

1 NATIONAL CAPITOL CONTRACTING

2 RPTS HALATYN

3 HJU322000

4 MARKUP OF H.R. 2830; H.R. 3713; H.R. 4002;

5 H.R. 4003; H.R. 4001; H.R. 4023

6 Wednesday, November 18, 2015

7 House of Representatives,

8 Committee on the Judiciary,

9 Washington, D.C.

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

13 Present: Representatives Goodlatte, Sensenbrenner,  
14 Chabot, Issa, King, Franks, Gohmert, Jordan, Poe, Chaffetz,  
15 Marino, Gowdy, Labrador, Farenthold, Collins, DeSantis,  
16 Walters, Buck, Ratcliffe, Trott, Bishop, Conyers, Nadler,  
17 Lofgren, Jackson Lee, Johnson, Pierluisi, Chu, Bass,  
18 Richmond, DelBene, Jeffries, and Peters.

19 Staff Present: Shelley Husband, Staff Director; Branden  
20 Ritchie, Deputy Staff Director/Chief Counsel; Allison

21 Halataei, Parliamentarian & General Counsel; Kelsey  
22 Williams, Clerk; Caroline Lynch, Chief Counsel, Subcommittee  
23 on Crime, Terrorism, Homeland Security, and Investigations;  
24 Stephanie Gadbois, Senior Counsel; Robert Parmiter, Senior  
25 Counsel, Subcommittee on Crime, Terrorism, Homeland Security  
26 and Investigations; Joe Graupensperger, Minority Chief Crime  
27 Counsel; Perry Apelbaum, Minority Chief Counsel, Chief-of-  
28 Staff; Tiffany Josslyn, Minority Deputy Chief Crime Counsel;  
29 David Greengrass, Minority Counsel, Jason Everett, Minority  
30 Counsel; Norberto Salinas, Minority Counsel, Aaron Hiller,  
31 Minority Chief Oversight Counsel; Danielle Brown, Minority  
32 Chief Legislative Counsel, Veronica Elligan, Professional  
33 Staff Member; and Kurt May, Minority Counsel.

34 Chairman Goodlatte. The Judiciary Committee will come  
35 to order, and without objection, the chair is authorized to  
36 declare a recess of the committee at any time. Before we  
37 begin today's markup, I would like to take a moment to  
38 remember the life of our dear former colleague, Howard  
39 Coble. Howard, who was a senior member of the House  
40 Judiciary Committee, until his retirement from Congress last  
41 year, passed away earlier this month.

42 I am confident that everyone on the dais and in the  
43 audience has a fond memory of Howard's quick wit, his  
44 mastery of college mascot trivia, and his endearing sense of  
45 humor, though perhaps no memories are as vibrant and  
46 colorful as his collection of Madras sports coats.

47 During his time in Congress, and while he was chairman  
48 of the Court, Intellectual Property, and Internet  
49 Subcommittee, Howard made promoting and protecting American  
50 innovation and creativity a priority. Howard was also a  
51 champion for the cause of criminal justice reform, fighting  
52 for some of the very topics that we will be addressing  
53 today. Howard was a dear friend, the perfect southern  
54 gentleman, and one of the kindest people I have ever met.  
55 He would also play tennis with me most Wednesday mornings  
56 for nearly 20 years. I am sure that I speak for everyone on  
57 the committee when I say that he will be missed. And the  
58 chair recognizes the gentleman from Michigan and the

59 comments that he may have on that subject.

60 Mr. Conyers. Thank you, Chairman Goodlatte. I was  
61 deeply saddened to hear about the loss of our colleague,  
62 Howard Coble. As the longest serving Republican House  
63 member in North Carolina history, he was a man of many  
64 accomplishments, well known on Capitol Hill for his  
65 graciousness and integrity. I am proud to call him my  
66 friend. Howard was a great legislator, always willing to  
67 work in a bipartisan manner to achieve results. On the  
68 judiciary, where I served with him during his time in  
69 Congress, he was a recognized leader in the intellectual  
70 property area. Throughout his long and distinguished  
71 career, he worked long to update our country's copyright and  
72 patent laws, through such historic legislation as the  
73 Digital Millennium Copyright Act, the Sonny Bono Copyright  
74 Extension Act, the American Inventors Protection Act, and  
75 the Madrid Protocol Implementation Act. He was also  
76 critical to the effort to modernize laws regarding the cable  
77 and satellite industries.

78 Our colleague, Howard Coble, was a great public  
79 servant. I am honored to have had the opportunity to work  
80 with him on these and other important issues over the years,  
81 and my thoughts are with his family and all who knew and  
82 loved Congressman Coble. Thank you, Mr. Chairman.

83 Chairman Goodlatte. Thank you, Mr. Conyers. Pursuant

84 to notice, I now call up..

85 Ms. Jackson Lee. Mr. Chairman?

86 Chairman Goodlatte. What purpose does the gentlewoman  
87 from Texas seek recognition?

88 Ms. Jackson Lee. Strike the last word.

89 Chairman Goodlatte. The gentlewoman is recognized.

90 Ms. Jackson Lee. Mr. Chairman, might I add my tribute  
91 and appreciation for Congressman Coble, who I had the  
92 opportunity to serve from the very moment that I came on  
93 this august panel. He was gracious at all times. He had an  
94 amazing love for his work and his constituents, and  
95 certainly, he was a strong advocate for the protection of  
96 intellectual property, among many other issues. And so, I  
97 want to offer deepest sympathy to his family and to his  
98 former constituents, and to let them know how much of a  
99 contribution he made as an American, both on the House  
100 Judiciary Committee in the spirit of justice, but also, in  
101 the representation of his district. And I hope that he will  
102 rest in peace. I yield back, Mr. Chairman.

103 Chairman Goodlatte. The chair thanks the gentlewoman.  
104 Pursuant to notice, I now call up H.R. 3713 for purposes of  
105 mark-up and move that the committee report the bill  
106 favorably to the House. The clerk will report the bill.

107 Ms. Williams. H.R. 3713, to reform sentencing laws and  
108 for other purposes.

109 [The bill follows:]

110 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

111 Chairman Goodlatte. Without objection, the bill is  
112 considered as read and open for amendment at any point. And  
113 I will begin by recognizing myself for an opening statement.  
114 The legislation the committee will consider today is the  
115 culmination of three years of work on over-criminalization  
116 and criminal justice reform. In the 113th Congress, I,  
117 along with Ranking Member Conyers, established an Over-  
118 Criminalization Task Force, which held nine hearings on a  
119 variety of topics, including over-criminalization, over-  
120 federalization, sentencing reform, prison reform, and  
121 regulatory crime. Building upon the work of the task force,  
122 the ranking member and I launched a criminal justice reform  
123 initiative in June of this year. The first step in this  
124 initiative was a listening session in which any member of  
125 Congress was invited to address the Committee on Criminal  
126 Justice Reforms. Following the listening session, committee  
127 staff worked together in a bipartisan fashion to craft  
128 legislation that meets the goals of this initiative.

129 The first bill that we will consider today is H.R.  
130 3713, the Sentencing Reform Act of 2014. I introduce this  
131 legislation, along with Ranking Member Conyers, Crime  
132 Subcommittee Ranking Member Jackson Lee, Representative  
133 Labrador, and a bipartisan group of leaders on this issue.  
134 This legislation strikes an important balance between

135 reducing certain federal mandatory sentencing laws, and  
136 ensuring that these sentencing laws continue to protect the  
137 American people from violent criminals.

138 H.R. 3713 makes several significant changes to federal  
139 sentencing law. It reduces the mandatory life sentence for  
140 a third drug trafficking offense to a mandatory sentence of  
141 25 years, and reduces the second strike mandatory sentence  
142 from 20 to 15 years. H.R. 3713, in response to a recent  
143 court decision, amends federal fire arm statutes to clarify  
144 congressional intent that stacking of federal penalties  
145 requires an intervening arrest and conviction. It broadens  
146 the application of the existing safety valve to apply the  
147 benefit of sentencing without regard to the mandatory  
148 minimum to offenders with prior misdemeanor or non-violent  
149 felony convictions. The bill also creates a second,  
150 narrowly-tailored safety valve for certain offenders facing  
151 the 10-year mandatory sentence. Finally, the bill provides  
152 for limited retroactivity of the crack cocaine trafficking  
153 quantities in the Fair Sentencing Act of 2010. H.R. 3713  
154 also makes the sentencing reductions proposed in the bill  
155 retroactive. However, it does not blindly apply  
156 retroactivity. The bill excludes from retroactivity any  
157 offender who has a prior conviction for a serious violent  
158 felony for which the offender served 13 months or more in  
159 prison. This means that those inmates will be required to



160 serve their full term of incarceration, and will not be  
161 released early. I believe this is a critically important  
162 feature of H.R. 3713.

163 3713 contends a sentencing enhancement for fentanyl.  
164 Our nation is currently in the midst of a heroin epidemic.  
165 Fentanyl, a narcotic pain medication, 80 to 100 times more  
166 potent than morphine, is often used as a cutting agent for  
167 heroin, or is sold disguised as heroin, and has led to a  
168 rash of deaths across the country. H.R. 3713 imposes a  
169 sentencing enhancement of up to five years for trafficking  
170 in heroine cut with fentanyl, or trafficking in fentanyl  
171 represented as heroine. This enhancement must run  
172 consecutively to the underlying sentence.

173 H.R. 3713 allows serious violent felony convictions to  
174 serve as the basis for a sentencing enhancement for federal  
175 drug trafficking. Current law only allows prior drug felony  
176 convictions to serve as the basis for a sentencing  
177 enhancement. As with the limitation on retroactivity, I  
178 believe this is an important change that will enable law  
179 enforcement to target the violent drug traffickers who  
180 threaten our communities. The Sentencing Reform Act  
181 proposes targeted, responsible sentencing reforms. It makes  
182 common sense changes to center federal drug sentences, while  
183 helping law enforcement keep violent offenders behind bars  
184 and saving tax payer dollars. I want to thank the gentleman

185 from Wisconsin, the chairman of our Crime, Terrorism,  
186 Homeland Security, and Investigation Subcommittee, who also  
187 chaired our taskforce on over-criminalization for working  
188 with myself and Ranking Member Conyers on this legislation,  
189 and for the more than two years' work that he has dedicated  
190 to this issue as well. I want to thank the ranking member  
191 of the Crime Subcommittee, the gentlewoman from Texas, Ms.  
192 Jackson Lee, for her important input in all of these areas  
193 related to criminal justice reform, as we set out to adopt  
194 legislation that we can send to the floor. At this time, it  
195 is my pleasure to recognize and also thank the ranking  
196 member of the committee, Mr. Conyers, for his hard work and  
197 collaboration on this series of bills that we are offering  
198 today.

199 [The prepared statement of Chairman Goodlatte follows:]

200 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

201 Mr. Conyers. Thank you, Chairman Goodlatte, members of  
202 the committee. H.R. 3713, the Sentencing Reform Act,  
203 responds to the growing recognition in our states, and now  
204 in Congress, that we must make meaningful reforms to various  
205 aspects of our criminal justice system, particularly with  
206 reference to mandatory minimum sentences. As with any  
207 policy, it is our responsibility in Congress to examine the  
208 facts, make adjustments from time to time. And the facts  
209 demand that we take action on this issue. We are all too  
210 familiar with the most glaring statistics frequently cited -  
211 - the United States is home to the five percent of the  
212 world's population, but has 25 percent of the world's  
213 prisoners. Our incarceration rate is four times higher than  
214 China's. The Department of Justice spends nearly one third  
215 of its budget on the federal prisons. And we know that  
216 extending incarceration beyond that which is appropriate  
217 actually increases recidivism. Therefore, adjustments to  
218 our sentencing laws are long overdue, and that is why, as  
219 the chairman has suggested, we need to approve this bill.

220 H.R. 3713 is an important reform measure that makes a  
221 number of improvements. First of all, it reduces mandatory  
222 minimum sentences for prior drug felons. It broadens the

223 existing safety valve, to allow more offenders to be  
224 sentenced below mandatory minimum drug sentences if, in the  
225 court's discretion, it is warranted. The bill creates an  
226 additional safety valve to allow relief for some offenders  
227 who would otherwise be subject to the 10-year mandatory  
228 minimum for drug offenses. In addition, H.R. 3713 reforms  
229 the way prior firearms offenses are considered, with respect  
230 to application of the mandatory minimum sentence for repeat  
231 firearm offenders. And most importantly, the bill  
232 retroactively applies the reduced mandatory minimum  
233 sentences for crack cocaine under the Fair Sentencing Act.  
234 And, notably, the bill does all of this without the addition  
235 of new mandatory minimum sentences the Senate proposed in  
236 similar legislation.

237 The changes will still allow for appropriate  
238 punishment, and in my view, would make us safer. They will  
239 also save American taxpayers money by reducing the spending  
240 associated with needlessly long incarceration; money that  
241 should be invested in education, job training, and other  
242 productive priorities. We, on this committee, have worked  
243 together as our constituents expect of us to find a way  
244 forward on this important issue, and the measure before us  
245 reflects the recognition that criminal law is a blunt  
246 instrument, and it is difficult to achieve just results in  
247 every case. So in my view, that is why we must allow

248 judges, who are in the best position to know and evaluate  
249 all of the circumstances of each case, to impose sentences  
250 that both hold offenses -- offenders appropriately  
251 accountable and that are just according to the facts. H.R.  
252 3713 does not achieve all what I and some of my colleagues  
253 would want. However, today, we have the opportunity, on a  
254 bipartisan basis, to address some of these injustices and to  
255 provide retroactive relief for some of those who have been  
256 subjected to them. As this committee has done in the past  
257 when history has required it, it is my hope that we can and  
258 will come together today to take action on a pressing issue  
259 for our nation, so that we will send a bipartisan message  
260 that the House Judiciary Committee can adopt smart and  
261 common sense changes to the criminal sentences laws that  
262 will help thousands of individuals and their families while  
263 also enhancing public safety. I commend all of my  
264 colleagues who have worked on this bill and urge its  
265 immediate passage. I thank the chairman.

266 [The prepared statement of Mr. Conyers follows:]

267 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

268 Mr. Sensenbrenner. Mr. Chairman.

269 Chairman Goodlatte. First, the gentleman from  
270 Wisconsin seeks recognition.

271 Mr. Sensenbrenner. I move to strike the last word.

272 Chairman Goodlatte. The gentleman is recognized.

273 Mr. Sensenbrenner. Thank you, Mr. Chairman. Over the  
274 past several months, we have seen growing momentum for  
275 sentencing reform legislation and mounting evidence for why  
276 we need reform. Decades of flawed sentencing laws have  
277 swelled the ranks of nonviolent offenders in our federal  
278 prisons. The results have led to prison overcrowding,  
279 strapped budgets, and diminished wellbeing for current and  
280 former prisoners in the public at large. The Sentencing  
281 Reform Act is not perfect. Evidence-based programs in  
282 states like Texas and Utah have shown that we can reduce  
283 prison population and save taxpayers' dollars without  
284 increasing crime rates. I would have preferred legislation  
285 to adopt these proven approaches; however, I credit the  
286 chairman with finding a middle ground in working with  
287 members of both parties through each disagreement.

288 I think that, to thoroughly vet this and to get the  
289 proper balance, it is going to take several Congresses in  
290 order to see how these reforms work and whether they need to  
291 be tweaked, amended, enhanced, or reduced. And I look  
292 forward, for the next several Congresses, to working with my  
293 colleagues to achieve any amendments that we may need to  
294 make to this bill in the future. However, the Sentencing  
295 Reform Act will eliminate mandatory life sentences for  
296 three-time, nonviolent drug offenders, reducing those  
297 mandatory minimum sentences to 25 years. Like the Safe  
298 Justice Act, which I introduced with Congress with Bobby  
299 Scott of Virginia, the Sentencing Reform Act will also  
300 narrow the kinds of prior drug offences that can trigger  
301 recidivist enhancements, broaden the safety valve, and make  
302 the Fair Sentencing Act retroactive.

303 Our system cannot continue on its present trajectory.  
304 It is not only fiscally unsustainable, but morally  
305 irresponsible. This is a much needed step forward today.  
306 However, I hope we all can agree that we can and we should  
307 do more. We must have the courage to tackle prison reform  
308 and to strengthen our probation and reentry program. We  
309 should promote the use of drug courts and veterans'  
310 treatment courts within the federal system, as well enhance  
311 treatment services for those who have mental health or  
312 substance abuse disorders. The states have been

313 outperforming Congress in criminal justice reform for years.  
314 It is my hope that we can continue to work together in a  
315 bipartisan manner to produce legislation that will address  
316 the complex problems our current system face. Now you will  
317 back the balance of my time.

318 Chairman Goodlatte. The chair thanks the gentleman.  
319 What purpose does the gentlewoman from Texas seeks  
320 recognition?

321 Ms. Jackson Lee. To strike the last word, Mr.  
322 Chairman.

323 Chairman Goodlatte. The gentleman is recognized.

324 Ms. Jackson Lee. Mr. Chairman, thank you so very much,  
325 and I want to offer my appreciation to the chairman, the  
326 ranking member of the full committee, Mr. Conyers and Mr.  
327 Sensenbrenner, for having the common goal of turning the  
328 corner on criminal justice reform in this nation. Let me  
329 say that, today, we make a significant statement and take  
330 action on reducing and eliminating mass incarceration in  
331 this nation. We take leaps of faith to recognize the  
332 importance of restoration and rehabilitation. This is not a  
333 compromise or best effort. It is actually a reality of  
334 laws, provisions that will, in fact, be placed in the  
335 criminal justice system, giving attitudes to defense council  
336 and prosecutors to have a fair and even playing field for  
337 those nonviolent offenders who have come in the crosshairs



338 of the criminal justice system and need another opportunity.

339       It will be a lifeline for families who have waited for  
340 years for their love ones to be released, and no, it will  
341 not add to the crime of this country. In fact, it will give  
342 more tools to those who will be released to tool this  
343 country and make it a better place. So again, I extend my  
344 thanks to you and the ranking member, Conyers, who has a  
345 long history of justice issues in this Congress and in the  
346 nation. I thank you for the hard work and for the listening  
347 session that I willingly and participated in and supported,  
348 as well as the over-criminalization effort led by Mr.  
349 Sensenbrenner, the ranking member in the last session, and  
350 the many members on this committee, republicans and  
351 democrats. I want to thank you, particularly those who  
352 participated in the over-criminalization task force. Your  
353 work has been the embodiment of this legislation, and we  
354 thank you so very much for you work.

355       When we began this process, our desire was to form a  
356 consensus, not to overstep the values and the heartfelt  
357 positions of many on this committee. It was to work, step-  
358 by-step, to build a consensus, not something often seen over  
359 the years, and how befitting it is that a committee that has  
360 its hands around the justice system of America confined  
361 consensus on such a contentious issue and one that has hurt  
362 so many families across America. We began our task force

363 with the knowledge that truly meaningful reforms requires us  
364 to look at every piece of the system, from policing to  
365 charging and convicting, and from sentencing to the  
366 collateral consequences awaiting incarcerated individuals.  
367 We set our sights on comprehensive reform that tackles  
368 sentencing, prisons, over-criminalization, youth justice,  
369 civil asset forfeiture, reentry, policing, criminal  
370 procedures, and the most recent addition, mental illness.

371         And I am grateful that the chairman says we will tackle  
372 all of those issues. That is an important step. Each piece  
373 is critically necessary, but we knew that sentencing reform  
374 would truly test the seriousness of our commitment to  
375 collaboration. That is why we tackled it head on. As I sit  
376 here today, I know that we are not alone in knowing that we  
377 made the right choice in working with so many. With the  
378 Sentencing Reform Act of 2015, we unify to reject a system  
379 that is often more effective at creating criminals and  
380 collateral damage than actual justice.

381         Our legislation is strong and thoughtful. As explained  
382 by the chairman and ranking member and as shown by data, it  
383 will reduce mass incarceration. Over 11,500 individuals who  
384 are currently incarcerated will be eligible for retroactive  
385 relief. Over 4,000 more will benefit each year. Combined,  
386 that is over 15,000 in 10 years to be restored and  
387 rehabilitated. These estimates are conservative, and there

388 are ones we can move and base our future legislation on. It  
389 could be said that other bills, some that have come before  
390 and some that will surely follow, will do it differently or  
391 go further. But there is something about our legislation  
392 that is different, something that gives me hope for our  
393 entire reform system. Our bipartisan legislation can get to  
394 the president.

395 I ask my colleagues to reflect on this moment. Our  
396 current path is unsustainable. We know the numbers: less  
397 than 5 percent of the world's population, but 25 percent of  
398 the world's prisoners; ranked number one in incarceration.  
399 The cost of this system is incredibly high, \$80 billion.  
400 Worse, this system takes an incredible human toll with the  
401 cycle of incarceration. Those costs, including the costs of  
402 our greater sense of humanity, bring us to this moment. I  
403 call on my colleagues to support the Sentencing Reform Act  
404 of 2015, H.R. 3713, because these calls are simply too great  
405 to bear.

406 Such meaningful reforms would not be possible again  
407 without the collaborative work of our chairman and ranking  
408 member, Mr. Sensenbrenner and all of you who have been so  
409 dedicated to this issue. In my service as ranking member of  
410 the House Judiciary Committee, Crime Subcommittee, I have  
411 been truly humbled to take on this task, one of the most  
412 important in my lifetime. Just as our action is one step

413 towards enacting this legislation, the bill is one component  
414 of criminal justice reform. I look forward to our continued  
415 collaboration on all of the other areas, especially helping  
416 our youth and the youth justice system and prison reform.  
417 The bipartisan legislation and the leadership here should  
418 truly make a difference in the lives of so many. Mr.  
419 Chairman, with that, I yield back.

420 Chairman Goodlatte. The chair thanks the gentlewoman.  
421 What purpose does the gentleman from Wisconsin seek  
422 recognition?

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

425 Chairman Goodlatte. The clerk will record the  
426 amendment

427 Ms. Williams. Amendment to H.R. 3713 offered by Mr.  
428 Sensenbrenner of Wisconsin. Add at the end of the bill.

429 [The amendment of Mr. Sensenbrenner follows:]

430 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

431 Chairman Goodlatte. That objection to the amendment is  
432 considered as read, and the gentleman is recognized for five  
433 minutes on his amendment.

434 Mr. Sensenbrenner. Thank you, Mr. Chairman. My  
435 amendment does two things. First, it will require DOG, in  
436 consultation with the sentencing commission, to issue  
437 another report updating the commission's 2011 comprehensive  
438 report I mandatory minimums. Among other things, the report  
439 contains substantial information about the use of pleas,  
440 what offenses were dismissed as a part of the plea,  
441 sentencing enhancements, and what charges were dismissed.  
442 It is important that, when reforming our criminal justice

443 system, we need to have the most up-to-date information.  
444 Secondly, it expresses the sense of Congress that the  
445 growing and serious need to make mental health creep into  
446 the central component of criminal justice reform. More than  
447 half of federal inmates have symptoms of serious mental  
448 illness. Our jails and prisons have become America's mental  
449 health facilities, the purpose for which they were never  
450 intended. However, with proper treatment, which we know  
451 costs far less than imprisonment, offenders can be  
452 rehabilitated and safely transitioned back into the  
453 community. States have embraced this approach and so should  
454 Congress. I want to thank the ranking member of the Crime  
455 Subcommittee, the gentlewoman from Texas, Ms. Jackson Lee,  
456 for co-sponsoring this amendment as well as the gentleman  
457 from Georgia, Mr. Collins, and the gentleman from Louisiana,  
458 Mr. Richmond. I look forward to working with the chairman  
459 and ranking member on this critical component and urge my  
460 colleagues to support the amendment and yield back the  
461 balance of my time.

462 Chairman Goodlatte. The chair thanks the gentlemen.  
463 What purpose does the gentleman from Michigan seek  
464 recognition?

465 Mr. Conyers. Strike the requisite number of words.

466 Chairman Goodlatte. The gentlemen is recognized for  
467 five minutes.

468 Mr. Conyers. Thank you, sir. Members of the  
469 committee, obviously, I support the amendment, but I want to  
470 thank the Crime Subcommittee chairman, Jim Sensenbrenner,  
471 and the subcommittee ranking member, Sheila Jackson Lee and  
472 also members Doug Collins and Cedric Richmond for their  
473 recommendations of these proposals. We will benefit from  
474 the report from the sentencing commission on the use of  
475 mandatory minimum sentencing. It is also important that  
476 Congress recognize the need to better integrate mental  
477 health treatment as part of our reforms effort. And for  
478 those reasons, I urge the adoption of this amendment and  
479 yield back the balance of my time.

480 Chairman Goodlatte. The chair recognizes himself in  
481 support of the amendment. I appreciate the amendment  
482 offered by the chairman of the crime subcommittee, Mr.  
483 Sensenbrenner, the ranking member of the crime subcommittee,  
484 Ms. Jackson Lee, the gentleman from Georgia, Mr. Collins,  
485 and the gentleman from Louisiana, Mr. Richmond. This  
486 amendment expresses the sense of Congress that meaningful  
487 criminal justice reform requires the integration of a mental  
488 health component as part of a comprehensive reform strategy.  
489 It also requires the justice department to issue a report on  
490 the mandatory minimum sentencing provisions in federal law.

491 As my colleagues are all aware, part of the committee's  
492 criminal justice reform initiative will include

493 consideration of legislation to reauthorize programs  
494 designed to treat and assist mentally ill offenders. I  
495 agree with my colleagues that this is an important component  
496 of the criminal justice reform initiative. I look forward  
497 to working with the gentleman from Wisconsin, the general  
498 lady from Texas, the gentleman from Georgia, and the  
499 gentleman from Louisiana, along with other members of the  
500 committee to whom I know this is important as we move  
501 forward with this process. As to the reporting provision in  
502 2011, the sentencing commission issued a comprehensive  
503 report on mandatory minimums. Given that this committee is  
504 moving legislation, changing some mandatory minimum  
505 sentences, the responsible thing for us to do is ensure that  
506 our actions are evaluated by the federal agency that  
507 enforces these laws. I support the amendment, and I urge my  
508 colleagues to do the same. What purpose does the  
509 gentlewoman from Louisiana seek? I'll get to the gentleman  
510 from Louisiana -- the gentlewoman from Texas seek  
511 recognition?

512 Ms. Jackson Lee. That is all right. We are neighbors,  
513 Mr. Chairman. Thank you so very much, and I am going to  
514 thank you, Mr. Conyers -- Mr. Sensenbrenner. I want to  
515 thank him for leading on this amendment, and I am delighted  
516 to be able to join him, along with Mr. Collins and my  
517 neighbor, Mr. Richmond in Louisiana, all who have expressed



518 and often commented on the intervening factor of mental  
519 illness. We know that law enforcement spends a  
520 disproportionate amounts of time interacting with  
521 individuals with mental illness, not because of criminal  
522 conduct, but other behavioral related to crisis that is  
523 viewed as problematic in a community. Every day, we are  
524 facing the various array of stories that provide us with a  
525 sad commentary on the confrontation of someone suffering  
526 from a mental illness, a mental health crisis, who comes in  
527 contact with law enforcement. We realize that this is,  
528 again, another scourge that we must address in a positive  
529 way. In fact, law enforcement have come in front of this  
530 very committee and expressed a desire for increasing mental  
531 health and social services over budgets for incarceration  
532 and policing.

533 Let me say I have had first-hand experience dealing  
534 with some of these issues in my own jurisdiction. Example  
535 of a young man who had a mental breakdown and was  
536 incarcerated in our local prison, local jail, and created an  
537 enormously difficult conditions for himself and rejecting  
538 all help from the jailers. Family was not able to see him  
539 because there was no mental health component in the jail,  
540 and I worked to get that system put in the jail and be able  
541 to deal with those who are even incarcerated already who  
542 have a mental health concern. So I am very pleased that

543 this amendment includes an order for the sentencing  
544 commission to conduct a study on mandatory minimums and  
545 their relationship to unwarranted sentencing disparities,  
546 and I am delighted that, in this bill, we will have a  
547 placeholder and an articulate statement on the vital-ness of  
548 understanding mental health crisis and how it interrelates  
549 to policing, criminal justice, and ultimately the  
550 incarceration. I thank my ranking member -- excuse me --  
551 for his work, the chairman of the full committee and I  
552 particularly thank Mr. Sensenbrenner for his efforts. With  
553 that, I yield back.

554 Chairman Goodlatte. The chair thanks the gentlewoman.  
555 What purpose does the gentleman from Louisiana seek  
556 recognition?

557 Mr. Richmond. I would like to speak in support of the  
558 amendment.

559 Chairman Goodlatte. The gentleman is recognized for  
560 five minutes.

561 Mr. Richmond. First, I would like to thank Mr.  
562 Sensenbrenner for his hard work and the long track record of  
563 work that he has on criminal justice reform and introducing  
564 this amendment and thanking both the chairman and the  
565 ranking member for supporting the amendment. And I think  
566 that it does two things. One, it shows how much work we  
567 still have to do in getting to a point of comprehensive

568 criminal justice reform. Two, it highlights the fact that  
569 too much of our mental health services are happening in the  
570 prisons, as opposed to other facilities. And as states  
571 balance difficult budgets, mental health has been one of the  
572 things that was always on the chopping block. And we, in  
573 society, are paying for that dearly, and this amendment  
574 highlights that, but the other thing it does is reinforces  
575 the work we still have to do.

576 Under this bill, 50,000 non-violent drug offenders have  
577 the possibility to be released over the next 10 years. We  
578 released 650,000 ex-offenders every year from prison, and  
579 our recidivism rate is over 50 percent, so that means over  
580 half of them are going to wind up back in the system unless  
581 we spend effort, time, and commit resources to not only  
582 mental health, but those programs that will reduce  
583 recidivism.

584 So making sure that when people get out, they have  
585 stable housing. That they can find employment. That we can  
586 deal with mental health and that we can start to renew  
587 family relationships. Because one of the things we find is  
588 that, although the incarcerated person may actually be in  
589 the confines of a jail, but it is the family that is doing  
590 time. And we have to make sure that we continue to have  
591 those sort of connections, so that we can have support  
592 systems for people when they get out. Because the purpose

593 of the bill and the purpose of criminal justice reform, at  
594 the end of the day, is to make our communities safer and to  
595 help reform people who need reform.

596 So with that, Mr. Chairman, I would just like to,  
597 again, support the amendment, because the data collection is  
598 also important, and the recommendations and the report on  
599 mandatory minimums. Because I think what is important here,  
600 and we should always stress, is that all the decisions are  
601 being made based on data and proven evidence, so that we are  
602 making scientific decisions in terms of how to keep the  
603 community safe and we are not just going off of what we  
604 think and what we believe. But we are using experts who  
605 deal with this every day, so that we can protect society.

606 So with that, Mr. Chairman, I will thank the author of  
607 the amendment and I will thank the chairman and the ranking  
608 member, who I also have a long track record on criminal  
609 justice issues.

610 Chairman Goodlatte. The chair thanks the gentleman.  
611 The question occurs on the amendment offered by the  
612 gentleman from Wisconsin.

613 All those in favor, say aye.

614 Those opposed, no.

615 The opinion of the chair is that the ayes have it, and  
616 the amendment is agreed to.

617 Are there any other amendments? What purpose does the

618 gentleman from Colorado seek recognition?

619 Mr. Buck. I have an amendment at the desk.

620 Chairman Goodlatte. The clerk will report the  
621 amendment.

622 Ms. Williams. Amendment to H.R. 3713, offered by Mr.  
623 Buck of Colorado. At the appropriate place.

624 [The amendment of Mr. Buck follows:]

625 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

626 Chairman .Goodlatte. Without objection, the amendment  
627 will be considered as read and the gentleman is recognized

628 for five minutes on his amendment.

629 Mr. Buck. Thank you, Mr. Chairman. This amendment  
630 exempts heroin offenders from any provisions in this bill  
631 that would change current law. In other words, this  
632 amendment preserves the tools that prosecutors and police  
633 need to face the heroin epidemic in America. Heroin is a  
634 scourge on our country. In the past decade, heroin overdose  
635 deaths in America have increased four-fold. 8,200 people  
636 died from heroin use in 2013. Between 2002 and 2004,  
637 379,000 people reported using heroin. Nearly a decade  
638 later, that number had grown to 663,000. Greater than half  
639 of the 120 people who die from drug overdoses every day in  
640 the U.S. are killed by heroin and painkillers. The drug has  
641 its grip on our youth. In the last decade, heroin use  
642 doubled in the 18- to 25-year-old age group. Heroin  
643 cartels, largely from Mexico, have unprecedented reach. In  
644 2005, only 228 pounds of the drug was seized on our southern  
645 border. In 2014, that number increased to 9,205 pounds.  
646 And that is only what we caught. This amendment leaves  
647 mandatory minimum sentences in place for heroin-related  
648 offenses. As a prosecutor, I can speak of the advantage of  
649 these minimum sentences.

650 When a man, a big cog in the wheel of a big drug  
651 organization is looking at 20 years of his life behind bars  
652 for selling heroin, he starts thinking straight. In return

653 for a lesser sentence, prosecutors can convince him to give  
654 up the kingpins, the ones whose hands are really red with  
655 the blood of thousands of American overdose deaths. The  
656 young man pleads to a lesser sentence and hopefully rebuilds  
657 his life after a few years in prison. The kingpins face the  
658 justice they deserve, decades behind bars. I will point to  
659 comments from my honorable colleague, Mr. Rangel, from New  
660 York. Witnessing the toll that drugs took on families in  
661 his Harlem district decades ago, he argued for a tough  
662 stance on drug issues. He said, "We need outrage. I do not  
663 know what is behind the lackadaisical attitudes towards  
664 drugs, but I do know that the American people have made it  
665 abundantly clear. They are outraged by the indifference of  
666 the U.S. government to this problem." In decades since, we  
667 have not only been indifferent, but we cannot fall back into  
668 a lackadaisical attitude about a drug that ravages our  
669 communities as much as heroin.

670 I will close with a story I read in the Washington  
671 Post. It is about Morgan Brittain, a 19-year-old in  
672 Portland, Oregon. In May 2013, Brittain overdosed on a  
673 half a gram of black tar heroin. She spent four months in a  
674 coma. She survived the overdose, but the scars will last a  
675 lifetime. She cannot walk, cannot eat, cannot write, and  
676 has trouble speaking. Morgan is one of thousands of youth  
677 each year who face death and disability by heroin. To save

678 these lives, we need to dismantle the organizations that  
679 supply heroin. And to do that, our prosecutors and police  
680 need the tools currently in their toolkit, including  
681 mandatory minimums. With these tools, we can secure a  
682 better, safer future for our children.

683 Mr. Chairman, based on our previous conversations and  
684 the opportunity to improve this bill at a more appropriate  
685 time, I will withdraw this amendment. And I yield back the  
686 balance of my time.

687 Chairman Goodlatte. Without objection, the gentleman's  
688 amendment is withdrawn. The chair thanks the gentleman and  
689 looks forward to working with him on the issue. What  
690 purpose does the gentleman from South Carolina seek  
691 recognition?

692 Mr. Gowdy. I seek recognition.

693 Chairman Goodlatte. The gentleman is recognized for  
694 five minutes.

695 Mr. Gowdy. Very briefly, Mr. Chairman, I just want to  
696 commend the gentleman from Colorado of, first of all, for  
697 his service to the State of Colorado as a prosecutor. And  
698 also to the United States government as an Assistant United  
699 States Attorney, for highlighting the heroin epidemic which,  
700 as the gentleman from Colorado knows, is actually a  
701 bipartisan issue. Our friend and colleague from  
702 Massachusetts, Mr. Kennedy, was also a prosecutor, and he



703 has spoken eloquently about the heroin epidemic. So I want  
704 nothing more than to commend my friend from Colorado for  
705 highlighting this issue and hope that he continues to do so.  
706 And with that, I would yield back.

707 Chairman Goodlatte. The chair thanks the gentleman.  
708 What purpose does the gentleman from Georgia seek  
709 recognition?

710 Mr. Johnson. Move to strike the last word.

711 Chairman Goodlatte. The gentleman is recognized for  
712 five minutes.

713 Mr. Johnson. Thank you, Mr. Chairman. And thank you  
714 for this proposal that actually moves us towards a solution  
715 to the problem of mass incarceration that has afflicted our  
716 society since Richard Nixon declared war on drugs. And this  
717 mass incarceration has afflicted, disproportionately, just  
718 as the heroin epidemic of the 1970s, disproportionately  
719 affected people from inner-city neighborhoods. Black folks,  
720 we have borne the brunt of this mass incarceration, which  
721 this legislation seeks to change course. It is a modest  
722 proposal that I congratulate the chair of this committee,  
723 the ranking member of this committee, and also the chair and  
724 ranking member of the Crime Subcommittee of this committee.

725 But I do not want us to move backwards. Because of  
726 this scourge of heroin that is now afflicting suburban  
727 neighborhoods, it is now getting the attention that it

728 certainly deserves. But at the same time, we do not want to  
729 go back to mass incarceration for a public health problem.  
730 And I will point out, after having practiced criminal law  
731 for 27 years as a defense lawyer, that when street-level  
732 drug dealers are the ones who generally get caught up in  
733 these drug stings, and they are the ones who get sent to  
734 prison, they do not know who the big kingpins are. And  
735 whenever you do find out who a kingpin is, it is the kingpin  
736 that has the leverage to negotiate a good deal with the  
737 prosecutor. They end up being able to keep all of their  
738 property, being able to get their time cut, so long as they  
739 can testify about everybody down line. They can deliver  
740 more bodies to the prosecution to lock up, thus feeding the  
741 mass incarceration. So with that said, Mr. Chairman, I will  
742 yield back.

743 Chairman Goodlatte. The chair thanks the gentleman.  
744 What purpose does the gentleman from Texas seek recognition?

745 Mr. Gohmert. Thank you, Mr. Chairman. Move to strike  
746 the last word.

747 Chairman Goodlatte. The gentleman is recognized for  
748 five minutes.

749 Mr. Gohmert. Thank you, Mr. Chairman. I know you have  
750 worked very hard to get input from all of us. We have got a  
751 letter here, dated November 16, from Steven Cook of the  
752 National Association of Assistant U.S. Attorneys. As their

753 president, he expresses concerns about our bill. And their  
754 opinion is that the nation will suffer higher crime rates,  
755 higher taxpayer costs, greater human turmoil, and disparate  
756 justice throughout the federal courts, and urge us not to  
757 pass this. But I felt like the AUSAs that are enforcing the  
758 law should have their voices heard and would ask unanimous  
759 consent to submit this as part of the record.

760 Chairman Goodlatte. Without objection, that letter  
761 will be made a part of the record.

762 Mr. Gohmert. Then I would yield back. Thank you.

763 Chairman Goodlatte. I just want to note, for the  
764 record, that during the Over-Criminalization Task Force  
765 hearing on penalties, we did hear from Mr. Eric Evenson, who  
766 appeared on behalf of the National Association of Assistant  
767 U.S. Attorneys. And we will continue to work closely with  
768 them and other interested groups, as we continue with this  
769 process. We have been in contact with them and I have met  
770 with them individually as well, and I know other members  
771 have as well. So we definitely welcome their input into  
772 this process. And they have been heard.

773 Mr. Buck. Very good.

774 Chairman Goodlatte. Are there further amendments?  
775 What purpose does the gentlewoman from Texas seek  
776 recognition?

777 Ms. Jackson Lee. Strike the last word. Let me

778 recognize the gentleman from Colorado for his concern and  
779 thank him for his concern. Certainly, this is re-raging  
780 again. My good friend from Georgia has delineated the siege  
781 that we found ourselves in in urban neighborhoods. Many of  
782 us grew up in those same neighborhoods and saw this right in  
783 our reach. And so we are not unfamiliar with heroin and its  
784 devastation. The statement that is being made by this  
785 legislation is, by no means, ignoring the scourge of any  
786 drug. What it is saying is that we are giving other tools  
787 to be able to restore people who have served more time for  
788 an approach to drugs that we have found that has not been  
789 the most direct in solving the problem.

790 I think we have to look at heroin. We have to come  
791 with, again, additional tools. But we know many of this is  
792 engaged in mental health issues. My state, Texas, has been  
793 a leader on trying to craft a pathway for reduction of  
794 incarceration, eliminating a mass incarceration, but still  
795 keeping citizens in the State of Texas safe. And we have  
796 been successful and I want to congratulate them. So I know  
797 the work that Congressman Rangel did. He was on the Select  
798 Committee on Narcotics. At that time, heroin was in this  
799 siege, as it is seemingly becoming now. And he was asking  
800 the nation to take notice of how do we stop the heroin from  
801 coming into neighborhoods that he represented. I know the  
802 story very well.

803           And so I think we can find a pathway and I think that  
804 pathway can work very well, keeping the sentiment and the  
805 basis of H.R. 3713, which also brings about the release or  
806 the coming down of mass incarceration without diminishing  
807 the safety and security of the American people. So I thank  
808 the gentleman for his comments and I know that we will look  
809 forward to working with him. I yield back.

810           Chairman Goodlatte. The chair thanks the gentleman.  
811 Are there any other amendments to H.R. 3713? What purpose  
812 does the gentleman from Colorado seek recognition?

813           Mr. Buck. I have an amendment at the desk.

814           Chairman Goodlatte. The clerk will report the  
815 amendment.

816           Ms. Williams. Amendment to H.R. 3713, offered by Mr.  
817 Buck of Colorado. At the appropriate place.

818           [The amendment of Mr. Buck follows.]

819           \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

820 Chairman Goodlatte. Without objection, the amendment  
821 is considered as read and the gentleman is recognized for  
822 five minutes on his amendment.

823 Mr. Buck. Mr. Chairman, my amendment will call on the  
824 Attorney General to publish the name of every offender whose  
825 sentence is reduced retroactively through this bill, those  
826 offenders' criminal histories, and a notification if an  
827 individual released due to the provisions of this bill is  
828 arrested or charged with a crime. The lawmaking process  
829 should not end when a bill is passed. We have a  
830 responsibility to make sure our laws actually work.

831 The bill we are considering will result in the early  
832 release of many prisoners. My amendment measures the  
833 consequences of this bill, to help us understand how reduced  
834 sentences affect recidivism. The amendment will help us  
835 better understand the risk factors that lead an offender to  
836 commit further crimes, helping us to improve our nation's  
837 criminal justice system. Requiring this transparency is

838 vital, because many of the crimes in our country are  
839 committed by re-offenders.

840 In a massive Bureau of Justice statistics study across  
841 30 states, 76.6 percent of released prisoners were arrested  
842 again within five years. These statistics hold across  
843 different types of offenses. Violent, property, drug, and  
844 public order. In fact, 77 percent of drug offenders were  
845 arrested within five years of release, compared to only 71  
846 percent of violent offenders. As we consider who should  
847 serve shorter versus longer sentences, we need to be sure we  
848 are not releasing criminals back on to the street to commit  
849 the same or worse crime. Transparency and careful  
850 legislating are especially important at a time like this.  
851 In a speech last month, FBI Director James Comey stated,  
852 "More people are being killed in America's cities this year  
853 than in many years. And let's be clear. Far more people of  
854 color are being killed in America's cities this year. And  
855 it is not the cops doing the killing." He continued, "Most  
856 of America's 50 largest cities have seen an increase in  
857 homicides and shooting this year. And many of them have  
858 seen a huge increase."

859 Crime may be spiking this year, but we have felt the  
860 effects of crime, and more specifically, recidivism, for a  
861 long time. My State of Colorado especially knows the  
862 consequences of repeat offenders. Since 2002, at least 33

863 former prisoners on parole were accused of 38 murders. One  
864 of those was the cold-blooded assassination of Tom Clements,  
865 the Executive Director of the Department of Corrections.  
866 Other released prisoners in Colorado threatened to go on  
867 mass shooting sprees or bomb a high school in Denver. Our  
868 lesson from these grim statistics? Crime directly impacts  
869 the American people. With sky-high recidivism rates and  
870 increasing violent crime across the United States, we owe it  
871 to our constituents to take great care with policies that  
872 would put future criminals back on the street. My amendment  
873 will allow us to take great care and would add transparency  
874 to the process. And Mr. Chairman, again, I will withdraw  
875 this amendment, given our conversations, and thank the  
876 chairman and the ranking member for their work on this bill.  
877 And understand that we will continue to look at different  
878 ways to improve this legislation. I yield back my time.

879 Chairman Goodlatte. Without objection, the amendment  
880 is withdrawn and the chair thanks the gentleman. And what  
881 purpose does the gentleman from Louisiana seek recognition?

882 Mr. Richmond. Strike the last word. Very quickly.

883 Chairman Goodlatte. The gentleman is recognized.

884 Mr. Richmond. Just in case the gentleman from Colorado  
885 is pursuing that line, I would just offer to work with him.  
886 Because even if you look at the movement now to ban the box  
887 and have employers not look at criminal history until after



888 they have made a decision whether they are interested in a  
889 candidate, I understand exactly what you are trying to do  
890 and I think there is some value to it. But I am also  
891 concerned that it would defeat the process in terms of  
892 banning the box. So if we can work together and see if  
893 there is some common ground, I would love to do that. But  
894 I am worried about making it a self-fulfilling prophecy. So  
895 that when someone gets out and everyone knows he is an ex-  
896 offender, if he cannot legally get a job and provide for his  
897 family, then it pushes him either into a state of depression  
898 and hopelessness, or it pushes him back into a life of  
899 crime. So maybe we can find some middle area there. And I  
900 am just speaking from my experience with helping ex-  
901 offenders. So I am willing to work with you is the short  
902 answer to all of that I just said.

903 Mr. Buck. Thank you.

904 Mr. Richmond. And with that I will yield back.

905 Chairman Goodlatte. The chair thanks the gentleman and  
906 would also be willing to work with both gentlemen on that  
907 issue. What purpose does the gentlewoman from California  
908 seek recognition?

909 Ms. Bass. I would also like to strike the last word.

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

912 Ms. Bass. Thank you. And express my interest in

913 working with the gentlemen as well. One of things that we  
914 have certainly seen in California, where the courts required  
915 us to reduce the number of inmates, because our prisons were  
916 too overcrowded, is that we let people back on the street.  
917 But over the years, we had passed over 50 bans on various  
918 occupations. For example, one was barbering. We had a  
919 program in our state prisons to teach people how to barber,  
920 but then we would not let them have a license. And so we  
921 have to figure out how to reintegrate people back into  
922 society. Or it actually has the opposite effect in a lot of  
923 neighborhoods. It increases crime. Because of people  
924 cannot work in the legal economy, they will sure enough work  
925 in the illegal economy. So I look forward to working with  
926 the gentlemen as well, to help get people back reintegrated  
927 into society.

928 But Mr. Chair, I wanted to commend you and the Ranking  
929 Member and the Crime Subcommittee ranking member, Jackson  
930 Lee, for their work on this bill. H.R. 3713 is an important  
931 step in the right direction on criminal justice reform. But  
932 there is a lot of room for improvement in this bill. And  
933 more broadly, there is a lot of room for improvement in the  
934 conversations we are having about criminal justice reform.  
935 Regarding this bill, I was prepared to offer an amendment  
936 that would narrowly define conspiracy and relevant conduct  
937 under the drug code, so that people are sentenced for what

938 they knowingly and willingly do. The reason we should add  
939 such a provision is that, too often, young women get caught  
940 up with the wrong guys, basically. Where they are not  
941 intentionally involved in drug dealing but the men are  
942 involved in drug dealing. And they either inadvertently get  
943 involved in the drug operations, or they are physically or  
944 emotionally abused and coerced into being involved. So when  
945 the police make a raid, they are detained, charged, and  
946 sentenced as co-conspirators. And I wanted to cite one case  
947 of a young woman named Danielle Metz from New Orleans from  
948 my colleague next to me in his district. She was in an  
949 abusive relationship with a drug dealer who physically beat  
950 her and rarely let her leave the house. She was afraid to  
951 leave him because he was violent, but she also felt guilty  
952 about separating him from their two young children. So  
953 twice, he made her pick up and transfer cash related to his  
954 drug enterprise, and she got indicted as a co-conspirator.  
955 She is now thousands of miles away from her family,  
956 actually, in my state, serving the 22nd year of a life  
957 sentence. She was not a trafficker or a kingpin. She was a  
958 young woman stuck in a bad situation. Yet due to mandatory  
959 minimums, the court convicted her for handling drug money,  
960 which she did out of fear for her life. Despite being a  
961 first time nonviolent offender, Danielle was sentenced to  
962 life in prison. The amendment I was prepared to offer would

963 ensure that a person like Danielle cannot be convicted of  
964 conspiracy. She would have to intentionally have  
965 participated to be charged and sentenced. So that is one  
966 area of the bill that I wanted to improve, and I am not  
967 going to offer the amendment.

968 But I wanted to give another example talking about  
969 criminal justice more broadly. I bet many of my colleagues  
970 are not aware that incarcerated women are chained down while  
971 giving birth, despite the fact that this practice is  
972 inhumane and opposed by medical professionals. In Illinois,  
973 80 inmates won a \$4.1 million class action suit for being  
974 shackled while pregnant or in labor. In Nevada, the State  
975 Board of Examiners paid \$150,000 to an inmate who suffered  
976 bone separation because she was shackled during labor. In  
977 fact, federal courts have condemned such shackling as an  
978 Eighth Amendment violation. In 2009, 8th Circuit Court,  
979 Nelson v. Correctional Medical Services, the court said that  
980 shackling a pregnant prisoner during labor was clearly a  
981 violation of the Eighth Amendment. A federal case out of  
982 Tennessee held that shackling of a pregnant detainee in the  
983 final stages of labor shortly before birth and during post-  
984 partum recovery violates the Eighth Amendment. Again, I  
985 think that there is many areas in our criminal justice  
986 system that we need to look at. This is clearly one. I  
987 realize it is outside the scope of the bill, but I did want

988 to raise this in hopes that the chairman and the ranking  
989 member will continue our dialogue around criminal justice  
990 reform once we dispense with this legislation today. And I  
991 yield back my time.

992 Chairman Goodlatte. The chair thanks the gentlewoman.  
993 Are there any further amendments to H.R. 3713? A reporting  
994 quorum being present, the question is on the motion report  
995 the bill. What purpose does the gentleman from New York  
996 seek recognition?

997 Mr. Nadler. Sir, if I could get the last word, please.

998 Chairman Goodlatte. Gentleman is recognized for five  
999 minutes.

1000 Mr. Nadler. Thank you. Mr. Chairman -- first of all,  
1001 before I say what I had prepared to say, I just want to  
1002 comment that the story just told to us by the gentlelady  
1003 from California of that young woman sentenced to life  
1004 imprisonment because she was involved with her boyfriend,  
1005 her abusive boyfriend, and got a mandatory minimum of life,  
1006 is exactly why what Mr. Buck said earlier is wrong. She got  
1007 a mandatory minimum because she did not know a kingpin to  
1008 give up, and these mandatory minimums often have the  
1009 perverse result of a kingpin who knows other kingpins  
1010 getting a light sentence, and the guy low on the totem pole  
1011 who did not do that much, having nobody to give up, having  
1012 no leverage in the plea bargaining, and therefore getting a

1013 terrible sentence, or even someone innocent, who, facing a  
1014 huge sentence and a huge legal expense, and not having a lot  
1015 of money, they plead to a lower case to avoid the mandatory  
1016 minimum even though they are innocent. So there are real  
1017 problems here that we have to address.

1018 Now, sentencing reform is critically important, and I  
1019 appreciate the chairman, Mr. Goodlatte, and the ranking  
1020 member, Mr. Conyers, and Crime Subcommittee ranking member,  
1021 Chairman Sensenbrenner, Ranking Member Jackson Lee for their  
1022 work on this, and I will support the bill because it makes  
1023 some improvements to the current law. But I should note  
1024 that my vote is with considerable hesitation. I am  
1025 concerned that some of the enhancements of sentencing in the  
1026 bill, while we are assured that they only go so far, and  
1027 they only affect a small number of people, it is not clear  
1028 that that is true. I am concerned that we do not know the  
1029 effects, and the magnitude of the effect of some of the  
1030 changes this bill would make, particularly with respect to  
1031 heroin and fentanyl, and we run some risk that we could go  
1032 in the opposite direction in some ways. So I wish we had  
1033 more research and more data before we voted on this.

1034 The new consecutive sentencing enhancement, as I said  
1035 for heroin mixed with fentanyl, could send yet more people,  
1036 particularly African-Americans to prison preventing  
1037 sentences. We do not know how judges will apply this

1038 provision, and because although we are told there are only  
1039 eight or nine such cases that we know about with fentanyl,  
1040 since fentanyl mixed with heroin has not been an aggravating  
1041 cause, it may be that many people were sentenced for heroin  
1042 where there was also fentanyl, and when we make it an  
1043 aggravating cause, we will find that this provision has a  
1044 much further effect than we believe now.

1045         And so this bill makes a start in the right direction.  
1046 I will support it. It does not go nearly far enough. But  
1047 equally importantly, for not going far enough, that is never  
1048 a reason to vote against a bill. But I should not say  
1049 never. It is rarely a reason to vote against a bill, that  
1050 it makes an improvement, but not a big enough improvement.  
1051 But there is some risk that this bill could actually go  
1052 backwards. I do not really believe that, but I wish we had  
1053 more research to indicate the scope of some of the new  
1054 provisions we are putting in. With those reservations, I  
1055 will vote -- I will support the bill. And in the hope that  
1056 we know that this is not the solution to the problem, but  
1057 the first step in the direction we have to go, because we  
1058 have to go a lot farther than this. I thank you. I yield  
1059 back.

1060         Chairman Goodlatte. The chair thanks gentleman. Are  
1061 there further amendments to H.R. 3713? A reporting quorum  
1062 being present, the question on the motion report the bill

1063 H.R. 3713 favorably to the house as amended.

1064 Those in favor will say aye.

1065 Those opposed, no.

1066 The ayes have it, and the bill is ordered reported  
1067 favorably. Members will have two days to submit views.

1068 Without objection, the bill will report as a single

1069 amendment in the nature of a substitute incorporating all

1070 adopted amendments, and staff is authorized to make

1071 technical and conforming changes. Pursuant to notice, I now

1072 call up H.R. 4002 for purposes of markup, and move that the

1073 community report the bill favorably to the House. The clerk

1074 will report the bill.

1075 Ms. Williams. H.R. 4002, to amend title 18, United

1076 States Code, to make various improvements in various

1077 criminal law and for other purposes.

1078 [The bill follows:]

1079 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*



1080 Chairman Goodlatte. Without objection, the bill is  
1081 considered as read, and open for amendment at any point, and  
1082 I will begin by recognizing myself for an opening statement.  
1083 Today, we consider H.R. 4002, the criminal code improvement  
1084 act of 2015, introduced by Congressman Jim Sensenbrenner,  
1085 the chairman of both the Crime Subcommittee and the  
1086 committee's Over-Criminalization Task Force in the last  
1087 Congress. At the Task Force's first hearing, the witness  
1088 panel unanimously agreed that the erosion of the mens rea  
1089 requirement in federal criminal law was the most pressing

1090 issue facing the Task Force. Indeed, during the remaining  
1091 nine hearings held before the Task Force, we heard time and  
1092 again about the problem with inadequate criminal intent  
1093 requirements. This erosion, along with the expansion of the  
1094 Federal Code to nearly 5,000 criminal statutes today, as  
1095 well as hundreds of thousands of regulations carrying  
1096 criminal penalties, has resulted in a code that no average  
1097 American citizen could be expected to read and understand,  
1098 let alone conform his conduct to. As a result, the news is  
1099 replete with stories of Americans who have been convicted of  
1100 crimes, and sometimes sentenced to prison terms, when they  
1101 had no intent to break the law.

1102 Of course, one of the main problems that led to this  
1103 predicament is Congress itself. Recent Congresses have  
1104 crafted scores of new federal criminal laws that lack  
1105 adequate criminal intent requirements, and define the  
1106 criminalization conduct in unacceptably vague, overbroad  
1107 terms. However, we have already taken important steps to  
1108 fix this problem. Earlier this year, at my direction, the  
1109 Judiciary Committee sought and received a change to its rule  
1110 10 jurisdiction. This change, which adds the word  
1111 "criminalization" to our jurisdiction, will ensure that this  
1112 committee will be able to receive a sequential referral  
1113 whenever a bill amends the conduct associated with a  
1114 criminal offense, not just the penalty. H.R. 4002 takes the

1115 next big step in this process. It makes a number of  
1116 important changes to title 18 of the U.S. code. Most  
1117 notably, it established a default mens rea standard of  
1118 "knowingly," which will apply in cases where federal  
1119 criminal law, including longstanding statutory law and  
1120 established case law, does not provide a state of mind  
1121 requirement for the particular offense. H.R. 4002 also  
1122 provides that in situations where a reasonable person in the  
1123 same or similar circumstances would not know or would not  
1124 have reason to believe that his conduct was unlawful, the  
1125 government must prove that the defendant knew or had reason  
1126 to believe the conduct was unlawful. This provision will  
1127 address the problem of inadequate criminal intent  
1128 requirements in crimes created by agency regulation, or  
1129 malum prohibitum crimes.

1130 This is a very carefully crafted bill. Its intent is  
1131 not to impose a "knowingly" requirement for every element of  
1132 every statute. Its intent is to impose a mens rea provision  
1133 where none currently exists, to protect American citizens  
1134 who did not know or have reason to know that they were  
1135 violating federal law, and to curb strict liability  
1136 criminalization. I thank the gentleman from Wisconsin for  
1137 his work on the task force, and encourage my colleagues to  
1138 support this important legislation.

1139 [The prepared statement of Chairman Goodlatte follows:]

1140 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1141 Mr. Conyers. Mr. Chairman.

1142 Chairman Goodlatte. For what purpose does the  
1143 gentleman from Michigan seek recognition?

1144 Mr. Conyers. Strike the requisite number of words.

1145 Chairman Goodlatte. The gentleman from Michigan is  
1146 recognized for five minutes.

1147 Mr. Conyers. Thank you. Members of the committee,

1148 H.R. 4402, the Criminal Code Improvement Act, was introduced  
1149 to follow up on the work accomplished in the last congress  
1150 by the committee's Task Force on Over-Criminalization and  
1151 Over-federalization. The Task Force had hearings on a  
1152 number of problems with federal criminal law, including  
1153 issues of fairness and due process raised by imposing  
1154 criminal sanctions, and the consequences of a criminal  
1155 record on individuals convicted of offenses that do not have  
1156 an intent requirement. To address these matters, the most  
1157 notable change to the law made by H.R. 4002 is the creation  
1158 of a default criminal intent, or mens rea requirement for  
1159 offenses, where no state of mind is required by law. This  
1160 default rule would apply to offenses where both the  
1161 underlying statute, including regulations implementing the  
1162 statute, and the case law interpreting the statute, do not  
1163 have a criminal intent requirement. In these instances, the  
1164 bill would establish a known criminal intent requirement for  
1165 these laws. In cases where a reasonable person in similar  
1166 circumstances would not know or have reason to know that  
1167 conduct is unlawful, the bill would further require proof  
1168 that the defendant knew or had reason to believe that their  
1169 conduct was unlawful. Such strict liability laws generally  
1170 design to provide corporate accountability for harm such as  
1171 damage to the environment or food safety, are often  
1172 misdemeanors providing for fines of less than one year of

1173 imprisonment as the maximum penalty. On the one hand, the  
1174 prospect of a criminal record, even if a misdemeanor may  
1175 provide sufficient incentive for corporate actors to comply  
1176 with regulations protecting the public. On the other hand,  
1177 we should be careful not to impose criminal liability  
1178 inappropriately in some cases. Overall, the intent of the  
1179 bill is to disrupt as little as possible current law, and to  
1180 apply only to a narrow range of offenses completely lacking  
1181 in an intent requirement.

1182 Now, I appreciate that many of my friends in the public  
1183 interest and criminal enforcement communities strongly  
1184 believe that the bill before us goes too far in insulating  
1185 those responsible for misconduct, and urge that it be  
1186 narrowed to adequately protect public safety. Among other  
1187 things, they have raised concerns about the bill's scope and  
1188 about its retrospective application to laws already in  
1189 place, and about creating new standards of our criminal law,  
1190 and I am sensitive to these concerns and hope that we would  
1191 review them as we move forward. We have some discussion  
1192 going on with the Center for American Progress, as well as  
1193 the Leadership Conference on Civil Rights, and so I managed  
1194 to keep these ideas under our review, and I thank the  
1195 chairman, and yield back the balance of my time.

1196 Chairman Goodlatte. The chair thanks the gentleman and  
1197 recognizes the gentleman from Wisconsin for his opening

1198 statement.

1199 Mr. Sensenbrenner. Mr. Chairman, I move to strike the  
1200 last word.

1201 Chairman Goodlatte. The gentleman is recognized.

1202 Mr. Sensenbrenner. Mr. Chairman, thank you. During  
1203 the 113th Congress, I chaired the Over-Criminalization Task  
1204 Force. Its mandate was to conduct a comprehensive review of  
1205 the over-criminalization in the federal criminal justice  
1206 system. The Task Force held 10 hearings on a wide variety  
1207 of topics from regulatory crime through penalties to over-

1208 federalization. Two topics that permeated the issues facing  
1209 the task force were the lack of consistent adequate criminal  
1210 intent requirements, the need for criminal code reform to  
1211 address the unwieldy and ever-growing federal criminal code.  
1212 H.R. 4002, the legislation I authored following the  
1213 conclusion of the Task Force's work, addresses those issues.  
1214 Most notably, it creates a default mens rea standard for  
1215 federal criminal laws which will apply in the limited  
1216 situation where federal law does not provide an intent  
1217 requirement.

1218 In the last several sessions of Congress, I have  
1219 sponsored legislation to rewrite the entire Federal Criminal  
1220 Code, and I am pleased to continue that project in this  
1221 legislation. That legislation, just as H.R. 4002 does,  
1222 would bring uniformity to the code by using the term  
1223 "knowingly" to define the requisite intent for every crime  
1224 except for those criminal offenses that require some  
1225 additional and more specific intent. H.R. 4002 is a  
1226 significant step toward meaningful criminal code reform. A  
1227 common criticism of the expansion of the Federal Criminal  
1228 Code is that it has included an erosion of the mens rea  
1229 requirement. This has not occurred, generally speaking, in  
1230 historically common law criminal offenses, particularly  
1231 malum in se offenses like murder, arson, or rape. That  
1232 problem is most acute in the so-called malum prohibitum



1233 offenses, that is, offenses that are crimes merely because  
1234 congress has decided to pass a law saying so. Many of these  
1235 offenses are created by unaccountable, unelected bureaucrats  
1236 in federal regulatory agencies rather than in congressional  
1237 committees with expertise in criminal law. As a result, far  
1238 too often they have no guilty mind requirement, which means  
1239 that American citizens can be convicted of crimes, and  
1240 sometimes serve jail time, for unwittingly committed crimes  
1241 such as failing to file paperwork, or fishing without a  
1242 license. Vague definitions of these mala prohibita laws and  
1243 other poorly drafted laws ensnare otherwise law-abiding  
1244 American citizens who did not intend to break the law, and  
1245 who believe in good faith that their conduct was lawful.  
1246 This is an unacceptable state of affairs, and surely not  
1247 what Congress or America's common law system intended. H.R.  
1248 4002 is intended to fix that problem.

1249 In addition to the mens rea provision, H.R. 4002 makes  
1250 several common senses changes to modernize, and reorganize,  
1251 and streamline chapter 1 of title 18, including the  
1252 inclusion of universal definitions for commonly used terms.  
1253 As Justice Robert Jackson explained some 60 years ago,  
1254 quote, "The contention that an injury can amount to a crime  
1255 only when inflicted by intention, there is no provincial or  
1256 transient notion. It is universal and persistent in mature  
1257 system's law [spelled phonetically] as belief in freedom of

1258 the human will, and the consequent ability and duty of the  
1259 normal individual to choose between good and evil." I urge  
1260 my colleagues to support this important historic  
1261 legislation, and yield back the balance of my time.

1262 [The prepared statement of Mr. Sensenbrenner follows:]

1263 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1264 Chairman Goodlatte. The chair thanks the gentleman.  
1265 What purpose does the gentlewoman from Texas seek  
1266 recognition?

1267 Ms. Jackson Lee. I thank the gentleman. I would like

1268 to strike the last word.

1269 Chairman Goodlatte. The gentlewoman is recognized for  
1270 five minutes.

1271 Ms. Jackson Lee. Thank you, Mr. Chairman. Let me just  
1272 very quickly, before I begin on this, to indicate to the  
1273 gentleman from New York and the gentlewoman from California  
1274 that, as we begin to move forward on all of these bills, we  
1275 will take the concerns. But it is important to note that  
1276 3713, our bill on sentencing, only applies to offenders  
1277 facing mandatory minimums, and this comparison illustrates  
1278 the terms in this bill are substantially narrower than  
1279 existing law. It makes a difference, and I look forward to  
1280 working with them, particularly Ms. Bass, on the issues of  
1281 conspiracy, and certainly how pregnant women are treated. I  
1282 think it is important to note that we have made a strong  
1283 effort going forward, and I look forward to working with  
1284 them on their concerns.

1285 As it relates to the underlying bill that is now before  
1286 us, I want to again thank Mr. Conyers and the chairman and  
1287 the subcommittee chairs for their work on this concern of  
1288 mens rea in the Criminal Code Improvement Act of 2015. What  
1289 it lacks in quantitative impact, however, it makes up with  
1290 principle, principle that has deep roots within our system.  
1291 And as we look at those who are supporting this legislation  
1292 and those who raised concerns, we will have an opportunity

1293 to continue to work with you, the Citizens for American  
1294 Progress, and certainly the American Bar Association. But  
1295 we realize that we had to do something, where many of these  
1296 particular offenses had no knowing of mens rea, and had  
1297 innocent people actually incarcerated based upon an action  
1298 that they did not know at that time might have been  
1299 criminal. The vast majority of criminal offenses contain,  
1300 or are interpreted to contain, the criminal intent  
1301 requirement, but offenses that do not can put law-abiding  
1302 individuals at risk of prosecution. This legislation offers  
1303 a narrow and measured response to this problem. The rule  
1304 will directly impact strict liability misdemeanors that have  
1305 been, and have been used against conduct that was  
1306 particularly egregious, and conduct that was innocent or  
1307 well-intentioned. The FDA has used this strict liability  
1308 offense against egg producers who knew and took active steps  
1309 to hide the fact that their eggs were contaminated and other  
1310 violations of regulations. That is egregious behavior, and  
1311 we think that that is a positive way to impact the American  
1312 public.

1313 The FDA also uses this strict liability offense to  
1314 punish farmers who received a superior rating by a third-  
1315 party auditor and had no reason to believe they were doing  
1316 anything wrong, clearly non-culpable behavior. In both  
1317 cases, the food product caused substantial harm, but because

1318 the offense does not require intent, the farmers were  
1319 prosecuted for the same offense as the egg producers. The  
1320 farmers' culpability, blameworthiness, and knowledge was  
1321 irrelevant under the law. So, it is important that, as we  
1322 look at this legislation, we realize that it is going to  
1323 help persons who are in benign circumstances, but are held  
1324 to a strict liability. Although the farmers received  
1325 sentences of probation, the egg producers received short  
1326 prison sentences, that the wildly divergent constitute the  
1327 same criminal offense and could be punished the same, speaks  
1328 to the flawed nature of this strict liability standard. I  
1329 believe that as we make a first step with this legislation,  
1330 we have the opportunity to continue to work and make it  
1331 better. The default rule proposed in this bill would  
1332 differentiate between these individuals. That said, some  
1333 have raised concerns that rule would make it too hard to  
1334 prosecute blameworthy individuals and negatively impact  
1335 deterrents among others. I take these concerns seriously,  
1336 and raise them as we develop the legislation. The  
1337 legislation, as introduced, is a combination of recognizing  
1338 our concerns, and I am glad of that.

1339 I want to commend the chairman and the bill sponsor for  
1340 listening to these concerns and working with us to revise  
1341 this important bill. I want to add my appreciation to the  
1342 staff that have worked collectively on all of these bills,

1343 and, of course, have taken the concerns of members and  
1344 continued in ongoing negotiation. The principle behind this  
1345 reform is truly worthwhile. Individuals who intend to  
1346 comply with the law, and have no reason to believe their  
1347 conduct is unlawful, should not be subject to criminal  
1348 punishment. I appreciate that some concerns persist, and I  
1349 look forward to examining them with my colleagues in a  
1350 spirit of consensus and collaboration as we move forward in  
1351 the legislative process. I think the work we have done on  
1352 this speaks to a question of justice, which is the role of  
1353 this particular committee, and I am very glad that we are  
1354 moving forward for improving justice in this nation. I  
1355 yield back.

1356 Chairman Goodlatte. The chair thanks the gentlewoman.  
1357 What purpose does the gentleman from Texas to seek  
1358 recognition?

1359 Mr. Poe. Mr. Chairman, I move to strike the last word.

1360 Chairman Goodlatte. The gentleman is recognized for  
1361 five minutes.

1362 Mr. Poe. Thank you, Mr. Chairman. As a former  
1363 prosecutor, judge, as many of you here are, the issue has  
1364 always been guilty mind. The basis of our criminal law is  
1365 that there must be guilty intent, guilty mind, mens rea. We  
1366 have, in my opinion, way too many federal offenses that do  
1367 not require guilty mind. That surprises me because guilty

1368 mind, mens rea, is the basis of American criminal  
1369 jurisprudence. Some in the Justice Department, the District  
1370 Attorneys Associations, are concerned about the unintended  
1371 consequences; I understand those concerns. It is ironic to  
1372 me that the unintended consequences might be really the  
1373 intended consequences, which should be if you commit a crime  
1374 in this country and it is a federal offense, generally  
1375 speaking, except for statutory strict liability cases,  
1376 generally speaking, you should have intent, criminal intent,  
1377 guilty mind. And I hope that is the intended consequence of  
1378 this legislation, so I commend the chairman for this piece  
1379 of legislation where the Federal Government needs to get out  
1380 of the business of prosecuting people with no criminal  
1381 intent. And I yield back.

1382 Chairman Goodlatte. The chair thanks the gentleman.  
1383 Are there any amendments to H.R. 4002? What purpose does  
1384 the gentleman from Georgia to seek recognition?

1385 Mr. Johnson. Thank you, Mr. Chairman. I have an  
1386 amendment at the desk.

1387 Chairman Goodlatte. The clerk will report the  
1388 amendment.

1389 Ms. Williams. The amendment to H.R. 4002 offered by  
1390 Mr. Johnson of Georgia, Page 15, strike the line...

1391 [The amendment offered by Mr. Johnson follows.]

1392 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1393 Mr. Johnson. And I ask that it be considered as  
1394 read.

1395 Chairman Goodlatte. Without objection, the memo is  
1396 considered as read, and the gentleman is recognized for five  
1397 minutes, on his amendment.

1398 Mr. Johnson. Thank you, Mr. Chairman. Subchapter C  
1399 of the Criminal Code Improvement Act creates a default  
1400 criminal intent on mens rea requirement for offenses where  
1401 no state of mind is required by law. While the majority of  
1402 criminal statutes contain a mental state requirement,  
1403 usually knowingly or willfully, public welfare statutes do  
1404 not contain this requirement to insure the broadest  
1405 protection of the public or environment. For over a  
1406 century, these statutory offenses, which are misdemeanor  
1407 offenses punishable by civil fines or less than one year of  
1408 imprisonment, have placed the burden of compliance on those  
1409 who are in the best position to insure safe products and  
1410 activities, rather than the public, which is endangered by  
1411 unsafe products and activities in the marketplace. A  
1412 Supreme Court, or the Supreme Court has upheld the validity  
1413 of strict liability misdemeanor offenses for nearly a  
1414 century. In 1909, the Court held that a corporation may be



1415 held liable for the actions of its employees. In 1943, the  
1416 Court expanded this doctrine to hold that responsible  
1417 corporate officers may also be held liable under public  
1418 welfare statutes. In 1975, the Court again affirmed the  
1419 responsible corporate officer doctrine, and held that while  
1420 demanding this doctrine was no more stringent than the  
1421 public has a right to expect of those who voluntarily assume  
1422 positions of authority in business enterprises, whose  
1423 services and products affect the health and wellbeing of the  
1424 public that supports them. This bedrock legal framework  
1425 continues to define the relationship between corporations  
1426 and public safety.

1427       And as the white collar defense bar has acknowledged,  
1428 although this enforcement tool is potentially far-reaching,  
1429 it is typically reserved for the most rare and egregious  
1430 cases. For example, this doctrine was applied under the  
1431 Food Drug and Cosmetic Act to hold corporate officers  
1432 accountable for the salmonella peanut outbreak of 2008, the  
1433 largest outbreak of food-borne illness in U.S. history, as  
1434 well as for the sale of an untold number of eggs  
1435 contaminated with salmonella that resulted in thousands of  
1436 severe illnesses. In sentencing the corporate officers in  
1437 this latter case, the federal judge observed that not only  
1438 would strict liability protect the public from additional  
1439 crimes that the defendants may commit in their individual

1440 capacities, it would also serve to effectively deter against  
1441 the marketing of unsafe foods and widespread harm to public  
1442 health by similarly situated corporate officials and other  
1443 executives in the industry -- so, in other words, general  
1444 deterrents. In other words, we have laws on the books  
1445 passed by Congress, used by prosecutors in only egregious  
1446 cases, and repeatedly upheld by the courts, that are  
1447 critical enforcement tools for insuring the public's health  
1448 and safety. These laws have nothing to do with so-called  
1449 regulatory crimes addressed today. By establishing a  
1450 default rule for federal criminal offenses that currently  
1451 lack a mental state requirement, however, the Criminal Code  
1452 Improvement Act would eliminate strict liability misdemeanor  
1453 offenses, including food, drug, and wildlife protection laws  
1454 among others, and instead require that prosecutors  
1455 demonstrate that the defendant had knowledge of the facts,  
1456 giving rise to the offense, and in certain cases, had  
1457 knowledge of its unlawfulness.

1458 Additionally, by establishing a variable mental state  
1459 requirement for these offenses, not only would this bill  
1460 undermine the responsible corporate officer doctrine, it  
1461 would also depart from centuries of jurisprudence firmly  
1462 establishing that ignorance of the law is not a defense to  
1463 jeopardizing the public's health and safety.  
1464 Notwithstanding these serious concerns, I appreciate that we

1465 are working to pass bipartisan legislation that is the first  
1466 step in ending policies that have resulted in mass  
1467 incarceration. I further recognize that the chair has made  
1468 many good faith efforts to address concerns with the default  
1469 mens rea language in H.R. 4002, and as with all compromise  
1470 legislation, there may always be some concerns that go  
1471 unaddressed. But it is my understanding that the chair will  
1472 continue to work across party lines to ensure that some of  
1473 our nation's most important federal welfare laws are not  
1474 inadvertently disturbed by this bill. And with that  
1475 understanding in mind, I will withdraw this amendment.

1476 Chairman Goodlatte. The chair thanks the gentleman.  
1477 Without objection, the amendment is withdrawn. Are there  
1478 other amendments to H.R. 4002? What purpose does the  
1479 gentleman from Texas seeking recognition?

1480 Mr. Gohmert. I would like to strike the last word.

1481 Chairman Goodlatte. The gentleman is recognized for  
1482 five minutes.

1483 Mr. Gohmert. Thank you, Mr. Chairman. And it is good  
1484 that we are taking this up. This has resulted in people who  
1485 intended no legal violations, knew of no legal violations,  
1486 and yet ended up going to jail or prison and the unintended  
1487 consequences, as that term has been used, of putting people  
1488 in prison who should not have been there in the first place.  
1489 When you couple that kind of strict liability without mens

1490 rea or guilty intention with the laws that also need to be  
1491 cleaned up that have allowed bureaucrats in cubicles and  
1492 executive office buildings to come up with regulations that  
1493 have been given a couple of law-including criminal  
1494 violations, you have a catastrophe. Strict liability for  
1495 violating a regulation -- some bonehead in a cubicle has put  
1496 together and the public does not even know about. So, this  
1497 is a step in the right direction to correcting the wrongs  
1498 that government has created and our government specifically,  
1499 it just should not be. Work on this began back in 2007, and  
1500 I want to specifically thank Ed Meese for the role that he  
1501 played, contacting me at that time as the ranking member on  
1502 the Crime Terrorism Homeland Security Subcommittee of this  
1503 Committee, and the work that between the Heritage Foundation  
1504 and the ACLU, as impractical as that might seem, and the  
1505 work of many organizations, many groups, in trying to get  
1506 something done on these issues. So, I am very grateful to  
1507 the chairman for bringing this issue to the front. I hope  
1508 we can do something about regulations that Congress never  
1509 would have intended to carry prison sentences for violating.  
1510 I hope we can do something on that. But in the meantime,  
1511 this is a good start, and I thank those involved in making  
1512 this happen. I look forward to voting for it. Thank you.

1513 Chairman Goodlatte. The chair thanks the gentleman.  
1514 Thanks to the gentleman for his work on the Over-

1515 Criminalization Task Force as well. Are there any  
1516 amendments to H.R. 4002? I report a quorum being present.

1517 The question is on the motion to report the bill H.R.  
1518 4002 favorably to the House.

1519 Those in favor will say aye.

1520 Those opposed, no.

1521 The ayes have it.

1522 The bill is ordered reported favorably. Members will  
1523 have two days to submit views. Pursuant to notice, I now  
1524 call up H.R. 4001 for purposes of the markup, and move that  
1525 the committee report the bill favorably to the House. The  
1526 clerk will report the bill.

1527 Ms. Williams. H.R. 4001, to make technical amendments  
1528 to title 18 of the United States Code based on the Law  
1529 Revision Counsel's footnotes in that title.

1530 [The bill follows:]

1531 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1532 Chairman Goodlatte. Without objection, the bill is  
1533 considered as read and open for amendment at any point. I  
1534 will begin by submitting my opening statement for the record  
1535 in support of the bill, and recognize the gentleman from  
1536 Colorado, Mr. Buck, to explain his legislation.

1537 [The prepared statement of Chairman Goodlatte follows:]

1538 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1539           Mr. Buck.    Thank you, Mr. Chairman.    I am proud to  
1540 introduce the Fix the Footnotes Act of 2015.    Americans  
1541 expect our criminal code to be just and fair.    The threat of  
1542 justice is our greatest weapon, a sword in the war against  
1543 criminality.    But sometimes, swords need sharpening and  
1544 sometimes our criminal code needs refining.    This bill makes  
1545 technical changes to the criminal code.    When Americans'  
1546 liberty is at stake, each and every detail in federal  
1547 statutes is important and deserves our utmost attention.  
1548 For two decades, we have gone without a bill like this, so  
1549 the time is right to fix past mistakes and clean up our  
1550 ever-growing criminal code.    I am proud that this bill  
1551 continues the work being done by the Over-Criminalization  
1552 Task Force.    This bill will insure that Congress' intent and  
1553 the criminal code is clear, and that the code is streamlined  
1554 and appropriately drafted.    I urge a yes vote on this bill  
1555 and I yield back my time.

1556           Chairman Goodlatte.    The chair thanks the gentleman.    I

1557 recognize the gentleman from Michigan.

1558 Mr. Conyers. I thank the chair. I support H.R. 4001,  
1559 and that the technical amendments to title 18 are important,  
1560 and I would yield to the gentlelady from Texas, Ms. Sheila  
1561 Jackson Lee.

1562 Ms. Jackson Lee. Mr. Chairman, let me again thank the  
1563 proponent of this legislation, and I thank him for the  
1564 Regulatory Reporting Act of 2015. And I add my support to  
1565 it, as it provides for a listing of each rule of that agency  
1566 whose violation may be punished with criminal penalties.  
1567 With that, I yield back my time.

1568 Mr. Conyers. And I yield back.

1569 Chairman Goodlatte. The chair thanks the gentleman and  
1570 the gentlelady. Are there any amendments to H.R. 4001? I  
1571 am reporting quorum being present.

1572 The question is on the motion to report the bill H.R.  
1573 4001 favorably to the House.

1574 Those in favor will respond by saying aye.

1575 Those opposed, no.

1576 The ayes have it.

1577 The bill is ordered reported favorably. Members will  
1578 have two days to submit views. Pursuant to notice, I now  
1579 call up H.R. 4003 for purposes of markup, and move that the  
1580 committee report the bill favorably to the House. The clerk  
1581 will report the bill.



1582 Ms. Williams. H.R. 4003, to require reports and agency  
1583 rules with criminal penalties for the violation thereof, to  
1584 evaluate the necessity and prudence of such rules remaining  
1585 in effect.

1586 [The bill follows:]

1587 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1588 Chairman Goodlatte. Without objection, the bill is  
1589 considered as read and open for amendment at any point. I  
1590 will begin by submitting my opening statement into the  
1591 record in support of this legislation, and recognize the  
1592 gentlewoman from California, Ms. Walters, for her opening  
1593 statement regarding her bill.

1594 Ms. Walters. Thank you, Mr. Chairman. The federal  
1595 regulatory burden has grown dramatically over the past  
1596 decades. The discussion regarding federal regulations often  
1597 revolves around compliance costs and the economic impact.  
1598 This very committee often plays host to those spirited and  
1599 engaging debates, yet perhaps the most concerning aspect of  
1600 over-regulation occurs when criminal penalties are attached  
1601 to regulatory violations. Astoundingly, nobody knows  
1602 exactly how many federal regulations carry the significant  
1603 penalty of criminal sanction. The vast number of federal  
1604 regulations and associated criminal penalties renders absurd  
1605 the statement that ignorance of the law is no excuse. These  
1606 regulations, with numerous technically complex requirements,  
1607 pose the formidable punishment of criminal sanctions that  
1608 hangs like the sword of Damocles above the heads of  
1609 unassuming good-faith actors. It is hard to imagine that  
1610 even the most diligent individual or meticulous company can

1611 be in full compliance with this daunting mandate.  
1612 Unfortunately, this burden disproportionately impacts  
1613 individuals in small business that lack the considerable  
1614 resources to comply.

1615 To further complicate matters, many of these criminal  
1616 penalties are mala prohibita crimes, meaning that they are  
1617 deemed wrong simply because they are prohibited, as opposed  
1618 to mala in se crimes, which constitute morally indefensible  
1619 conduct, the result being that an unassuming public is  
1620 subject to criminal public for inadvertently and unknowingly  
1621 violating obscure federal regulations. My bill is an  
1622 initial step to controlling those criminal penalties,  
1623 reining in this regulatory overreach, and empowering  
1624 Congress to reassert its authority over federal criminal  
1625 law. The Regulatory Reporting Act of 2015 simply requires  
1626 each federal agency to submit to Congress a report that  
1627 lists each rule that, if violated, may result in criminal  
1628 penalties. Furthermore, each agency shall provide  
1629 justification as to why such criminal penalties are  
1630 necessary. I want to thank the chairman for his support on  
1631 this bill. I want to urge my colleagues to support the  
1632 Regulatory Reporting Act of 2015, and I yield back the  
1633 balance of my time.

1634 [The prepared statement of Ms. Walters follows:]

1635 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1636 Chairman Goodlatte. The chair thanks the gentlewoman.  
1637 Recognize the gentleman from Michigan for his opening  
1638 statement.

1639 Mr. Conyers. Thank you, Mr. Chairman. I ask unanimous  
1640 consent to have my opening statement inserted in the record.  
1641 I support the measure, and yield back the balance of my  
1642 time.

1643 Chairman Goodlatte. The chair thanks the gentleman.  
1644 His statement will be made part of the record.

1645 [The prepared statement of Mr. Conyers follows:]

1646 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1647 Chairman Goodlatte. The Chair recognizes the  
1648 gentlewoman from Texas.

1649 Ms. Jackson Lee. I thank you, and the reason I wish to  
1650 comment, is because I want to make sure that I comment that  
1651 I was speaking of the H.R. 4003 earlier. So I add my  
1652 support for the Regulatory Reporting Act of 2015, which  
1653 would require every federal agency, in consultation with the  
1654 Attorney General, to submit a report to the House and Senate  
1655 Judiciary Committees, listing each rule of that agency whose  
1656 violation may be punished with criminal penalties, and  
1657 speaks to the broader issue of how much criminalization we  
1658 are engaged in. So I support that legislation. Let me  
1659 correct my earlier statement, for the earlier bill, which is  
1660 H.R. 4001, Fix the Footnotes Act of 2015, and I support that

1661 as being offered to make technical amendments to title 18 of  
1662 the U.S. Code based on the law revision, counsel footnotes  
1663 in that title, and I certainly support us making sure that  
1664 we have an efficient system and efficient documents dealing  
1665 with the criminal code. So I support both H.R. 4003, and  
1666 H.R. 4001. With that I yield back my time.

1667 Chairman Goodlatte. The chair thanks the gentlewoman.  
1668 Are there any amendments to H.R. 4003?

1669 A reporting quorum being present, the question is on  
1670 the motion to report the bill, H.R. 4003 favorably to the  
1671 House. Those in favor will say aye.

1672 Those opposed, no.

1673 The ayes have it.

1674 The bill is ordered reported favorably. Members will  
1675 have two days to submit views. Pursuant to notice, I now  
1676 call up H.R. 4023 for the purpose of markup, and move that  
1677 the committee report the bill favorably to the House. The  
1678 clerk will report the bill.

1679 Ms. Williams. H.R. 4023, to eliminate unused sections  
1680 of the United States Code and for other purposes.

1681 [The bill follows:]

1682 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1683 Chairman Goodlatte. Without objection, the bill is  
1684 considered as read and open for amendment at any point. I  
1685 will begin by recognizing myself to submit my opening  
1686 statement in support of this legislation, for the record,  
1687 and recognize the gentleman from Ohio, Mr. Chabot, for his  
1688 opening statement on his bill.

1689 [The prepared statement of Chairman Goodlatte follows:]

1690 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1691 Mr. Chabot. Thank you, Mr. Chairman. I would like to  
1692 thank you for holding this markup on H.R. 4023, the Clean Up  
1693 the Code Act of 2015. I also want to thank the co-sponsors  
1694 of this legislation: yourself, Mr. Chairman, also Ranking  
1695 Member Conyers, ranking member of the Crime subcommittee,  
1696 Ms. Jackson Lee, Mr. Forbes, and Mr. Bishop. In 2008, the  
1697 Heritage Foundation published a report that there were  
1698 approximately 4,450 federal crimes in the U.S. code. In  
1699 2013, this Committee asked the Congressional Research  
1700 Service to review the Code and update this number, only to  
1701 be told that they lacked the manpower and resources to  
1702 accomplish that task. When this is the answer given in  
1703 response to a congressional request, it is pretty clear it  
1704 is an indication that there are too many laws out there, and



1705 the Code needs to be cleaned up.

1706       Related to the very issue at the heart of my bill,  
1707 doing away with the unnecessary federal laws, the ABA  
1708 Journal Daily News published an article entitled, "Federal  
1709 Laws Multiply: Jail Time for Misappropriating Smokey the  
1710 Bear Image?" Well, thanks to this bill, that will no longer  
1711 be an issue. H.R. 4023 looks to eliminate nine provisions  
1712 within title 18 of the U.S. Code, that in some cases have  
1713 never once been prosecuted since their enactment. This bill  
1714 will make an action, like misuse of the Smokey the Bear  
1715 character, no longer an offense subject to a criminal  
1716 penalty. While it may be desirable to prohibit folks from  
1717 violating certain laws, they should not be subject to  
1718 criminal penalties for doing so. This bipartisan  
1719 legislation is aimed at doing exactly what the bill title  
1720 says, clean up the code. If there were too many laws on the  
1721 books for the Congressional Research Service to count with  
1722 the manpower and resources they have available to them,  
1723 let's help them out and get rid of the easy ones. And I  
1724 think the ones in this legislation are the easy ones. With  
1725 that, I would ask my colleagues to support the legislation  
1726 and yield back.

1727       [The prepared statement of Mr. Chabot follows:]

1728 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1729 Chairman Goodlatte. The chair thanks the gentleman,  
1730 and recognizes the gentleman from Michigan for his opening  
1731 statement.

1732 Mr. Conyers. Mr. Chairman and members, I support the  
1733 measure, compliment my colleague, Mr. Chabot, and ask that  
1734 my statement be included in the record. And I yield back  
1735 the balance of my time.

1736 Chairman Goodlatte. The chair thanks the gentleman,  
1737 and without objection his statement will be made a part of  
1738 the record.

1739 [The prepared statement of Mr. Conyers follows:]

1740 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1741 Chairman Goodlatte. The Chair recognizes the  
1742 gentlewoman from Texas, Ms. Jackson Lee.

1743 Ms. Jackson Lee. I thank you, Mr. Chairman. Let me  
1744 add my appreciation to Mr. Chabot and the sponsors of this  
1745 legislation, Clean Up the Code Act. Many of us grew up on  
1746 Smokey the Bear, and he is certainly a favorite, but I would  
1747 make the argument that we would hope that that would not be  
1748 a criminal offense, with fines and incarceration, or at  
1749 least not incarceration. And we think these are important  
1750 moments, so I want to thank him for the Clean Up the Code  
1751 Act of 2015, and add my support to it, and yield back my

1752 time.

1753 Chairman Goodlatte. The chair thanks the gentlewoman.

1754 Are there any amendments to H.R. 4023?

1755 Mr. Farenthold. Mr. Chairman.

1756 Chairman Goodlatte. What purpose does the gentleman  
1757 from Texas seek recognition?

1758 Mr. Farenthold. Move to strike the last word.

1759 Chairman Goodlatte. The gentleman is recognized for  
1760 five minutes.

1761 Mr. Farenthold. I did want to point out, after an  
1762 advertising campaign, it is actually "Smokey Bear," not  
1763 "Smokey the Bear," just like it is "Easter Bunny," and not  
1764 "Easter the Bunny."

1765 I just wanted to make sure the record was clear on  
1766 that.

1767 Ms. Jackson Lee. If the gentleman will yield.

1768 Mr. Farenthold. I will yield.

1769 Ms. Jackson Lee. Thank you. Thank you so very much.  
1770 However he is called, we loved him. So thank you so very  
1771 much. Yield to you.

1772 Mr. Farenthold. Yep. Thank you, and I yield back.

1773 Chairman Goodlatte. And the same would go for Woodsy  
1774 Owl, I think too, right?

1775 All right, if there are no amendments to H.R. 4023, and  
1776 a reporting quorum being present, the question is on the

1777 motion to report the bill, H.R. 4023, favorably to the  
1778 House.

1779 All those in favor respond by saying, aye.

1780 Those opposed, no.

1781 The ayes have it.

1782 And the bill is ordered reported favorably. Members  
1783 will have two days to submit views.

1784 Ms. Jackson Lee. Thank you for that important  
1785 clarification.

1786 Chairman Goodlatte. Pursuant to notice, I now call up  
1787 H.R. 2830 for purposes of markup, and move that the  
1788 committee report the bill favorably to the House. The Clerk  
1789 will report the bill.

1790 Ms. Williams. H.R. 2830, to make technical amendments  
1791 to update statutory references to certain provisions  
1792 classified to title 2, United States Code.

1793 [The bill follows:]

1794 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1795 Chairman Goodlatte. Without objection, the bill is  
1796 considered as read and open for amendment at any point, and  
1797 I will begin by recognizing myself for an opening statement.

1798 The Office of the Law Revision Counsel has an ongoing  
1799 responsibility under Section 285(b) of title 2 of the United  
1800 States Code and assist the House Judiciary Committee in the  
1801 revision and codification of federal statutes. In order to  
1802 maintain and improve the United States Code, the Office of

1803 the Law Revision Counsel must occasionally undertake  
1804 editorial reclassification projects to reorganize areas of  
1805 the law that have outgrown their original boundaries, or to  
1806 eliminate organizational units that are no longer efficient.  
1807 The Office assures us that the decision to transfer  
1808 provisions in the United States Code is not undertaken  
1809 lightly.

1810 After careful study, the Law Revision Counsel recently  
1811 identified certain organizational deficiencies in the Code  
1812 that need to be corrected, and accordingly undertook the  
1813 necessary changes. As a result, three recent editorial  
1814 reclassification efforts are reflected in the next three  
1815 bills we will mark up today. I will revise that to say, we  
1816 are going to mark up this first one, and then we will save  
1817 the other two for our next markup session. So we will not  
1818 have to return after we recess for lunch. The Office of the  
1819 Law Revision Counsel has carefully prepared these  
1820 reclassification bills and submitted them to the committee  
1821 for our consideration. The purpose of the first bill we  
1822 will mark up is to update citations in laws classified at  
1823 title 2 of the United States Code. H.R. 2830 will amend  
1824 these citations to accurately reflect the new location of  
1825 the corresponding provisions in the U.S. Code, in light of  
1826 the recent editorial reclassification of title 2. I want to  
1827 thank Ranking Member Conyers for sponsoring this bill along

1828 with me today.

1829 Title 2 of the U.S. Code includes all of the laws  
1830 governing Congress and the legislative branch. For example,  
1831 it contains laws pertaining to congressional gifts and  
1832 travel, representational allowances, the student loan  
1833 repayment program, compensation of representatives, senators  
1834 and staff, and the preference for the purchase of American-  
1835 made goods. The reorganization of title 2 for the purposes  
1836 of the online version of the Code took place on February 1,  
1837 2014. Because chapters 3 and 4 of title 2 far outgrew their  
1838 original boundaries, the Office of Law Revision Counsel  
1839 reorganized these two chapters into 11 new chapters, in  
1840 order to set forth more clearly the provisions relating to  
1841 the House of Representatives and the Senate. No statutory  
1842 text was altered by the reorganization. The provisions were  
1843 merely transferred from one place in title 2 to another.

1844 As a result of the reclassification, title 2 now better  
1845 exhibits the laws governing congressional pay and benefits,  
1846 ethics, leadership, and administration, just to name a few.  
1847 It is important to note that the Law Revision Counsel  
1848 advises us that the short-term inconvenience of adjusting to  
1849 new Code citations is greatly outweighed by the benefit of  
1850 much-needed long-term improvements in the organizational  
1851 structure of the United States Code.

1852 Further, to eliminate any confusion, the Office



1853 provides a comprehensive guide to the old and new Code  
1854 citations on its website, [uscode.house.gov](http://uscode.house.gov). With the  
1855 enactment of this legislation, the citations in our public  
1856 laws that refer to Code sections altered by the  
1857 reorganization will be updated to reflect the changes made  
1858 to title 2. For the foregoing reasons, I urge my colleagues  
1859 to support this important bill, and I am pleased to  
1860 recognize the ranking member of the committee, the gentleman  
1861 from Michigan, Mr. Conyers, for his opening statement.

1862 [The prepared statement of Chairman Goodlatte follows:]

1863 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1864 Mr. Conyers. Mr. Chairman, I thank you. I commend you  
1865 for making this reclassification, which makes the law  
1866 clearer, and I ask unanimous consent to have my statement  
1867 made a part of the record, and I yield back the balance of  
1868 my time.

1869 Chairman Goodlatte. Thank you, Mr. Conyers. And

1870 without objection, your entire opening statement will be  
1871 made a part of the record.

1872 [The prepared statement of Mr. Conyers follows:]

1873 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1874 Chairman Goodlatte. Are there any amendments to H.R.  
1875 2830? A reporting quorum being present, the question is on  
1876 the motion to report the bill 2830, favorably to the House.  
1877 Those in favor will say, aye.  
1878 Those opposed, no.

1879           The ayes have it.

1880           And the bill is ordered reported favorably. Members  
1881 will have two days to submit views. And we will save the  
1882 two remaining bills on the agenda for our next markup, which  
1883 we anticipate will be the week after Thanksgiving, and I  
1884 want to thank all of the members of the committee for their  
1885 participation in these important bills that we have marked  
1886 up today.

1887           Ms. Jackson Lee. Mr. Chairman.

1888           Chairman Goodlatte. What purpose does the gentlewoman  
1889 from Texas seek recognition?

1890           Ms. Jackson Lee. Well, I think it is appropriate for  
1891 the years of service that Mr. Conyers has given, and the  
1892 collaboration that both of you have had, and I have been  
1893 privileged to join you with Mr. Sensenbrenner, to say this  
1894 was truly a historic day. It is not often that we spend a  
1895 period of time on criminal justice laws, as much as this  
1896 committee has such a broad jurisdiction, and so many  
1897 responsibilities. I think we have commended ourselves,  
1898 meaning Republicans and Democrats, on a committee that in  
1899 many instances may have disagreements, rightly so that we  
1900 can say that the criminal justice system, as long as its  
1901 history has been, it is one of the oldest aspects of  
1902 justice, is that criminal code, to say that we have been  
1903 able to confront it in a positive way, to be able to improve

1904 the lives of Americans. So I want to thank everybody on the  
1905 committee, and I think this was a very, very special day in  
1906 the history of the Judiciary Committee. Thank you.

1907 Chairman Goodlatte. Will the gentlewoman yield?

1908 Ms. Jackson Lee. I would be happy to yield to the  
1909 gentleman.

1910 Chairman Goodlatte. I thank the gentlewoman. She  
1911 makes a very good point, and I appreciate her leadership on  
1912 this issue, and I thank her for recognizing the ranking  
1913 member of the committee, who has worked long and hard on  
1914 this committee, and I know how important criminal justice  
1915 reform issues are to him. And I commit to both of you, and  
1916 to all the members of the committee, that we are not done  
1917 with this -- that we have more bills to do in prison reform,  
1918 in policing strategies, in juvenile justice and other areas  
1919 that I know the gentlewoman and others on the committee are  
1920 very interested in, and we are going to move ahead with all  
1921 due speed to bring those forward to the committee and mark  
1922 them up and get them to the floor of the House as well. We  
1923 have a great opportunity here, and we should not squander  
1924 it.

1925 So I thank all the members of the committee for their  
1926 participation today.

1927 Mr. Conyers. Mr. Chairman.

1928 Chairman Goodlatte. The gentleman from Michigan is

1929 recognized.

1930           Mr. Conyers. Mr. Chairman, and to the gentlelady from  
1931 Texas, I want to thank both of you and a number of other  
1932 members on this Committee, for expediting, improving, and  
1933 making more available the clear meaning of the important  
1934 judiciary legal decisions that are made in the Committee on  
1935 the Judiciary. I thank all of you, and yield back the  
1936 balance of my time.

1937           Ms. Jackson Lee. Thank you.

1938           Chairman Goodlatte. This concludes our business for  
1939 today. Thanks to all our members for attending. The markup  
1940 is adjourned.

1941           [Whereupon, at 12:04 p.m., the committee adjourned  
1942 subject to the call of the chair.]