We are grateful for the Clean Up the Code Act, and I ask my colleagues to support H.R. 7093.

Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I urge adoption of H.R. 7093, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I would like to recognize and thank for their efforts Representative STEVE CHABOT and Representative HANK JOHNSON for their work on this bill.

I ask my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. COLLINS) that the House suspend the rules and pass the bill, H.R. 7093.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

JUSTICE AGAINST CORRUPTION ON K STREET ACT OF 2018

Mr. COLLINS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2896) to require disclosure by lobbyists of convictions for bribery, extortion, embezzlement, illegal kickbacks, tax evasion, fraud, conflicts of interest, making false statements, perjury, or money laundering.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Justice Against Corruption on K Street Act of 2018'' or the ''JACK Act''.

SEC. 2. DISCLOSURE OF CORRUPT MALPRACTICE BY LOBBYISTS.

(a) REGISTRATION.—Section 4(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (6) the following:

''(7) for any listed lobbyist who was convicted in a Federal or State court of an offense involving bribery, extortion, embezzlement, an illegal kickback, tax evasion, fraud, a conflict of interest, making a false statement, perjury, or money laundering, the date of the conviction and a description of the offense.''.

(b) QUARTERLY REPORTS.—Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for any listed lobbyist who was convicted in a Federal or State court of an offense involving bribery, extortion, embezzlement, an illegal kickback, tax evasion, fraud, a conflict of interest, making a false statement, perjury, or money laundering, the date of the conviction and a description of the offense.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. COLLINS) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 2896, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support S. 2896, the JACK Act. This bill applies to the penalties for failure to disclose under the Lobbying Disclosure Act, failure to disclose State or Federal court convictions for the offences of bribery, extortion, embezzlement, fraud, and tax evasion.

Mr. Speaker, I would urge all my colleagues to support this bill, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as well in support of S. 2896, the Justice Against Corruption on K Street Act of 2018, also known as the JACK Act.

The JACK Act would require lobbyists to publicly disclose any State or Federal convictions for certain crimes of character, such as bribery, extortion, embezzlement, illegal kickbacks, tax evasion, fraud, conflicts of interest, making false statements, perjury, or money laundering.

As many of you have known, this bill impacts lobbyists and impacts individuals, such as Mr. Abramoff, who pleaded guilty to a number of counts in 2006.

This is an important bill that was sponsored by Mr. COHEN, and I ask my colleagues to support this legislation, again, S. 2896, the Justice Against Corruption on K Street Act of 2018, the JACK Act.

Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I urge adoption of S. 2896, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I urge adoption of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. COLLINS) that the House suspend the rules and pass the bill, S. 2896.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

VICTIMS OF CHILD ABUSE REAUTHORIZATION ACT of 2018

Mr. COLLINS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2961) to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Victims of Child Abuse Act Reauthorization Act of 2018''.

SEC. 2. REAUTHORIZATION.

(a) FINDINGS.—Section 211 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20301) is amended—

(1) in paragraph (1), by striking ''2,000,000'' and inserting ''3,300,000'';

(2) in paragraph (6)—

(A) by inserting ''improve positive outcomes for the child,'' before ''and increase''; and

(B) by striking ''; and'' and inserting a semicolon;

(3) in paragraph (7), by striking ''could be duplicated in many jurisdictions throughout the country.'' and inserting ''have expanded dramatically throughout the United States; and''; and

(4) by adding at the end the following:

''(8) State chapters of children's advocacy center networks are needed to—

''(A) assist local communities in coordinating their multidisciplinary child abuse investigation, prosecution, and intervention services; and

''(B) provide oversight of, and training and technical assistance in, the effective delivery of evidence-informed programming.''.

(b) DEFINITIONS.—Section 212 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20302) is amended—

(1) by striking paragraphs (3) and (6);

(2) by redesignating paragraphs (4), (5), (7), (8), and (9) as paragraphs (3), (4), (5), (6), and (7), respectively;

(3) in paragraph (6), as so redesignated, by striking ''and'' at the end;

(4) in paragraph (7), as so redesignated, by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(8) the term 'State chapter' means a membership organization that provides technical assistance, training, coordination, grant administration, oversight, and support to local children's advocacy centers, multidisciplinary teams, and communities working to implement a multidisciplinary response to child abuse in the provision of evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.''.

(c) REGIONAL CHILDREN'S ADVOCACY CENTERS.—Section 213 of the Victims of Child

Abuse Act of 1990 (34 U.S.C. 20303) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''with the Director and''

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(D) in paragraph (2), as so redesignated, by striking ''and'' at the end;

(E) in paragraph (3), as so redesignated—

(i) by inserting after ''mental health care professionals'' the following: '', law enforcement officers, child protective service workers, forensic interviewers, prosecutors, and victim advocates,'';

(ii) by striking ''medical'' each place that term appears; and

(iii) by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(4) collaborate with State chapters to provide training, technical assistance, coordination, and oversight to—

''(A) local children's advocacy centers; and

''(B) communities that want to develop local children's advocacy centers.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking '', in coordination with the Director,'';

(ii) in subparagraph (A), by inserting ''and'' at the end;

(iii) in subparagraph (B), by striking ''the prevention, judicial handling, and treatment of child abuse and neglect; and'' and inserting ''multidisciplinary team investigation, trauma-informed interventions, and evidence-informed treatment,''; and

(iv) by striking subparagraph (C); and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''communities'' and inserting ''communities, local children's advocacy centers, multidisciplinary teams, and State chapters'';

(II) in clause (i), by inserting ''and expanding'' after ''developing'';

(III) by redesignating clauses (ii) through (x) as clauses (iii) through (xi), respectively;

(IV) by inserting after clause (i) the following:

''(ii) in promoting the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in—

''(I) organizational support and development;

''(II) programmatic evaluation; and

''(III) financial oversight of Federal funding;'';

(V) in clause (iii), as so redesignated, by striking ''a freestanding facility where interviews of and services for abused children can be provided'' and inserting ''child-friendly facilities for the investigation of, assessment of, and intervention in abuse''; and

(VI) in clause (iv), as so redesignated, by striking ''multiple'' and inserting ''duplicative''; and

(ii) in subparagraph (B), by inserting ''and interested communities'' after ''advocacy centers'';

(3) in subsection (c)—

(A) in paragraph (2)(C), by striking ''remedial counseling to'' and inserting ''evidence-informed services for'';

(B) in paragraph (3)(A)(ii), by striking ''multidisciplinary child abuse program'' and inserting ''children's advocacy center''; and

(C) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking '', in coordination with the Director,'';

(ii) by striking clause (iii); and

(iii) by redesignating clauses (iv) and (v) as clauses (iii) and (iv), respectively;

(4) in subsection (d)—

(A) in paragraph (1), by striking '', in coordination with the Director,'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''and the Director''; and

(C) in paragraph (3), by striking ''DISCONTINUATION OF FUNDING.—'' and all that follows through ''Upon discontinuation'' and inserting the following: ''DISCONTINUATION OF FUNDING.—Upon discontinuation''; and

(5) by striking subsections (e) and (f).

(d) LOCAL CHILDREN'S ADVOCACY CENTERS.—Section 214 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20304) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Administrator, in coordination with the Director of the Office of Victims of Crime, shall make grants to—

''(1) develop and enhance multidisciplinary child abuse investigations, intervention, and prosecution; and

''(2) promote the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.'';

(2) in subsection (b)—

(A) in the subsection heading, by inserting ''HUMAN TRAFFICKING AND'' before ''CHILD PORNOGRAPHY'';

(B) by striking ''with the Director and''; and

(C) by inserting ''human trafficking and'' before ''child pornography'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Director'' and inserting ''Administrator''; and

(ii) by striking ''this section'' and inserting ''subsections (a) and (b)''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''social service'' and inserting ''child protective service'';

(ii) in subparagraph (B), by striking ''the 'counseling center'' and inserting ''a 'children's advocacy center' '';

(iii) in subparagraph (C), by striking ''sexual and serious physical abuse and neglect cases to the counseling center'' and inserting ''child abuse cases that meet designated referral criteria to the children's advocacy center'';

(iv) in subparagraph (D)—

(I) by striking ''investigative'' and inserting ''forensic''; and

(II) by striking ''social service'' and inserting ''child protective service'';

(v) by striking subparagraph (E);

(vi) by redesignating subparagraphs (F) through (J) as subparagraphs (E) through (I), respectively;

(vii) in subparagraph (E), as so redesignated, by striking ''counseling center'' and inserting ''children's advocacy center or an agency with which there is a linkage agreement regarding the delivery of multidisciplinary child abuse investigation, prosecution, and intervention services'';

(viii) in subparagraph (F), as so redesignated, by striking ''minimize the number of interviews that a child victim must attend'' and inserting ''eliminate duplicative forensic interviews with a child victim'';

(ix) in subparagraph (G), as so redesignated, by striking ''multidisciplinary program'' and inserting ''children's advocacy center'';

(x) in subparagraph (H), as so redesignated, by inserting ''intervention and'' before ''judicial proceedings''; and

(xi) in subparagraph (I), as so redesignated, by striking ''Director'' and inserting ''Administrator'';

(4) in subsection (d)—

(A) by striking ''the Director'' and inserting ''the Administrator''; and

(B) by striking ''both large and small States'' and inserting ''all States that are eligible for such grants, including large and small States,''; and

(5) by adding at the end the following:

''(f) GRANTS TO STATE CHAPTERS FOR ASSISTANCE TO LOCAL CHILDREN'S ADVOCACY CENTERS.—In awarding grants under this section, the Administrator shall ensure that a portion of the grants is distributed to State chapters to enable State chapters to provide technical assistance, training, coordination, and oversight to other recipients of grants under this section in providing evidence-informed initiatives, including mental health counseling, forensic interviewing, multidisciplinary team coordination, and victim advocacy.''.

(e) GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20305) is amended—

(1) in subsection (a), by striking ''to attorneys'' and all that follows and inserting the following: ''to—

''(1) attorneys and other allied professionals instrumental to the criminal prosecution of child abuse cases in State or Federal courts, for the purpose of improving the quality of criminal prosecution of such cases; and

''(2) child abuse professionals instrumental to the protection of children, intervention in child abuse cases, and treatment of victims of child abuse, for the purpose of—

''(A) improving the quality of such protection, intervention, and treatment; and

''(B) promoting the effective delivery of the evidence-informed Children's Advocacy Model and the multidisciplinary response to child abuse, including best practices in programmatic evaluation and financial oversight of Federal funding.'';

(2) by striking subsection (b) and inserting the following:

''(b) GRANTEE ORGANIZATIONS.—

''(1) PROSECUTORS.—An organization to which a grant is made for specific training and technical assistance for prosecutors under subsection (a)(1) shall be one that has—

''(A) a broad representation of attorneys who prosecute criminal cases in State courts; and

''(B) demonstrated experience in providing training and technical assistance for prosecutors.

''(2) CHILD ABUSE PROFESSIONALS.—An organization to which a grant is made for specific training and technical assistance for child abuse professionals under subsection (a)(2) shall be one that has—

''(A) a diverse portfolio of training and technical resources for the diverse professionals responding to child abuse, including a digital library to promote evidence-informed practice; and

''(B) demonstrated experience in providing training and technical assistance for child abuse professionals, especially law enforcement officers, child protective service workers, prosecutors, forensic interviewers, medical professionals, victim advocates, and mental health professionals.''; and

(3) in subsection (c)(2), by inserting after ''shall require'' the following: '', in the case of a grant made under subsection (a)(1),''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 214B of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20306) is amended—

(1) in subsection (a), by striking ''sections 213 and 214'' and all that follows and inserting the following: ''sections 213 and 214, $16,000,000 for each of fiscal years 2019 through 2023.''; and

(2) in subsection (b), by striking ''section 214A'' and all that follows and inserting the following: ''section 214A, $5,000,000 for each of fiscal years 2019 through 2023.''.

(g) ACCOUNTABILITY.—Section 214C of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20307) is amended—

(1) by striking ''All grants awarded'' and inserting the following:

''(a) IN GENERAL.—All grants awarded''; and

(2) by adding at the end the following:

''(b) REPORTING.—Not later than March 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

''(1) summarizes the efforts of the Administrator to monitor and evaluate the regional children's advocacy program activities under section 213(d);

''(2) describes—

''(A) the method by which amounts are allocated to grantees and subgrantees under this subtitle, including to local children's advocacy centers, State chapters, and regional children's advocacy program centers; and

''(B) steps the Attorney General has taken to minimize duplication and overlap in the awarding of amounts under this subtitle; and

''(3) analyzes the extent to which both rural and urban populations are served under the regional children's advocacy program.''.

(h) TECHNICAL AND CONFORMING AMENDMENTS RELATING TO TITLE 34, UNITED STATES CODE.—The Victims of Child Abuse Act of 1990 (34 U.S.C. 20301 et seq.) is amended—

(1) in section 212(1) (34 U.S.C. 20302), by striking ''(42 U.S.C. 5611(b))'' and inserting ''(34 U.S.C. 11111(b))'';

(2) in section 214(c)(1) (34 U.S.C. 20304(c)(1)), by striking ''(42 U.S.C. 5665 et seq.)'' and inserting ''(34 U.S.C. 11183, 11186)'';

(3) in section 214A(c)(1) (34 U.S.C. 20305(c)(1)), by striking ''(42 U.S.C. 5665 et seq.)'' and inserting ''(34 U.S.C. 11183, 11186)'';

(4) in section 217(c)(1) (34 U.S.C. 20323(c)(1)), by striking ''(42 U.S.C. 5665 et seq.)'' and inserting ''(34 U.S.C. 11183, 11186)''; and

(5) in section 223(c) (34 U.S.C. 20333(c)), by striking ''(42 U.S.C. 5665 et seq.)'' and inserting ''(34 U.S.C. 11183, 11186)''.

SEC. 3. IMMUNITY PROTECTIONS FOR REPORTERS OF CHILD ABUSE.

(a) STATE PLANS.—Section 106(b)(2)(B)(vii) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(2)(B)(vii)) is amended to read as follows:

''(vii) provisions for immunity from civil or criminal liability under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect, or who otherwise provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect;''.

(b) FEDERAL IMMUNITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any individual making a good faith report to appropriate authorities of a suspected or known instance of child abuse or neglect, or who otherwise, in good faith, provides information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect shall not be subject to civil liability or criminal prosecution, under any Federal law, rising from making such report or providing such information or assistance.

(2) PRESUMPTION OF GOOD FAITH.—In a Federal civil action or criminal prosecution brought against a person based on the person's reporting a suspected or known instance of child abuse or neglect, or providing information or assistance with respect to such a report, as described in paragraph (1), there shall be a presumption that the person acted in good faith.

(3) COSTS.—If the defendant prevails in a Federal civil action described in paragraph (2), the court may award costs and reasonable attorney's fees incurred by the defendant.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. COLLINS) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 2961, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation takes a number of positive steps to protect children; for example, it reauthorizes the appropriation of Federal grant funds until 2023 for the Department of Justice programs to prevent child abuse and assist victims of such crimes.

In doing so, the bill also provides important liability protection for mandatory reporters such as, and including, pediatricians, educators, and law enforcement. This will protect these individuals from criminal and civil liability from not just reporting suspected child abuse, which they are mandated to do, but also for assisting with investigations of suspected child abuse.

Mr. Speaker, as a father, I can think of no greater responsibility than protecting the most vulnerable among us, our children.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of S. 2961, the Victims of Child Abuse Act Reauthorization. This bill updates and reauthorizes this important law so that we can better prevent and address child abuse in our communities.

This is very important legislation, just for the fact of the number of children that are abused. In my own community in Texas and in the city of Houston, we have had some atrocious cases; one just reported in our newspaper of a 5-year-old under a stairwell, locked, lying flat on his back, weighing 70 pounds, with no food and water, abused by two parents, the step-child of one of the parents. What a horrific and horrible life.

The Administration for Children and Families reported that over 4.1 million referrals for 7.4 million children were made to Child Protective Services in the United States in 2016.

Our Federal Government must provide resources to ensure that these cases are carefully, compassionately, and comprehensively addressed at the local level.

This bill recognizes the sensitivity of these issues and helps integrate social services, mental and physical healthcare, and law enforcement.

With the resources and legislative updates in this bill, child advocacy centers can extend their outreach to underserved communities and expand programs, such as offering longer term counseling.

Mr. Speaker, I want to thank Representatives POE and COSTA here in the House and Senators BLUNT and COONS in the Senate for leadership on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I just want to emphasize it couldn't be a better day for us, especially with the First Step Act and the things we are moving forward on criminal justice. I join the gentlewoman from Texas in saying this is a good bill, and I urge adoption.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I include in the RECORD several letters dealing with S. 756: a letter from the ACLU; a letter from the Judicial Conference of the United States; and a letter from the Center for American Progress.

THE LEADERSHIP CONFERENCE, ACLU,
Washington, DC, December 19, 2018.

Re THE ACLU AND THE LEADERSHIP CONFERENCE URGE YOU TO SUPPORT 5.756, THE FIRST STEP Act.

Hon. PAUL D. RYAN,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: On behalf of the American Civil Liberties Union (ACLU) and The Leadership Conference on Civil and Human Rights, we write to urge you to vote YES on S. 756, the FIRST STEP Act. This legislation is a next step towards desperately needed federal criminal justice reform, but for all its benefits, much more needs to be done. The inclusion of concrete sentencing reforms in the new and improved Senate version of the FIRST STEP Act is a modest improvement, but many people will be left in prison to serve long draconian sentences because some provisions of the legislation are not retroactive. The revised FIRST STEP Act, however, is not without problems. The bill continues to exclude individuals from benefiting from some provisions based solely on their

prior offenses, namely citizenship and immigration status, as well as certain prior drug convictions and their ''risk score'' as determined by a discriminatory risk assessment system. While these concerns remain a priority for our organizations and we will advocate for improvements in the future, ultimately the improvements to the federal sentencing scheme will have a net positive impact on the lives of some of the people harmed by our broken justice system and we urge you to vote YES on S. 756. The ACLU and The Leadership Conference will include your votes on our updated voting scorecards for the 115th Congress.

Over the past four to five decades, U.S. criminal justice policies have driven an increase in incarceration rates that is unprecedented in this country and unmatched elsewhere in the world. Our country has over 20 percent of the world's incarcerated individuals, despite having less than five percent of the world's population. In 2015, the U.S. Justice Department's Bureau of Justice Statistics estimated that 6.7 million persons were involved in the adult correctional systems in this country and almost 2.2 millions were in prisons or jail. More than 180,000 of these people are in federal prison, almost half of whom are there for drug offenses.

The most recent data indicate that the United States spends almost $81 billion per year on corrections systems—prisons, jails, parole, and probation—and this figure does not include the costs of policing and court systems. The cost of the federal Bureau of Prisons (BOP) accounts for nearly a third of the Department of Justice's discretionary budget. Federal incarceration has become one of our nation's biggest expenditures, swallowing the budget of federal law enforcement. It costs more than $36,000 a year to house just one federal inmate, almost four times the average yearly cost of tuition at a public university.

While the dollar amounts are astounding, the toll that our U.S. criminal justice policies have taken on black and brown communities across the nation goes far beyond the enormous amount of money that is spent. This country's extraordinary incarceration rates impose much greater costs than simply the fiscal expenditures necessary to incarcerate over 20 percent of the world's prisoners. The true costs of this country's addiction to incarceration must be measured in human lives and particularly the generations of young black and Latino men who serve long prison sentences and are lost to their families and communities. The Senate version of the FIRST STEP Act makes some modest improvements to the current federal system.

I. Sentencing Reform Changes to House-passed FIRST STEP Act—Sentencing reform is the key to slowing down the flow of people going into our prisons. This makes sentencing reform pivotal to addressing mass incarceration, prison overcrowding, and the exorbitant costs of incarceration. As a result of our coalition's advocacy, the new FIRST STEP Act added some important sentencing reform provisions from SRCA, which will aid us in tackling these issues on the federal level. These important changes in federal law will result in fewer people being subjected to harsh mandatory minimums.

Expands the Existing Safety Valve. The revised bill expands eligibility for the existing safety valve under 18 U.S.C. 3553(f) from one to four criminal history points if a person does not have prior 2-point convictions for crimes of violence or drug trafficking offenses and prior 3-point convictions. Under the expanded safety valve, judges will have discretion to make a person eligible for the safety valve in cases where the seriousness of his or her criminal history is overrepresented, or it is unlikely he or she would commit other crimes. This crucial expansion of the safety valve will reduce sentences for an estimated 2,100 people per year.

Retroactive Application of Fair Sentencing Act (FSA). The new version of FIRST STEP Act would retroactively apply the statutory changes of the Fair Sentencing Act of 2010 (FSA), which reduced the disparity in sentence lengths between crack and powder cocaine. This change in the law will allow people who were sentenced under the harsh and discriminatory 100 to 1 crack to powder cocaine ratio to be resentenced under the 2010 law. This long overdue improvement would allow over 2,600 people the chance to be resentenced.

Reforms the Unfair Two-Strikes and Three-Strikes Laws. The new version of FIRST STEP would reduce the impact of certain mandatory minimums. It would reduce the mandatory life sentence for a third drug felony to a mandatory minimum sentence of 25 years and reduce the 20-year mandatory minimum for a second drug felony to 15 years.

Eliminates 924(c) ''stacking''. The revised bill would also amend 18 U.S.C. 924(c), which currently allows ''stacking,'' or consecutive sentences for gun charges stemming from a single incident committed during a drug crime or a crime of violence. The legislation would require a prior gun conviction to be final before a person could be subject to an enhanced sentence for possession of a firearm. This provision in federal law has resulted in very long and unjust sentences.

II. Prison Reform Changes to House-passed FIRST STEP Act, H.R. 3356—The revised bill also made some strides in improving some of the problematic prison reform provisions. The new bill strengthened oversight over the new risk assessment system, limited the discretion of the attorney general, and increased funding for prison programming, among other things. The bill now does the following:

Establishes an Independent Review Committee. The revised bill establishes an Independent Review Committee (IRC) of outside experts to assist the Attorney General in the development of the risk and needs assessment system. The National Institute of Justice would select a nonpartisan, nonprofit organization with expertise in risk and needs assessments to host the IRC. This added guardrail will help to ensure the risk and needs assessment system is evidence-based and potentially help to mitigate any harms.

Permits Early Community Release and Loosens Restrictions on Home Confinement. The House-passed FIRST STEP Act limited the use of earned credits to time in prerelease custody (halfway house or home confinement). The revised bill would expand the use of earned credits to supervised release in the community. The bill also would permit individuals in home confinement to participate in family-related activities that facilitate the prisoner's successful reentry.

Increased Funding for Prison Reforms. The revised bill would authorize $75 million annually, a 50 percent increase over the House-passed bill's $50 million annual authorization.

Limits Discretion to Deny Early Release. The revised bill strikes language giving the BOP Director and/or the prison warden broad discretion to deny release to individuals who meet all eligibility criteria.

Mandates BOP Capacity. The revised bill mandates that BOP ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners. This helps to address concerns that individuals would be unable to use their earned credits because of waiting lists for prerelease custody.

Effectively Ends Federal Juvenile Solitary Confinement. The revised bill significantly restricts juvenile solitary confinement, which can cause substantial psychological damage.

Reauthorizes Second Chance Act. The revised bill reauthorizes the Second Chance Act, which provides federal funding for drug treatment, vocational training, and other reentry and recidivism programming.

While these revisions to the bill were critical to garnering our support, we must acknowledge that some of the more concerning aspects of the House-passed version of the FIRST STEP Act remain.

III. Outstanding Concerns Regarding the FIRST STEP Act—The bill continues to exclude too many people from earning time credits, including those convicted of immigration-related offenses. It does not retroactively apply its sentencing reform provisions to people convicted of anything other than crack convictions, continues to allow for-profit companies to benefit off of incarceration, fails to address parole for juveniles serving life sentences in federal prison, and expands electronic monitoring.

Fails to Include Retroactivity for Enhanced Mandatory Minimum Sentences for Prior Drug Offenses & 924(c) ''stacking.'' The bill does not include retroactivity for its sentencing reforms besides the long-awaited retroactivity for the Fair Sentencing Act of 2010. This minimizes the overall impact substantially. Retroactivity is a vital part of any meaningful sentencing reform. Not only does it ensure that the changes we make to our criminal justice system benefit the people most impacted by it, but it's also one of the essential policy changes to reduce mass incarceration. The federal prison population has fallen by over 38,000 since 2013 thanks in large part to retroactive application of sentencing guidelines approved by the U.S. Sentencing Commission. More than 3,000 people will be left in prison without retroactive application of the ''three strikes'' law and the change to the 924(c) provisions in the FIRST STEP Act.

Excludes Too Many Federal Prisoners from New Earned Time Credits. The bill continues to exclude many federal prisoners from earning time credits and excludes many federal prisoners from being able to ''cash in'' the credits they earn. The long list of exclusions in the bill sweep in, for example, those convicted of certain immigration offenses and drug offenses. Because immigration and drug offenses account for 53.3 percent of the total federal prison population, many people could be excluded from utilizing the time credits they earned after completing programming. The continued exclusion of immigrants from the many benefits of the bill simply based on immigration status is deeply troubling. The Senate version of FIRST STEP maintains a categorical exclusion of people convicted of certain immigration offenses from earning time credits under the bill. The new version of the bill also bars individuals from using the time credits they have earned if they have a final order of removal. More than 12,000 people are currently in federal prison for immigration offenses and are disproportionately people of color. Thus, a very large number of people in federal prison would not reap the benefits proposed in this bill and a disproportionate number of those excluded would be people of color. Denying early-release credits to certain people also reduces their incentive to complete the rehabilitative programs and contradicts the goal of increasing public safety. Any reforms enacted by Congress should impact a significant number of people in federal prison and reduce racial disparities or they will have little effect on the fiscal and human costs of incarceration.

Allows Private Prison Companies to Profit. The bill also maintains concerning provisions that could privatize government functions and allow the Attorney General excessive discretion. FIRST STEP provides that in order to expand programming, BOP shall enter into partnerships with private organizations and companies under policies developed by the Attorney General, ''subject to appropriations.'' This could result in the further privatization of what should be public functions and would allow private entities to unduly profit from incarceration.

Relies on Discriminatory Risk Assessment System. The bill continues to give the Bureau of Prisons and the Attorney General too much discretion in the design, implementation, and review of the tool, including the ability for the BOP to use an existing tool. It also continues to misuse terminology (i.e. recidivism risk vs. risk categories), inappropriately ties risk categories to earned time credits, and fails to properly safeguard against unwarranted racial disparities.

Fails to Include Parole for Juveniles, Sealing and Expungement. Under SRCA, judges would have discretion to reduce juvenile life without parole sentences after 20 years. It would also permit some juveniles to seal or expunge non-violent convictions from their record. The FIRST STEP Act does not address these important bipartisan provisions.

IV. Conclusion

Bringing fairness and dignity to our justice system is one of the most important civil and human rights issues of our time. The revised version of the FIRST STEP Act is a modest, but important move towards achieving some meaningful reform to the criminal legal system. While the bill continues to have its problems, and we will fight to address those in the future, it does include concrete sentencing reforms that would impact people's lives. For these reasons, we urge you to vote YES on S. 756.

Ultimately, the First Step Act is not the end—it is just the next in a series of efforts over the past 10 years to achieve important federal criminal justice reform. Congress must take many more steps to undo the harms of the tough on crime policies of the 80's and 90's—to create a system that is just and equitable, significantly reduces the number of people unnecessarily entering the system, eliminates racial disparities, and creates opportunities for second chances.

If you have any additional questions, please feel free to contact Jesselyn McCurdy, Deputy Director, ACLU Washington Legislative Office, at jmccurd@aclu.org or (202) 675–2307 or Sakira Cook, Director, Justice Program, The Leadership Conference, at cook@civilrights.org or (202) 263–2894.

Sincerely,

FAIZ SHAKIR,
National Political Director, ACLU, National Political Advocacy Dept.
JESSELYN MCCURDY,
Deputy Director, ACLU, Washington Legislative Office.
VANITA GUPTA,
President & CEO, The Leadership Conference on Civil and Human Rights.
SAKIRA COOK, DIRECTOR,
Justice Program, The Leadership Conference on Civil and Human Rights.

JUDICIAL CONFERENCE OF
THE UNITED STATES,
Washington, DC, November 30, 2018.

Hon. CHARLES E. GRASSLEY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write on behalf of the Judicial Conference of the United States, the policy-making body for the federal Judiciary, regarding S. 3649, the ''First Step Act,'' which was introduced on November 15, 2018. The Judiciary strongly supports many of the reforms proposed by S. 3649. We note that several provisions, however, will impose new workload requirements on the federal Judiciary, particularly on judges and our probation system, which will necessitate additional resources.

TITLE I: RECIDIVISM REDUCTION

We greatly appreciate that, unlike several of its legislative predecessors, S. 3649 would not require Article III judges to exercise powers that traditionally have been exercised by officials in the executive branch in deciding whether an inmate may be allowed to serve a portion of his or her prison sentence in the community. Such decisions are in the nature of parole and therefore we agree that they are more appropriately made by the executive branch, which has direct contact with the inmates and the most accurate and up-to-date information about their conduct and condition.

We remain concerned, however, about the resources that the federal probation system would be required to expend to ensure the effective implementation of S. 3649. Specifically, one of this bill's predecessors—H.R. 3356, the ''Prison Reform and Redemption Act''—required the Director of the Bureau of Prisons (''BOP'') to ''provide for the transfer of such funds as may be necessary'' to the federal probation system to ''supervise prisoners placed in home confinement or community supervision.''

Unfortunately, this language is omitted from S. 3649 in favor of a more general statement that agreements between BOP and the federal probation system should ''take into account'' the resource requirements of the federal probation system ''to the greatest extent practicable'' when moving prisoners to prerelease custody or supervised release.

Our position has been that reimbursement authority is preferable to transfer authority, and we are concerned that the explicit deletion of the transfer provision found in H.R. 3356 could be read as communicating a lack of support for the underlying concept that the probation and pretrial services system must be provided with the resources necessary to execute its new responsibilities. Further, Sections 101 and 104 of S. 3649 indicate that recidivism reduction activities at the BOP (potentially including the costs of funding agreements with the probation system under Section 102) should be covered by the ''savings'' realized as a result of the implementation of this title. This may be an insufficient or unreliable source of funding because much of the ''savings'' will be in the form of future cost avoidances rather than current excess appropriations that could be reinvested. Without the provision of such resources in future appropriations acts and via other funding mechanisms, the Judiciary will be unable to carry out the provisions of the bill as intended without diverting resources from other critical activities that are needed to ensure public safety and the efficient administration of justice.

In addition to our concerns about resources that will be needed, we also ask that you consider amending S. 3649 to include the Judicial Conference's legislative proposal to allow federal probation officers to conduct their official duties more safely—which include conducting searches and seizing contraband—by authorizing probation officers to arrest anyone who assaults, impedes, or interferes with them while carrying out official duties. This legislation already has passed the House of Representatives this Congress, and has been referred to the Senate Judiciary Committee.

TITLE IV: SENTENCING REFORM

For over sixty years, the Judicial Conference has consistently and vigorously opposed mandatory minimum sentencing provisions and has supported measures for their repeal or to ameliorate their effects. Mandatory minimums do not enhance the administration of justice, but have proven to undermine it by wasting valuable taxpayer dollars, creating tremendous injustice in sentencing, undermining guideline sentencing, and ultimately fostering a lack of confidence in the criminal justice system.

S. 3649 would reduce mandatory minimum sentences for certain offenses, which the Judicial Conference supports. Moreover, Section 402 would expand the existing safety valve, which is consistent with the Conference's support for ''legislation . . . that is designed to restore judges' sentencing discretion and avoid the costs associated with mandatory minimum sentences.'' The Conference continues to pursue its overriding goal of persuading Congress to reduce or repeal mandatory minimum sentences.

The Judicial Conference supports the amendment to 18 U.S.C. 924(c)(1)(C), contained in Section 403 of S. 3649, that would clarify that the additional consecutive penalties apply only to true repeat offenders, i.e., those with one or more convictions that have become final prior to the commission of such offense. Section 924(c)(1)(C) compounds the problems created by mandatory minimums, however, by treating multiple Section 924(c) counts in one indictment as triggers of the statute's second-or-subsequent-conviction mandatory minimums.

Section 404 of S. 3649 would retroactively apply the ''Fair Sentencing Act of 2010,'' which reduced the disparity between sentences for crack and powder cocaine offenses, to inmates who had been sentenced prior to its August 3, 2010, enactment date. This proposal is consistent with the Judicial Conference's strategy to restore fairness to the sentences for defendants convicted of crack cocaine offenses. Noting concern that the disparity between the sentences for powder and crack cocaine offenses could have a corrosive effect on public confidence in the courts, the Conference agreed to oppose that disparity and supported its reduction.

TITLE V: MISCELLANEOUS CRIMINAL JUSTICE

We appreciate that Section 509 of S. 3649 would help to ensure the supervision of released sexually dangerous persons. In the interest of ensuring public safety, the Judicial Conference supports giving probation officers clear statutory authority to supervise these offenders, and we are pleased to see it included in this legislation.

We are concerned with the potential impact of Section 503(b), which would amend 18 U.S.C. 3582(c)(1)(A) to allow a defendant to bring a motion on his or her own behalf for modification of an imposed term of imprisonment, commonly known as compassionate release. This amendment could result in premature motions to federal courts, before administrative appeals have been fully exhausted, thereby forcing federal judges to decide these motions on an incomplete or undeveloped record. Depending on how BOP implements this provision, additional judicial resources could be required to handle petitions for compassionate release filed by prisoners when a warden fails to act on a prisoner's request for such relief. It is also unclear whether the defendant would be entitled to counsel for this process, including

court-appointed counsel. We may be in touch with further observations or concerns after the Judicial Conference has studied this issue in detail.

Relatedly, the Judicial Conference supports expanding judges' authority to terminate supervised release for compassionately released inmates. Ongoing supervision of certain offenders, such as those in hospice care, may be wasteful of public resources.

RELEVANT POSITIONS OF THE JUDICIAL CONFERENCE

The Judicial Conference believes that the Sentencing Commission would benefit by having a federal defender representative as a non-voting member. Prosecutors currently are ably represented in the Commission's proceedings by the ex officio non-voting member assigned to the Attorney General or his designee.

Notably, although S. 3649 would implement sweeping sentencing and prison reforms, it does not address the pretrial system. Section 4285 of title 18, U.S. Code, currently authorizes courts to order the United States Marshals Service (''USMS'') to provide a released defendant with non-custodial transportation and subsistence to the court where that individual's appearance is required, when the interests of justice would be served and the client is financially unable to pay transportation costs. The Judicial Conference supports giving courts the discretion, in the interests of justice, to order the USMS to furnish, when financially necessary, transportation and subsistence (lodging and food) for defendants returning home from court proceedings, and subsistence while attending such proceedings, including for successive court appearances. This provision would not be applicable for a defendant found by the court to be financially able to cover these costs. Draft statutory language for each of the aforementioned proposed reforms was submitted to your office earlier this Congress and is attached.

Section 3142(e) of title 18, U.S. Code, creates a presumption that certain defendants should be detained pending trial because a court cannot craft conditions of supervision that would reasonably assure both the safety of the community and the defendant's appearance at court proceedings. The statute identifies several categories of defendants to whom this presumption applies, including those charged with specific drug trafficking offenses, and places the burden on a defendant to rebut the presumption for detention. In keeping with its support of evidence-based supervision practices, the Administrative Office of the U.S. Courts conducted a study analyzing data collected from a ten-year period. The study reveals that a sizeable segment of low-risk defendants fall into the category of drug traffickers subject to the presumption of detention. The study concluded that these defendants are detained at a high rate, even when their criminal histories and other applicable risk factors indicate that they pose a low risk of either reoffending or absconding while on pretrial release, and arguably should be released for pretrial supervision.

Legal, policy, and budgetary factors—including the presumption of innocence and the relative costs of incarceration versus pretrial supervision—support reducing unnecessary pretrial detention. Therefore, at its September 2017 meeting, upon recommendation of the Criminal Law Committee, the Judicial Conference endorsed limiting the application of the presumption of detention to defendants whose criminal history suggests that they pose a higher risk of failing to appear or being a danger to the community if released pending trial. This would enable judges to make pretrial release decisions for low-risk defendants on a case-by-case basis. No defendant would be automatically released into the community if this proposal were enacted. We would be glad to provide draft statutory language, as well as an academic article analyzing the aforementioned study, for your consideration.

CONCLUSION

Thank you for considering the federal Judiciary's views on this important legislation. If we may be of further assistance to you in this or any other matter, please do not hesitate to contact us through the Office of Legislative Affairs, Administrative Office of the U. S. Courts.

Sincerely,

James C. Duff,
Secretary.

Enclosure.

NOVEMBER 28, 2018.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. CHARLES E. GRASSLEY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.
Hon. CHARLES SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. DIANNE FEINSTEIN,
Ranking Member, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR LEADER MCCONNELL, LEADER SCHUMER, CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: We, the International Community Corrections Association (ICCA) and National Criminal Justice Association (NCJA), add our voices to the many urging passage of the First Step Act before Congress adjourns for the year. The First Step Act of 2018 (S. 3649) is bipartisan, common sense legislation based on innovations adopted and tested in the states over many years. The bill would require the federal Bureau of Prisons (BOP) to adopt a risk and needs assessment system to determine the recidivism risk of each prisoner as part of the intake process and to provide evidence-based recidivism reduction programming based on each individual's criminogenic needs. Eligible inmates who successfully complete the recidivism reduction programming and/or other productive activities shall earn time credits allowing them to complete their sentences in a residential reentry center or in home confinement. Further, the bill would require BOP to ensure there is sufficient prerelease custody capacity to accommodate all who are eligible.

The First Step Act would also restore judicial discretion for some non-violent offenses where federal mandatory minimum sentences have been found to be too rigid, reduce the enhanced mandatory minimum sentence for certain firearm offenses, and apply the Fair Sentencing Act of 2010 retroactively.

ICCA members have been at the forefront of the evidence-based practices movement for decades. ICCA members operate residential reentry centers and have extensive experience delivering community-based services to justice-involved individuals. NCJA members are the state criminal justice planning agencies who fund and oversee community-based services and are responsible for planning across the justice system. NCJA members are keenly aware that successful reentry rests on the provision and quality of community-based services. ICCA and NCJA look forward to working closely with BOP on implementation of the bill.

The First Step Act is important legislation and we urge its swift passage.

Sincerely,

ELLEN DONNARUMMA,
President, International Community Corrections Association.
CHRISTIAN KERVICK,
President, National Criminal Justice Association.

[From the Center for American Progress, Dec. 19, 2018]

STATEMENT: THE CENTER FOR AMERICAN PROGRESS APPLAUDS THE SENATE FOR PASSING THE FIRST STEP ACT

(By Julia Cusick)

WASHINGTON, D.C.—Yesterday, the Senate passed the FIRST STEP Act by an 87–12 bipartisan vote. The bill would reform the federal criminal justice system by revising some sentencing laws and letting judges consider sentences below the mandatory minimum for more people. The legislation would also establish a system of programs to provide incarcerated people with skills and tools to succeed when they go back to their communities after serving their sentence. Following the passage of the bill, Ed Chung, vice president for Criminal justice Reform at the Center for American Progress, provided the following statement:

The Center for American Progress applauds the Senate for passing the FIRST STEP Act with overwhelming bipartisan support. The Senate's version of the legislation, while far from perfect, includes crucial sentencing reforms that safely reduce the footprint of the federal criminal justice system from the front end. Additionally, the Senate added important checks on the U.S. Department of Justice as it creates a risk and needs assessment and a system of programs and education in the Bureau of Prisons.

These changes, which were priorities of CAP when we announced our support for the bill, would not have been possible without the leadership of Sens. Dick Durbin (D–IL), Chuck Grassley (R-IA), Cory Booker (D–NJ), and Kamala Harris (D–CA). These champions all resisted earlier calls to accept a more moderated version of the bill that omitted sentencing reforms and made sure the legislation was as progressive as possible in the current political climate. We look forward to the House quickly passing this version of the bill followed by enactment of the legislation in the coming days.

Ms. JACKSON LEE. Mr. Speaker, I ask my colleagues to support S. 2961 to save our children, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. COLLINS) that the House suspend the rules and pass the bill, S. 2961.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MASSIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1215

VETERANS SMALL BUSINESS ENHANCEMENT ACT OF 2018

Mr. MARSHALL. Mr. Speaker, I move to suspend the rules and pass the