

1 NATIONAL CAPITOL CONTRACTING
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3 MARKUP OF H.R. 3406; H.R. 4240; H.R. 1854
4 Tuesday, January 12, 2016
5 House of Representatives,
6 Committee on the Judiciary,
7 Washington, D.C.

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

11 Present: Representatives Goodlatte, Sensenbrenner,
12 Issa, King, Gohmert, Jordan, Poe, Marino, Farenthold,
13 Collins, DeSantis, Walters, Buck, Ratcliffe, Trott, Bishop,
14 Conyers, Jackson Lee, Cohen, Bass, DelBene, Jeffries,
15 Cicilline, and Peters.

16 Staff Present: Shelley Husband, Staff Director; Branden
17 Ritchie, Deputy Staff Director/Chief Counsel; Allison
18 Halataei, Parliamentarian & General Counsel; Kelsey
19 Williams, Clerk; Jason Cervenak, Counsel, Subcommittee on

20 Crime, Terrorism, Homeland Security, and Investigations;
21 Robert Parmiter, Counsel, Subcommittee on Crime, Terrorism,
22 Homeland security, and Investigations; Jason Herring,
23 Counsel, Subcommittee on Crime, Terrorism, Homeland
24 Security, and Investigations; Perry Apelbaum, Minority Chief
25 Counsel, Chief of Staff, Staff Director; Danielle Brown,
26 Minority Parliamentarian and Chief Legislative Counsel;
27 Arron Hiller, Minority Chief Oversight Counsel; Joe
28 Graupensperger, Minority Chief Counsel, Subcommittee on
29 Crime, Terrorism, Homeland Security and Investigations;
30 Tiffany Josslyn, Minority Deputy Chief Counsel, Crime,
31 Terrorism, Homeland Security, and Investigations; Keenan
32 Keller, Minority Senior Counsel; and Veronica Elligan,
33 Minority Professional Staff.

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. Pursuant to
37 notice, I now call up H.R. 3406 for purposes of markup, and
38 move that the committee report the bill favorably to the
39 House. The clerk will report the bill.

40 Ms. Williams. H.R. 3406, to re-authorize the Second
41 Chance Act of 2007.

42 [The bill follows:]

43 ***** COMMITTEE INSERT *****

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

47 Today, we consider H.R. 3406, the Second Chance
48 Reauthorization Act of 2015, introduced by Crime
49 Subcommittee Chairman Jim Sensenbrenner. More than 90
50 percent of the current prison population at the state,
51 local, and federal levels will be released one day. In
52 fact, the Department of Justice has reported that since
53 1990, an average of 590,400 inmates have been released
54 annually from state and federal prisons. The Department of
55 Justice's Bureau of Justice Statistics has estimated that
56 nearly three-quarters of all released prisoners will be re-
57 arrested within five years of their release, and about six
58 in 10 will be re-convicted. According to the Department of
59 Justice, the average per prisoner cost of incarceration in
60 state prison in 2010 was approximately \$28,000 per year.
61 Research by the RAND Corporation has shown that for every
62 dollar spent on correctional education, \$5 are saved on
63 incarceration costs. We all have a responsibility to ensure
64 that these inmates serve appropriate sentences for their
65 crimes.

66 However, we also have a responsibility to take steps to
67 help ensure that these criminals do not go on to commit
68 further crimes once released, in order to protect the public

69 safety and innocent Americans. We also clearly have an
70 interest, a human interest, but also, frankly, an economic
71 one in ensuring that inmates become responsible citizens and
72 taxpayers following their release, and do not return to
73 prison. To promote prison reentry and improve community re-
74 integration, Congress passed the Second Chance Act, which
75 was signed into law in 2008. Since the inception of the
76 Second Chance Act, the Federal Government has made 645 grant
77 awards in 49 states to cede and expand reentry programs, and
78 these programs have served more than 137,000 participants.
79 Nearly one out of three SCA grantees is a community or
80 faith-based organization. These important programs have
81 helped reduced recidivism in communities across the country.

82 H.R. 3406 will continue this important work while
83 making important changes to the existing programs. The
84 legislation reauthorizes eight of the 12 SCA grant programs,
85 while making amendments to streamline the programs and
86 ensure grants can be made to non-profit organizations,
87 including, significantly, faith-based organization. H.R.
88 3406 also repeals four SCA grant programs, none of which
89 were ever funded by Congress. Finally, it contains
90 responsible auditing provisions to help the DOJ Inspector
91 General prevent waste, fraud, and abuse. This is the
92 important responsible legislation which will help promote
93 reentry and ensure that ex-offenders become productive

94 citizens, not just better criminals. I thank the gentleman
95 from Wisconsin for his work on this legislation, and
96 encourage my colleagues to support. It is now my pleasure
97 to recognize the ranking member of the committee, the
98 gentleman from Michigan, Mr. Conyers, for his opening
99 statement.

100 [The prepared statement of Chairman Goodlatte follows:]

101 ***** COMMITTEE INSERT *****

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

123 The decision to rely on incarceration, as a key element

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

Based upon the weight of reviews, the Second Chance program must be considered a success story, and deserves our support. The data compiled from program grantees has shown

149 that an investment in our returning population lowers
150 recidivism, saves money, and reduces crime. For this
151 reason, Second Chance reauthorization legislation enjoys
152 broad bipartisan support, and is considered a key part of
153 ongoing criminal justice reform. It is also supported by
154 the American Bar Association, and more than 650
155 organizations across the national and political spectrum.
156 We are at a moment when we have the opportunity to make real
157 progress on criminal justice reform; by depoliticizing the
158 debate on crime, and presenting holistic options for
159 community development and crime reduction, we can break the
160 cycle of incarceration that has decimated so many of our
161 communities. I thank the chairman for bringing this
162 important legislation before the committee today, and I urge
163 my colleagues to join me in supporting it. I thank you.

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

165 ***** COMMITTEE INSERT *****

166 Mr. Sensenbrenner. Mr. Chairman?

167 Chairman Goodlatte. Thank you, Mr. Conyers. It is now
168 my pleasure to recognize the sponsor of the bill, and the
169 chairman of the Subcommittee on Crime, Terrorism, Homeland
170 Security, and Investigations, Mr. Sensenbrenner of
171 Wisconsin, for his opening statement.

172 Mr. Sensenbrenner. Thank you, Mr. Chairman. I am
173 pleased that we are here to continue the committee's work on
174 responsible, common sense reforms to our criminal justice
175 system. A critical component of these reforms is the
176 improvement of reentry programs. Let me associate myself
177 with the remarks just made by the gentleman from Michigan,
178 Mr. Conyers, the ranking member. This committee, I think,
179 has successfully depoliticized the whole issue of criminal
180 justice, and what we are to do to reform this system.
181 Practically everything else in this capitol building is
182 hugely political, hugely partisan, and as a result of the
183 voters choosing divided government for the last six years,
184 destined to go into the trash bin of history. We have a
185 moment here, because this committee has made this issue
186 bipartisan, to come through with some real reforms that will
187 not only help society, but also help the bottom line, not
188 only in terms of the federal budget, but if states copy
189 this, in terms of state budgets as well. We all know that
190 95 percent of the people in our prisons will eventually
191 return to society; however, they often leave with little
192 preparation for life on the outside, or assistance in their

193 reintegration. With no job, no money, no place to live, and
194 probably no skills as well, returnees often find themselves
195 facing the same pressures and temptations that landed them
196 in prison in the first place. In fact, two-thirds of
197 released inmates will end up back in jail within three
198 years.

199 It is in all our best interests to give these
200 individuals a second chance in a handout. This may mean
201 helping someone get treatment for a drug habit, or deal with
202 a mental health issue. It may help, mean helping someone
203 acquire the skills to hold a job, support a family, and to
204 pay taxes. We know that if reentry programs are successful,
205 our communities will be safer, while simultaneously saving
206 taxpayer dollars. Eight years ago, I stood behind President
207 George W. Bush when he signed the Second Chance Act into
208 law. This thoughtful and serious legislation has garnered
209 the support of law enforcement, the faith community, and
210 bipartisan members of the House and Senate, a rare feat that
211 serves as a testament to the bill's credibility and
212 achievement in helping to reform and improve this country's
213 criminal justice system, and has reduced prison costs and
214 improved public safety by giving federal, state, and local
215 governments additional tools to help inmates more
216 successfully reintegrate into their communities upon
217 release, and to avoid re-offending.

I am proud to be the sponsor of the Second Chance Reauthorization Act of 2015, which strengthens existing programs that have proven to be successful, consolidates several overlapping programs, and allows other programs to remain sustainable in the current fiscal climate. This bill is firmly grounded in evidence-based practices. The legislation continues the original bill's targeted funding through those programs that have proven to reduce recidivism, led to better outcomes for those released from prison, and to save prison costs. The bill also increases accountability by requiring periodic audits of grantees to ensure that federal dollars are spent responsibly. Grantees with unresolved audit problems will not be eligible for funding in future years. That is the stick. The money is the carrot. By investing in programs that provide access to affordable housing, job training, and mental health resources, this legislation helps ensure that released inmates have the necessary foundation to become productive contributing citizens. As a result, they are far less likely to re-offend, which makes their communities safer and more stable. For these reasons, I urge my colleagues to support this important smart on crime bill. I yield back the balance of my time.

[The prepared statement of Mr. Sensenbrenner follows:]

242 ***** COMMITTEE INSERT *****

243 Chairman Goodlatte. Thank you, Mr. Sensenbrenner. It
244 is now my pleasure to recognize the ranking member of the
245 Subcommittee on Crime, Terrorism, Homeland Security, and
246 Investigations, the gentlewoman from Texas, Ms. Jackson Lee,
247 for her opening statement.

248 Ms. Jackson Lee. I thank the chairman very much, and
249 let me also extend my appreciation to the ranking member,
250 Mr. Conyers, and echo the words of Chairman Sensenbrenner,
251 as well, for his pronouncement today, and he is absolutely
252 right. And I think it cannot be said often enough, we
253 recognize that criminal justice reform is bipartisan, maybe
254 even non-partisan, and we have done an amazing job, I
255 believe, of bringing various viewpoints around the concept
256 that we can do something. And that is the important
257 statement here in the United States Congress. And so, I
258 think passing the Second Chance Reauthorization Act of 2015
259 will bring us closer to the holistic picture of criminal
260 justice reform. We are on the move, and we are on the
261 march. The number of other legislative initiatives that I
262 know that this committee will have the ability to pass, will
263 on the floor on the House, and work with the Senate. This
264 area, there is bipartisan recognition that being the world's
265 leader in incarceration, with 2.2 million people

266 incarcerated, is not sustainable, nor is it anything to be
267 part of. We realize that for black males in their 30s, one
268 in every 10 is in prison or jail on any given day. That is
269 a heavy burden for the United States, and any particular
270 group to carry. Incarceration-based public safety is very
271 expensive. It costs over \$70 billion annually.

272 Despite the fact that 95 percent of inmates will be
273 released at some point, many of them young, and we have not
274 pardoned our incarceration policy with our reentry policy.
275 Of the 630,000 individuals who reenter each year, few are
276 set up for success. Consider employment. Studies show that
277 it is the single greatest influence on recidivism, and I am
278 glad that we are looking at legislation that deals with "ban
279 the box." But all of that must partner with the release and
280 then the reentry. Studies also show 60 to 75 percent of ex-
281 offenders are jobless up to a year after release, and they
282 have families. I see them every day in my district. They
283 come up and they say, "I want to be able to support my
284 family." This is what the Second Chance Act represents: an
285 opportunity for a new life, not only for that incarcerated
286 person now released, but for their family. Consider
287 addiction. Sixty-five percent of inmates suffer from
288 addiction, but only 11 percent receive treatment. Second
289 Chance Act realizes that there must be a partnership with
290 that inmate, with the reentry, and with that community. It

291 is no wonder that recidivism rates have been estimated as
292 high as 75 percent in some areas.

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

306 I do want to acknowledge my colleague, Danny Davis,
307 from Chicago. We have worked over the years of dealing with
308 incarcerated persons, and he was very much a supporter of
309 this legislation, and an early author. But H.R. 3406 does
310 not just - is not just reauthorization of the programs. It
311 improves them. For example, it broadens programs to cover
312 reentry courts, expands eligibility, grant eligibility, non-
313 profits, and bulks the -- and that is a good thing -- bulks
314 the support for programs targeting offenders with histories
315 of homelessness, substance abuse, or mental illness.

316 In conclusion, lending a hand is a good point. It is a
317 good policy. It is a helping hand. It is not a handout.
318 These persons who were incarcerated do not want handouts,
319 and are very grateful that the state of Texas has received
320 over \$11 million in grants, and we look forward to providing
321 for our incarcerated persons over and over again, in terms
322 of continuing the program.

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

328 In the words of Mr. Davis, the sponsor of the original
329 Second Chance Act, "These men and women deserve a second
330 chance. Their families, spouses, and children deserve a
331 second chance. And the communities deserve a second
332 chance."

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

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

340 ***** COMMITTEE INSERT *****

341 Chairman Goodlatte. Without objection, all other
342 members' opening statements will be made a part of the
343 record. Are there any amendments to H.R. 3406? What
344 purpose of the gentleman from Wisconsin?

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

347 Chairman Goodlatte. The clerk will report the
348 amendment.

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

351 [The amendment offered by Mr. Sensenbrenner follows:]

352 ***** COMMITTEE INSERT *****

353 Chairman Goodlatte. Without objection, the amendment
354 is considered as read, and the gentleman is recognized for
355 five minutes.

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

362 Chairman Goodlatte. Would the gentleman yield? The
363 chair recognizes himself in support of the amendment, and
364 yields back. What purpose does the gentleman from Michigan

365 seek recognition?

366 Mr. Conyers. Mr. Chairman, I rise in support of this
367 amendment. It simply updates the use for which
368 appropriations will be authorized, and I ask unanimous
369 consent that the communication from the legal defense fund
370 to yourself and me be entered into the record.

371 Chairman Goodlatte. Without objection, it will.

372 Mr. Conyers. I yield back.

373 Ms. Jackson Lee. Will the gentleman yield?

374 Mr. Conyers. Yes.

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

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

384 Mr. Cohen. To strike the last word.

385 Chairman Goodlatte. Gentleman is recognized for five
386 minutes.

387 Mr. Cohen. Mr. Chairman, I am glad that this committee
388 is working to reauthorize the Second Chance Act, and I am
389 pretty much in support of it. Our prison population in this

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

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

415 do, but this is a step in the right direction.

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

436 In addition, the local prosecutor's office in Chicago,
437 where we have got the Laquan McDonald case, has said they
438 would have no objection to the bill. That makes sense. The
439 bill helps prosecutors. Asking to investigate the same

440 police that they work with on a regular basis is unfair.
441 That hand-in-glove relationship is there, and it makes
442 people think the prosecutor may be acting in favor of one
443 side than the other, and justice is always and should be
444 blind, like Caesar's wife, beyond reproach. Even if
445 prosecutors handle those cases perfectly, there will be a
446 perception of bias, and that is something we cannot accept
447 in our American system. And when all of us travel, and we
448 all travel, we hear that the one thing people in foreign
449 countries think most about the United States is our system
450 of justice, and they envy that, and they want to have it
451 too. And we need to make ours where everybody in America
452 feels our system of justice is the way it should be. The
453 perception of favoritism is harmful to prosecutors and to
454 public trust in the criminal justice system. So I would
455 hope that my colleagues on both sides of the aisle will take
456 a look at this bill and consider the import it could have on
457 our criminal justice system in general and reestablish faith
458 and belief that the American system is working, and that
459 Lady Justice is blind. Thank you, Mr. Chairman. I
460 appreciate your work on this, and I appreciate your looking
461 into this bill and possibly adding it into our criminal
462 justice reform bill, and I yield back the balance of my
463 time.

464 Mr. King. Mr. Chairman.

465 Chairman Goodlatte. What purpose does the gentleman
466 from Iowa seek recognition?

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

469 Chairman Goodlatte. Gentleman is recognized for five
470 minutes.

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

490 brings that.

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

509 We can address the recidivism component of this, but
510 the root cause of the crime has not been addressed by this
511 committee, and I do not think we have had a frank
512 conversation, and neither do I pose myself as the expert,
513 but I think that it is something this committee should take
514 a look at, is the real statistics on the real crime that

515 takes place, and it is almost an assembly line of homicide
516 victims coming out of Chicago, especially on the weekends.
517 And a country like this that, if you would pull some of the
518 inner-city statistics out of our homicide rates, you would
519 see our homicide rates dramatically drop in this country
520 because it is not balanced across America.

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

533 Mr. Conyers. Would the gentleman...

534 Mr. King. I would be happy to yield.

535 Mr. Conyers. I wanted to commend the gentleman for his
536 time spent in Detroit with our police chief who we feel is
537 bringing new insight and vigor into battling crime and
538 making the city safer for everyone. And I would like very
539 much to continue this discussion with you and getting to

540 other parts of the problem, which are not necessarily being
541 handled in the legislation today. And I thank the
542 gentleman.

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

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

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

554 Ms. Bass. Let me just add on to the gentleman before.
555 I would agree. I think that it would be very important for
556 this committee to take the time to look at the root causes
557 of crime, and I am glad that the gentleman recognizes that
558 he is not an expert in that issue, and that perhaps we could
559 call on some of the organizations, such as the RAND
560 Corporation, to come in and give us some reports and
561 understandings about the root causes of crime. I think we
562 are in a very interesting period in our country right now,
563 where many communities are experiencing an epidemic around
564 heroin. And it is very interesting to me to see this

565 epidemic today and recall the epidemic 20 years ago when
566 crack cocaine hit. And our response to the epidemic today,
567 I believe, is much more appropriate than it was 20 years
568 ago. We recognize today that addiction is a health issue.
569 It needs to be addressed through treatment and recovery
570 services whereas, 20-some years ago, we addressed the crack
571 cocaine epidemic through criminalizing people. And if you
572 look at some of the root causes of the crime that we are
573 experiencing today, some of the drug trafficking that is
574 taking place in communities, you look at a community like
575 Detroit that has lost a lot of its industrial base; where
576 there is a lack of jobs, drug trafficking entered. And then
577 our response was, unfortunately, to lock folks up instead of
578 addressing the root cause. And I am glad we are not
579 approaching the heroin epidemic in that same way.

580 And then, actually, if you think about it, what we did
581 20 years ago has led to the legislation that we are talking
582 about today because we recognize that incarceration was not
583 the sole answer to the problem. So one of the issues that
584 The Second Chance Act addresses, and I want to thank Mr.
585 Sensenbrenner and also Mr. Davis for your leadership over
586 the years in this issue, is that once people go into prison,
587 we also passed a ton of laws that forbid them from working
588 in many, many occupations, which rendered them unemployable.
589 And if you cannot work in the legal economy, and you have to

590 survive some kind of way, then you are going to resort back
591 to drug trafficking, and it has created this terrible cycle
592 of crime.

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

609 So I am very glad that we are doing the Second Chance
610 Act again today, and I would support my colleague in saying
611 that let us have hearings where we look at the root causes,
612 and let us bring in people from these communities who spend
613 day in and day out trying to reverse the problems that are
614 taking place in these areas. I yield back.

615 Chairman Goodlatte. What purpose does the gentleman
616 from Texas seek recognition?

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

618 Chairman Goodlatte. Gentleman is recognized for five
619 minutes.

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

634 Back 10, 11 years ago, when we were looking at Second
635 Chance Act, marking it up, I always wanted to make sure that
636 faith-based groups were not discriminated against, brought a
637 bunch of amendments along those lines. But I did not; and
638 the reason I did that is because, as a judge in Texas, I had
639 seen in the 1990s results, the best results to avoid

640 recidivism seemed to be from faith-based Christian groups.
641 They were doing an amazing job mentoring in prison and then
642 following up and mentoring after prison. And so, you know,
643 seeing those kind of good results, I wanted to make sure
644 that they had a shot at grants to help avoid recidivism.

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

665 prisons have become a breeding ground for radicalization."

666 And then this: found this article from December 5th of
667 2014 that says, "Reports on the number of prisoners who
668 convert to Islam vary and are framed in different ways.
669 Some sources estimate 40,000 prisoners per year convert.
670 Others put the number closer to 135,000 per year. Some
671 posit that 80 percent of inmates who find faith in prison
672 convert to Islam." But it goes on to point out that "The
673 Nation of Islam is the largest prison ministry." And so I
674 do not know the answer to this.

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

690 America. And I yield back.

691 Chairman Goodlatte. If the gentleman would yield?

692 Mr. Gohmert. Yes.

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

701 Mr. Gohmert. Exactly.

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

706 Mr. Gohmert. Right. Thank you.

707 Chairman Goodlatte. And so we will work with you.

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

710 Ms. Jackson Lee. Will the gentleman continue to yield,
711 Mr. Gohmert? Let me also say that one of the more effective
712 ways of responding to your concern, of course, is to build
713 the database on the individuals that have been helped. As I
714 indicated in my remarks, it is not just helping the

715 incarcerated person. As you well know, the increase of
716 women who are incarcerated -- it is helping families. And I
717 think one of the things we always think we have in the
718 Federal Government, and we really do not, is data and
719 support for the legislation that we have had in the past and
720 what we are reauthorizing, and I think that is one of the
721 things that we should also focus on so you will have the
722 comfort that, at least if there is a mishap that you have
723 just spoken of, the overwhelming aspect of this has been a
724 successful story of helping people reclaim their lives. And
725 I think I think we need that kind of data as we go forward
726 as well. And I thank the gentleman for yielding.

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

729 All those in favor respond by saying aye.

730 Those opposed, no.

731 The ayes have it.

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

736 Those in favor will say aye.

737 Those opposed, no.

738 The ayes have it.

739 And the bill is ordered reported favorably. Members

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

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

752 [The bill follows:]

753 ***** COMMITTEE INSERT *****

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

The GAO previously conducted a study of the terrorist watch list, following the December 25, 2009 attempted bombing of Northwest flight 253, which exposed weaknesses in how the Federal Government nominated individuals to the

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

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

802 I urge my colleagues to support this important legislation,
803 and it is now my pleasure to recognize the ranking member of
804 the Committee, the gentleman from Michigan, Mr. Conyers, for
805 his opening statement.

806 [The prepared statement of Chairman Goodlatte follows:]

807 ***** COMMITTEE INSERT *****

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

823 Despite the diligent work of the Screening Center and
824 the many dedicated individuals who make the screening
825 database possible, this system is not flawless. Past
826 incidents, such as the 2009 Christmas Day attack by the so-
827 called underwear bomber, on a Northwest Airlines flight, put
828 a spotlight on potential gaps in the system. In response,

829 significant improvements have been made to the database, and
830 audits by the Department of Justice Office of Inspector
831 General have revealed movement in the right direction.
832 Despite these regular audits, no independent review has been
833 conducted of the changes to the watch list and screening
834 progress. To the extent additional improvements are
835 necessary, or new weaknesses have emerged, such an
836 independent review could serve to make us all safer. H.R.
837 4240 addresses this precise issue, by directing the United
838 States Government Accountability Office to conduct an
839 independent review of the operation and administration of
840 the Terrorist Screening Database, and subsets of the
841 database. This review will assess whether past weaknesses
842 have been eliminated, and the extent to which existing
843 vulnerabilities may be addressed or mitigated through
844 additional changes. 4240 requires the GAO to complete and
845 submit the results of the study to this Committee, and our
846 counterpart in the Senate, not later than 18 months after
847 the bill's enactment.

848 In closing, I commend the Subcommittee on Crime,
849 Homeland Security, Terrorism and Investigation's ranking
850 member, the gentlelady from Texas, Sheila Jackson Lee, for
851 her leadership on this important issue, and I am proud to
852 join her and many of my committee colleagues in co-
853 sponsoring this bipartisan legislation. I thank the

Chairman of the committee, the full committee, for bringing
H.R. 4240 before the committee today, and I urge my
colleagues to join me in supporting it, and yield back the
balance of my time.

[The prepared statement of Mr. Conyers follows:]

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

Chairman Goodlatte. Thank you, Mr. Conyers. It is now
my pleasure to recognize the sponsor of the bill, and the
ranking member of the Subcommittee on Crime, Terrorism,
Homeland Security, and Investigations, Ms. Jackson Lee of
Texas, for her opening statement.

865 Ms. Jackson Lee. Thank you very much, Mr. Chairman,
866 and thank you both, both Mr. Conyers and the Chairman, Mr.
867 Goodlatte, for the collaborative effort that we are now
868 moving on criminal justice reform. But I am also very
869 appreciative of my friend and colleague on Homeland
870 Security, Mr. Ratcliffe, who came on as an original co-
871 sponsor, thanking him for his leadership. This is a current
872 and present danger, if you will, and it is recognizing as
873 we, the committee, and the holder of the values of the
874 Constitution, it is equally important to ensure the safety
875 and security of the American people. We know for a fact
876 that it is not uncommon to see news of a flight being
877 diverted on an emergency landing because a passenger
878 happened to be on the no-fly list, but there was a delay in
879 getting that information.

880 Let me acknowledge before I go further, is that this
881 legislation has drawn the bipartisan support of this
882 Judiciary Committee, with as equal almost number of

883 Republicans and Democrats, working together. Let me
884 acknowledge the staff that looked at this legislation and
885 began to work so that it could come to the Committee, and
886 provide an opportunity for it to move to the floor, and then
887 of course to work with our colleagues in the Senate to get
888 this legislation passed. Why should it be passed? We
889 realize that it is, again, a important aspect of security to
890 know individuals who have had some connection with terrorist
891 activity, and because we are seeing more and more people
892 being inspired, as they have said, by ISIL or self-
893 radicalizing, the accuracy of that list is going to be more
894 important every single day.

895 Now, there is an issue of false positives. It is
896 something that I know my -- some of my colleagues on the
897 committee are particularly interested in, as well as groups
898 such as the ACLU. Well, this will be covered by this
899 legislation, because it is written broadly to cover all
900 aspects of this watch list, to make sure that it is secure
901 and it is accurate. In light of the events of the last 12
902 months, however, the issue of homeland security, and in
903 particular the accuracy of our screening watch-listing
904 process has become even more significant to me. More than
905 30,000 foreign fighters from at least 100 different
906 countries have traveled to Syria and Iraq to fight for ISIL
907 since 2011. This is a mobile world. People move from place

908 to place, and in order to ensure the American people's
909 travel domestically or internationally, it is important to
910 have, particularly internationally of course, the watch list
911 that is accurate. In the last 18 months, the number of
912 foreign fighters travelling to Syria and Iraq has more than
913 doubled. The accuracy of our terrorist screening tools is
914 more critical now, more than ever before. That is why I
915 worked with the chairman and Mr. Ratcliffe, a fellow member
916 of this Committee, again as I mentioned, and members of the
917 Texas delegation, to introduce H.R. 4240, which mandates an
918 independent review of the TSDBA's operation and
919 administration.

920 I am very grateful for the cooperation of my ranking
921 member as well, and his co-sponsoring the bill. The TSDB is
922 a sophisticated tool that plays an absolutely critical role
923 in keeping the American public safe. It must be accurate.
924 That is without question. It has to be accurate to protect
925 the American people, and I remember when we first started
926 these lists, many of you may remember that some of our
927 colleagues were even on the lists. And so, I think this
928 legislation will at least ensure that our colleagues, fellow
929 members of Congress, having no intent but to do good and to
930 travel to their districts, will be protected by a more
931 accurate list. The FBI's Terrorist Screening Center
932 integrates information about individuals known or suspected

933 to be involved in terrorist activity, collected from law
934 enforcement, Homeland Security and intelligence, into the
935 TSDB, which is then used to populate various screening
936 systems used by the U.S. government. H.R. 4240 directs the
937 GAO to conduct an independent review of the operation and
938 administration of TSDB and subsets of the TSDB, to assess
939 whether past weaknesses have been addressed, and to the
940 extent to which existing vulnerabilities may be resolved or
941 mitigated through additional changes. This legislation is
942 drafted broadly to allow the GAO to conduct a comprehensive
943 review, not just of the TSDB's accuracy, but of its entire
944 operation and administration, gaps that prevent an
945 individual who should be added to the TSDBA from actually
946 being added are obvious vulnerabilities. Flaws that result
947 in false positives and divert valuable resources from real
948 threats can be just as dangerous. This bill directs the GAO
949 to study all weaknesses, including false positives.

950 Let me close by thanking the many members of this
951 Committee who are co-sponsors of H.R. 4240, and urge my
952 colleagues to continue to vote or to vote for this critical
953 and timely bipartisan legislation. I have served on the
954 Homeland Security Committee, finally, and I must say to my
955 colleagues, it is something of great concern to me that the
956 responsibility of this Congress is to secure the American
957 people. I believe the Judiciary Committee is making another

958 giant step in helping to secure the American people. I ask
959 my colleagues to support the No Fly for Foreign Fighters
960 Act, and I yield back my time.

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

962 ***** COMMITTEE INSERT *****

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

966 Mr. Ratcliffe. Move to strike the last word.

967 Chairman Goodlatte. The gentleman is recognized for
968 five minutes.

969 Mr. Ratcliffe. Thank you, Mr. Chairman. I am an
970 original co-sponsor of H.R. 4240, the No Fly for Foreign
971 Fighters Act, because recent events have highlighted that
972 improving the efficiency and effectiveness of our terror
973 screening and watch-listing efforts is now certainly a
974 critical issue of national security. So I was grateful for
975 the opportunity to support my colleague and friend, the
976 gentlelady from Texas, Ms. Jackson Lee, and very much
977 appreciate her leadership on this critical issue, and with

978 that I yield back.

979 Chairman Goodlatte. The chair thanks the gentleman.
980 For what purpose does the gentleman from Texas, Mr. Poe,
981 seek recognition?

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

983 Chairman Goodlatte. The gentleman is recognized for
984 five minutes.

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

999 But if I understand the law, Mr. Chairman, there are
1000 actually two lists. There is the watch list, which about a
1001 million folks are on the watch list, and then there is a
1002 secondary list, that is the no-fly list, which there is

1003 about 50,000 people on the no-fly list. And those decisions
1004 about who has made, who is put on those lists, we do not
1005 know the criteria. That concerns me, the due process
1006 involved in that. And the decision is made by a bureaucrat,
1007 or a group of bureaucrats that Bubba's put on the list or
1008 taken off the list. And I think that we should be very
1009 careful about giving the authority to bureaucracy to put
1010 people on a certain list.

1011 No question about it, we do not want the bad guys going
1012 back and forth, and doing bad things, and flying. I
1013 introduced and it passed the House, the Passport Revocation
1014 Act, if a person is a member of a foreign terrorist
1015 organization, they cannot -- they get their passport
1016 revoked. So I hope in this study, we come across and make
1017 sure that due process does not get violated. And the second
1018 concern that I have, is that this list made by the
1019 government in the name of national security, is not used for
1020 other purposes to deny Constitutional rights of citizens.
1021 In other words, you are on this list, so therefore you
1022 cannot participate and be a -- let me say it a different
1023 way. You are on this list, therefore the government's going
1024 to take away your Second Amendment rights. Or your Fourth
1025 Amendment rights. Or your First Amendment rights, because
1026 you are on this government list. So, I hope the study
1027 clarifies that to make sure that due process and that the

1028 Constitution is not violated, and we find out who gets on
1029 this list and who does not get on this list, and that we
1030 also make sure that people who work for the Federal
1031 Government that happen to be on the list, do not work for
1032 the Federal Government anymore. So, those are my concerns.
1033 I understand the gentlelady's bill. I hope the GAO figures
1034 all of this out, bearing in mind due process, Constitution,
1035 and with that, Mr. Chairman, I yield back.

1036 Ms. Jackson Lee. Will the gentleman yield?

1037 Mr. Poe. I will yield.

1038 Ms. Jackson Lee. I thank the gentleman for his
1039 vigorous assessment and commitment to the Constitution. In
1040 my remarks, I indicated that the duties of this committee,
1041 besides the passing of laws dealing with justice, is to
1042 coddle the Constitution, to respect the Constitution. And I
1043 believe this bill, with the working of our staff,
1044 appropriately answers your concerns, because it seeks to
1045 determine the process, the basis of the list, and it seeks
1046 to get for this committee, vulnerabilities. Vulnerabilities
1047 may in fact be some of the issues you have raised, as well
1048 as the strength, and to make sure that this list is a list
1049 that pertains to its definition, and that is to protect the
1050 American people from individuals flying that would come to
1051 do harm. I am as equally concerned, and I am reminded, I
1052 think it was before you came, when the late Senator Ted

1053 Kennedy was on a list. The civil-rights icon John Lewis was
1054 on a list, and we worked very hard to do it. But I do
1055 believe that in the climate that we are living, it is
1056 important to ensure that the list --

1057 Mr. Poe. Reclaiming my time. I will reclaim my time.

1058 Ms. Jackson Lee. Just that the lists we use are very
1059 accurate.

1060 Mr. Poe. I heard your opening remarks, and I think
1061 that the point I am making is very simple. We cannot lose
1062 Constitutional rights in the name of national security.
1063 This list is produced by bureaucrats. There is no judicial
1064 intervention to make sure that due process is involved.
1065 Therefore, I hope that the legislation, when passed, will
1066 make sure to be very careful and tender with Constitutional
1067 rights, because of the issue of a secret government list
1068 ought to concern all of us, and make sure that the
1069 Constitution is not bruised in the process of going forward
1070 with the issue of national security, and I yield back to the
1071 chair.

1072 Chairman Goodlatte. Will the gentleman yield?

1073 Mr. Poe. Certainly.

1074 Chairman Goodlatte. I appreciate the gentleman
1075 yielding, and I very much share the gentleman's concerns, so
1076 much so that the Committee has been working with Mr.
1077 Ratcliffe on another bill that addresses this issue of how

1078 individuals can be better protected with their
1079 Constitutional rights, and how they can be removed from the
1080 list more easily, but also not get onto the list as easily
1081 as some may get onto that list. So, I also have interest in
1082 the GAO studying this, but I think the action on that
1083 legislation might be faster than a GAO study of it, so I
1084 would be happy to work with the gentleman on whether he
1085 thinks there is additional language that needs to be in this
1086 study, to make sure that that is a part of their review.
1087 But it also is a separate piece of legislation that we hope
1088 to move quickly.

1089 Mr. Poe. Reclaiming my time. I am glad to work with
1090 the chair, and of course with my friend from Texas, Mr.
1091 Ratcliffe, on those issues in his legislation. And I yield
1092 back. Thank you.

1093 Ms. Jackson Lee. Would the gentleman, Mr. Chairman,
1094 would you yield please, for a moment?

1095 Chairman Goodlatte. I would be happy to yield to the
1096 gentlewoman from Texas.

1097 Ms. Jackson Lee. Thank you. I think this is a
1098 vigorous discussion, an important discussion. My point that
1099 I was making is that we do have the responsibilities of
1100 protecting civil liberties and civil rights. I will add
1101 myself to the discussion with Mr. Ratcliffe and I think we
1102 will have a combined effort of a positive statement going

forward of securing America, but also protecting America's civil liberties and constitutional rights. I yield back.

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

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

Mr. Gohmert. Strike the last word.

Chairman Goodlatte. The gentleman is recognized for five minutes.

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

The most heinous example came from Lufkin, when a

1128 family had five young children that were taking their dream
1129 vacation to Disney World, and it turns out the five-year-
1130 old, the middle child, was considered to be on the terrorist
1131 watch list. In Houston, immediately, they recognized the
1132 five-year-old would not be the terrorist, but in Orlando,
1133 the five-year-old was pulled away from the parents, put in a
1134 separate room. When he was so emotional, he could not
1135 answer the question. He knew his month and the day of his
1136 birthday, but he could not give the year, and he was five.
1137 They brought in an Arabic-speaking inquisitor to question
1138 the young boy, and the parents were not allowed to help the
1139 child. So anyway, all because -- and for heaven's sake,
1140 anybody that has had kids knows if you were going to have a
1141 terrorist among your kids, it is not going to be the middle
1142 one, it would probably be the youngest one -- but in any
1143 event, the TSA in Orlando could not get that. The child had
1144 to have counseling for a very long time, separation anxiety
1145 kept from his parents. So this is something that needs to
1146 be looked at to make sure we do not continue to do harm to
1147 good, law-abiding Americans, and so I appreciate the
1148 chairman's efforts and look forward to that legislation as
1149 well.

1150 Chairman Goodlatte. Are there any amendments to H.R.
1151 4240?

1152 Ms. Jackson Lee. I have an amendment at the desk, a

1153 technical amendment.

1154 Chairman Goodlatte. The clerk will report the
1155 amendment.

1156 Ms. Williams. Amendment to H.R. 4240, offered by Ms.
1157 Jackson Lee of Texas. Page 2.

1158 [The amendment offered by Ms. Jackson Lee follows:]

1159 ***** COMMITTEE INSERT *****

1160 Chairman Goodlatte. Without objection, the amendment
1161 is considered as read and the gentlewoman is recognized for
1162 five minutes on her amendment.

1163 Ms. Jackson Lee. This is a similar technical

1164 amendment, similar to the one offered in the previous
1165 legislation. It simply corrects the deadline for the GAO to
1166 submit the mandate and forward to Congress. Specifically,
1167 this amendment adds, or makes the deadline one year, as
1168 opposed to 18 months, time-sensitive nature, I ask my
1169 colleagues to support the amendment.

1170 Chairman Goodlatte. Will the gentlewoman yield?

1171 Ms. Jackson Lee. I will be happy to yield.

1172 Chairman Goodlatte. This amendment would speed up the
1173 information that we are all anxious to have about how this
1174 program works from 18 months to 12 months, so I support the
1175 amendment, and encourage my colleagues to the do the same.
1176 I yield back.

1177 Ms. Jackson Lee. And I yield back as well, Mr.
1178 Chairman.

1179 Chairman Goodlatte. Are there any further discussion
1180 on this amendment? If not, the question is on the
1181 amendment.

1182 Those in favor will say aye.

1183 Those opposed, no.

1184 In the opinion of the chair, the ayes have it, and the
1185 amendment is agreed to.

1186 Any other amendments? Reporting quorum being present,
1187 the question is on the motion to report the bill H.R.4240 as
1188 amended favorably to the house.

1189 Those in favor will aye.

1190 Those opposed, no.

1191 The ayes have it.

1192 The bill is ordered reported favorably. The members
1193 will have two days to submit views. Without objection, the
1194 bill will be reported as a single amendment in the nature of
1195 a substitute incorporating all adopted amendments and staff
1196 is authorized to make technical and conforming changes.
1197 Pursuant to notice, I now call up H.R. 1854 for purposes of
1198 markup and move that the committee report the bill favorably
1199 to the House. The clerk will report the bill.

1200 Ms. Williams. H.R. 1854, to increase public safety by
1201 facilitating collaboration among the criminal justice,
1202 juvenile justice, veterans' treatment services, mental
1203 health treatment, and substance abuse systems.

1204 [The bill follows:]

1205 ***** COMMITTEE INSERT *****

1206 Chairman Goodlatte. Without objection, the bill is

considered as read and open for amendment at any point. I will begin by recognizing myself for an opening statement. We consider H.R. 1854 the Comprehensive Justice and Mental Health Act of 2015 introduced by Congressman Doug Collins. This bill expands and improves upon the initiatives created in the Mentally Ill Offender Treatment and Crime Reduction Act. This law created the Justice and Mental Health Collaboration Program to help states and counties design and implement collaborative efforts between criminal justice and mental health systems. It provided training for law enforcement to identify and respond appropriately to individuals with mental health conditions and supported the development of law enforcement receiving centers as alternatives to booking people into jails in order to assess individuals in custody for mental health substance and substance abuse treatment needs.

Every year, an estimated two million individuals with serious mental health issues are booked in local jails. Serious mental illness is three to six times more prevalent in jails than in the general population. Even more individuals detained in jails each year have mental health problems that do not necessarily qualify as a serious mental illness, but nonetheless may still require a response. Adults with mental illnesses cycle through jails more often than individuals without mental illnesses and tend to stay

longer. According to the U.S. Department of Justice report, approximately 45 percent of people in federal prisons, 56 percent of people in state prisons, and 64 percent of people in jails display symptoms of a mental health condition. The bill we are considering today ensures a comprehensive response to individuals with mental illness in the criminal justice system, including support for veterans' treatment courts, reauthorization of mental health courts, and law enforcement training, increased focus on resources and training for jails and prisons, implementation of best practices for federal law enforcement, and innovative training at police academies. This legislation will ensure that state and local governments can continue to design and implement sound initiatives that improve the criminal justice system, increase public safety, reduce state and local spending, and help individuals with mental disorders. Companion legislation was approved by the Senate Judiciary Committee in April and the full Senate in December. I urge my colleagues to support this bipartisan and bicameral legislation. The chair recognizes the gentlewoman from Texas, Ms. Jackson Lee, the ranking member of the Subcommittee on Crime, for her opening statement.

[The prepared statement of Chairman Goodlatte follows:]

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

1256 Ms. Jackson Lee. Thank you very much, Mr. Chairman.
1257 So I think I will take the opportunity that we have just
1258 done three bills dealing with the framework of criminal
1259 justice. One deals with terrorism, of course, but I think
1260 this is, again, a pathway that says that we are looking
1261 forward to getting bills to the President's desk dealing
1262 with these important issues, and mental health is clearly an
1263 aspect of the work that we are doing, and I am hoping that
1264 this bill will move as quickly as possible.

1265 This legislation is part of dealing with the lives of
1266 individuals who find themselves in the criminal justice
1267 system. No comprehensive reform will be complete without
1268 addressing the relationship between mental illness and the
1269 criminal justice system. As we well know, the tragedy just
1270 48 hours ago in Philadelphia; this individual and others are
1271 suggesting that there was a mental health issue of heinous
1272 act of shooting a police officer in the streets of
1273 Pennsylvania, of Philadelphia. H.R. 1854, the Comprehensive
1274 Justice and Mental Health Act of 2015, does exactly that.
1275 This legislation reauthorizes and updates funding programs
1276 for innovative programs that bring together mental health
1277 and criminal justice agencies to address the unique needs of
1278 persons with mental health conditions. And I will tell you
1279 that the mental health community wants this, and believes
1280 that they can be very instrumental in saving lives by having

1281 these resources. This funding is used to identify, respond,
1282 and treat mental illness within the criminal justice system
1283 and to stop the use of incarceration as a way of addressing
1284 mental illness.

1285 In my own community, Harris County Jail has looked,
1286 under the previous sheriff, and now a new proposal has come
1287 out under the present district attorney to have this jail
1288 have a component that deals with those incarcerated persons,
1289 many of whom stay as long as one would stay in a state
1290 system, to deal with their mental health needs and to deal
1291 with their families. H.R. 1854 provides a crucial support
1292 to the grant programs that will allow us to fulfill this
1293 need. It continues support for mental health courts crisis
1294 intervention teams and authorized investments in veterans'
1295 treatment courts, so very important with the many homeless
1296 veterans on the streets. As much as we have been trying to
1297 limit or to find solutions to homeless veterans, they are
1298 there, and many of them find their way into courts because
1299 of mental illness issues. It supports efforts to identify
1300 mentally ill people at each point in the system, and to
1301 appropriately direct them to services, increases focus on
1302 corrections-based programs, like transitional services, to
1303 reduce recidivism. It gives officials more control over
1304 program eligibility. As a result, individuals can be
1305 treated based on their need, not based on their offense.

Mental health courts are the most common programs funded by these grants. I have seen them work with a 115 mental health courts and other court-based initiatives receiving funding to date. Mental health courts supported by this program have served as national models. There are over 300 mental health courts in the country today. A program in San Antonio, Texas demonstrated an annual direct savings of \$800,000 by diverting individuals with mental illness from emergency departments to direct placement at crisis care centers rather than sending the individuals to a local jail. This legislation enjoys broad support from law enforcement and correctional officials because it offers effective tools and resource savings.

A DOJ report found that 64 percent of those in jail, 54 percent of state prisons, and 45 percent of federal prisons have some form of mental illness. Jails and prisons now house more than three times the number of mentally ill individuals than do mental health facilities and hospitals. Using prisons and jails to treat the mentally ill is completely counterproductive. A 2014 state survey by the Treatment Advocacy Center and the National Sheriffs' Association found that mentally ill inmates are often vulnerable and abused, disproportionately held in solitary, and frequently attempt suicide. A notorious case in our community was an individual who would not let the jailers

1331 come near him for a period of time, which caused his living
1332 conditions to be squalor because he was suffering from
1333 mental illness. We must find the way to deal not only with
1334 those who are incarcerated, but certainly to be able to put
1335 a stopgap and find a detour for individuals suffering from
1336 mental illness so that they are not prone or not part of the
1337 criminal community by not having resources and thereby
1338 committing a crime. We have seen some of the most deadliest
1339 acts of violence being perpetrated by those who are
1340 suffering from mental illness. So in conclusion, treating,
1341 not incarcerating, those with mental illness makes long-term
1342 and good sense. I saw this firsthand in my work with the
1343 Harris County Jail, as I indicated, after that terrible
1344 incident. I am confident that H.R. 1854 can have a
1345 significant impact on a far greater amount of individuals
1346 and their families, and I will continue to work on the
1347 issues of mental health resources before the heinous crimes
1348 are committed. Let me thank the bill sponsor, Mr. Collins,
1349 for his leadership. I ask support for the legislation and I
1350 yield back my time.

1351 [The prepared statement of Ms. Jackson Lee follows:]

1352 ***** COMMITTEE INSERT *****

1353 Chairman Goodlatte. The Chair thanks the gentlewoman,
1354 and it is now my pleasure to recognize the sponsor of the
1355 bill, the gentleman from Georgia, Mr. Collins, for his
1356 opening statement.

1357 Mr. Collins. Thank you, Mr. Chairman. Mr. Chairman, I
1358 want to thank you for holding today's markup on H.R. 1854,
1359 the Comprehensive Justice and Mental Health Act. I ask you
1360 now to consent to enter into the record letters of support
1361 from the Major County Sheriffs' Association, the National
1362 Association of Counties, the National Association of Police
1363 Organizations, the Police Foundation, the coalition letter
1364 representing more than 100 groups nationwide.

1365 Chairman Goodlatte. Without objection, they will be
1366 made a part of the record.

1367 Mr. Collins. Thank you, Mr. Chairman. Mr. Chairman,
1368 this bill has brought bipartisan support and has over 75
1369 cosponsors, including several from this committee and
1370 companion legislation passed the Senate by unanimous consent
1371 last month. I would like to take just an opportunity also
1372 to thank a couple of members, especially the gentleman from
1373 Florida, Mr. Nugent, and also my friend from across the
1374 aisle, Bobby Scott, who have both been leaders in this
1375 initiative in the past Congress and we want to encourage
1376 them in this one as well.

1377 Across the country, an estimated 2 million mentally ill

1378 individuals are booked into jails each year. Many jails
1379 hold more people with psychiatric illnesses than county
1380 psychiatric facilities. It does not make sense to use our
1381 criminal justice system as a mental health system. It does
1382 not help mentally ill individuals who would benefit more
1383 from treatment and supervision, and it does not save
1384 taxpayer money. It does not make communities or law
1385 enforcement any safer. If someone is mentally ill or
1386 suffering trauma, too often our first instinct is to treat
1387 them with fear and that is not right. It is time we do
1388 better. H.R. 1854 does that in a common sense and
1389 conservative way. H.R.1854 reauthorizes and improves the
1390 Mentally Ill Offender Treatment and Crime Reduction Act. It
1391 provides for continued support for mental health courts and
1392 authorized investments in veterans' treatment courts. I
1393 have visited these types of courts back home in northeast
1394 Georgia and I have seen what a difference they can make.

1395 The bill includes a new grant, new grant accountability
1396 measures and emphasizes the use of evidence-based practices
1397 to better protect taxpayer dollars. H.R. 1854 also
1398 recognizes that state and local solutions are usually more
1399 effective than federal, one-size-fits-all approaches, so
1400 enables those on the ground to implement practices that work
1401 best for their neighborhoods and communities. The bill also
1402 provides grants for diversion-planning initiatives, which

1403 have been shown to reduce jail and prison costs and expedite
1404 case processing. In fiscal year 2015, Athens-Clarke County,
1405 which is partially located in my district, received a grant
1406 for this important purpose. These programs have a clear
1407 track record. One study shows that the corrections-based
1408 treatment programs can reduce an individual's risk of
1409 recidivism by 25 to 50 percent. A study done in New York
1410 City found that post-booking jail diversion, they resulted
1411 in net savings of over \$6,000 per person. In the DeKalb
1412 County, Georgia, in 2014, those who went through a mental
1413 health core program had a 71 percent retention rate.

1414 Nationally, participants in mental health corps
1415 programs serve fewer days in jails and were less likely to
1416 incur new charges. My home in northeast Georgia and the
1417 state of Georgia as a whole have been leaders in these
1418 efforts. In southwest Georgia, the Dougherty Superior Court
1419 of Mental Health and Substance Abuse Division was selected
1420 as one of just four peer-to-peer learning slots nationwide
1421 under the program. These slots are chosen to share their
1422 experience and expertise with agencies across the country so
1423 that others can learn from and build upon their successes.
1424 We need to encourage more work like that is being done in
1425 Georgia, and this bill provides tools to help make that
1426 happen and expand on the accomplishments back home. But
1427 importantly, this bill also lowers the program's current

1428 authorization level to a more accurately affect historic
1429 appropriations levels to ensure finite taxpayer resources
1430 are being wisely used. This bill is not a magic pill to fix
1431 the system, but it will improve access to mental health
1432 services to people who come in contact with the criminal
1433 justice system, and will give law enforcement better tools
1434 to identify and respond to needs in the community. This
1435 bill is a step towards doing better. I urge my colleagues
1436 to join in support of this legislation. Mr. Chairman, I
1437 yield back.

1438 [The prepared statement of Mr. Collins follows:]

1439 ***** COMMITTEE INSERT *****

1440 Chairman Goodlatte. The chair thanks the gentleman.
1441 Without objection, all other members' opening statements
1442 will be made a part of the record. Are there any amendments
1443 to H.R.1854? A reporting quorum being present, the question
1444 is on the motion to report the bill H.R. 1854 favorably to
1445 the House.

1446 Those in favor will say aye.

1447 Those opposed, no.

1448 The ayes have it.

1449 The bill is ordered reported favorably. Members will
1450 have two days to submit views. That concludes our business
1451 for today. Thanks to all our members for attending. The
1452 markup is adjourned.

1453 [Whereupon, at 11:50 a.m., the committee adjourned
1454 subject to the call of the chair.]