

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

bill (S. 2679) to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2679

*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 “Veterans Small Business Enhancement Act of 2018”.

#### SEC. 2. ACCESS TO SURPLUS PROPERTY FOR VETERAN-OWNED SMALL BUSINESSES.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

“(g) ACCESS TO SURPLUS PROPERTY FOR VETERAN-OWNED SMALL BUSINESSES.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘foreign excess property’ has the meaning given the term in section 102 of title 40, United States Code; and

“(B) the term ‘state agency’ has the meaning given the term, including the roles and responsibilities assigned, in section 549 of title 40, United States Code.

“(2) REQUIREMENT.—The Administrator, in coordination with the Administrator of General Services, shall provide access to and manage the distribution of surplus property, and foreign excess property returned to a State for handling as surplus property, owned by the United States under chapter 7 of title 40, United States Code, to small business concerns owned and controlled by veterans (as verified by the Secretary of Veterans Affairs under section 8127 of title 38, United States Code) pursuant to a memorandum of agreement between the Administrator, the Administrator of General Services, and the head of the applicable state agency for surplus properties and in accordance with section 549 of title 40, United States Code.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MARSHALL) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

#### GENERAL LEAVE

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. MARSHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 2679, the Veterans Small Business Enhancement Act of 2018. This important, bipartisan legislation, introduced by Senator DUCKWORTH and Senator KENNEDY, aims to help veteran entrepreneurs cut costs and enhance their economic opportunity by giving them access to surplus Federal property.

The Federal Surplus Property Program allows certain nongovernment organizations to acquire equipment and

property that the Federal Government no longer needs. This legislation adds veteran-owned small businesses to the program’s list of eligible recipients, which already includes minority-owned and women-owned small businesses.

The Veterans of Foreign Wars, the National Association of State Agencies for Surplus Property, and the American Legion support this legislation.

Mr. Speaker, I am prepared to close if the gentlewoman from New York is prepared as well after her remarks, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of S. 2679, the Veterans Small Business Enhancement Act.

Currently, the Federal agencies make their excess property available to other agencies and eligible organizations that serve the public. Today’s bill is a commonsense expansion of the list of eligible entities that receive surplus property.

By adding qualified veteran-owned small businesses to the list, it ensures veteran entrepreneurs have the resources they need to start and grow. With more than 2.5 million veteran-owned small firms, this bill puts them on equal footing with other entities that provide important services to our country.

Mr. Speaker, I urge Members to support this legislation, and I yield back the balance of my time.

Mr. MARSHALL. Mr. Speaker, I urge my colleagues to support this important bipartisan 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 Kansas (Mr. MARSHALL) that the House suspend the rules and pass the bill, S. 2679.

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.

#### TAXPAYER FIRST ACT OF 2018

Mr. RICE of South Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7227) to amend the Internal Revenue Code of 1986 to modernize and improve the Internal Revenue Service, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7227

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

#### SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Taxpayer First Act of 2018”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

#### TITLE I—PUTTING TAXPAYERS FIRST

##### Subtitle A—Independent Appeals Process

Sec. 1001. Establishment of Internal Revenue Service Independent Office of Appeals.

##### Subtitle B—Improved Service

Sec. 1101. Comprehensive customer service strategy.

Sec. 1102. IRS Free File Program.

Sec. 1103. Low-income exception for payments otherwise required in connection with a submission of an offer-in-compromise.

##### Subtitle C—Sensible Enforcement

Sec. 1201. Internal Revenue Service seizure requirements with respect to structuring transactions.

Sec. 1202. Exclusion of interest received in action to recover property seized by the Internal Revenue Service based on structuring transaction.

Sec. 1203. Clarification of equitable relief from joint liability.

Sec. 1204. Modification of procedures for issuance of third-party summons.

Sec. 1205. Private debt collection and special compliance personnel program.

Sec. 1206. Reform of notice of contact of third parties.

Sec. 1207. Modification of authority to issue designated summons.

Sec. 1208. Limitation on access of non-Internal Revenue Service employees to returns and return information.

##### Subtitle D—Organizational Modernization

Sec. 1301. Office of the National Taxpayer Advocate.

Sec. 1302. Modernization of Internal Revenue Service organizational structure.

##### Subtitle E—Other Provisions

Sec. 1401. Return preparation programs for applicable taxpayers.

Sec. 1402. Provision of information regarding low-income taxpayer clinics.

Sec. 1403. Notice from IRS regarding closure of taxpayer assistance centers.

Sec. 1404. Rules for seizure and sale of perishable goods restricted to only perishable goods.

Sec. 1405. Whistleblower reforms.

Sec. 1406. Customer service information.

Sec. 1407. Misdirected tax refund deposits.

#### TITLE II—21ST CENTURY IRS

##### Subtitle A—Cybersecurity and Identity Protection

Sec. 2001. Public-private partnership to address identity theft refund fraud.

Sec. 2002. Recommendations of Electronic Tax Administration Advisory Committee regarding identity theft refund fraud.

Sec. 2003. Information sharing and analysis center.

Sec. 2004. Compliance by contractors with confidentiality safeguards.

Sec. 2005. Report on electronic payments.

Sec. 2006. Identity protection personal identification numbers.