're finding in the notario business and,
5560 if so, make a pledge to work together on a bipartisan basis to
5561 deal with that.

5562 Does any other member wish to be heard on this second degree
5563 amendment?

5564 [No response.]

5565 Ms. Lofgren. Hearing none, the question is on the second
5566 degree amendment.

5567 All in favor will say aye.

5568 All opposed will say no.

5569 In the opinion of the chair, the noes have it.

5570 Mr. Biggs. May we have the ayes and noes -- yeses and noes.

5571 Yeses and nays.

5572 Ms. Lofgren. The ayes and nays have been requested. The
5573 clerk will call the roll.

5574 Ms. Fontenot. Mr. Nadler?

5575 Ms. Lofgren?

5576 Ms. Lofgren. No.

5577 Ms. Fontenot. Ms. Lofgren votes no.

5578 Ms. Jackson Lee?

5579 Ms. Jackson Lee. No.

5580 Ms. Fontenot. Ms. Jackson Lee votes no.

5581 Mr. Cohen?

5582 Mr. Johnson of Georgia?

5583 Mr. Johnson of Georgia. No.

5584 Ms. Fontenot. Mr. Johnson of Georgia votes no.

5585 Mr. Deutch?

5586 Ms. Bass?

5587 Ms. Bass. No.

5588 Ms. Fontenot. Ms. Bass votes no.

5589 Ms. Bass. Thank you.

5590 Ms. Fontenot. Mr. Jeffries?

5591 Mr. Cicilline?

5592 Mr. Cicilline. No.

5593 Ms. Fontenot. Mr. Cicilline votes no.

5594 Mr. Swalwell?

5595 Mr. Lieu?

5596 Mr. Swalwell. No. Swalwell is no. Swalwell is no.

5597 Ms. Fontenot. Mr. Swalwell votes no.

5598 Mr. Lieu?

5599 Mr. Lieu. No.

5600 Ms. Fontenot. Mr. Lieu votes no.

5601 Mr. Raskin?

5602 Mr. Raskin. No.

5603 Ms. Fontenot. Mr. Raskin votes no.

5604 Ms. Jayapal?

5605 Ms. Jayapal. No.

5606 Ms. Fontenot. Ms. Jayapal votes no.

5607 Mrs. Demings?

5608 Mrs. Demings. No.

5609 Ms. Fontenot. Mrs. Demings votes no.

5610 Mr. Correa?
5611 Mr. Correa. No.
5612 Ms. Fontenot. Mr. Correa votes no.
5613 Ms. Scanlon?
5614 Ms. Garcia?
5615 Ms. Garcia. No.
5616 Ms. Fontenot. Ms. Garcia votes no.
5617 Mr. Neguse?
5618 Mr. Neguse. No.
5619 Ms. Fontenot. Mr. Neguse votes no.
5620 Mrs. McBath?
5621 Mr. Stanton?
5622 Mr. Stanton. No.
5623 Ms. Fontenot. Mr. Stanton votes no.
5624 Ms. Dean?
5625 Ms. Dean. No.
5626 Ms. Fontenot. Ms. Dean votes no.
5627 Ms. Escobar?
5628 Ms. Escobar. No.
5629 Ms. Fontenot. Ms. Escobar votes no.
5630 Mr. Jones?
5631 Ms. Ross?
5632 Ms. Ross. Ross votes no.
5633 Ms. Fontenot. Ms. Ross votes no.

5634 Ms. Bush?

5635 Ms. Bush. Bush votes no.

5636 Ms. Fontenot. Ms. Bush votes no.

5637 Mr. Jordan?

5638 Mr. Jordan. Yes.

5639 Ms. Fontenot. Mr. Jordan votes yes.

5640 Mr. Chabot?

5641 Mr. Chabot. Aye.

5642 Ms. Fontenot. Mr. Chabot votes aye.

5643 Mr. Gohmert?

5644 Mr. Issa?

5645 Mr. Issa. Aye.

5646 Ms. Fontenot. Mr. Issa votes aye.

5647 Mr. Buck?

5648 Mr. Gaetz?

5649 Mr. Gaetz. Aye.

5650 Ms. Fontenot. Mr. Gaetz votes aye.

5651 Mr. Johnson of Louisiana?

5652 Mr. Johnson of Louisiana. Aye.

5653 Ms. Fontenot. Mr. Johnson of Louisiana votes aye.

5654 Mr. Biggs?

5655 Mr. Biggs. Aye.

5656 Ms. Fontenot. Mr. Biggs votes aye.

5657 Mr. McClintock?

5658 Mr. McClintock. Aye.

5659 Ms. Fontenot. Mr. McClintock votes aye.

5660 Mr. Steube?

5661 Mr. Tiffany?

5662 Mr. Tiffany. Aye.

5663 Ms. Fontenot. Mr. Tiffany votes aye.

5664 Mr. Massie?

5665 Mr. Massie. Aye.

5666 Ms. Fontenot. Mr. Massie votes aye.

5667 Mr. Roy?

5668 Mr. Bishop?

5669 Mr. Bishop. Yes.

5670 Ms. Fontenot. Mr. Bishop votes yes.

5671 Mrs. Fischbach? Mrs. Fischbach?

5672 Mr. Biggs. You're muted, Michelle.

5673 Mrs. Fischbach. Yes. Yes.

5674 Ms. Fontenot. Mrs. Fischbach votes yes.

5675 Mrs. Spartz?

5676 Chairman Nadler. No. Nadler votes no.

5677 Ms. Fontenot. Mr. Nadler votes no.

5678 Mrs. Spartz?

5679 Mrs. Spartz. Spartz -- Spartz yes.

5680 Ms. Fontenot. Mrs. Spartz votes yes.

5681 Mr. Fitzgerald?

5682 Mr. Fitzgerald. Aye.

5683 Ms. Fontenot. Mr. Fitzgerald votes aye.

5684 Mr. -- Ms. Scanlon, you are not recorded.

5685 Ms. Scanlon. No.

5686 Ms. Fontenot. Ms. Scanlon votes no.

5687 Mr. Bentz?

5688 Mr. Bentz. Mr. Bentz votes yes.

5689 Ms. Fontenot. Mr. Bentz votes yes.

5690 Mr. Owens?

5691 Mr. Owens. Owens, aye.

5692 Ms. Fontenot. Mr. Owens votes aye.

5693 Ms. Lofgren. How is Ms. Jackson Lee recorded?

5694 Ms. Fontenot. Ms. Jackson Lee, you are recorded as no.

5695 Ms. Lofgren. Mr. Lieu was attempting to be -- having

5696 technical difficulties. Has Mr. Lieu voted?

5697 Ms. Fontenot. Mr. Lieu is recorded as no.

5698 Ms. Lofgren. Okay.

5699 Does any other member --

5700 Mrs. McBath. How is -- how is Rep. McBath recorded?

5701 Ms. Fontenot. Mrs. McBath, you are not recorded.

5702 Mrs. McBath. McBath, no.

5703 Ms. Fontenot. Mrs. McBath votes no.

5704 Ms. Lofgren. Does any other member wish to be recorded?

5705 [No response.]

5706 Ms. Lofgren. If not, the clerk will report the vote.

5707 [Pause.]

5708 Ms. Fontenot. Madam Chair, there are 15 ayes and 21 noes.

5709 Ms. Lofgren. And the second degree amendment is not agreed

5710 to. The question is now on the underlying Fitzgerald amendment.

5711 All those in favor will say aye.

5712 Opposed will say no.

5713 Ms. Lofgren. I was going to say I believe that the noes

5714 have it, but the yeas and nays have been requested. And so, the

5715 clerk will call the roll.

5716 Ms. Fontenot. Mr. Nadler?

5717 [No response.]

5718 Ms. Lofgren?

5719 Ms. Lofgren. No.

5720 Ms. Fontenot. Ms. Lofgren votes no.

5721 Ms. Jackson Lee?

5722 Ms. Jackson Lee. No.

5723 Ms. Fontenot. Ms. Jackson Lee votes no.

5724 Mr. Cohen?

5725 [No response.]

5726 Mr. Johnson of Georgia?

5727 Mr. Johnson of Georgia. No.

5728 Ms. Fontenot. Mr. Johnson of Georgia votes no.

5729 Mr. Deutch?

5730 [No response.]

5731 Ms. Bass?

5732 Ms. Bass. Bass votes no.

5733 Ms. Fontenot. Ms. Bass votes no.

5734 Mr. Jeffries?

5735 [No response.]

5736 Mr. Cicilline?

5737 Mr. Cicilline. No.

5738 Ms. Fontenot. Mr. Cicilline votes no.

5739 Mr. Swalwell?

5740 [No response.]

5741 Mr. Lieu?

5742 Mr. Lieu. No.

5743 Ms. Fontenot. Mr. Lieu votes no.

5744 Mr. Raskin?

5745 [No response.]

5746 Ms. Jayapal?

5747 Ms. Jayapal. No.

5748 Ms. Fontenot. Ms. Jayapal votes no.

5749 Mrs. Demings?

5750 Mrs. Demings. No.

5751 Ms. Fontenot. Mrs. Demings votes no.

5752 Mr. Correa?

5753 Mr. Correa. No.

5754 Ms. Fontenot. Mr. Correa votes no.
5755 Ms. Scanlon?
5756 Ms. Scanlon. No.
5757 Ms. Fontenot. Ms. Scanlon votes no.
5758 Ms. Garcia?
5759 Ms. Garcia. No.
5760 Ms. Fontenot. Ms. Garcia votes no.
5761 Mr. Neguse?
5762 Mr. Neguse. No. Ms. Fontenot. Mr. Nadler votes no --
5763 Mr. Neguse votes no.
5764 Mrs. McBath?
5765 Mrs. McBath. No.
5766 Ms. Fontenot. Mrs. McBath votes no.
5767 Mr. Stanton?
5768 Mr. Stanton. No.
5769 Ms. Fontenot. Mr. Stanton votes no.
5770 Ms. Dean?
5771 Ms. Dean. No.
5772 Ms. Fontenot. Ms. Dean votes no.
5773 Ms. Escobar?
5774 Ms. Escobar. No.
5775 Ms. Fontenot. Ms. Escobar votes no.
5776 Mr. Jones?
5777 [No response.]

5778 Ms. Ross?

5779 Ms. Ross. Ross votes no.

5780 Ms. Fontenot. Ms. Ross votes no.

5781 Ms. Bush?

5782 [No response.]

5783 Mr. Jordan?

5784 Mr. Jordan. Yes.

5785 Ms. Fontenot. Mr. Jordan votes yes.

5786 Mr. Chabot?

5787 Mr. Chabot. Aye.

5788 Ms. Fontenot. Mr. Chabot votes aye.

5789 Mr. Gohmert?

5790 [No response.]

5791 Mr. Issa?

5792 Mr. Issa. Aye.

5793 Ms. Fontenot. Mr. Issa votes aye.

5794 Mr. Buck?

5795 [No response.]

5796 Mr. Gaetz?

5797 Mr. Gaetz. Aye.

5798 Ms. Fontenot. Mr. Gaetz votes aye.

5799 Mr. Johnson of Louisiana?

5800 Mr. Johnson of Louisiana. Aye.

5801 Ms. Fontenot. Mr. Johnson of Louisiana votes aye.

5802 Mr. Biggs?

5803 Mr. Biggs. Aye.

5804 Ms. Fontenot. Mr. Biggs votes aye.

5805 Mr. McClintock?

5806 Mr. McClintock. Aye.

5807 Ms. Fontenot. Mr. McClintock votes aye.

5808 Mr. Steube?

5809 [No response.]

5810 Mr. Tiffany?

5811 Mr. Tiffany. Aye.

5812 Ms. Fontenot. Mr. Tiffany votes aye.

5813 Mr. Massie?

5814 Mr. Massie. Aye.

5815 Ms. Fontenot. Mr. Massie votes aye.

5816 Mr. Roy?

5817 [No response.]

5818 Mr. Bishop?

5819 Mr. Bishop. Yes.

5820 Ms. Fontenot. Mr. Bishop votes yes.

5821 Mrs. Fischbach?

5822 Mrs. Fischbach. Yes.

5823 Ms. Fontenot. Mrs. Fischbach votes yes.

5824 Mrs. Spartz?

5825 Mrs. Spartz. Spartz, yes.

5826 Ms. Fontenot. Mrs. Spartz votes yes.

5827 Mr. Fitzgerald?

5828 Mr. Fitzgerald. Aye.

5829 Ms. Fontenot. Mr. Fitzgerald votes aye.

5830 Mr. Bentz?

5831 Mr. Bentz. Bentz votes aye.

5832 Ms. Fontenot. Mr. Bentz votes aye.

5833 Mr. Owens?

5834 Mr. Owens. Owens, aye.

5835 Ms. Fontenot. Mr. Owens votes aye.

5836 Ms. Lofgren. Are there additional members wishing to cast

5837 their vote?

5838 Mr. Raskin. Raskin votes no.

5839 Ms. Fontenot. Mr. Raskin votes no.

5840 Ms. Lofgren. Ms. Bush?

5841 Ms. Bush. Bush votes no.

5842 Ms. Fontenot. Ms. Bush votes no.

5843 Ms. Lofgren. Are there further members wishing to cast

5844 their vote?

5845 [No response.]

5846 If not, the clerk will report.

5847 Ms. Fontenot. Mr. Chairman, there are 15 ayes and 20 noes.

5848 Chairman Nadler. [Presiding.] The amendment is not agreed

5849 to.

5850 For what purpose does Mr. Cicilline seek recognition?

5851 Mr. Cicilline. I move to strike the last word.

5852 Chairman Nadler. The gentleman is recognized.

5853 Mr. Cicilline. Thank you, Mr. Chairman.

5854 I'm delighted to report that we'll now return to the actual
5855 bill before us. And I want to thank my colleague, Congresswoman
5856 Escobar, for introducing this important piece of legislation.

5857 All too often, notaries, paying themselves as legal service
5858 providers, take advantage of immigrants seeking legal help.
5859 These fraudsters, often referring to themselves as "notarios,"
5860 take advantage of the fact that in many Latin American countries
5861 a "notario publico" can provide legal services. Here, however,
5862 that is not the case, as being a notary does not license you to
5863 practice immigration law.

5864 These fraudsters offer legal services to victims who believe
5865 they have hired a capable professional, as they navigate our
5866 complex immigration system, but the providers are not actually
5867 qualified or certified to provide legal services at all. Victims
5868 often pay thousands of dollars and put their hopes and trust in
5869 these imposters, and they're left in the dust when they don't
5870 receive the help that is promised.

5871 These "notarios" often make mistakes in court filings and
5872 with other documents, which can have disastrous, and sometimes
5873 irreversible, harm on an immigrant's status and on a particular

5874 case. There are also cases where the "notarios" skip town, often
5875 taking the victim's important legal and another documentation
5876 with them.

5877 A lucrative business for these "notarios" has grown out of
5878 deception and the suffering of thousands of victims. And I know
5879 firsthand, having received complaints about this when I was mayor,
5880 and continue to receive complaints about these individuals as
5881 a Member of Congress, this bill will help crack down on this
5882 important practice by making it illegal to provide fraudulent
5883 immigration services or misrepresent one's self as a licensed,
5884 having a license to practice law.

5885 It also will require the Department of Justice to dedicate
5886 15 attorneys to investigate and prosecute such fraudulent
5887 practices, and would create a public list of those convicted of
5888 providing immigration services unlawfully, so others know to
5889 beware of such bad actors.

5890 This legislation is extremely important and will help
5891 protect thousands of people from being taken advantage of,
5892 strengthening our communities and our legal system in the process.

5893 I want to end by, again, thanking Representative Escobar
5894 for reintroducing this important legislation, for her commitment
5895 to this issue, and urge my colleagues to support this effort to
5896 root out deceptive and predatory practices in our communities.

5897 And with that, Mr. Chairman, I yield back.

5898 Chairman Nadler. The gentleman yields back.

5899 Mr. Bishop. Mr. Chairman?

5900 Chairman Nadler. For what purpose does Mr. Bishop seek
5901 recognition?

5902 Mr. Bishop. To strike the last word.

5903 Chairman Nadler. The gentleman is recognized.

5904 Mr. Bishop. I thank the chairman.

5905 I will say that, until I sat down at this hearing today,
5906 I had sort of missed the significance of this bill, and not thought
5907 about the context; just hadn't had time. And then, I looked at
5908 it, and as a practicing lawyer for a long time, I took note of
5909 the fact that, as far as I know -- and this is something I was
5910 getting at with Mr. Raskin -- as far as I know, this would be
5911 the only subject matter of law in which one engaging in the
5912 unauthorized practice of law would be subject to federal
5913 prosecution and criminal penalties.

5914 And before I go further, I wonder if the bill sponsor would
5915 yield to a question on that point. Ms. Escobar, would you yield
5916 to a question?

5917 Ms. Escobar. Certainly.

5918 Mr. Bishop. Am I correct about that? I sat here doing a
5919 little bit of research, and the best I could do is -- well, I
5920 pretty quickly got confirmation that the only place in which the
5921 unauthorized practice of law could be federally criminal is in

5922 federal enclaves, where the laws of a state are brought in, like
5923 a federal -- like Fort Bragg in North Carolina, something like
5924 that. Are you aware of any other place where the unauthorized
5925 practice of law is rendered criminal by federal law?

5926 Ms. Escobar. You know, I have tremendous respect for our
5927 colleague and constitutional expert, Jamie Raskin, who mentioned
5928 that he could provide some examples.

5929 Mr. Bishop. No, no, no.

5930 Ms. Escobar. But, to answer your question, if I may have
5931 a couple of --

5932 Mr. Bishop. Well, I'm going to reclaim my time, unless
5933 you're -- answer it quickly, if you know.

5934 Ms. Escobar. Well, I'm trying to answer your question.
5935 But the point of this --

5936 Mr. Bishop. No, no. Do you know whether there are any other
5937 occasions in --

5938 Ms. Escobar. I'm happy to look --

5939 Mr. Bishop. All right.

5940 Ms. Escobar. -- to look into it --

5941 Mr. Bishop. I'll reclaim my time.

5942 Ms. Escobar. -- and provide you examples.

5943 Mr. Bishop. I think what Mr. Raskin said is that he thought
5944 that the unauthorized practice could be prosecuted as
5945 garden-variety fraud. Perhaps, but, then, you wouldn't need a

5946 specific law. This would be the only case that I know of in which
5947 the unauthorized practice of law is made federal and criminal.
5948 I'm not even clear that in North Carolina the unauthorized
5949 practice of law is criminal. It can be acted upon by the Bar,
5950 but I couldn't find any crime.

5951 So, the problem with this is not only that, that it moves
5952 federal law into an area it's never been in, but the question
5953 is, for whom, and compared to other situations, what are you doing?

5954 So, if someone is involved in a matter in federal court,
5955 and they're victimized by someone practicing law without a
5956 license; if they're in bankruptcy court; if in they're in a federal
5957 trademark matter, and on and on and on, in which you're having
5958 people dealing with federal law issues if they are victimized
5959 by someone practicing without a license, you know, let the state
5960 --

5961 Ms. Escobar. Mr. Bishop, will you yield to a question?

5962 Mr. Bishop. I will not.

5963 They're left to their state authorities to enforce the law
5964 there. And so, what that means is, for the sake -- and the people
5965 who are victimized here are people who are in many cases illegal
5966 immigrants into the country. And so, this bill would give
5967 priority to those people under federal law over every American
5968 who may be victimized by the unauthorized practice of law. And
5969 in the course of doing that, the majority is unwilling even to

5970 add Mr. Fitzgerald's amendment to say, if the same person is a
5971 member of the Mexican cartel, we want to punish them a little
5972 more. "No, no, no, we can't do that."

5973 We're in an environment where prosecutorial resources have
5974 been so minimized for the sake of enforcing the federal
5975 immigration law, that I think the figure is that immigration,
5976 Customs Enforcement Officers are -- 6,000 of them are arresting
5977 an average of two a month, or something, of people that need to
5978 be deported. It's been de-emphasized to the point of disregard
5979 of the law.

5980 And where is the one place where the majority sees it as
5981 a critical priority to federalize and criminalize the
5982 unauthorized practice of law? That is "notarios" are victimizing
5983 predominantly illegal immigrants into the United States. That's
5984 what you want to do. That is amazing to me.

5985 Ms. Escobar. That's not true.

5986 Mr. Bishop. Well, I'll be glad to yield for an answer as
5987 to why that's not true, as long as it's a fast answer.

5988 Ms. Escobar. They're not predominantly undocumented
5989 immigrants. In fact, a lot of victims of "notario" fraud are
5990 American citizens.

5991 Mr. Bishop. Well --

5992 Ms. Escobar. If you spoke to your constituents, you would
5993 know.

5994 Mr. Bishop. If you say so. I would submit that these people
5995 who are pursuing asylum claims that they will never prevail on,
5996 that's probably a lot of the people that you're talking about.

5997 But, to the extent they are American citizens, then answer me
5998 that on your own time: why should they be prioritized over every
5999 other American in the way the law deals with them in matters of
6000 unauthorized practice of law?

6001 And with that, my time's expired.

6002 Chairman Nadler. The gentleman yields back.

6003 Who seeks recognition?

6004 [No response.]

6005 A reporting quorum being present, the question is on the
6006 motion to report the bill H.R. 4435 favorably to the House.

6007 Those in favor, say aye.

6008 Opposed, no.

6009 The ayes have it and the bill is ordered reported favorably
6010 to the House.

6011 A recorded vote has been requested. The clerk will call
6012 the roll.

6013 Ms. Fontenot. Mr. Nadler?

6014 Chairman Nadler. Aye.

6015 Ms. Fontenot. Mr. Nadler votes aye.

6016 Ms. Lofgren?

6017 [No response.]

6018 Ms. Jackson Lee?

6019 Ms. Jackson Lee. Aye.

6020 Ms. Fontenot. Ms. Jackson Lee votes aye.

6021 Mr. Cohen?

6022 [No response.]

6023 Mr. Johnson of Georgia?

6024 Mr. Johnson of Georgia. No.

6025 Ms. Fontenot. Mr. Johnson of Georgia votes no.

6026 Mr. Deutch?

6027 [No response.]

6028 Ms. Bass?

6029 Ms. Bass. No.

6030 Ms. Fontenot. Ms. Bass votes no.

6031 Mr. Jeffries?

6032 [No response.]

6033 Mr. Cicilline. Point of parliamentary inquiry. Mr.

6034 Chairman?

6035 Chairman Nadler. The gentleman will state his point of

6036 parliamentary inquiry.

6037 Mr. Cicilline. We are voting on final passage of the bill,

6038 correct.

6039 Chairman Nadler. Yes, we are voting on final passage of

6040 the bill, that is correct.

6041 Mr. Cicilline. Thank you.

6042 Ms. Lofgren. Lofgren votes aye.

6043 Ms. Fontenot. Ms. Lofgren votes aye.

6044 Mr. Cicilline?

6045 Mr. Cicilline. Aye.

6046 Ms. Fontenot. Mr. Cicilline votes aye.

6047 Mr. Swalwell?

6048 [No response.]

6049 Mr. Lieu?

6050 Mr. Lieu. Aye.

6051 Ms. Fontenot. Mr. Lieu votes aye.

6052 Mr. Raskin?

6053 Mr. Raskin. Aye.

6054 Ms. Fontenot. Mr. Raskin votes aye.

6055 Ms. Jayapal?

6056 Ms. Jayapal. Aye.

6057 Ms. Fontenot. Ms. Jayapal votes aye.

6058 Mrs. Demings?

6059 Mrs. Demings. Aye.

6060 Ms. Fontenot. Mrs. Demings votes aye.

6061 Mr. Correa?

6062 Mr. Correa. Aye.

6063 Ms. Fontenot. Mr. Correa votes aye.

6064 Ms. Scanlon?

6065 Ms. Scanlon. Aye.

6066 Ms. Fontenot. Ms. Scanlon votes aye.
6067 Ms. Garcia?
6068 Ms. Garcia. Yes.
6069 Ms. Fontenot. Ms. Garcia votes yes.
6070 Mr. Neguse?
6071 Mr. Neguse. Aye. Ms. Fontenot. Mr. Neguse votes aye.
6072 Mrs. McBath?
6073 Mrs. McBath. Aye.
6074 Ms. Fontenot. Mrs. McBath votes aye.
6075 Mr. Stanton?
6076 Mr. Stanton. Aye.
6077 Ms. Fontenot. Mr. Stanton votes aye.
6078 Ms. Dean?
6079 Ms. Dean. Aye.
6080 Ms. Fontenot. Ms. Dean votes aye.
6081 Ms. Escobar?
6082 Ms. Escobar. Aye.
6083 Ms. Fontenot. Ms. Escobar votes aye.
6084 Mr. Jones?
6085 [No response.]
6086 Ms. Ross?
6087 Ms. Ross. Ross votes aye.
6088 Ms. Fontenot. Ms. Ross votes aye.
6089 Ms. Bush?

6090 [No response.]

6091 Mr. Jordan?

6092 Mr. Jordan. No.

6093 Ms. Fontenot. Mr. Jordan votes no.

6094 Mr. Chabot?

6095 Mr. Chabot. Pass.

6096 Ms. Fontenot. Mr. Chabot votes no.

6097 Mr. Gohmert?

6098 [No response.]

6099 Mr. Chabot. Chabot didn't vote no. I said, "Pass."

6100 Ms. Fontenot. Sorry, Mr. Chabot. Mr. Chabot passes.

6101 Mr. Gohmert?

6102 [No response.]

6103 Mr. Issa?

6104 Mr. Issa. No.

6105 Ms. Fontenot. Mr. Issa votes no.

6106 Mr. Buck?

6107 [No response.]

6108 Mr. Gaetz?

6109 Mr. Gaetz. No.

6110 Ms. Fontenot. Mr. Gaetz?

6111 Mr. Gaetz. No.

6112 Ms. Fontenot. Mr. Gaetz votes no.

6113 Mr. Johnson of Louisiana?

6114 Mr. Johnson of Louisiana. No.

6115 Ms. Fontenot. Mr. Johnson of Louisiana votes no.

6116 Mr. Biggs?

6117 Mr. Biggs. No.

6118 Ms. Fontenot. Mr. Biggs votes no.

6119 Mr. McClintock?

6120 Mr. McClintock. No.

6121 Ms. Fontenot. Mr. McClintock votes no.

6122 Mr. Steube?

6123 [No response.]

6124 Mr. Tiffany?

6125 Mr. Tiffany. No.

6126 Ms. Fontenot. Mr. Tiffany votes no.

6127 Mr. Massie?

6128 Mr. Massie. No.

6129 Ms. Fontenot. Mr. Massie votes no.

6130 Mr. Roy?

6131 [No response.]

6132 Mr. Owens. Darrell, mute your microphone, Buddy.

6133 Ms. Fontenot. Mr. Bishop?

6134 Mr. Bishop. No.

6135 Ms. Fontenot. Mr. Bishop votes no.

6136 Mrs. Fischbach?

6137 Mrs. Fischbach. No.

6138 Ms. Fontenot. Mrs. Fischbach votes no.
6139 Mrs. Spartz?
6140 Mrs. Spartz. Spartz, no.
6141 Ms. Fontenot. Mrs. Spartz votes no.
6142 Mr. Fitzgerald?
6143 Mr. Fitzgerald. No.
6144 Ms. Fontenot. Mr. Fitzgerald votes no.
6145 Mr. Bentz?
6146 Mr. Bentz. Mr. Bentz votes no.
6147 Ms. Fontenot. Mr. Bentz votes aye.
6148 Mr. Owens?
6149 Mr. Owens. Owens, no.
6150 Ms. Fontenot. Mr. Owens votes no.
6151 Mr. Swalwell. How am I recorded, Swalwell?
6152 Chairman Nadler. Mr. Deutch?
6153 Ms. Fontenot. Mr. Swalwell, you are not recorded.
6154 Mr. Swalwell. I'll wait for Mr. Deutch.
6155 Mr. Deutch. Sorry. Deutch votes aye.
6156 Ms. Fontenot. Mr. Deutch votes aye.
6157 Ms. Bass. This is Bass. How am I recorded?
6158 Chairman Nadler. Mr. Swalwell?
6159 Mr. Swalwell. Thank you. Swalwell votes aye.
6160 Ms. Fontenot. Mr. Swalwell votes aye.
6161 Ms. Bass. This is Bass. How am I recorded?

6162 Ms. Fontenot. Ms. Bass, you are recorded as no.
6163 Ms. Bass. Please change that to aye.
6164 Ms. Fontenot. Ms. Bass votes aye.
6165 Mr. Chabot. Chabot, no.
6166 Ms. Fontenot. Mr. Chabot votes no.
6167 Chairman Nadler. Are there any members who have not voted
6168 who wish -- who have not been recorded who wish to be recorded?
6169 Ms. Bush. Bush, Chair. Chairman? Bush votes no.
6170 Ms. Fontenot. Ms. Bush votes no.
6171 Chairman Nadler. This is final passage, you know.
6172 Okay. The clerk will report.
6173 Ms. Fontenot. Mr. Chairman, there are 20 ayes and 17 noes.
6174 Chairman Nadler. The ayes have it and the bill is ordered
6175 reported favorably to the House.
6176 Members will have two days to submit views.
6177 And with that, the business of today -- this concludes our
6178 business for today. Thanks to all our members for attending.
6179 Without objection, the markup is adjourned.
6180 [Whereupon, at 4:56 p.m., the committee was adjourned.]