

1 NATIONAL CAPITOL CONTRACTING
2 RPTS HALATYN
3 HJU042000

4 MARKUP OF:

5 H.R. 759, THE "RECIDIVISM RISK REDUCTION ACT"; AND
6 H.R. 2947, THE "FINANCIAL INSTITUTION BANKRUPTCY ACT OF
7 2015"

8 Thursday, February 11, 2016

9 House of Representatives,

10 Committee on the Judiciary,

11 Washington, D.C.

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

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

21 Staff Present: Shelley Husband, Staff Director; Branden
22 Ritchie, Deputy Staff Director/Chief Counsel; Zachary
23 Somers, Parliamentarian & General Counsel; Kelsey Williams,
24 Clerk; Paul Taylor, Chief Counsel, Subcommittee on the
25 Constitution and Civil Justice; Stephanie Gadbois, Senior
26 Counsel; Perry Apelbaum, Minority Chief Counsel, Chief-of-
27 Staff; Susan Jensen, Minority Chief Bankruptcy Counsel;
28 Danielle Brown, Minority Chief Legislative Counsel; David
29 Greengrass, Minority Counsel; James Park, Minority Chief
30 Civil Justice Counsel; and Slade Bond, Minority Regulatory
31 Reform Counsel.

32 Chairman Goodlatte. Good morning. The Judiciary
33 Committee will come to order, and without objection the
34 chair is authorized to declare recess to the committee at
35 any time. Pursuant to notice, I now call up H.R. 759 for
36 purposes of markup and move that the committee report the
37 bill favorably to the House. The clerk will report the
38 bill.

39 Ms. Williams. H.R. 759, to enhance public safety by
40 improving the effectiveness and efficiency of the Federal
41 prison system with offender risk and needs assessment,
42 individual risk reduction incentives and rewards, and risk
43 and recidivism reduction.

44 [The bill follows:]

45 ***** COMMITTEE INSERT *****

46 Chairman Goodlatte. Without objection, the bill is
47 considered as read and open for amendment at any point, and
48 I will begin by recognizing myself for an opening statement.
49 Today we consider H.R. 759, the Recidivism Risk Reduction
50 Act, introduced by Congressman Jason Chaffetz. When Ranking
51 Member Conyers and I initiated our criminal justice reform
52 initiative 8 months ago, we said, "Criminal justice is about
53 punishing law-breakers, protecting the innocent, the fair
54 administration of justice, and fiscal responsibility in a
55 manner that is responsive to the needs of communities."

56 Congress has the responsibility to ensure that our
57 criminal justice system metes out appropriate and effective
58 justice. The committee's initiative will pursue responsible
59 commonsense criminal justice reforms to make sure our
60 Federal laws and regulations punish wrongdoers, protect
61 individual freedom, work as efficiently and fairly as
62 possible, do not duplicate State efforts, and do not waste
63 taxpayer dollars. The measure we are considering today
64 meets all of these objectives. The concept behind H.R. 759
65 is very simple: we can still be tough on crime, while being
66 smart with our criminal justice system.

67 The bill places a new focus on rehabilitation, not just
68 punishment and incarceration. It establishes a risk and
69 needs assessment as the foundation of an effective

70 recidivism reduction program, and more importantly, an
71 efficient and effective Federal prison system. H.R. 759
72 will incentivize prisoners to participate in recidivism
73 reduction programs and jobs that actually reduce their risk
74 of recidivism.

75 Why is this important? Well, it is important for two
76 main reasons. First, the Bureau of Prisons has a growing
77 prison population that because of its rising costs, is
78 becoming a real and immediate threat to public safety. The
79 growing prison budget is consuming an ever increasing
80 percentage of the Department of Justice's budget. The more
81 dollars we put into prison population, translates to fewer
82 dollars we can invest in criminal and national security
83 investigations and prosecutions.

84 Second, we know that without programming and
85 intervention, prisoners are more likely than not to
86 recidivate. We cannot allow the cycle to continue. By
87 using a targeted approach for each prisoner, we can lower
88 the risk of recidivism. Fewer recidivists mean fewer
89 prisoners in the future, and even greater savings to the
90 American taxpayer. This bill is important because, when
91 prisoners who have received intervention are released, they
92 are less likely to commit crimes, and more likely to become
93 productive members of our society, something that we all
94 should support. When that happens, our streets and our

95 innocent citizens are safer.

96 An added benefit is former prisoners are more likely to
97 leave the life of crime behind, and become productive
98 members of society and contribute to our communities. I
99 want to thank the gentleman from Utah, Mr. Chaffetz, for
100 introducing this innovative and much needed piece of
101 legislation, and all the other members who have contributed
102 to this carefully-negotiated product. And I now yield to
103 the ranking member, and a major partner in working on
104 criminal justice reform, the gentleman from Michigan, Mr.
105 Conyers for his opening statement.

106 [The prepared statement of Chairman Goodlatte follows:]

107 ***** COMMITTEE INSERT *****

108 Mr. Conyers. Thank you, Chairman Goodlatte. I commend
109 you, and all the other cosponsors for bringing H.R. 759
110 before the committee today. And I am pleased that today we
111 will consider a bipartisan substitute amendment to this bill
112 which will establish a better way of operating our prisons.
113 It is critical; it is a part of our ongoing efforts to
114 reform our criminal justice system that we take action to
115 improve our Federal prisons at the same time. The massive
116 growth of our prison population is a crisis in both human
117 and fiscal terms. Over the past four decades, the United
118 States' prison population has skyrocketed.

119 Since the early 1970s, the U.S. prison population has
120 grown from 200,000 to over two million persons. And since
121 1980, the rate of imprisonment at the Federal level has
122 grown by more than 500 percent. As a result, annual Federal
123 spending on prisons has increased from \$970 million in 1980
124 to more than \$6.5 billion in inflation-adjusted dollars.
125 The Department of Justice's expenditures on prisons now
126 constitute more than 20 percent of its total outlays. This
127 trend is unsustainable. While imprisonment is appropriate
128 and necessary for some offenders, we must address this
129 crisis by making fundamental changes to the Federal system.

130 The first and essential step is reforming our
131 sentencing laws to ensure that sentences are not
132 inappropriately and counterproductively long. And this
133 committee, last year, approved a bipartisan bill that is a
134 good first step toward doing so. Now, by taking up
135 legislation concerning prison reform, we are taking another
136 important step toward changing our approach to
137 incarceration. For too long, our prisons have simply
138 warehoused individuals whom we know will eventually return
139 to society. For their benefit and ours, we must adopt a
140 more constructive approach.

141 That is why I support a establishing a system in
142 Federal prisons that will encourage prisoners to participate
143 in programs that will improve their lives, both inside and
144 outside prison. And that will reduce their risk of
145 committing additional offences when they are released. This
146 is the goal of this legislation; that is the goal of this
147 legislation. It simply makes sense that we provide
148 incentives for prisoners to be better prepared to re-enter
149 society, and be productive members of their communities. I
150 look forward to the discussion and adoption of the
151 substitute amendment, which will greatly improve the
152 underlying bill in which will constitute a good first step
153 toward making our Federal prison system more humane, more
154 effective, and less costly. I thank the chair, yield back.

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

156 ***** COMMITTEE INSERT *****

157 Chairman Goodlatte. The chair thanks the gentleman,
158 and is now pleased to recognize the ranking member of the
159 Subcommittee on Crime, Terrorism, Homeland Security, and
160 Investigations, the gentlewoman from Texas, Ms. Jackson Lee,
161 for her opening statement.

162 Ms. Jackson Lee. Let me thank the chairman very much.
163 And I would like to thank the ranking member, as well as Mr.
164 Chaffetz, Mr. Gowdy, Mr. Richmond, Mr. Jeffries, for making
165 the statement about a number of issues that I think are
166 important and have taken the interest and the notice of the
167 American people, and a number of organizations and groups.
168 And people have spoken about mass incarceration, but they
169 have also spoken about what we do when we incarcerate
170 persons. And I think that this is a very important,
171 collaborative statement of the House Judiciary Committee for
172 both Republicans and Democrats, that I hope Mr. Chairman and
173 ranking member will be on the President's desk. And that
174 will certainly take collaboration with the other body.

175 The legislation that we will move today is not only a
176 meaningful and significant product of that collaboration,
177 but an absolutely critical next step in enacting
178 comprehensive criminal justice reform.

179 Our work is not done, but when we finish here today, we
180 must dig right back in so that we can bring youth justice
181 and policing reform bills to this committee in the coming
182 weeks. In the backdrop of this particular markup, we have

183 seen the Justice Department work with Ferguson, for what I
184 believe is an important consent order; that hopefully after
185 court proceedings, Ferguson will see a better day of
186 improvement around the issues of criminal justice.

187 But today we have the opportunity to introduce or to
188 present H.R. 759, the Recidivism Risk Reduction Act, which
189 has a wonderful Federal prison reform. I have very many
190 Federal prisons in and around my congressional district, and
191 a Federal detention center. I have visited them all. This
192 bill offers meaningful strategies. This legislation is
193 truly commonsense. It determines what the prison's needs,
194 match the prisoner with programming to address those needs,
195 and encourages the prisoner to take full advantage of the
196 programming through time off their prison sentence.

197 This is not a hand out. It is a hand up. It is not
198 for naysayers of treating prison as soft, it is for
199 investing in Americans, and investing in families, and
200 investing in young people who were steered in the wrong
201 direction and now incarcerated, but have a chance, a second
202 chance.

203 It recognizes the urgent need for recidivism risk
204 reduction program in the bureau prisons. It gives to the
205 Federal Government the bully pulpit, to be able to say to
206 other States, "You can get this done. You can do this
207 right. This is the way that you will have productive

citizens when they are released." Allowing prisons who successfully participate in programming to earn time off; good time. Their prison sentence is not just a smart way to encourage rehabilitation, it is a responsible way to decrease costs and crowding; \$70 billion are spent annually on incarceration.

And while there are a number of improvements to be made to H.R. 759 as evidenced by the substitute amendment, we will soon consider this legislation sets forth a strong foundation.

It cannot be overstated the purpose and the need for meaningful prison reform. The unfortunate reality is that our Federal Government is our Nation's largest jailer. And despite the fact that 95 percent of the inmates re-enter society, we fail to partner while they are incarcerated with an emphasis on re-entry.

And so, I would again commend the authors of H.R. 759, delighted as a ranking member on the Crime Subcommittee, to be part of moving this bill forward, and will be offering a bipartisan amendment. And H.R. 759 can have a direct positive impact on the lives of millions of Americans. And I call on my colleagues to support it once it is amended: 630,000 and individuals who re-enter each year, few are up for success; we now have an opportunity to change those numbers. With that, I yield back, Mr. Chairman.

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

234 ***** COMMITTEE INSERT *****

235 Chairman Goodlatte. The chair thanks the gentlewoman.
236 Without objection, all other members' opening statements
237 will be made a part of the record. I now recognize the
238 gentleman from Utah, Mr. Chaffetz, for purposes of offering
239 an amendment in the nature of a substitute. The clerk will
240 report the amendment.

241 Ms. Williams. Amendment in the nature of a substitute
242 to H.R. 759 offered by Mr. Chaffetz. Strike all after the
243 enacting clause.

244 [The amendment offered by Mr. Chaffetz follows:]

245 ***** COMMITTEE INSERT *****

246 Chairman Goodlatte. Without objection, the amendment
247 in the nature of a substitute is considered as read, and I
248 will recognize Mr. Chaffetz to explain his amendment in the
249 nature of substitute.

250 Mr. Chaffetz. I thank the chairman, and I appreciate
251 your leadership, Mr. Chairman, on this issue and bringing
252 together one of the most impressive bipartisan groups and
253 pieces of legislation that we have had. I want to thank
254 you. I want to thank Congressman Gowdy. I also want to
255 particularly thank Cedric Richmond and Hakeem Jeffries for
256 their passion and work on this issue, spending countless
257 hours working with us on this. I also want to thank Ranking
258 Member Conyers and his passion for this. In the Senate,
259 Senator Cornyn, Senator Lee, and Senator Booker have been
260 particularly helpful in a good bipartisan way, bringing this
261 together.

262 We have important additions to the bill from
263 Congressman Marino and Congresswoman Jackson Lee that

264 improve the quality of this bill and addressed some topics
265 that I know Mr. Marino and Ms. Jackson Lee are also very,
266 very passionate about.

267 But we have a choice in this country; we have to
268 understand, Mr. Chairman, that 95 percent of the people that
269 go to prison, they are coming back out. So are they going
270 to come back out and be better criminals? Or are we
271 actually going to engage with these people and hope that we
272 can reduce the rate of recidivism; because that ought to be
273 our goal. We want them to become productive citizens.
274 Something has gone awry, something, for whatever reason, is
275 off track. There are certain criminals that should not come
276 out; that should not be able to earn extra time.

277 There are 48 exclusions in this bill for people, for
278 everything from terrorism to crimes against children and
279 other heinous crimes that you are just not going to qualify
280 for this. But let's also understand, Mr. Chairman, too,
281 that in the Federal prison system, we are at about 120 to
282 140 percent of capacity. And what we do not want to do as a
283 nation, is do what California did. California had over-
284 population, what did they do? They just released them in
285 mass. That is not the direction that we should be going.
286 There should be a way to do what the States have done, and
287 there are leading States out there, like Texas and Utah and
288 Ohio and South Carolina and Georgia, that are actually

289 reducing the rate of recidivism and saving billions of
290 dollars along the way.

291 I would point back to the Department of Justice
292 Inspector General who testified before Congress in 2013,
293 said, "It is clear that something must be done." The
294 Department cannot solve this challenge by spending more
295 money to operate more Federal prisons unless it is prepared
296 to make drastic cuts to other important areas of the
297 Department's operations.

298 Let's understand that one-third roughly of the
299 Department of Justice budget goes to the Bureau of Prisons.
300 One-third. We are spending nearly \$30,000, nearly \$30,000
301 per person per year to incarcerate these folk. There is a
302 punishment component; there is a debt to society; there are
303 some very valid reasons. But, as the States have learned,
304 there are some key indicators that if, again, you're not
305 engaged in some of the most heinous crimes; if you are
306 participating in a post-sentencing world, in working at the
307 prison; if you are furthering your education; if you are
308 engaged in faith-based services, these are all key
309 indicators that maybe you are moving in the right direction.

310 And, again, with 48 exclusions, let's learn from the
311 States, let's, as fiscal conservatives understand, we got to
312 figure out how to save money, but let's also engage in being
313 truly the Department of Corrections, because I think that is

ultimately the goal.

I want to, again, as I studied before with this amendment in the nature of a substitute, I want to thank Mr. Marino, included some important provisions regarding pepper spray that the people that work in our prisons, they do a very difficult job. We cannot thank them enough for what they do. He also has a provision there dealing with gun lockers, something that should be easily dealt with.

Ms. Jackson Lee, adding a component, for instance, of restraints during pregnancy; these are commonsense things that do need to be addressed. And Mr. Chairman, I would also like to ask unanimous consent to introduce two different letters. One is from three dozen former prosecutors, a judge, other government officials. We also have a letter from former Attorney General Michael Mukasey, former FBI Director William Sessions, former FBI Director Louis Freeh, talking about the concepts involved in here.

And I would also point, Mr. Chairman, to the success that a version of this bill has had in the Senate. Again, bringing together a broad bipartisan support. I hope members will take a good hard look at this, but I do appreciate the good bipartisan support. I think this is ready for a vote here in this committee and look forward to bringing it to the floor sooner rather than later, and I thank you again for your leadership on this bill, and I

339 yield back.

340 Chairman Goodlatte. The chair thanks the gentlemen.
341 Without objection, the two letters referenced will be made a
342 part of the record. And the chair is now pleased to
343 recognize the gentleman from Michigan, Mr. Conyers, for five
344 minutes.

345 Mr. Conyers. Thank you, Mr. Chairman. I am pleased to
346 join Congressman Chaffetz, Chairman Goodlatte, and
347 especially Subcommittee Ranking Member Sheila Jackson Lee,
348 and the Crime Subcommittee chairman, Jim Sensenbrenner, and
349 other colleagues for sponsoring this substitute amendment.
350 All of us have worked hard; although not always in
351 agreement, we have been able to develop this compromise
352 measure. While I had hoped that the eligibility for earning
353 credits under this system would have been more broad, I
354 still believe it will change the operation of our Federal
355 prison system in very important ways. While this bill does
356 not address a range of issues related to the way our system
357 treats juvenile offenders, I look forward to working with
358 the chairman and many of my colleagues here to develop
359 legislation in this area as our next order of business. I
360 thank the chairman and my colleagues for coming together to
361 develop this bipartisan substitute amendment. And, of
362 course, I urge its adoption. And I yield back the balance
363 of my time. I yield back.

364 Chairman Goodlatte. Thank you very much, Mr. Conyers.
365 I have an amendment at the desk. To the amendment, in the
366 nature of a substitute.

367 Ms. Jackson Lee. Mr. Chairman, may I just, on the
368 amendment, the same thing?

369 Chairman Goodlatte. Let me get this amendment in, and
370 then we will recognize you for that purpose. And the clerk
371 will report the amendment.

372 Ms. Williams. Amendment to the amendment in the nature
373 of a substitute to H.R. 759, offered by Mr. Goodlatte. Page
374 10, line 18, insert before the period at the end of the
375 following...

376 [The amendment offered by Chairman Goodlatte follows:]

377 ***** COMMITTEE INSERT *****

378 Chairman Goodlatte. Without objection, the amendment
379 is considered as read, and I will recognize myself for a
380 brief statement. This is a technical and conforming
381 amendment. It makes various technical changes throughout
382 the amendment in the nature of a substitute, and reflects
383 agreed-upon and negotiated language. I urge my colleagues
384 to support this amendment. For what purpose does the
385 gentlewoman from Texas seek recognition?

386 Ms. Jackson Lee. Mr. Chairman, I support the pending
387 amendment, and I would like to also speak to the Chaffetz,
388 Jackson Lee, Goodlatte, Conyers.

Chairman Goodlatte. The gentlewoman is recognized for five minutes.

Ms. Jackson Lee. Strike the last word. Thank you so very much. Very briefly, let me just say, again, I want to raise this number, 630,000 individuals who re-enter each year out of our prisons. And so I think this bill clearly speaks to many of the issues, both inside a prison system, and out. And I was glad to be able to provide more opportunity for program innovation and pilot programs in this amendment, adding parenting skills and parent-child interaction, broadening life skills to cover rejection response and anti-bullying that may occur both inside the prison and outside for the prisoner, or the released individual, to be able to address these travails of life without then becoming incarcerated again; broadening the program list to cover arts, programs, trauma treatment, expanding recidivism partnerships to include arts organizations, making it easier for recidivism reduction partners to provide programming; allowing prisoners to earn credits for programming pre-sentencing; and also allowing prisoners to take care of animals. That is a very interesting process, and I look forward to it. And the amendment also includes important re-entry aspects dealing with facilities and a facilitator to help that particular inmate re-entry.

414 Let me also thank Ms. Bass for her commitment dealing
415 with a matter that we worked to get in, her commitment and
416 support of the idea of the way pregnant women are treated,
417 to eliminate de-shackling. And I think this responds to the
418 needs of prisoners who are incarcerated, but also invest in
419 those who are being released for the betterment of the
420 American people. I ask my colleagues to support the
421 Chaffetz, Jackson Lee, Goodlatte, Conyers substitute
422 amendment. With that, I yield back.

423 Chairman Goodlatte. The chair thanks the gentlewoman.
424 For what purpose does the gentleman from Pennsylvania seek
425 recognition?

426 Mr. Marino. Strike the last word.

427 Chairman Goodlatte. The gentleman is recognized for
428 five minutes.

429 Mr. Marino. Thank you, Chairman. Chairman, for the
430 record, I would like to recognize two people in the
431 audience, Don and Jean Williams. They are back there.
432 Please stand. Thank you. Mr. and Mrs. Williams are the
433 parents of Eric Williams. And three years ago this month,
434 Eric was killed, brutally murdered, in a keen Federal prison
435 by an inmate, who since then is in the process of being
436 prosecuted. But Eric had no defense. He did not have
437 anything to defend himself from the multiple stabbings. Not
438 on one occasion, but this defender chased him and continued

439 to stab him until he was dead.

440 That is why a group of us got together at the behest of
441 my friends, the Williams. And I see my colleagues, former
442 officers from the prison, as well, to address a piece of
443 legislation that went into this overall legislation. And
444 thank you and I thank Chairman Chaffetz for the pepper
445 spray. Just a simple device like a can of pepper spray, I
446 am convinced, would have prevented Eric from being murdered.
447 And now, we are going to get this in the prisons where all
448 the personnel have this. And I thank you for that. And I
449 thank the Williams family for being here. I yield back.

450 Chairman Goodlatte. The chair thanks the gentleman,
451 and the chair thanks the Williams for being here, as well.
452 And we are sorry for your loss, and we hope that we can do
453 something to avoid that happening to Federal prison
454 employees in the future. Who seeks recognition?

455 Mr. Conyers. Mr. Chairman?

456 Chairman Goodlatte. For what purpose does the
457 gentleman from Michigan seek recognition?

458 Mr. Conyers. To support the amendment.

459 Chairman Goodlatte. The gentleman is recognized for
460 five minutes.

461 Mr. Conyers. I join you, Chairman Goodlatte, in
462 support of the Goodlatte-Conyers amendment to H.R. 759,
463 which includes several updates to provisions in the bill

464 which have been agreed to on a bipartisan basis. Some of
465 the changes fix technical errors, and others largely amend
466 the text to conform it to what we had intended in the
467 bipartisan agreement on the text of the substitute. I thank
468 the chairman again for working with me on this issue. And I
469 urge adoption of this amendment. I never used the word
470 bipartisan so much in a bill that I can remember here on the
471 Judiciary Committee. I yield back. Thank you.

472 Chairman Goodlatte. The chair thanks the gentleman.
473 For what purpose does the gentleman from Georgia seek
474 recognition?

475 Mr. Collins. Thank you, Mr. Chairman, strike the last
476 word.

477 Chairman Goodlatte. The gentleman is recognized for
478 five minutes.

479 Mr. Collins. Mr. Chairman, thank you for recognizing,
480 again, I think it just was just brought out a moment ago
481 from my friend from Pennsylvania, the importance of this
482 work and my sympathies as well. But it brings out what we
483 are doing here today as important on a lot of different
484 levels.

485 But Mr. Chairman, I want to thank you for working to
486 bring this forward, this bipartisan legislation to reform
487 the Federal prison system. I am proud to join you as a co-
488 sponsor of the amendment. Also want to thank Mr. Chaffetz

489 for his work in introducing H.R. 759 and on this amendment.

490 Before I speak to the nature of the bill, I want to
491 make it clear that I believe that when people break the law,
492 there should be consequences. Punishment should fit the
493 crime and justice should be served. I stand firm on this
494 and have never wavered. However, that does not prevent me
495 from believing that each and every one of us was created in
496 God's image, and every person has value. Those who commit
497 crimes should be punished. We should also offer a chance at
498 redemption to those who can safely reintegrate into society.
499 And we need a system that provides a chance for success
500 after that time has been served. Too often, the current
501 system sets offenders up for failure by forcing people back
502 into the same or worse circumstances that led to the crime
503 in the first place.

504 The amendment before us offers sensible solutions to
505 reduce recidivism, which in turn reduces the burden to
506 taxpayers and to increase public safety. The bill also
507 includes protections fundamental to our legal system.

508 Mr. Jeffries and I offered legislation to ensure that
509 the age-old and well-established right to a current attorney
510 client privilege is available to Federal inmates and their
511 legal representatives. I am proud to say that this
512 legislation is reflected in the amendment. I want to thank
513 Mr. Jeffries for his commitment and partnership, and

Chairman Goodlatte and Ranking Member Conyers for their willingness to work with us on this issue. Currently, electronic communications are treated differently than traditional forms of communication, such as snail mail or phone calls, for the purposes of attorney-client privilege. The use of email to communicate with an attorney is tantamount to signing away the right of privileged communication. This creates considerable hurdles to an attorney and an inmate exercising their right to privileged communications. This is not sensible. As methods of communication change, so, too, should the system.

This provision ensures that critical legal protections do not fall by the wayside simply because technology has changed. Importantly, the language also establishes a retention policy for these communications if the court determines that the crime fraud exemption to the attorney time privilege exists.

The amendment contains numerous other meaningful provisions, including the creation of an offender risk and needs assessment system. It creates a sensible earned time credit system and ensures that pregnant women are treated in a way that better protects both them and the life of their unborn child. It provides for better safety protections for the Bureau of Prisons employees, and this bill also established important de-escalation training to better

539 recognize the unique needs of the mentally ill offenders.

540 It is time we make reforms to strengthen our public
541 safety and reduce costs, and better help released offenders
542 adjust to society rather than recidivism. This is something
543 that I have had the privilege of witnessing in Georgia, and
544 the issues that we have dealt with in Georgia, which were --
545 when I first entered the General Assembly back in 2006 to
546 where we are now, it has been an amazing transformation.
547 The use of accountability courts, the use of alternative
548 means to take those, as our governor has said and I have
549 said many times, there has to be a determination in our
550 society in which we have space and we have the facilities to
551 lock up those people that we are scared of, and we have to
552 work better with those that we are just mad at. And that is
553 something we have got to work at.

554 So as we go forward with this, Mr. Chairman and the
555 others involved in this, I just appreciate your work and
556 hard work on this and look forward to the support on this
557 bill. And with that, I yield back.

558 Chairman Goodlatte. The chair thanks the gentleman.
559 For what purpose does the gentlewoman from California, Ms.
560 Bass, seek recognition?

561 Ms. Bass. Mr. Chairman, I move to strike the last
562 word.

563 Chairman Goodlatte. The gentlewoman is recognized for

564 five minutes.

565 Ms. Bass. I want to express my real appreciation for
566 the hard work from all of the committee members that went
567 into this bill. Aside from providing critical tools to help
568 inmates reduce their sentences and prepare for life after
569 incarceration, this bill will enhance safety by training
570 correction officers in de-escalation techniques that reduce
571 conflict and violence in prison. I am really heartened to
572 see the committee doing criminal justice reform work in a
573 way that puts human dignity and restoration at the core.
574 And I hope that this work continues.

575 I also want to thank the members for working with me to
576 insert my legislation to protect pregnant inmates. We work
577 together to develop language that will prevent the
578 unnecessary shackling of pregnant incarcerated women. In
579 California, we outlawed this practice. But I was shocked to
580 learn that in some States, women have actually been chained
581 down while giving birth. There was an example of a woman in
582 Nevada that suffered agonizing muscle tearing and bone
583 separation because she was chained down during labor and
584 could not move. According to the American Congress of
585 Obstetricians and Gynecologists, physical restraints have
586 interfered with the ability of physicians to safely practice
587 medicine by reducing their ability to assess and evaluate
588 the physical condition of the mother and fetus, and have

589 similarly made the labor and delivery process more difficult
590 than it needs to be.

591 It is my hope that by codifying this standard, we will
592 send a message that incarcerated women should be treated
593 humanely, especially while pregnant, giving birth, and
594 recovering. There are some provisions related to shackling
595 pregnant women that did not make it into the bill that I
596 think we should still work on down the line.

597 For instance, I think we need better data collection on
598 pregnant inmates and prison births. I would like to know
599 about the quality of care for pregnant women in prison, and
600 know the demographic information about such women, including
601 their offenses and their sentences. Another provision not
602 included was a deadline for the Bureau of Prisons to
603 establish a process for inmates to report shackling in
604 violation of this act. Finally, I would like to work with
605 the committee on legislation to address shackling pregnant
606 women on the State level. I am pleased that 23 States have
607 anti-shackling codes on their books. But I would like to
608 work with the committee to see how we can incentivize other
609 States to codify a standard of care much like the one we are
610 advancing here. Again, I am very pleased to see this bill
611 move forward. And I look forward to working together on
612 other ways to improve our justice system. I yield back.

613 Chairman Goodlatte. The chair thanks the gentlewoman

614 and looks forward to working with her moving forward. For
615 what purpose does the gentleman from Louisiana seek
616 recognition?

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

618 Chairman Goodlatte. The gentleman is recognized for
619 five minutes.

620 Mr. Richmond. Mr. Chairman, to our ranking member, and
621 the chairman and the ranking members of subcommittees, I
622 just wanted to, one, thank them for the hard work and
623 recognize the bipartisan manner in which this was done, and
624 just offer just a few words. And that is to say that this
625 bill is about safety. It is about safety inside of our
626 correctional institutions to make sure that our guards can
627 go to work every day, and that they can return home to their
628 families in one piece. And that is very important. And the
629 Marino amendment allows us to do that, to help them do that.

630 Second, it is about safety for society. And what we
631 realized a long time ago, that we have long passed the point
632 of diminishing returns. Every dollar that we spend on
633 incarceration actually makes the country less safe, because
634 it is money that could go to programs and other things that
635 could make communities safer and prevent crime. And when we
636 talk about recidivism, most of the time we talk about
637 recidivism in terms of the fact that if we can keep guys
638 from coming back to prison, guys or women, from coming back

639 to prison, we do not have to spend that money on them.
640 Well, that is true.

641 Now, let's think of it this way, too. Every person
642 that we prevent from coming back to prison means that there
643 is one less victim out there. So when we talk about this
644 bill to reduce recidivism, we are going to save money and we
645 are going to prevent future victims of crime. And I think
646 that those are the things that, when Congress can come
647 together, and come up with a goal, and give and take a
648 little bit so that we can achieve that goal, it becomes a
649 success and a win. Does this bill do everything that I
650 would like it to do, and as aggressive as I would like it to
651 be done? The answer is no. But in a democracy, when you
652 really want to get something done, you are going to give a
653 little bit and you are going to take a little bit. And you
654 hope that at the end of the day, you move to make the
655 country a little bit better. And here, we move to make the
656 country a little bit better. But we hope to make people a
657 little bit safer.

658 And with that, Mr. Chairman, I would just, again, like
659 to applaud the effort, I think of everybody on the
660 committee, and urge support of the legislation.

661 Chairman Goodlatte. The chair thanks the gentleman.
662 For what purpose does the gentleman from New York seek
663 recognition?

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

665 Chairman Goodlatte. The gentleman is recognized for
666 five minutes.

667 Mr. Jeffries. Well, thank you, Mr. Chairman, for your
668 leadership. And I want to thank Ranking Member Conyers, the
669 ranking members, and the chairman of the subcommittees,
670 Representative Chaffetz, of course, Cedric Richmond, and
671 many, many others who worked together in a bipartisan
672 fashion to bring us to this moment. As has been mentioned,
673 this is not a perfect bill. But in the legislative process,
674 the perfect should never be the enemy of the good. This
675 legislation is a significant step toward meaningful reform
676 of a broken criminal justice system which remains
677 overcrowded and underfunded. If enacted into law, this bill
678 will encourage rehabilitation, promote successful re-entry,
679 and save taxpayer dollars. States like New York, Texas,
680 South Carolina, and Georgia have all reduced their prison
681 populations, while at the same time experienced a
682 significant decrease in crime and saved precious taxpayer
683 dollars.

684 We can now do this same thing at the Federal level.
685 This bill contains several important provisions, including a
686 risk assessment tool and a requirement that the attorney
687 general regularly review that tool to identify any potential
688 disparities.

689 In addition, the bill provides incarcerated individuals
690 with a right to appeal any adverse determination of their
691 recidivism risk. This appeal is to be heard by the warden.
692 And I know this provision is not in the Senate bill. That
693 is an important step that we have taken. The inclusion of
694 the escalation training in this bill should result in
695 dramatic improvements to the quality of life for all
696 inmates, especially those who suffer from mental illness,
697 while simultaneously making the prison environment safer for
698 both prison guards, who put their life on the line, as well
699 as incarcerated individuals.

700 Lastly, the legislation corrects a current practice
701 where Federal prosecutors review email communications
702 between Bureau of Prison inmates and their attorneys, in
703 contravention of the Sixth Amendment. The distinguished
704 gentleman from Georgia, my good friend Representative
705 Collins and I have worked together on this provision, and I
706 want to thank him specifically for his partnership and his
707 leadership on this issue.

708 Lastly, given that all inmates are eventually released,
709 it is in our best interests for everyone to be able to
710 participate in programming designed to promote successful
711 re-entry. I think we should explore expanding that
712 eligibility and the opportunity to earn good time credits as
713 we move this process forward. Since proven recidivism

714 reduction programming, like family and phone visitation,
715 should be as broadly available as possible, that is in
716 everyone's best interests. Reforming our broken criminal
717 justice system is fiscally prudent and socially responsible.
718 And in this spirit, I look forward to working with the
719 chairman, the ranking member, and individuals on both sides
720 of the aisle who have come together in good faith to bring
721 us to this moment. With that, I yield back.

722 Mr. Jordan. Mr. Chairman?

723 Chairman Goodlatte. For what purpose would the
724 gentleman from Ohio seek recognition?

725 Mr. Jordan. Mr. Chairman, I would like to yield to the
726 gentleman from Pennsylvania.

727 Chairman Goodlatte. The gentleman from Ohio is
728 recognized for five minutes.

729 Mr. Jordan. Thank you, Mr. Chairman. I yield to Mr.
730 Marino from Pennsylvania.

731 Mr. Marino. Thank you, Congressman Jordan. First of
732 all, I would like to recognize Helen Pavarotti (?). If she
733 could please stand. Helen, thank you for being here.
734 Helen's husband, who worked at the prison, was killed on the
735 way to prison. And another piece of this legislation that
736 we are working on, believe it or not, Federal guards are not
737 allowed to carry weapons to a Federal prison. So we have
738 put in legislation; and I thank Chairman Goodlatte and

739 Chairman Chaffetz and Mr. Conyers, again, that allows
740 correction officers who are clearly trained and need the
741 protection to carry a weapon with them. And it can be
742 safely and securely locked down in a box in the facility.

743 But I also want to thank Chairman Goodlatte, Chairman
744 Chaffetz, Chairman Conyers, Ranking Member Conyers, and
745 others for this legislation. I was a prosecutor for 18
746 years. And I have a reputation of being a tough prosecutor.
747 If you are going to commit the crime, you are going to do
748 the time. But it is important, because there are too many
749 people going back to prison. And just as vehemently as I
750 want to put the bad guys away, I want to just as
751 aggressively make sure that we have programs that can at
752 least help a portion of those individuals from going back to
753 prison, seeing that they have the education, they have
754 training, they have counseling. That's ongoing. They are
755 just not put back in the streets. And to make them citizens
756 that can contribute to society.

757 So I want to thank everyone for putting that part of
758 the legislation, my legislation, in the overall bill, as
759 well. We are tightening another part of the legislation.
760 We are tightening up the credit standards for serious rehab
761 programs. There are many programs, but we have got to make
762 sure there are serious rehab programs.

763 I want to thank, also, my colleague and former U.S.

764 Attorney Brett Tolman from Utah. And Brett is here. And
765 thank you very much for what you have done in this. This
766 legislation, again, is a serious start to curtail people
767 from going back to prison. But make no mistake about it, if
768 you commit a serious crime, you are going to do serious time
769 in a Federal prison. And I yield back.

770 Mr. Cicilline. Mr. Chairman?

771 Chairman Goodlatte. The chair thanks the gentleman.
772 For what purpose does the gentleman from Georgia seek
773 recognition?

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

775 Chairman Goodlatte. The gentleman is recognized for
776 five minutes.

777 Mr. Johnson. Thank you, Mr. Chairman. Last week I
778 encouraged strongly the committee to come forward with
779 legislation on criminal justice reform, and the chairman is
780 to be congratulated and commended for bringing forth this
781 legislation. And also, the ranking member, John Conyers; I
782 want to also send out my appreciation to Ranking Member
783 Jackson Lee, along with Crime Subcommittee Chair
784 Sensenbrenner for bringing this legislation forward, and my
785 friend Jason Chaffetz, the sponsor this legislation, along
786 with Cedric Richmond and Hakeem Jeffries, along with Trey
787 Gowdy, have done yeoman's work on this bill in a bipartisan
788 way, and they are to be commended along with Representative

789 Karen Bass, Tom Marino, and Doug Collins, for their fine
790 work. This is a commonsense bill. It is a bipartisan bill.
791 I think Members of Congress, particularly in this committee,
792 can take great -- well, this is an example of what the
793 public expects Congress to do. This is an example that
794 should make the American people proud of their
795 representatives. And with that, I will yield back. I ask
796 my colleagues to pass this bill.

797 Chairman Goodlatte. The chair thanks the gentleman.
798 For what purpose does the gentleman from Rhode Island seek
799 recognition?

800 Mr. Cicilline. Move to strike the last word.

801 Chairman Goodlatte. The gentleman is recognized for
802 five minutes.

803 Mr. Cicilline. Thank you, Mr. Chairman. I want to
804 thank you and Ranking Member Conyers for your extraordinary
805 leadership on this bill, and thank Representative Chaffetz
806 and Representative Richmond and Representative Bass and
807 Representative Jackson Lee and Representative Sensenbrenner
808 and Representative Jeffries, who contributed enormously to
809 the final product that we will consider today. For too
810 long, the Federal Government has failed to invest in
811 strategies that reduce the likelihood that those released
812 from prison will return again, committing more crimes,
813 impacting more families, creating more suffering from

814 victims of crime, as well as those families of the
815 individuals who are sent back to prison. And as a result of
816 this failure to have a strategy to really focus on this,
817 from 1980 to 2013, the rate of imprisonment by our Federal
818 Government grew by 518 percent, increasing from 11 inmates
819 per 100,000 U.S. residents to 68 inmates per 100,000
820 residents. And during that same period of time, spending
821 increased from \$970 million to \$6.7 billion in inflationary-
822 adjusted spending.

823 So, the costs of our failure to really respond to this
824 are really enormous. And beyond the financial cost, of
825 course, the importance of focusing on reducing recidivism
826 and enabling people to successfully re-enter the community,
827 is that we also reduce the societal cost of imprisonment,
828 which are enormous and fall disproportionately on low-income
829 communities, communities of color and particularly
830 vulnerable communities, particularly those with mental
831 illness.

832 So, this legislation really begins to change that in a
833 very important and fundamental way, by allowing for the
834 development of strategies really to promote successful re-
835 entry, to increase public safety by reducing likelihood that
836 people will re-commit, or commit additional crimes,
837 increasing the safety of our prisons and the safety of our
838 correctional officers, making sure that prisons are operated

839 in more humane way, more consistent with our values. And I
840 think this is an extraordinary bipartisan effort. I commend
841 everyone who has been a part of it and I am proud to be a
842 co-sponsor, and I urge all of my colleagues to proudly vote
843 on this legislation. And with that I yield back.

844 Chairman Goodlatte. For what purpose does the
845 gentleman from Texas seek recognition?

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

847 Chairman Goodlatte. There is an amendment pending
848 right now, my amendment to the substitute amendment.

849 Mr. Gohmert. I am sorry. I will await the amendment.

850 Chairman Goodlatte. Who seeks recognition on this
851 amendment? If not, the question occurs on the amendment.

852 All those in favor, respond by saying aye.

853 Those opposed, no.

854 In the opinion of the chair, the ayes have it. The
855 amendment is agreed to. And the gentleman from Iowa has an
856 amendment. We will consider his first.

857 Mr. King. Mr. Chairman, I have an amendment at the
858 desk.

859 Chairman Goodlatte. The clerk will report the
860 amendment. For what purpose does the gentleman from Utah
861 seek recognition?

862 Mr. Chaffetz. Mr. Chairman, I reserve a point of
863 order.

864 Chairman Goodlatte. Okay. Which amendment?

865 Mr. King. This is the amendment that deals with the
866 first time felons.

867 Chairman Goodlatte. Very good. For what purpose does
868 the gentleman from Utah seek recognition?

869 Mr. Chaffetz. Mr. Chairman, I reserve a point of
870 order.

871 Chairman Goodlatte. Point of order is reserved. The
872 clerk will report the amendment.

873 Ms. Williams. Amendment to the amendment in the nature
874 of a substitute to H.R. 759 offered by Mr. King of Iowa.
875 Page 19.

876 [The amendment offered by Mr. King follows:]

877 ***** COMMITTEE INSERT *****

878 Chairman Goodlatte. Without objection, the amendment
879 is considered as read, and the gentleman is recognized for
880 five minutes on his amendment.

881 Mr. King. Thank you, Mr. Chairman. My amendment
882 addresses a situation that under the bill and under the bill
883 as amended, it allows for those who have already been proven
884 recidivists that have been released and come back on
885 subsequent charges, convictions on subsequent charges, to
886 also get a second chance. And I submit that they've had
887 their first chance when they are proven recidivists.

888 And so what my amendment does is that it prohibits an
889 inmate with a second or a subsequent felony conviction,

whether it be State or Federal, and it expands this onto the State and Federal, from earning credits under the bill. And, you know, we do not need to start with proven recidivists on an unproven program. We do not know whether we can help them or not. This bill is a social experiment, and I suggest let's first experiment with the people who have only had one conviction and are serving time for that conviction or combination of convictions, and limit it to those, rather than opening this up for a second or subsequent convictions.

The proven recidivists should not get this second chance; they have already had their second chance, and I am somewhat familiar with what happens with crime victims. And I know that I have quoted from studies in the past on price to society for releasing criminals out onto the streets.

And when this topic first came up some year and a half or so ago, I remember asking the main proponents of the bill if they had looked at the other side of this equation, if they had done the studies and evaluated the available studies, to see that if you let a certain number of criminals out of prison, there will be an amount of recidivism, and that recidivism we are talking about is if it were somehow benign or it is not even quantified.

And I can tell you that we need to quantify it and we need to understand it is individual crime victims that will

915 pay the price for over-exuberance here on a bill that I
916 think releases too many too early, that need to still pay
917 their price to society. And even if they are not recovered,
918 the time that they are in prison keeps them from committing
919 crimes against innocent people. And so, this says give them
920 a second chance, but not give them a third chance.

921 So, the first chance was when they committed the crime
922 in the first place. The second chance was when they did
923 their time and we give them an opportunity to be let out
924 early. That's what this amendment would allow. But if you
925 have already done your time, been released, committed a
926 crime, and you are back in again, then that universe of
927 inmates should not be considered under this bill. That is
928 the philosophy that this amendment brings. I think it is
929 sound. If we are going to do social experiments, then we
930 should do it in the safest zones that we can. And walk into
931 this thing slowly, not dive into this thing headfirst. And
932 so that is what this amendment does, and I believe that it
933 is the right and prudent way for us to go forward, if we
934 should go forward at all with this bill. I would urge its
935 adoption and I yield back the balance of my time.

936 Chairman Goodlatte. Does the gentleman from Utah
937 insist on his point of order?

938 Mr. Chaffetz. Yes, I insist on my point of order.

939 Chairman Goodlatte. The gentleman is recognized.

940 Mr. Chaffetz. Mr. Chairman, the gentleman from Iowa's
941 amendment seeks to amend a clause in the bill that was
942 already amended in the Goodlatte amendment, which was agreed
943 to. An amendment may not amend already amended text.
944 Therefore, I must insist on my point of order.

945 Chairman Goodlatte. Does the gentleman from Iowa
946 offering the amendment wish to speak on the point of order?

947 Mr. King. Yes, Mr. Chairman.

948 Chairman Goodlatte. The gentleman is recognized.

949 Mr. King. I am going to do a rare thing here today,
950 and I am going to concede to the validity of the argument of
951 my colleague from Utah, and I will also concede the point of
952 order. And I would ask unanimous consent to withdraw the
953 amendment.

954 Chairman Goodlatte. The gentleman's amendment is
955 withdrawn. And for what purpose does the gentleman seek
956 recognition now?

957 Mr. King. Mr. Chairman, I have another amendment at
958 the desk.

959 Chairman Goodlatte. The clerk will report the
960 amendment.

961 Mr. King. Dealing with immigration.

962 Ms. Williams. Amendment to the amendment in the nature
963 of a substitute to H.R. 759, offered by Mr. King of Iowa.

964 [The amendment offered by Mr. King follows:]

965 ***** COMMITTEE INSERT *****

966 Chairman Goodlatte. Without objection, the amendment
967 is considered as read. And the gentleman is recognized for
968 five minutes on his amendment.

969 Mr. King. Thank you, Mr. Chairman. This is an
970 amendment that arises out of the review of the bill, and
971 understanding that those who are unlawfully present in
972 America are going to be included in this "get out of jail
973 early" proposal that is there, and also be included in the
974 training programs that help them qualify for points in order
975 to qualify for early release. And especially if it is a

976 second or a subsequent offense, which by the way, my earlier
977 amendment being out of order, legitimately out of order, I
978 would reiterate, keeps us from addressing this as far as
979 first time offenders, but we could have multiple offenders,
980 we could have people in prison that are, say, for example,
981 the murder of Kate Steinle, could conceivably qualify under
982 this bill.

983 And I believe that is what my amendment does, it
984 prohibits those who are in prison for illegal entry from
985 qualifying, and it is a perverse incentive. If you are
986 facing potentially a two-year penalty for unlawful entry
987 into the United States, you end up in a United States
988 Federal prison for that purpose, and we might cut that
989 sentence in half by they could earning training credits. We
990 could be training a work force for the countries they came
991 from and should go back to. And I might even concede that
992 getting them back to that home country with a trained
993 workforce is an improvement for those countries, but we are
994 not turning them back to their home country in enough
995 instances.

996 This administration has refused to enforce the law, and
997 often we have people released from our penitentiaries that
998 should be going directly to the border for direct
999 deportation, and we find out they are on the streets
1000 committing crimes against Americans. And so, that is the

1001 essence of this amendment, excuse me, and I urge its
1002 adoption, and I would yield back the balance.

1003 Chairman Goodlatte. Would the gentleman yield?

1004 Mr. King. I would yield.

1005 Chairman Goodlatte. I thank the gentleman for
1006 yielding, and I appreciate him bringing up this subject
1007 because it is an important one, and it needs to be carefully
1008 addressed. People who enter this country illegally and
1009 commit crimes should be sent out of the country. Some, like
1010 the murderer of Kate Steinle, re-entered the country on a
1011 number of occasions, and finally wound up in a horrific
1012 tragedy regarding her murder, and therefore, keeping them in
1013 prison for the longest time possible to avoid that kind of
1014 thing is well worth considering.

1015 However, I think we need to take it into context very
1016 carefully, so I would ask the gentleman to consider
1017 withdrawing the amendment and working with us on this issue,
1018 and also taking note of the fact that the whole purpose of
1019 Mr. Chaffetz' bill is to make sure that people in prison get
1020 the opportunity to receive training, to receive treatment of
1021 various kinds, and so on, to make recidivism less likely,
1022 and hopefully also to make it less likely that they are sent
1023 home, they stay home. But the gentleman's concern is a
1024 legitimate one, and so, I would be happy to work with him on
1025 it, if he would agree to withdraw and work with us as we

1026 move to the floor.

1027 Mr. King. In reclaiming my time, and appreciating the
1028 chairman's argument here. There are a number of things
1029 that, of course, I would be interested in looking at, and I
1030 want to make sure that we can protect the citizens of this
1031 country to the maximum amount. And I think that your
1032 proposal here, Mr. Chairman, fits with that overall broad
1033 theme that I brought here to the committee today. And I
1034 would look forward to working with you and other members of
1035 this committee in an effort to, let's just say, work towards
1036 perfection of the bill and this ideal. And so, with that
1037 request, I would ask unanimous consent to withdraw this
1038 amendment.

1039 Chairman Goodlatte. The chair thanks the gentleman.
1040 The amendment is withdrawn. Who seeks recognition? For
1041 what purpose does the gentleman from Texas seek recognition?

1042 Mr. Gohmert. I have an amendment to the amendment in
1043 the nature of substitute?

1044 Chairman Goodlatte. The clerk will report the
1045 amendment.

1046 Ms. Williams. Amendment to the amendment in the nature
1047 of the substitute offered by Mr. Gohmert, Section 110, Early
1048 Release Date Threshold.

1049 [The amendment offered by Mr. Gohmert follows:]

1050 ***** COMMITTEE INSERT *****

1051 Chairman Goodlatte. Without objection, the amendment
1052 is considered as read. And the gentleman is recognized for
1053 five minutes on his amendment.
1054 Mr. Gohmert. Thank you, Mr. Chairman. And I want to

commend all the work and all those who did the work on this bill. It is addressing an important subject. I am very glad my friend, Mr. Marino, has given prison officials additional tools to protect themselves. So, the tools are good; I do not want to affect or delay them whatsoever. But this administration has demonstrated things that ought to concern everybody in here. Look at the Bergdahl trade. Take a guy that is now charged with desertion and trade him for five people, some of whom will kill Americans, kill Christians, kill Jews, who, when we look at the number of people who have been released by this administration, even in violation of the law by not giving Congress notice, it is a clear indication that the best interests of the American people have not been at the forefront of all of the policies.

The recidivism rate for those released from Gitmo has already shown that the actions of choosing and releasing people by this administration will cause future Americans to lose their lives, their limbs, their property. When we look at this administration's policy going back to Fast and Furious, we still have not gotten the documents that this Congress asked for. We do not know who brought about such an egregious thing that continues to cause and be a part of killing Americans, not to mention all the Mexicans that have likely been killed by the weapons this administration forced

1080 into the hands of criminals.

1081 I saw the article from January 6 of this year entitled,
1082 "Justice Department Plans Attorney Hiring Spree to Keep
1083 Place with Obama's Pardon Push." It says the Justice
1084 Department will drastically increase the numbers it has on
1085 staff to deal with what is expected to be a massive push by
1086 President Obama to grant clemency to Federal prisoners
1087 before the end of his term.

1088 It also says the number of expected hires is more than
1089 double the agency's staffing level as of May 2013. Over
1090 past decades, we have seen crime rates go up and we have
1091 seen them go down. And it seems that as you watch the
1092 pendulum swing back and forth, that when we are tougher on
1093 crime, have tougher sentences, the crime rates go down. And
1094 then there are periods in the last few decades when, all
1095 right, going back five decades, where we saw the pendulum
1096 swing back. We got less tough on crime, crime rates went
1097 up. We started releasing more people more quickly, crime
1098 rates went back up.

1099 We see crime rates going up now, as we see the pendulum
1100 swinging back, especially in the last seven years under this
1101 administration, with what appears to be more concerns for
1102 the criminals than for their victims.

1103 So, my concern is not with the tools that we give
1104 prison officials to protect themselves and to enforce the

1105 law. My concern is with the judgment of this
1106 administration. And the current Attorney General said she
1107 did not see any problems with the way the prior Attorney
1108 General enforced the law, and we know he did not enforce it
1109 properly.

1110 So, my amendment is to try to protect those lives and
1111 limbs and property that will be adversely affected by the
1112 judgments of this administration, so that it simply delays
1113 the date by which anyone may be released from incarceration.
1114 I realize the bill uses incarcerated prisoners, and it says
1115 incarcerated individuals because it should apply to
1116 everyone. No one should be released from prison before
1117 April 1st, 2017, so that another Attorney General and his or
1118 her staff will have time to review it. That is why I make
1119 the amendment and ask for your support.

1120 Chairman Goodlatte. The chair thanks the gentleman and
1121 recognizes himself. First of all, I want to thank the
1122 gentleman for his concern about this issue and for his
1123 comments and for his intentions, but I cannot support the
1124 amendment. A couple of things. I think that this should be
1125 considered in the overall picture on criminal justice
1126 reform. For one thing, the President has been engaged in a
1127 very aggressive pardoning process, far beyond what I have
1128 seen previous presidents do, and I expect to see that to
1129 accelerate the rest of this year. And I do not approve of

1130 that. That is one of the reasons why we are doing this
1131 legislation, and the whole criminal justice reform process
1132 here, because it is the Congress' responsibility to change
1133 how we do things and not the President's to abuse the pardon
1134 power, which I believe he is doing.

1135 Secondly, I think the Sentencing Reform Commission has
1136 begun the process by which a number of prisoners are being
1137 released right now, and I do not think they got it right
1138 either. And again, that is the reason why the Congress
1139 should be taking this responsibility and why we should be
1140 doing it.

1141 But this bill that we are considering today will not be
1142 affected by the State. First of all, I want to assure the
1143 gentleman that the truth in sentencing is still retained and
1144 made explicit in this bill. Secondly, no prisoner is
1145 released. They are pre-released to home confinement or to a
1146 half-way house. And the date of enactment of this bill is
1147 as yet unknown, and six months just to develop the post-
1148 sentencing risk and needs assessment will, I think, obviate
1149 the date that the gentleman has offered.

1150 So the system is not likely to be in place to
1151 effectuate a release under this bill before the date and
1152 amendment. However, the sentencing reform bill does
1153 include, under certain circumstances, for prisoners who meet
1154 certain criteria, when the mandatory sentences are modified,

1155 some people who are in prison today will receive retroactive
1156 reductions, and that would fit right into the gentleman's
1157 concern.

1158 So I think moving forward overall, the gentleman might
1159 want to look at that. That measure has already passed out
1160 of this committee, but there will be opportunities between
1161 now and the floor, and on the floor, and after the floor as
1162 we negotiate with the Senate to make sure that we have a
1163 good plan for the release of prisoners who benefit from what
1164 this law finally winds up being. And the gentleman's
1165 concern in that regard is very well taken. But I do not
1166 think it fits the measure that we are considering today for
1167 the reasons that I have outlined, and therefore, I cannot
1168 support the amendment as offered.

1169 And I thank the gentleman. The question occurs on the
1170 amendment offered by the gentleman from Texas.

1171 All those in favor, respond by saying aye.

1172 Those opposed, no.

1173 In the opinion of the chair, the noes have it, and the
1174 amendment is not agreed to.

1175 For what purpose does the gentleman from Tennessee seek
1176 recognition?

1177 Mr. Cohen. Strike the last word.

1178 Chairman Goodlatte. The gentleman is recognized for
1179 five minutes.

1180 Mr. Cohen. Thank you, sir. I want to thank the
1181 chairman and the ranking members and the other people who
1182 have worked together to bring this bill to us. I understand
1183 the makeup of this committee. Those of us who are on this
1184 committee are here generally because we have a strong belief
1185 in issues that are controversial and are dealt with by this
1186 committee. And we have districts that can sometimes survive
1187 having those strong opinions.

1188 Accordingly, there is a great divergence in opinion,
1189 maybe the strongest differences of opinion in this committee
1190 of any committee in Congress. And it makes it all the more
1191 amazing that the chairman and the ranking member and
1192 Chairman Sensenbrenner and Ranking Member Lee have been able
1193 to bring together a bill, and it is a good bill that does
1194 not go as far as I would like. It does not go as far as Mr.
1195 Gohmert might like or Mr. King or some other people, but
1196 that is the way you get legislation passed is you get some
1197 progress and you are satisfied with it.

1198 I filed some amendments I would like to have brought
1199 up, but understanding the situation, I will not bring them
1200 up to a vote. But I do think that reform of our cannabis
1201 laws are real important in criminal justice. More people
1202 end up in jail because of marijuana than any other product
1203 in our society, and today 58 percent of Americans believe
1204 marijuana should be legalized and 85 percent think medical

marijuana should be legalized. And when you put somebody in jail and take away their liberty and force them to hire a lawyer and possibly deny them a scholarship, deny them public housing, and deny them a job forever, that is wrong. And that is why people do not believe in our criminal justice system, and that is why Donald Trump and Bernie Sanders are getting a lot of their votes, because people are turned off to this place, because Congress is not responsive to issues that affect everyday Americans. And everyday Americans know that the whole policy we have got on drugs, and particularly marijuana, is wrong and out of step with America. We are putting people in jail for engaging in an activity that the President has said is less harmful than alcohol. And many people agree with that and think that it should not be criminalized.

Now I have an amendment that would take it away from scheduling so that marijuana would be left to the States, and I have another amendment that would make it Schedule II. That would at least allow science to have more opportunity to see medical efficacies that could help people. I had a constituent die, a young lady, of epileptic seizures, and there is a part of non-psychotic, or not psychotic, but non-psychotropics. It is not psychotropic, but the part of the marijuana that does not get you high. The cannabinoids, that is called Charlotte's Web. And Charlotte's Web can

1230 help children with epileptic seizures and save their lives.
1231 And that ought to be studied to see what it does, and it
1232 ought to be studied to see what marijuana can do for people
1233 who have cancer, from nausea, with appetite, with
1234 Parkinson's, and other illnesses, and glaucoma. We should
1235 have it studied. That would be a Schedule II.

1236 I also think that people, marijuana included, who have
1237 victimless crimes in Federal court, one victimless crime and
1238 have gone seven years without doing anything else that is
1239 wrong, have any other arrests or convictions, should get
1240 their records expunged and get a second chance. It is
1241 important that Americans get a second chance.

1242 And while I have to admit that the spaces of my
1243 position on this is people with drug offenses, it would
1244 affect mostly white collar criminals who might have
1245 committed one crime, had seven years gone clean, and they
1246 ought to be able to wipe the records and have a clean record
1247 and not have this follow them like a scarlet letter forever.
1248 It does say if you have a financial crime of over \$25,000,
1249 you would not be included, or a sex crime where it is likely
1250 to be a recidivist.

1251 But otherwise, I would like to ask the chairman and the
1252 ranking members when they markup other bills to consider to
1253 have hearings and to have consideration of reforming the
1254 marijuana laws to where they are not taking people's

liberty, and not treating it in a class where it is with LSD and ecstasy, but in a class where it belongs, which really is with alcohol, but not with LSD and ecstasy, to have it be studied, to have children that have epileptic seizures have a chance to have Charlotte's Web studied and to know the efficacy of it and possibly make it available to them, and not to take people's liberties and to give people second chances with expungement laws.

With that, I thank the member, the ranking member, the chairs, and all, and I hope that they will take these issues into consideration in the future and bring us closer to what justice should be, and have the American people have more respect for Congress for dealing with issues that hit them at the everyday level and affect people's lives. And it makes our criminal justice system look like a joke to so many people to think people are getting arrested and losing their liberty because of smoking marijuana that most people in America now think should be legal.

With that, I yield back the balance of my time and thank you for the opportunity to speak.

Mr. Goodlatte. Are there any amendments to the amendment?

Mr. Cohen. It was not an amendment, it was a statement.

Mr. Goodlatte. No, no. There was an amendment on

1280 consideration.

1281 Mr. Cohen. Oh, I see. Thank you. I thank you.

1282 Mr. Goodlatte. The question is on the amendment in the
1283 nature of a substitute offered by the gentleman from Utah.

1284 Those in favor, respond by saying aye.

1285 Those opposed, no.

1286 In the opinion of the chair, the ayes have it, and the
1287 amendment is agreed to. At this point, I had asked
1288 unanimous consent to place in the record a letter to myself
1289 and Ranking Member Conyers from Grover Norquist, president,
1290 Americans for Tax Reform; Timothy Head, executive director
1291 of the Faith and Freedom Coalition; Jason Pye, director of
1292 justice reform for FreedomWorks; Craig DeRoche, senior vice
1293 president, Advocacy and Public Policy Prison Fellowship; and
1294 Eli Lehrer, president of R Street Institute in support of
1295 this legislation.

1296 And I would also like to give special thanks, we do not
1297 often do this in this committee; we should do it more often,
1298 but special thanks to our legislative counsel from the
1299 Office of Legislative Counsel, Megan Chasnoff, for her
1300 tremendous work on this bill. Thank you, Megan.

1301 And with that, a reporting quorum being present, the
1302 question is in the motion to report the Bill H.R. 759 as
1303 amended favorably to the House.

1304 Those in favor will respond by saying aye.

1305 Those opposed, no.

1306 The ayes have it, and the bill as amended is ordered
1307 reported favorably. Members will have two days to submit
1308 views, and without objection, the bill will be reported as a
1309 single amendment in the nature of a substitute incorporating
1310 all adopted amendments, and staff is authorized to make
1311 technical and conforming changes. Do not go anywhere. We
1312 have more. Pursuant to notice, I now call up H.R. 2947 for
1313 purposes of markup and move that the committee report the
1314 bill favorably to the House. The clerk will report the
1315 bill.

1316 Ms. Williams. H.R. 2947, to amend title 11 of the
1317 United States Code in order to facilitate the resolution of
1318 insolvent financial institution in bankruptcy.

1319 [The bill follows:]

1320 ***** COMMITTEE INSERT *****

1321 Mr. Goodlatte. Without objection, the bill is
1322 considered as read and open for amendment at any point, and
1323 I will begin by recognizing myself for an opening statement.
1324 In 2008 our economy suffered one of the most significant
1325 financial crises in history. In the midst of the crisis,
1326 and in response to a fear that some financial firms'
1327 failures could cause severe harm to the overall economy, the
1328 Federal Government provided extraordinary taxpayer-funded
1329 assistance in order to prevent certain financial firms'
1330 failures.

1331 In the ensuing years, experts from the financial,
1332 regulatory, legal, and academic communities have examined
1333 how best to prevent another similar crisis from occurring,
1334 and to eliminate the possibility of using taxpayer monies to
1335 bail out failing firms. The Judiciary Committee has
1336 advanced the review of this issue with the aim of crafting a
1337 solution that will better equip our bankruptcy laws to
1338 resolve failing firms, while also encouraging greater

private counter-party diligence in order to reduce the likelihood of another financial crisis. Among other things, this responded to provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act that called for an examination of how to improve the bankruptcy code in this area.

Last Congress, after three hearings the Judiciary Committee favorably reported the Financial Institution Bankruptcy Act, legislation that improved the bankruptcy code to better facilitate a resolution of a financial firm. That legislation was the culmination of a bipartisan process that solicited and incorporated the views of a wide range of leading experts and relevant regulators. The bill ultimately passed the House by a voice vote under suspension of the rules.

This Congress, Representative Trott reintroduced the Financial Institution Bankruptcy Act as H.R. 2947. Following its introduction, the Subcommittee on Regulatory Reform, Commercial, and Antitrust Law conducted a hearing on the bill. The hearing witnesses all supported the legislation, while providing recommendations for further refinements to the bill. Those recommendations have been incorporated into a manager's amendment.

As a result, the bill before us today is the product of a careful, deliberate, and thorough process, and reflects a

diverse range of views from a variety of interested parties. The Financial Institution Bankruptcy Act makes several improvements to the bankruptcy code in order to enhance the prospect of an efficient resolution of a financial firm through the bankruptcy process. The bill allows for a speedy transfer of the operating assets of a financial firm over the course of a weekend. This quick transfer allows the financial firm to continue to operate in the normal course, which preserves the value of the enterprise for the creditors of the bankruptcy without a significant impact on the firm's employees, suppliers, and customers.

The bill also requires expedited judicial review by a bankruptcy judge randomly chosen from a pool of judges designated in advance, and selected by the Chief Justice for their experience, expertise, and willingness to preside over these complex cases.

Furthermore, the legislation provides for key regulatory input throughout the process. The Financial Institution Bankruptcy Act is a bipartisan, balanced approach that increases transparency and predictability in the resolution of a financial firm.

Furthermore, it ensures that shareholders and creditors, not taxpayers, bear the losses related to the failure of a financial company. I am pleased that Ranking Member Conyers joined in introducing this important

1389 legislation, and want to thank him and his staff for their
1390 efforts in developing this bill.

1391 I would also like to thank Chairman Marino of the
1392 Subcommittee on Regulatory Reform, Commercial, and Antitrust
1393 Law, who chaired the hearing on this legislation, and is one
1394 of the original co-sponsors of the bill. I urge my
1395 colleagues to support this important legislation and yield
1396 back. And at this time, it is my pleasure to recognize the
1397 ranking member of the committee, the gentleman from
1398 Michigan, Mr. Conyers, for his opening statement.

1399 [The prepared statement of Chairman Goodlatte follows:]

1400 ***** COMMITTEE INSERT *****

1401 Mr. Conyers. Thank you, Chairman. As an original co-
1402 sponsor of H.R. 2947, there are several reasons I would like
1403 to advance as supporting this measure and finding it to be
1404 of extremely important usefulness. To begin with, the bill
1405 addresses a real need recognized by regulatory agencies,
1406 bankruptcy experts, and the private sector to amend the
1407 bankruptcy law so that it can expeditiously restore trust in
1408 the financial marketplace after the collapse of a major
1409 financial institution.

1410 As we all recall the failure of Lehman Brothers in 2008
1411 caused a worldwide freeze on the availability of credit,
1412 which not only affected Wall Street, but Main Street as
1413 well. Even after Lehman sought bankruptcy relief, the
1414 filing did not prevent the new collapse of our national
1415 economy. The Lehman case revealed that current bankruptcy

law is ill-equipped to deal with complex financial institutions in economic distress. H.R. 2947 addresses these shortcomings by establishing a specialized form of bankruptcy relief, whereby the holding company of a large financial institution could expeditiously obtain such relief, while allowing its operating subsidiaries to function outside of bankruptcy.

Through this mechanism, the debtors' principle assets, such as its secured property, financial contracts, and the stock of its subsidiaries would be transferred to a temporary bridge company, which in turn would liquidate these assets for the benefit of debtors under the supervision of a trustee. This process should reduce the likelihood of disruption to the financial marketplace and avoid any worldwide freeze of the availability of credit.

Now I also support this bill because it appropriately recognizes the important role of Dodd-Frank Act in the regulation of large financial institutions. Without a doubt, the great recession was a direct result of the regulatory equivalent of the Wild West.

What do I mean? In the absence of any meaningful regulation of the mortgage industry, lenders developed high-risk, sub-prime mortgages and used predatory marketing tactics targeting the most vulnerable. These doomed-to-fail mortgages were then securitized and sold to unsuspecting

investors, including pension funds and school districts. Millions of Americans were trapped in mortgages they could no longer afford, causing vast waves of foreclosures, massive unemployment, and international economic upheaval.

The Dodd-Frank Act goes a long way toward reinvigorating a regulatory system that makes the financial marketplace more accountable, more transparent, and more resilient. Nevertheless, H.R. 2947 will make the Dodd-Frank Act even more effective by ensuring the bankruptcy law is better equipped to resolve these companies.

Finally, I am pleased that the bill is the product of a very collaborative, inclusive, and deliberative process. While an excellent measure, it unfortunately does not include any provision allowing the Federal Government to be a lender of last resort, which nearly every expert recognizes is a necessary element to ensure financial stability. I recognize, however, that this is an issue not within the jurisdiction of the House Judiciary Committee. Again, I want to acknowledge the excellent level of cooperation on both sides of the aisle in producing the legislation that is pending before us today. And accordingly, I urge my colleagues to support the measure. I thank the chair and yield back the balance of my time.

[The prepared statement of Mr. Conyers follows:]

1465 ***** COMMITTEE INSERT *****

1466 Chairman Goodlatte. The chair thanks the gentleman.
1467 Without objection, all other members opening statements will
1468 be made a part of the record. I now recognize the gentleman
1469 from Michigan, Mr. Trott, for purposes of offering an
1470 amendment in the nature of substitute.

1471 Mr. Trott. I want to thank the chairman for scheduling
1472 this markup, but also Chairman Marino for his work in moving
1473 this bill forward and also ranking members.

1474 Chairman Goodlatte. Let's call the amendment up first,
1475 and then I will get right back to you. The clerk will
1476 report the amendment.

1477 Ms. Williams. Amendment in the nature of a substitute
1478 to H.R. 2947 offered by Mr. Trott of Michigan.

1479 [The amendment offered by Mr. Trott follows:]

1480 ***** COMMITTEE INSERT *****

1481 Chairman Goodlatte. Without objection, the amendment
1482 in the nature of a substitute is considered as read, and I
1483 now recognize the gentleman from Michigan to explain his
1484 amendment.

1485 Mr. Trott. Thank you, Mr. Chairman, and thank you
1486 again for scheduling this markup, and Chairman Marino for
1487 your efforts in moving the bill forward, and Ranking Member
1488 Conyers for his bipartisan support. The amendment in the
1489 nature of a substitute makes several revisions to the
1490 introduced bill. Most significantly, the amendment removes
1491 the Federal Reserve's ability to initiate an involuntary
1492 bankruptcy petition against a financial institution.

1493 At the July 9th hearing before the Subcommittee on

1494 Regulatory Reform, all of the witnesses testified in support
1495 of this revision. The witnesses stated that it was highly
1496 unlikely that an involuntary petition would ever be filed,
1497 and that the Federal Reserve already has sufficient
1498 regulatory power to compel a financial institution into a
1499 subchapter-five bankruptcy process.

1500 The amendment also clarifies that the chief judge of
1501 the Court of Appeals for the district in which the
1502 subchapter-five case has commenced will be the person who
1503 randomly selects the bankruptcy judge to preside over the
1504 case from the predesignated pool of judges. This revision
1505 reflects comments provided by the administrative office of
1506 the courts.

1507 Finally, the legislation makes several clarifying,
1508 technical revisions to the introduced text; for example, the
1509 amendment clarifies that the term "agreement" includes
1510 qualified financial contracts, as well as revises the short
1511 title to refer to the year 2016, rather than 2015.

1512 Mr. Chairman, we all see the deep frustration in the
1513 American people. While families are working hard to pay
1514 their taxes, far too often Washington seems to waste tax
1515 money and has proven to be a bad steward of our Nation's
1516 finances. Many of us were disappointed to see \$700 billion
1517 spent on bailing out failed financial institutions back in
1518 2008.

1519 The American people should not be on the hook for the
1520 failures of bad businesses practices. That is why this
1521 important effort is aimed at reducing the risks of another
1522 taxpayer-funded bailout of failing banks, and reducing the
1523 risk of disruption to our economy by the failure of a large
1524 financial institution. The legislation protects taxpayers
1525 by reforming the process of how banks proceed through
1526 bankruptcy. The single point of entry contemplated in H.R.
1527 2947 is also available utilizing the FDIC as a receiver,
1528 pursuant to Title II of Dodd-Frank.

1529 H.R. 2947 makes the single-point-of-entry solution
1530 available through the bankruptcy code as well. Many
1531 commentators believe a bankruptcy solution to handle the
1532 failure of a large, systemically important financial
1533 institution is a preferable resolution strategy. The
1534 individuals who testified before our committee indicated
1535 that transparency, due process, impartial administration,
1536 and the precedence associated with the bankruptcy process
1537 will provide an orderly process, which in turn will minimize
1538 the risk of significant disruption to the financial system,
1539 and will also place the risks of loss appropriately on
1540 shareholders and creditors, and not the American taxpayer.

1541 Finally, under my plan, the bankruptcy process will be
1542 handled by an experienced judge who has the expertise to
1543 implement critical decisions within extremely tight

timeframes to ensure the continuity and stability in our global markets. This bill is the kind of commonsense legislation that I believe offers important solutions, protects the American people, protects our economy, and is deserving of bipartisan support. I encourage all my colleagues on the committee to support this effort. Thank you, and I yield back.

Mr. Conyers. Mr. Chairman?

Chairman Goodlatte. What purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. I rise in support of this manager's amendment.

Chairman Goodlatte. The gentleman is recognized for five minutes.

Mr. Conyers. And to congratulate my colleague from Michigan, Mr. Trott, for his proposal here today. The amendment eliminates one of the problematic provisions of H.R. 2947, the Financial Institution Bankruptcy Act, that witnesses cited at the hearing held on this legislation last year.

As many of you know, Title 2 of the Dodd-Frank Act authorizes the Federal Reserve Board, under certain circumstances, to involuntarily place a systematically important financial institution into an orderly resolution process. As originally drafted, H.R. 2947 gave similar

1569 powers to the Board whereby it could apply to the court for
1570 an order, forcing the financial institution involuntarily
1571 into the specialized form of bankruptcy relief established
1572 under the bill.

1573 Based on testimony received at the hearing from the
1574 National Bankruptcy Conference and other witnesses, as well
1575 as informal consultations held with interested parties, it
1576 was determined that this authority was unnecessary, and that
1577 it possibly presented due process concerns given the
1578 contracted 48-hour timeframe that the bill provides for the
1579 court to make its required determination.

1580 Also, in response to informal suggestions provided by
1581 the Administrative Office of the United States Courts, the
1582 amendment revises the bill's provisions concerning notice
1583 provided to the Federal courts and judge selection.

1584 And finally, the amendment makes a number of technical
1585 revisions, clarifying the treatment of qualified financial
1586 contracts.

1587 So in sum, this amendment improves the bill from both
1588 substantive as well as technical perspectives, and
1589 accordingly, I support it and urge my colleagues to do so as
1590 well. Mr. Chairman, I yield back the balance of my time.

1591 Chairman Goodlatte. The chair thanks the gentleman.
1592 Are there any amendments to the amendment? The question is
1593 on the amendment in the nature of a substitute to H.R. 2947.

1594 Those in favor respond by saying aye.

1595 Those opposed, no.

1596 In the opinion of the chair, the ayes have it, and the
1597 amendment is agreed to. Reporting quorum being present, the
1598 question is on the motion to report the bill H.R. 2947 as
1599 amended favorably to the House.

1600 Those in favor, respond by saying aye.

1601 Those opposed, no.

1602 Mr. Trott. Mr. Chairman, I ask for the yeas and nays.

1603 Chairman Goodlatte. The yeas and nays have been
1604 requested, and the clerk will call the roll.

1605 Ms. Williams. Mr. Goodlatte?

1606 Chairman Goodlatte. Aye.

1607 Ms. Williams. Mr. Goodlatte votes aye.

1608 Mr. Sensenbrenner?

1609 [No response.]

1610 Mr. Smith?

1611 [No response.]

1612 Mr. Chabot?

1613 Mr. Chabot. Aye.

1614 Ms. Williams. Mr. Chabot votes aye.

1615 Mr. Issa?

1616 [No response.]

1617 Mr. Forbes?

1618 [No response.]

1619 Mr. King?
1620 Mr. King. Aye.
1621 Ms. Williams. Mr. King votes aye.
1622 Mr. Franks?
1623 Mr. Franks. Aye.
1624 Ms. Williams. Mr. Franks votes aye.
1625 Mr. Gohmert?
1626 Mr. Gohmert. Aye.
1627 Ms. Williams. Mr. Gohmert votes aye.
1628 Mr. Jordan?
1629 [No response.]
1630 Mr. Poe?
1631 [No response.]
1632 Mr. Chaffetz?
1633 Mr. Chaffetz. Aye.
1634 Ms. Williams. Mr. Chaffetz votes aye.
1635 Mr. Marino?
1636 Mr. Marino. Yes.
1637 Ms. Williams. Mr. Marino votes yes.
1638 Mr. Gowdy?
1639 Mr. Gowdy. Yes.
1640 Ms. Williams. Mr. Gowdy votes yes.
1641 Mr. Labrador?
1642 Mr. Labrador. Yes.
1643 Ms. Williams. Mr. Labrador votes yes.

1644 Mr. Farenthold?
1645 [No response.]
1646 Mr. Collins?
1647 Mr. Collins. Aye.
1648 Ms. Williams. Mr. Collins votes aye.
1649 Mr. DeSantis?
1650 Mr. DeSantis. Aye.
1651 Ms. Williams. Mr. DeSantis votes aye.
1652 Ms. Walters?
1653 [No response.]
1654 Mr. Buck?
1655 [No response.]
1656 Mr. Ratcliffe?
1657 Mr. Ratcliffe. Yes.
1658 Ms. Williams. Mr. Ratcliffe votes yes.
1659 Mr. Trott?
1660 Mr. Trott. Yes.
1661 Ms. Williams. Mr. Trott votes yes.
1662 Mr. Bishop?
1663 Mr. Bishop. Aye.
1664 Ms. Williams. Mr. Bishop votes aye.
1665 Mr. Conyers?
1666 Mr. Conyers. Aye.
1667 Ms. Williams. Mr. Conyers votes aye.
1668 Mr. Nadler?

1669 Mr. Nadler. Aye.

1670 Ms. Williams. Mr. Nadler votes aye.

1671 Ms. Lofgren?

1672 Ms. Lofgren. Aye.

1673 Ms. Williams. Ms. Lofgren votes aye.

1674 Ms. Jackson-Lee?

1675 [No response.]

1676 Mr. Cohen?

1677 [No response.]

1678 Mr. Johnson?

1679 [No response.]

1680 Mr. Pierluisi?

1681 [No response.]

1682 Ms. Chu?

1683 Ms. Chu. Aye.

1684 Ms. Williams. Ms. Chu votes aye.

1685 Mr. Deutch?

1686 [No response.]

1687 Mr. Gutierrez?

1688 [No response.]

1689 Ms. Bass?

1690 [No response.]

1691 Mr. Richmond?

1692 [No response.]

1693 Ms. DelBene?

1694 Ms. DelBene. Aye.

1695 Ms. Williams. Ms. DelBene votes aye.

1696 Mr. Jefferies?

1697 [No response.]

1698 Mr. Cicilline?

1699 Mr. Cicilline. Aye.

1700 Ms. Williams. Mr. Cicilline votes aye.

1701 Mr. Peters?

1702 Mr. Peters. Aye

1703 Ms. Williams. Mr. Peters votes aye.

1704 Chairman Goodlatte. The gentleman from Virginia.

1705 Mr. Forbes. Aye.

1706 Ms. Williams. Mr. Forbes votes aye.

1707 Chairman Goodlatte. The gentleman from Colorado?

1708 Mr. Buck. Aye.

1709 Ms. Williams. Mr. Buck votes aye.

1710 Chairman Goodlatte. The gentlewoman from California,

1711 Ms. Chu? Oh, sorry. The gentleman from Tennessee?

1712 Mr. Cohen. Aye.

1713 Ms. Williams. Mr. Cohen votes aye. Do you have 24?

1714 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

1715 Mr. Poe. Yes.

1716 Ms. Williams. Mr. Poe votes yes.

1717 Chairman Goodlatte. The gentlewoman from Washington,

1718 Ms. DelBene? She has already voted. Has every member voted

1719 who wishes to vote? The clerk will report.

1720 Ms. Williams. Mr. Chairman, 25 members voted aye, zero
1721 members voted no.

1722 Chairman Goodlatte. And the ayes have it. And the
1723 bill, as amended, is ordered reported favorably. Members
1724 will have two days to submit views.

1725 Without objection, the bill will be reported as a
1726 single amendment in the nature of a substitute incorporating
1727 all adopted amendments, and staff is authorized to make
1728 technical and conforming changes.

1729 This concludes our business today. I want to thank all
1730 the members for their participation, and we thank you all
1731 for attending, and for your good work on both these bills in
1732 a very bipartisan fashion, and the markup is adjourned.

1733 [Whereupon, at 11:51 a.m., the committee adjourned
1734 subject to the call of the chair.]