Now, let it be very clear, there are a number of school districts in my congressional district, and I salute them all and the teachers and students; but in this instance, over the past couple of months, there was a question of, on opening day, would six or seven schools of HISD be closed.

I always went throughout the community to the meetings when I was in the district, and the refrain was: The schools will not be closed.

I am an optimist. I believe in our children and our teachers. And on August 27, a few days before, the TEA had indicated that the test that the children take, the scores that came out in early August, that they had passed, and the schools that were in jeopardy of closing were not going to close, and others had been given an extension because of the devastation of Hurricane Harvey and the complete displacement of our children.

So on that opening day of August 27, I went to four or five of my schools. I went with the mayor and the school board members, and I thanked them and our great school superintendent, because a lot of the work attributed to their success, TEA noted it was the great superintendent that we have in HISD. And I believe we should keep her. She is doing an excellent job.

Congratulations to the children, the teachers, the school district, because our children are our most precious resource.

□ 0915

HONORING THE MEMORY OF COMMAND SERGEANT MAJOR TIMOTHY A. BOLYARD

(Mr. MCKINLEY asked and was given permission to address the House for 1 minute.)

Mr. MCKINLEY. Mr. Speaker, I rise today to honor the memory of Command Sergeant Major Timothy Bolyard who lost his life this past Monday in the line of duty in the Logar province in Afghanistan.

A native of Thornton, West Virginia, Sergeant Major Bolyard was a decorated soldier with 24 years of service. He had received numerous recognitions for his dedicated service, including, among others, six Bronze Star Medals, two with valor; four Meritorious Service Medals; six Army Commendation Medals; 9 Army Achievement Medals.

This was Sergeant Major Bolyard's seventh deployment. His tours have included Iraq, Afghanistan, Kuwait, Qatar, and Albania.

Yesterday, the State flags in West Virginia were flown at half-mast in his honor.

Mr. Speaker, we grieve with Sergeant Major Bolyard's family and are keeping them in our thoughts and prayers.

To Command Sergeant Major Bolyard, we thank you for your service and sacrifice. You, sir, were truly an American hero, an inspiration, and we will always honor your memory.

PROTECTING RELIGIOUSLY AFFILIATED INSTITUTIONS ACT OF 2018

Mrs. HANDEL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 994) to amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 994

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 ''Protecting Religiously Affiliated Institutions Act of 2018''.

SEC. 2. PROTECTION OF COMMUNITY CENTERS WITH RELIGIOUS AFFILIATION.

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by inserting after ''threat of force,'' the following: ''including by threat of force against religious real property,'';

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''or (c)'' after ''subsection (a)'';

(B) in paragraph (3), by striking ''and'' at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

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

''(4) if damage to or destruction of property results from the acts committed in violation of this section, which damage to or destruction of such property is in an amount that exceeds $5,000, a fine in accordance with this title, imprisonment for not more than 3 years, or both; and''; and

(3) in subsection (f), by inserting before the period at the end the following: '', or real property owned or leased by a nonprofit, religiously affiliated organization''.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMUNITY SAFETY AND SECURITY ACT OF 2018

Mrs. HANDEL. Mr. Speaker, pursuant to House Resolution 1051, I call up the bill (H.R. 6691) to amend title 18, United States Code, to clarify the definition of ''crime of violence'', and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1051, the bill is considered read.

The text of the bill is as follows:

H.R. 6691

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 ''Community Safety and Security Act of 2018''.

SEC. 2. CRIME OF VIOLENCE.

Section 16 of title 18, United States Code, is amended to read as follows:

''SEC. 16. CRIME OF VIOLENCE DEFINED.

''(a) The term 'crime of violence' means an offense—

''(1)(A) that—

''(i) is murder, voluntary manslaughter, assault, sexual abuse or aggravated sexual abuse, abusive sexual contact, child abuse, kidnapping, robbery, carjacking, firearms use, burglary, arson, extortion, communication of threats, coercion, fleeing, interference with flight crew members and attendants, domestic violence, hostage taking, stalking, human trafficking, piracy, or a terrorism offense as described in chapter 113B (other than in section 2332d); or

''(ii) involves the unlawful possession or use of a weapon of mass destruction; or

''(B) that involves use or unlawful possession of explosives or destructive devices described in 5845(f) of the Internal Revenue Code of 1986;

''(2) that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

''(3) that is an attempt to commit, conspiracy to commit, solicitation to commit, or aiding and abetting any of the offenses set forth in paragraphs (1) and (2).

''(b) In this section:

''(1) The term 'abusive sexual contact' means conduct described in section 2244(a)(1) and (a)(2).

''(2) The terms 'aggravated sexual abuse' and 'sexual abuse' mean conduct described in sections 2241 and 2242. For purposes of such conduct, the term 'sexual act' means conduct described in section 2246(2), or the knowing and lewd exposure of genitalia or masturbation, to any person, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

''(3) The term 'assault' means conduct described in section 113(a), and includes conduct committed recklessly, knowingly, or intentionally.

''(4) The term 'arson' means conduct described in section 844(i) or unlawfully or willfully damaging or destroying any building, inhabited structure, vehicle, vessel, or real property by means of fire or explosive.

''(5) The term 'burglary' means an unlawful or unprivileged entry into, or remaining in, a building or structure, including any nonpermanent or mobile structure that is adapted or used for overnight accommodation or for the ordinary carrying on of business, and, either before or after entering, the person—

''(A) forms the intent to commit a crime; or

''(B) commits or attempts to commit a crime.

''(6) The term 'carjacking' means conduct described in section 2119, or the unlawful taking of a motor vehicle from the immediate actual possession of a person against his will, by means of actual or threatened force, or violence or intimidation, or by sudden or stealthy seizure or snatching, or fear of injury.

''(7) The term 'child abuse' means the unlawful infliction of physical injury or the commission of any sexual act against a child under fourteen by any person eighteen years of age or older.

''(8) The term 'communication of threats' means conduct described in section 844(e), or the transmission of any communications containing any threat of use of violence to—

''(A) demand or request for a ransom or reward for the release of any kidnapped person; or

''(B) threaten to kidnap or injure the person of another.

''(9) The term 'coercion' means causing the performance or non-performance of any act

by another person under which such other person has a legal right to do or to abstain from doing, through fraud or by the use of actual or threatened force, violence, or fear thereof, including the use, or an express or implicit threat of use, of violence to cause harm, or threats to cause injury to the person, reputation or property of any person.

''(10) The term 'domestic violence' means any assault committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

''(11) The term 'extortion' means conduct described in section 1951(b)(2)), but not extortion under color of official right or fear of economic loss.

''(12) The term 'firearms use' means conduct described in section 924(c) or 929(a), if the firearm was brandished, discharged, or otherwise possessed, carried, or used as a weapon and the crime of violence or drug trafficking crime during and in relation to which the firearm was possessed, carried, or used was subject to prosecution in any court of the United States, State court, military court or tribunal, or tribal court. Such term also includes unlawfully possessing a firearm described in section 5845(a) of the Internal Revenue Code of 1986 (such as a sawed-off shotgun or sawed-off rifle, silencer, bomb, or machine gun), possession of a firearm in violation of sections 922(g)(1), 922(g)(2) and 922(g)(4), possession of a firearm with the intent to use such firearm unlawfully, or reckless discharge of a firearm at a dwelling.

''(13) The term 'fleeing' means knowingly operating a motor vehicle and, following a law enforcement officer's signal to bring the motor vehicle to a stop—

''(A) failing or refusing to comply; or

''(B) fleeing or attempting to elude a law enforcement officer.

''(14) The term 'force' means the level of force capable of causing physical pain or injury or needed or intended to overcome resistance.

''(15) The term 'hostage taking' means conduct described in section 1203.

''(16) The term 'human trafficking' means conduct described in sections 1589, 1590, and 1591.

''(17) The term 'interference with flight crew members and attendants' means conduct described in section 46504 of title 49, United States Code.

''(18) The term 'kidnapping' means conduct described in section 1201(a)(1) or seizing, confining, inveigling, decoying, abducting, or carrying away and holding for ransom or reward or otherwise any person.

''(19) The term 'murder' means conduct described as murder in the first degree or murder in the second degree described in section 1111.

''(20) The term 'robbery' means conduct described in section 1951(b)(1), or the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence or intimidation, or by sudden or stealthy seizure or snatching, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

''(21) The term 'stalking' means conduct described in section 2261A.

''(22) The term 'weapon of mass destruction' has the meaning given such term in section 2332a(c).

''(23) The term 'voluntary manslaughter' means conduct described in section 1112(a).

''(c) For purposes of this section, in the case of any reference in subsection (b) to an offense under this title, such reference shall include conduct that constitutes an offense under State or tribal law or under the Uniform Code of Military Justice, if such conduct would be an offense under this title if a circumstance giving rise to Federal jurisdiction had existed.

''(d) For purposes of this section, the term 'conspiracy' includes any offense that is a conspiracy to commit another offense under State or Federal law, irrespective of whether proof of an overt act is required to establish commission of the conspiracy offense.''.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentlewoman from Georgia (Mrs. HANDEL) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 30 minutes.

The Chair recognizes the gentlewoman from Georgia.

GENERAL LEAVE

Mrs. HANDEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6691.

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

There was no objection.

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

I rise today in strong support of H.R. 6691, the Community Safety and Security Act of 2018. This legislation provides critical clarity to the definition of ''crime of violence'' in the United States Code in order to keep violent criminals off the streets and ensure the safety of our communities.

In the recent U.S. Supreme Court case United States v. Dimaya, the term ''crime of violence'' was determined to be unconstitutionally vague. Therefore, it is incumbent upon Congress to act to provide the necessary clarity in the law that allows our law enforcement and our judicial systems to work and, importantly, to protect the victims of these violent crimes.

The Community Safety and Security Act of 2018 provides that clarity by precisely and legally defining the phrase ''crime of violence'' and the related criminal acts that, when combined with the element of force are, indeed, considered violent.

They include crimes such as voluntary manslaughter, attempted kidnapping, lewd acts upon a child, sexual assault, assault on a police officer, domestic violence, murder, and all other crimes that a normal, regular individual would think of as a violent crime, as well as human trafficking.

In my State of Georgia, metro Atlanta is well known as a haven for human and sex trafficking, and as a recruiting center for vulnerable young people. In 2017 alone, it was reported that nearly 3,600 females and more than 600 males were trafficked. These are just the reported cases. Thousands more go unreported every year.

This legislation that I bring forward today provides essential legal clarity to ensure that crimes like human trafficking and others in the bill are deemed legally as crimes of violence.

Failure to address this issue would foster vagueness and uncertainty in our courts, and potentially disrupt the prosecution of certain crimes of violence, like human trafficking, child abuse, domestic violence, and other acts that any reasonable individual would consider a crime of violence.

This legislation has the support of a number of organizations, including the Fraternal Order of Police and the National Association of Police Organizations.

In a recent letter to Speaker RYAN and Leader PELOSI, the Fraternal Order of Police noted that ''there are numerous convictions and pending cases that would be jeopardized'' in the wake of the Dimaya decision.

The Community Safety and Security Act of 2018 is another step that we, as Congress, can take, that we must take, in order to make our communities the safest that they can possibly be. I urge my colleagues to support this important legislation.

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

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

I will take the opportunity to say good morning to the manager of the bill, my co-member on the House Judiciary Committee. I start this way, Mr. Speaker, and to my colleagues, because I always want to emphasize when I am on the floor that the Judiciary Committee has had many instances of bipartisanship.

I am very glad to have been on the Crime, Terrorism, Homeland Security, and Investigations Subcommittee for more than a number of years. I have seen our work, and it has certainly been in a bipartisan mode.

I want to acknowledge the chairman of the committee, Mr. GOODLATTE, and the ranking member of the committee, Mr. NADLER. In many instances on the crime reform issues, we have tried to work hand-in-hand together.

It seems that criminal justice reform has partners on both sides of the aisle. It is certainly an issue that draws a vast number of stakeholders, particularly my friends in the faith community; social justice community; my friends in the libertarian community, if you will; and, certainly, giants like the ACLU, the Lawyers' Committee, and many others that have been engaged in these issues, the NAACP Legal Defense Fund. So you can see that we bring people together.

So I rise to discuss H.R. 6691, the Community Safety and Security Act of 2018, which amends section 16 of title 18.

Section 16 sets forth the universal definition of what constitutes a crime of violence for the entirety of the criminal code. Therefore, this definition is critically important, and I am deeply concerned that my colleagues on the other side of the aisle are introducing such an important amendment in such a hasty, precipitous manner.

Although my colleagues claim that the introduction of this bill has not been hasty and that it has been vetted for months on their side of the aisle, on our side of the aisle, we have had no engagement.

This bill has been laid before us for 7 days. Last Friday, it was singly introduced when Members were not here and, as well, before a 3-day weekend.

Let me be very clear. Criminal justice reform is not a sausage. We would work over the months and years with academic experts; victims; law enforcement—that is our family; and beyond, our prosecutors; our law enforcement; and, certainly, the Sentencing Commission, for example; our judges. We are concerned about their viewpoints.

So I know there may be one or two who have written and may be supporting this, but this is not the way we get to the floor.

H.R. 6691 would expand the definition of crimes of violence in section 16 in two ways: enumerating certain offenses that do not currently exist under Federal law, and it would have been good to have a hearing or a series of hearings on this to be recognized for crimes of violence for Federal purposes; and by adding alternative definitions to already-existing Federal offenses, in order to have these new definitions also qualify as Federal crimes of violence.

Again, here is the trigger: More and more people incarcerated maybe could find another way of addressing these questions, even by law enforcement.

The Supreme Court recently decided Sessions v. Dimaya, holding that subsection (b) of section 16, known as the residual clause, is unconstitutionally vague. Subsection (a) in the Dimaya case left untouched defines a crime of violence as one that requires as an element, the use, attempted use, or threatened use of physical force against the person or property of another.

In response to Dimaya, my colleagues are now putting forth a bill to substitute subsection (b) for a list of crimes of violence, many of which have no element involving the use, attempted use, or threatened use of force.

In addition, even the residual clause stricken down by Dimaya requires that a crime of violence at least be a felony. H.R. 6691 strips away the felony requirement.

For these reasons, this bill radically amends section 16. We go back to the old days of throwing everybody in jail.

This bill does not just list a few statutes that are obvious crimes of violence. It enumerates at least 32 separate crimes, some of which are not Federal crimes. It even offers alternative definitions for several Federal crimes. This requires careful consideration.

How dare anyone suggest that anyone on this side of the aisle is soft on crime. Some of my best friends, as we have heard others say in other settings, are law enforcement. I speak to my police officers every time I see them in the district. I am talking to the command frequently. Sometimes I congratulate them for a successful capture of a dastardly criminal.

Obviously, many of those crimes are State laws. But I know the State of Texas has been working to reduce the numbers of persons incarcerated. There is no doubt with law enforcement who the bad actors are. On the Federal level, it is the same.

But here we are, with a 1-week-old baby that has not been vetted and helped and nurtured to be able to make it work. This is serious work that we do here. So rather than proceeding through regular order by having a hearing to ascertain the relevant information from experts that will help us establish the best approach for dealing with the constitutionality of section 16, and the Federal definition of crimes of violence, we have been given 1 week to vote, with no markups to allow amendments germane to the bill's purpose.

Mr. Speaker, regular order is not a crime. Instead of taking the time to fashion a definition that takes into consideration the many legal ramifications of changing this term as proposed, the bill's sponsors are haphazardly pushing forward an overly expansive definition of crime of violence for political purposes.

Where are my civil libertarians? Where are my persons who believe in the Constitution, due process?

The bill is overbroad; two, unnecessary; and three, it could have substantial harmful effects.

First, the bill is overbroad and includes in its list of crimes of violence a number of offenses that have no element of violence or force at all. No one likes burglary, but burglary, for example, is included in the enumerated list of crimes of violence, though it would simply mean remaining in a building without authorization and, while there, forming the attempt to commit even a minor, nonviolent offense.

Likewise, the bill lists coercion through fraud as a violent felony, though violence plays no part in that criminal offense.

The bill would also make simple assault a crime of violence, even in the circumstances where the underlying act is merely a push or a shove.

None of us applaud any of that, but we recognize in this vast country that our citizens have basic rights. One of the more egregious examples of an offense listed as a crime of violence is fleeing by automobile, which is knowingly operating a motor vehicle and failing or refusing to comply with a law enforcement officer's signal to bring the motor vehicle to a stop, or fleeing or attempting to elude a law enforcement officer. This definition does not even require intent to elude law enforcement.

Under this bill, what could have amounted to a traffic violation is, instead, a crime of violence.

It doesn't mean that we do not utilize these elements, but we are able to have vetted it in a way that truly is the crime that law enforcement seeks to protect themselves against and the public against.

Another specific area of concern is in the context of juvenile justice. If the Federal Government is prosecuting a juvenile, this bill would authorize the government to seek the transfer to adult court of someone as young as 15 years old if they were accused of committing a felony crime of violence. That may be a burglary, unintentionally in a building. We note where teenagers are and how they behave.

Under this new definition is even interference with a flight crew or an argument with a flight attendant over a Diet Coke.

□ 0930

And we want safety everywhere, on the highways and byways, throughout our neighborhoods and schools. We want to make sure that we attend to this, but this is serious work and it should have been done in regular order.

The consequences of H.R. 6691 are dangerous, especially as we look to the new attitude of the Justice Department, which is charging on every offense. Unlike the comprehensive and collaborative manner previously utilized in the past administration, working with faith leaders, working with law enforcement, working with advocates for social and criminal justice, U.S. attorneys were directed to not charge up, to focus on the highest crime.

Now we have the tendency to use a sprawling, overbroad definition of violent crime to justify more arrests and prosecutions and long prison sentences.

Has anybody met an ex-felon, many of them wanting to do right? I see a lot of them where good businesses have hired them. They want their head down, they want to work, they want to get an apartment, they want to support their family. They are not interested in going back again, nor are they interested in being accused of a minor offense and being ''felonized,'' if you will.

Second, a new definition of ''crime of violence'' is unnecessary, even in light of Dimaya. The court in Dimaya held that the residual clause is unconstitutional, but left in place subsection a. While perhaps not an ideal formulation, subsection a can, for now, suffice as a placeholder until Congress can undertake a more deliberate approach. Even so the Senate would have a companion bill, which to our knowledge, it does not. It is important to take note of the fact.

Third, changing the definition of a crime of violence can have other harmful effects; for example, it could have

significant exclusionary effects for criminal justice reform legislation. There is proposed legislation that excludes people convicted of a crime of violence from pretrial release considerations, expungement of crimes, and receiving visitors. So it would exclude people convicted of a crime of violence from pretrial release consideration, expungement of crimes, and receiving visitors while in custody. Unnecessarily expanding who is ineligible for these provisions is both unwise and counterproductive.

So as I have indicated, it is important that when we work together, we must work together through the goals of reforming our criminal justice system, which Congress has acknowledged needs dire fixing. Let's work together.

I am pushing for the revisions of criminal justice reform for juveniles. Reforming the juvenile justice system that locks up juveniles forever and ever because they are not sentenced in many instances. Certainly there are few juveniles in the Federal system, but in our State systems. And when we use the bully pulpit, States begin to reform their systems.

In addition, Families Against Mandatory Minimums, ACLU, Center for American Progress, and several others have opposed this bill.

We are on the Judiciary Committee. We believe in justice. Along with the advocates, we need true experts, and we are experts on these subject matters. And we are troubled by the reckless speed in which this bill was brought to the floor.

We understand the intent. We welcome it. But I have listed the fractures, the problems, the undermining of due process, the throwing the key away on good people who want to do better or who did not intend to exercise some of the elements that are in this bill.

So I ask my colleagues in this instance to recognize that this is too fast and to vote ''no'' on this legislation.

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

Mr. Speaker, I rise to discuss H.R. 6691, the ''Community Safety and Security Act of 2018,'' which amends section 16 of Title 18.

Section 16 sets forth the universal definition of what constitutes a ''crime of violence'' for the entirety of the criminal code.

Therefore, this definition is critically important and I am deeply concerned that my colleagues on the other side are introducing such an important amendment in such a reckless manner.

Although my colleagues claim that the introduction of this bill has not been hasty and that it has been vetted for months, on this side we have had this bill for seven days. It was introduced exactly one week ago today, on the day before a three-day weekend. That is reckless.

H.R. 6691 would expand the definition of crimes of violence in section 16 in two ways: (1) by enumerating certain offenses that do not currently exist under Federal law to be recognized as crimes of violence for Federal purposes; and (2) by adding alternative definitions to already-existing Federal offenses in order to have these new definitions also qualify as Federal crimes of violence.

The Supreme Court recently decided Sessions v Dimaya, holding that subsection (b) of section 16, known as the ''residual clause,'' is unconstitutionally vague.

Subsection (a), which Dimaya left untouched, defines a crime of violence as one that requires, as an element, the use, attempted use, or threatened use of physical force against the person or property of another.

In response to Dimaya, my colleagues are now putting forth this bill to substitute subsection (b) for a list of ''crimes of violence,'' many of which have no element involving the use, attempted use, or threatened use of force.

In addition, even the residual clause stricken down by Dimaya required that a crime of violence at least be a felony. H.R. 6691 strips away the felony requirement.

For these reasons, this bill radically amends section 16. This bill does not just list a few statutes that are obvious crimes of violence. It enumerates at least 32 separate crimes, some of which are not Federal crimes, and it even offers alternative definitions for several Federal crimes. This requires careful consideration.

But rather than proceeding through regular order by having a hearing, to ascertain relevant information from experts that will help us establish the best approach for dealing with the constitutionality of section 16 and the Federal definition of crimes of violence, we have been given one week to vote, with no markups to allow amendments, germane to the bill's purpose.

Instead of taking the time to fashion a definition that takes into consideration the many legal ramifications of changing this term as proposed, the bill's sponsors are haphazardly pushing forward an overly-expansive definition of ''crime of violence'' for political purposes. The bill is (1) overbroad, (2) unnecessary, and (3) could have substantial harmful effects.

First, the bill is overbroad and includes in its list of crimes of violence a number of offenses that have no element of violence, or force, at all. Burglary, for example, is included in the enumerated list of crimes of violence though it could simply mean remaining in a building without authorization and, while there, forming the intent to commit even a minor, non-violent offense. Likewise, the bill lists coercion through fraud as a violent felony, though violence plays no part in that criminal offense. The bill would also make simple assault a crime of violence even in circumstances where the underlying act is merely a push or a shove.

One of the more egregious examples of an offense listed as a crime of violence is ''fleeing by automobile'' which is ''knowingly operating a motor vehicle and—(A) failing or refusing to comply with a law enforcement officer's signal to bring the motor vehicle to a stop; or (B) fleeing or attempting to elude a law enforcement officer.'' This definition does not even require an intent to elude law enforcement. Under this bill, what could have amounted to a traffic violation becomes, instead, a ''crime of violence''.

Another specific area of concern is in the context of juvenile justice. If the Federal government is prosecuting a juvenile, this bill would authorize the government to seek transfer to adult court of someone as young as 15 years old if they are accused of committing a felony ''crime of violence'' under this new definition—even for something as minor as getting in an argument with a flight attendant over a Diet Coke.

The consequences of H.R. 6691 are dangerous, especially in the hands of a Sessions Justice Department, which has displayed a general tendency to use a sprawling, overbroad definition of violent crime to justify more arrests and prosecutions and longer prison sentences.

Second, a new definition of crime of violence is unnecessary, even in light of Dimaya. The Court in Dimaya held that the residual clause is unconstitutional, but left in place subsection (a). While perhaps not an ideal formulation, subsection (a) can for now suffice as a placeholder until Congress can undertake a more deliberate approach, instead of the reflexive one proposed by H.R. 6691.

Third, changing the definition of a crime of violence can have other harmful effects. For example, it could have significant exclusionary effects for criminal justice reform legislation. There is proposed legislation that excludes people convicted of a crime of violence from pretrial release considerations, expungement of crimes, and receiving visitors while in custody. Unnecessarily expanding who is ineligible for these provisions is both unwise and counterproductive to the goals of reforming our criminal justice system, which Congress has acknowledged needs dire fixing.

Families Against Mandatory Minimum (FAMM), ACLU, Center for American Progress (CAP), and several other organizations have opposed this bill.

We on the Judiciary Committee, along with advocates that are true experts on these subject matters are troubled by the reckless speed with which this bill was brought to the floor today.

We should take the time to explore why.

According to a recent report by the Pew Research Center on January 12, 2018, the number of African Americans in prisons are 33 percent. The number of Hispanics are 23 percent. Therefore, together they make up 56 percent of today's prison population.

Mrs. HANDEL. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, to my colleague from Texas, I want to say good morning to her as well and also recognize her significant efforts in criminal justice reform, and indeed I was proud to be able to support that recent piece of legislation that came through our committee as well.

A couple of points. I very much appreciate the concerns that have been raised, Mr. Speaker, but I assure you that this law, as crafted, does not go beyond the scope contemplated when Section 16 was originally crafted.

This is a responsible, carefully crafted piece of legislation that does what the United States Supreme Court recommended. It enumerates what crimes are crimes of violence so that there can be no vagueness and people know what the law is. In fact, it goes to protect due process, Mr. Speaker.

This is our responsibility as legislators. And indeed, Mr. Speaker, time is of the essence, given the recent U.S. Supreme Court decision, and indeed

there would be substantial harmful effects if we fail as Congress to act today on this legislation.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Speaker, I want to thank Congresswoman HANDEL for bringing this forth, this very important piece of legislation that has been reviewed by the United States Supreme Court.

The Supreme Court in Sessions v. Dimaya ruled that 18 U.S.C. Section 16 was unconstitutionally void for vagueness.

That is the way the process works. We, the legislators, write the law, not an unelected bureaucrat. We, as legislators, are supposed to write the law, then the court interprets that law if an issue is brought before the court, as in this particular case.

So there is a several-page slip opinion, we call it, that explains why the court ruled the way it did, saying we need more of an explanation as to what a violent crime is. The court ruled that the statute in question failed to properly provide a definition for a crime of violence.

H.R. 6691 eliminates that vagueness and addresses the Supreme Court's concerns and preserves the pre-Dimaya status quo.

It has the support of the Justice Department.

The legislation before us today is supported by the Department of Justice, I want to reemphasize that, and will properly define what a crime of violence is. It is clearly delineated here in eight pages, the crimes, what constitutes them, the meaning, the intent, crime by crime on these pages. It does not prevent anyone from due process.

As a former Federal prosecutor and State prosecutor, I have seen serious violent crimes that were committed. And we must make sure that those that are here illegally and commit these violent crimes be sent back to their countries from where they came.

Over 18 years as a prosecutor, I have seen my share of bodies on slabs in morgues because of violent crime, and many of those were young kids.

This legislation defines crime by crime by crime and sets forth the criteria that the legislature was responsible for doing in the first place.

I want to explain the process on how this works. The crime is committed, it is reported, law enforcement goes in and does an investigation. If they feel that a crime has been committed, they file a complaint or go to the DA or go to the United States Attorney and present probable cause, evidence that the crime probably was committed. And then, in whatever situation, whether it is the State or the Federal level, there can be an indictment, the evidence can go before a grand jury, and then the decision is made if it proceeds. Then that individual goes before a judge on a preliminary hearing to the point where the person's actual constitutional rights kick in. None of that, none of that is eliminated.

I support this legislation because of what I have seen over my career. And taking care of issues of violence that we see so much of and the violence that we see, particularly by individuals that are here illegally, this remedies that matter.

We have a lot of violence in this country committed by people that are citizens, and we take care of that through the judicial system as well.

But this is commonsense legislation. It addresses the issue immediately and it does what the American people want it to do.

There is due process, but if you are here illegally, you commit a violent crime, and once that is established, then you are sent back to your country of origin.

Mr. Speaker, I support this legislation and I urge my colleagues to support it.

Ms. JACKSON LEE. Mr. Speaker, if I might respond to the gentleman's presentation.

Due process is denied and could be denied, based upon the fact that there is no element of the offenses that are just listed in a laundry-list type. That would come about if we had done this in an extensive manner of review.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE), the ranking member of the Subcommittee on Regulatory Reform, Commercial and Antitrust Law and a member of the Judiciary Committee.

Mr. CICILLINE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in opposition to H.R. 6691, the so-called Community Safety and Security Act.

This legislation would dramatically expand the definition of a crime of violence in the Federal criminal code, with many, many unintended consequences. The gentlewoman from Texas spoke about fleeing. That is just one example of one of the unintended consequences of this.

This is partly happening because this legislation is being rushed through the House without any meaningful debate or committee consideration. It was introduced just last week before the Labor Day weekend when most Members were home for the district work period. We have had zero markups, zero hearings on this bill, and this bill has never been considered in the previous Congress. So not in this Congress, not in the previous Congress.

It has not been considered through regular order, and that means key stakeholders, like outside experts and criminal justice reform advocates, have been given little chance to provide input on the bill.

It is a demonstration, frankly, of the arrogance of this body. We don't even think we need to listen to anybody about the implications of this bill. We know best. We are not going to have a hearing. We are just going to bring it to the floor.

In the very short time that the public has had to analyze it, groups like Families Against Mandatory Minimums, the ACLU, and the National Immigration Justice Center have expressed opposition to the bill.

It is basically fast tracked, even though changing the definition of a crime of violence will have a domino effect on our laws, given its prevalence in Federal criminal law and its application in immigration law.

This so-called Community Safety and Security Act could lead to more criminalization, harsh sentencing, and unfair results. It is overly broad and will open the doors to massive incarceration and people being unjustifiably detained, both pretrial and post-conviction. It could exacerbate racial disparities that already exist in policing and in the courts, and it could accelerate the number of immigrant detentions and deportations.

I really don't understand why my Republican colleagues are scrambling to push this through, this just-introduced bill, without careful consideration.

We do have to respond to the Supreme Court decision. We need to do it properly, and after careful deliberations, with a full understanding of all of the consequences. This bill will have far-reaching effects, not only on citizens of this country, but on people who are here in the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. JACKSON LEE. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. CICILLINE. Mr. Speaker, passing this bill today without a full understanding of these effects would be irresponsible.

We have been able to engage in really deliberative, thoughtful consideration of criminal justice reform. This May we passed the FIRST STEP Act. There was a lot of good bipartisan collaboration. There were hearings and discussions and listening to experts. That is how we should be doing business. This will affect people's lives.

We have a lot more work to do. I encourage my colleagues to reject this legislation so that we can get back to working in a bipartisan way to get rid of mandatory minimums, to making investments in reentry programs, to ending racial profiling, and so many of the other reforms that I know we can work on together. That is how we should be doing the business of the American people, not jamming things through in the dark of night with no hearings, no witnesses, no understanding of the bill that just passed.

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

Mr. Speaker, first, I certainly appreciate my colleagues and the fact that they have read the bill so very thoroughly.

I must reiterate, however, that this legislation is not overly broad. In fact, it specifically maintains the status quo. And we drew those lines because

we crafted the bill to maintain that status quo.

The legislation will not be able to fix some of the outrageous injustices that have occurred when courts have found certain offenses do not qualify as crimes of violence. For example, where a defendant who has a conviction for sexual abuse escapes more serious consequences because the State's sexual abuse statute also encompasses certain consensual conduct and, therefore, it was not categorically a crime of violence even when and where this particular defendant committed horrific acts that were most certainly not consensual.

□ 0945

Some of these injustices must be fixed through State legislation. We refrained specifically from expanding the law, despite the very human desire to want to fix these kinds of injustices and recognizing that the States have the duty to fix this.

This legislation, Mr. Speaker, does affect people's lives. Specifically, it is going to affect the lives of individuals who are victims of violent crimes.

A couple more points have been raised. First of all, on the issue of fleeing, we have heard the concerns that the written text is a little bit too broad on fleeing. Well, let me just correct that. Courts have found fleeing to be a crime of violence. This is not an expansion. This applies only in vehicles. It is not on foot.

The Seventh Circuit called this specific conduct ''inherently aggressive.'' The 11th Circuit reasoned that ''fleeing from law enforcement, an individual has already resorted to an extreme measure to avoid arrest, signaling that he is likely prepared to resort to the use of physical force.''

So, Mr. Speaker, we approach this bill with great diligence. Time, as I said, is of the essence, given the recent U.S. Supreme Court decision. We heard from the police officers association that they are very concerned about the fact that pending cases and convictions could be effective if Congress does not act. Indeed, substantial harm will occur if we fail to act.

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

Ms. JACKSON LEE. Mr. Speaker, reserving the status quo is the very point we are making, that the status quo is the unclarity, if you will, and, therefore, it is important that we pursue this in a manner of constructively understanding what is the best approach to protect the American people.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), the vice ranking member on the Veterans' Affairs Committee.

Mr. TAKANO. Mr. Speaker, I thank the gentlewoman from Texas for yielding.

Mr. Speaker, I rise in strong opposition to H.R. 6691, the Community Safety and Security Act of 2018.

Mr. Speaker, I want to bring to my colleague's attention an issue I don't think the majority considered when rushing this bill to the floor without any hearings or markup. They departed from regular order, and doing so always has some, I think, unintended consequences.

H.R. 6691 will help deport veterans, people who have served in our military and often who have served in combat. Current law makes certain crimes a deportable offense for legal permanent residents. For the thousands of servicemembers and veterans who are legal permanent residents, this bill will make it easier to deport them.

If a soldier comes home with PTSD or if a veteran is struggling with substance abuse or gets in trouble with the law, this bill makes it harder to grant them any kind of discretion.

I have met with dozens of deported veterans who have served their country honorably, even been to war, but were deported when they came home. They made mistakes. They paid their debt to society, and their service meant nothing when it came time to permanently banish them from our country.

Now, that is unfair. It is cruel and unusual punishment. I believe that if anyone deserves a second chance in our country, it is our veterans.

Now, I agree with many of my colleagues that the Supreme Court is right and that we need to change the vagueness in the current law; however, we need to do that through regular order. This bill would classify certain crimes as violent, even if no one was harmed in the act. These are serious issues and they deserve a serious process.

Mr. Speaker, this bill will have many unintended consequences if made into law. I implore my colleagues to vote against it and have it go through regular order and get the hearings that it merits.

Mrs. HANDEL. Mr. Speaker, just one clarification to the most recent comments. The part that was left out in those comments was the fact that it would apply only if a violent crime is committed.

May I inquire as to how much time remains.

The SPEAKER pro tempore. The gentlewoman from Georgia has 18¾ minutes remaining.

Mrs. HANDEL. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I rise today in support of legislation introduced by my colleague, Congresswoman KAREN HANDEL from Georgia, H.R. 6691, the Community Safety and Security Act.

This is an important piece of legislation for multiple reasons. First, passage of this legislation fulfills Congress' duty to fix a loophole in our Federal legal code that the Supreme Court has decided must be changed. Specifically, the U.S. Supreme Court has said that our definition of ''crime of violence'' is unconstitutionally vague, applicable throughout U.S. Code. This means courts must decide on a case-by-case basis which crimes are of violence and which are not.

Unfortunately, this vagueness leads to inconsistencies. Individuals who commit crimes of sexual assault, kidnapping, assault on a police officer, and much more may be set free by the courts because of this vague phrase in our code.

With this legislation, we can ensure those committing these acts stay behind bars. And further, fixing this problem is exactly what Congress was designed to do, allowing those elected directly by the people to create and update the laws we live by, creating consistent and clear laws to uphold the rule of law.

Mr. Speaker, I encourage all of my colleagues to support this important legislation.

I thank my colleague from Georgia for sponsoring this legislation.

Ms. JACKSON LEE. Mr. Speaker, if I might inquire how many speakers the gentlewoman from Georgia has remaining.

Mrs. HANDEL. Mr. Speaker, I have two additional speakers.

Ms. JACKSON LEE. Mr. Speaker, I reserve the balance of my time.

Mrs. HANDEL. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HOLDING).

Mr. HOLDING. Mr. Speaker, I rise today in support of H.R. 6691, the Community Safety and Security Act, and urge all of my colleagues to support this bill.

I also want to thank my colleague, Congresswoman HANDEL, for her very hard work in advancing this legislation.

In April, as we know, the Supreme Court held, in Sessions v. Dimaya, that the term ''crime of violence'' was unconstitutionally vague. This decision meant certain obviously violent offenses would no longer qualify as violent crimes and, thus, made it more challenging to deport illegal immigrants who have committed what we would all call violent crimes.

Justice Gorsuch was the deciding vote in the case, casting his vote for fear that vague laws invite arbitrary power. In his opinion, he indicated that it was the duty of the legislature to add to the list of what constitutes a crime of violence that could lead to a person's deportation. This legislation does just that.

As a former United States attorney, I understand that clarity is the cornerstone of justice. So by clearly defining what constitutes a violent crime, we are not only strengthening our judicial system, but also ensuring the safety of the American people.

Ms. JACKSON LEE. Mr. Speaker, earlier I indicated the work of the Judiciary Committee, and it has been enhanced by the ranking member, Mr. NADLER. We have worked on criminal justice issues bipartisanly, and I want to thank Mr. NADLER for doing so. That is the tragedy of this legislation.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the House Judiciary Committee.

Mr. NADLER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I must oppose the so-called Community Safety and Security Act. This highly flawed bill is an example of why regular order and a meaningful, deliberative process is essential to the proper crafting of legislation.

Last April, the Supreme Court, in Sessions v. Dimaya, ruled that a portion of the criminal code's definition of criminal violence is unconstitutionally vague. That was nearly 6 months ago.

The Judiciary Committee has had ample time to examine the decision, to hold hearings, to gather input from a range of stakeholders, and to carefully develop legislation through markup and regular order—but none of those things have happened.

Instead, a bill with significant ramifications for criminal law in immigration cases was introduced just last week while Members were out of town and is being rushed to the floor today without any hearings, without any markup, without any adequate opportunity for review by the public, by legal experts, or by stakeholders. So it is not a surprise that we are left with many unanswered questions and concerns about the impact of the bill.

The term ''crime of violence'' is referred to throughout the criminal code and is, for example, used to determine whether a juvenile may be prosecuted as an adult in Federal court. It also has serious implications in immigration law because a noncitizen convicted of an aggravated felony, described under the Immigration and Nationality Act to include a crime of violence under this section, is deportable and would be denied the opportunity for certain discretionary relief from removal.

If we do not define this term properly, it could have significant adverse consequences. H.R. 6691 specifies a long list of offenses that would be considered crimes of violence, some of which are not currently included in the Federal criminal code. The bill further defines some of the offenses that are in the code, adding layers of confusion to the bill.

We need proper definitions. For example, the crime of fleeing is identified as a crime of violence. Now, if by fleeing you mean that, when the cop pulls you over, you hit the gas and flee at 100 miles per hour, endangering anybody on the road, that is a crime of violence. But if by fleeing it is meant that you don't pull over immediately because you are looking for a safe place to stop, well, that probably shouldn't be a crime of violence, and yet, in this bill, it seems to be.

We should carefully examine all of these offenses to determine which are appropriate to be included in this definition, and we should consider what the consequences will be for each one.

In writing for the majority in Dimaya, Justice Kagan noted that:

A host of issues respecting the definition of ''crime of violence'' application to specific crimes divide the Federal appellate courts.

Although Congress has the power to clarify the definition or to establish a new one, as this bill would do, it is absolutely essential that we consider carefully what offenses should be included.

Indeed, in considering a change to the definition of ''crime of violence'' for the purposes of the sentencing guidelines, the United States Sentencing Commission held a hearing and received testimony. It also sought public comments in response to proposed revisions. At a minimum, we should do the same.

Finally, I note that, even in the brief time since the bill has been introduced, a week, a broad array of advocates have expressed opposition to this bill, including the American Civil Liberties Union and Families Against Mandatory Minimums.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. JACKSON LEE. Mr. Speaker, I yield an additional 1 minute to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I thank the gentlewoman for the additional time.

Others opposing the bill are Asian Americans Advancing Justice, the Immigrant Justice Network, the Immigrant Defense Project, the National Center for Lesbian Rights, the National Association of Criminal Defense Lawyers, and others. Such opposition should, at the very least, tell us that we should not be considering this legislation without thoughtful deliberation.

This bill is a perfect example of a bill whose topics should be covered, but we could do it properly instead of having a sloppily drafted bill that does things we don't know it does and doesn't do things we think it does. We must have a hearing. We should have testimony. We should carefully consider this bill, and then we should pass some version of it.

For those reasons, I oppose passage of this version of this bill, and I ask that we take the time to examine this issue through regular order.

Mrs. HANDEL. Mr. Speaker, again, I want to make the point that time really is of the essence in being able to protect due process and, equally and perhaps more importantly, being able to protect victims of certain violent crimes.

For example, right now, today, under Fourth Circuit precedent, sex trafficking is not considered a crime of violence; and I think that most of us would all agree that sex trafficking is, indeed, a crime of violence.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from Georgia has 14¾ minutes remaining.

Mrs. HANDEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Speaker, I would like to make some clarifications. First of all, I am tired of hearing from the other side that bills are rushed through, bills are pushed through, there is no thought put into this, which is nothing more than a red herring.

□ 1000

The Supreme Court said that the term ''crime of violence'' is not specific enough. So what we did was we put into this new statute this new law explaining what murder is, and voluntary manslaughter, sexual abuse, aggravated assault, aggravated sexual abuse, child abuse, kidnapping, robbery, carjacking, firearms use, burglary, arson, extortion, communication of threats, and fleeing.

These are already laws that have been on the books for two decades. The Court just simply said it wants the specifics in the legislation for removing someone who is here illegally and who has committed one of these crimes.

Now, let's go into this. They are making, again, a red herring, a big deal, out of this term ''fleeing.'' Now, all the crimes, plus there were many more in here that I didn't have time to go over, explain and define those.

One thing I want to talk about in ''fleeing'' is, it is not if a person is speeding and an officer wants to stop that person and the person drives a little longer to find a safe place to pull over. That is absurd.

Here is the term. ''Fleeing'' means knowingly operating a motor vehicle and, following a law enforcement officer's signal to bring the motor vehicle to a stop: A, failing or refusing to comply; or, B, fleeing or attempting to elude a law enforcement officer.

The term ''force'' means the level of force capable of physical pain or injury, or needed or intended to overcome resistance.

That means that that individual is fleeing in that automobile at a high rate of speed to get away from the officer because they don't want to be caught, and that person could cause much more havoc, much more danger and death, to somebody else if, when they are fleeing, they cause an accident.

My colleagues on the other side leave out these important details. It is all listed here. It is very specific. It is exactly what the Court asked for, and this is good law.

Ms. JACKSON LEE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from California (Ms. LOFGREN), the ranking member of the Subcommittee on Immigration and Border Security of the Judiciary Committee.

Ms. LOFGREN. Mr. Speaker, there are some things in this bill that probably make sense, and there are some things in this bill that I think are very poorly crafted and will have adverse implications for juvenile law or for sentencing reform.

We should have had a hearing. We should have looked into this whole

matter and come up with something that we could all support.

Now, one of the things, I hate to say, is that there is a sense of urgency here. The problem is the majority sat on their hands.

This decision of the Supreme Court was April 17 of this year. What did the committee do in response? Nothing. Nothing. No bill was introduced. No hearings were held. Then, last week, this piece of legislation was introduced and rushed to the floor without adequate thought.

So, yes, we need to act, but we need to act like grownups. We need to make sure that we are doing something that makes sense.

I am actually going to vote ''present'' on this vote, because I don't want a ''no'' vote on the portions of the bill that I know are correct having to do with child abduction.

But I can't support something that is so poorly crafted, that is a product of such disdain for the need to be serious about this issue.

If we don't want to trample on the good work we did, and we have yet to bring to fruition on sentencing reform the juvenile justice issues that loom so large in our communities, we just can't go ahead blindly on this bill.

I thought it was important to point out that the majority has a responsibility to react to court decisions, and they failed in this case.

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

Ms. JACKSON LEE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentlewoman from Texas has 16¼ minutes remaining.

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

Mr. Speaker, in closing, sometimes vagueness is the extinguishing of constitutional rights. I know, and I will have the numbers, that the predominant numbers of incarcerated persons throughout the Nation are African Americans and Hispanics. That is men and women. A rising number of women are being incarcerated, some of them tied to crimes of their boyfriend, husband, or other significant other.

Juveniles are also being incarcerated throughout the State system.

Mass incarceration is a big deal, so it behooves us to be diligent. In this particular bill, yes, Mr. Speaker, it should have been collaborative and bipartisan, because none of us will yield to a dastardly criminal act that impacts our constituents or the American people. But a fact is a fact. This generates racial disparities.

As my friend from California indicated, individuals who put on the uniform, who may be legal permanent residents, veterans, have the potential, in spite of the uniform that they put on and their willingness to sacrifice their life for America, caught in the wrong situation, could be deported.

This is not to be taken lightly. Frankly, if my friends had studied the Constitution and read the Supreme Court decision, they would have seen the statement that Justice Kagan made, and that is that this is dividing the Federal appellate courts. She raised the question: Does car burglary qualify as a violent felony under 16(b)? She indicated that some courts say yes, some courts say no.

She went on to say, residential trespass, what is that? The same is true. She went on to say, it does not exhaust the conflict in the courts.

Well, you don't answer the conflict by doing as was stated in the Families Against Mandatory Minimums letter dated September 6. On substantive grounds, H.R. 6691 has the potential to have severe unintended consequences on sentencing in our justice system writ large.

Under this bill, seemingly nonviolent offenses will be considered violent offenses, for example, under H.R. 6691, burglary of an unoccupied home. How many teenagers—I am not condoning that—may we find in an unoccupied home? I am not condoning burglary, but it would be considered a violent offense.

Burglary is a serious offense, but should it be considered violent if the perpetrator does not even interact with another person? Yes, they should be prosecuted. But you have in this bill violent offense.

Then, of course, in this legislation, legal service providers who filed an amicus brief, these are the guys and ladies who are our public defenders who see these people every day—the indigent, and many of them minority—they wind up, as everyone says, up the road in these large, massive prisons, and their lives are ruined because we have not fixed the criminal justice system.

Legal service providers who filed the amicus brief in the Dimaya case described the different applications of subsection (b) of section 16 across Federal circuits, using the example of residential trespass, which was considered a crime of violence by the Tenth Circuit Court of Appeals but not by the Seventh Circuit. This bill does little to resolve the inconsistent way courts apply the crime of violence based on subsection (b) because it includes vague definitions of offenses and creates definitions for the same crimes that differ from those currently in the criminal code.

That is a denial of due process, and that is not taking on this important issue. As was mentioned, there is a list of important elements. I support the fact that these are difficult and a terrible dilemma. But it can be done in a manner that is preferable, and that is through unceasing commitment and effort.

Mr. Speaker, this is why we are here today having different positions. I cannot yield to what will be claimed as individuals who do not understand how important this bill is when I know the young African American men and young men of color who are entrapped in this system, and that the better approach and the better angels are for us to do comprehensive criminal justice reform and, I might add, immigration reform as well.

But let me indicate that we support victims of crime, especially those who are victims of violent crimes. We want relief for them.

This bill dangerously leads to overcriminalization, and we should not take the task of amending the definition of ''crime of violence'' lightly.

In the Rules Committee, we addressed overcriminalization and mass incarceration. Representative TORRES aptly stated that we should not proceed with haste, which will further exacerbate the overcrowdedness in our prisons.

One Member suggested, in the Rules Committee, just build prisons, that is how we stop this criminal siege, as indicated, even though the FBI and the Bureau of Justice Statistics have indicated that crime is going down.

Yes, we have our concerns. Even conservative groups that work with these very complicated and important criminal justice reform issues, like the Cook Foundation and Right on Crime, do not agree that building more prisons is the answer. Right on Crime states that, by reducing excessive sentence lengths and holding nonviolent offenders accountable through prison alternatives, public safety can often be achieved.

We recognize that the violent perpetrators should be incarcerated. If that is the case, I would stand with my colleague.

I would also stand with the Mothers of the Movement who saw their sons gunned down, in that we need to have relief in that direction.

There are many issues of criminal justice reform that should be on this floor—as I mentioned, sentencing reduction and juvenile justice reform—but we have not come to that point.

So I would ask, Mr. Speaker, that my colleagues vote ''no,'' because as Justice Kagan said in her opinion, the interpretation of crime and violence has divided the Federal appellate courts because the answer is not obvious. Therefore, we must carefully consider the alternatives to the approach prepared in this bill. We must do more than eliminate vagueness. We must achieve a just and fair result.

Nothing in this Supreme Court opinion, nothing, says, go alone, put a bill on the floor for 1 week, give Members no chance to amend, try to deny due process, build more prisons, make sure that the disparities of those who go into our jails rises and goes up, rather than giving our young people opportunities, a fair chance, and justice. So I ask my colleagues to oppose this bill.

□ 1015

Mr. Speaker, I include in the RECORD letters from the ACLU, the Center for American Progress, Asian Americans Advancing Justice, the National Center

for Lesbian Rights, and immigrant rights organizations ranging from the National Immigrant Justice Center to others.

ACLU,
September 6, 2018.

Re The ACLU Says Vote NO on H.R. 6691 Community Safety and Security Act of 2018.

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), we write to urge you to vote NO on H.R. 6691, the Community Safety and Security Act of 2018. H.R. 6691 is overbroad and expands the definition of a ''crime of violence'' to include a number of offenses that have no element of violence which will further fuel mass incarceration for low level offenses. The ACLU will include your vote on The Community Safety and Security Act in our voting scorecard for the 115th Congress.

For nearly 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. With more than 2 million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington, D.C. for the principle that every individual's rights must be protected equally under the law, regardless of race, religion, gender, sexual orientation, disability, or national origin.

The Community Safety and Security Act is a flawed attempt to address the unconstitutionally vague definition of a crime of violence after the Supreme Court's decision in Dimaya v. Sessions. To the contrary, the bill does not fix the vagueness issue, but actually renders the statute even less clear and concise than the unconstitutional language that the Supreme Court struck down.

H.R. 6691 WILL EXACERBATE MASS INCARCERATION BY EXPANDING THE DEFINITION OF ''CRIME OF VIOLENCE''

While H.R. 6691 amends only one definition, it has far reaching impact. The definition of ''crime of violence'' in 18 U.S.C. §16 is referenced throughout U.S. Code in various contexts including in immigration law. Amending the definition of a ''crime of violence'' would expand the impact of a number of federal sentencing provisions as well as impact pretrial detention decisions. It would allow for severe, costly, and punitive sentences to apply to low level crimes, and could prevent people accused of misdemeanors from being released pretrial. This hastily drafted legislation would have wide, costly, and harmful consequences.

VAGUENESS HAS NOT BEEN SOLVED

While attempting to address the vague language found unconstitutional in Dimaya, this bill creates even more statutory uncertainty in its wake. In the Dimaya decision, sub-section (b) of Section 16 was declared unconstitutionally vague in the immigration context due to the arbitrary and unpredictable decisions that were sure to result from its wording. H.R. 6691 however, creates new, imprecise definitions of crimes, adding confusing and ambiguous language to the statute.

Perhaps most concerning is this bill's inclusion of conduct and offenses unrelated to actual violence in a definition for a ''crime of violence.'' For example, the definitions of fleeing, coercion, burglary, and carjacking in H.R. 6691 would include within their list of qualifying conduct for a ''crime of violence'' acts without threats to or actual bodily harm. The definition of coercion for example, includes coercion by fraud, carrying no risk of actual bodily harm, threatened bodily harm, or fear of bodily harm to the victim. By not connecting behavior that is actually violent to the meaning of a ''crime of violence'' the legislation diminishes the meaning of violence and opens the door for people convicted of low level, nonviolent offenses to face the same severe sentences as those convicted of more serious offenses.

Legal services providers who filed an amicus brief in the Dimaya case described the different application of subsection (b) of Sec. 16 across federal circuits, using the example of residential trespass which was considered a ''crime of violence'' by the Tenth Circuit Court of Appeals but not by the Seventh Circuit. This bill does little to resolve the inconsistent way courts applied the ''crime of violence'' based on subsection (b) because it too includes vague definitions of offenses and creates definitions for the same crimes that differ from those currently in the criminal code.

For instance, this legislation offers new and alternative meanings to carjacking, fleeing, coercion, and extortion among others without amending the respective criminal code to make them consistent. The definition of carjacking in the bill expands the language to include acts without intent to cause death or serious bodily harm as well as acts that are considered merely unauthorized use of a vehicle. The most confusing and ill-advised expansion in the bill is ''fleeing'' as a ''crime of violence'' offering one definition of the offense as simply failing to comply with an officer's signal to pull over. On top of being somewhat confusing and vague, these new definitions could include routine traffic stops and joyriding. This bill is so broad as to include acts considered nonviolent while creating a numerous conflicting definitions of the same conduct.

Instead of attempting to expand the definition of crime of violence to the point of rendering the word ''violent'' meaningless, a more thoughtful approach would be to adopt the U.S. Sentencing Commission Guidelines list of ''crimes of violence'' in §4B1.2 that hold true to the meaning of ''violent'' while solving the vagueness issue found in Dimaya. §4B1.2 offers a definition of ''crime of violence'' as ''a murder, voluntary manslaughter, kidnapping, aggravated assault, a forcible sex offense, robbery, arson, extortion, or the use or unlawful possession of a firearm described in 26 U.S.C. §5845(a) or explosive materials defined in 18 U.S.C. §841(c).''

H.R. 6691 IS DUPLICATIVE AND EXCESSIVELY PUNITIVE WHEN APPLIED TO CASES OF DEPORTATIONS

The term ''crime of violence'' is included in one of the harshest provisions of our immigration laws—triggering mandatory detention and leading to deportation with little to no due process. By expanding the existing ''crime of violence'' definition, H.R. 6691 would lead to generally non-violent offenses—such as communication of threats or simple assault (which could include minor offenses such as spitting on another person)—triggering no-bond detention and deportation. Currently, immigrants who have had contact with the criminal justice system are often subject to harsh and overbroad immigration penalties. Residents who have lived here for decades, including lawful permanent residents, can face deportation for minor offenses like shoplifting or using a false bus pass. Given there is already an exhaustive list of crimes that are addressed by current immigration laws, this bill is unnecessary, duplicative, and excessively harsh. At a time when resources are limited and the public is concerned with over-criminalization, this bill would expand the way in which our laws criminalize immigrants and communities of color.

CONCLUSION

H.R. 6691 would impose a sweeping and unwise expansion of what are known as ''crimes of violence'' that would have significant and wide-ranging impacts on immigrant communities and communities of color and further burden our failing criminal justice system.

For these reasons, the ACLU urges you to vote ''No'' on H.R. 6691 the Community Safety and Security Act of 2018. If you have any additional questions, please feel free to contact Jesselyn McCurdy, Deputy Director.

Sincerely,

FAIZ SHAKIR,
National Political Director, National Political Advocacy Department.
JESSELYN MCCURDY,
Deputy Director, Washington Legislative Office.

[From the Center for American Progress]

COMMUNITY SAFETY AND SECURITY ACT—H.R. 6691

ANALYSIS

The Center for American Progress is deeply concerned about H.R. 6691, a bill to amend Title 18, United States Code, which purports to clarify the definition of a ''crime of violence'' in 18 U.S.C. §16. The bill was written in response to the Supreme Court's decision in Dimaya v. Sessions, which held that subsection (b), known as the ''residual clause,'' is unconstitutionally vague. Yet, instead of taking time to fashion a definition that takes into consideration the many legal ramifications across federal proceedings of changing this term, the bill's sponsors are recklessly pushing forward a definition of a crime of violence for political purposes. The bill is unnecessary, overbroad, and could have substantial harmful effects.

The bill is overbroad and includes in its list of crimes of violence a number of offenses that have no element of violence at all. Burglary, for example, is included in the list of crimes of violence though it is defined as the unlawful or unprivileged entry into a building. Likewise, the bill lists coercion through fraud as a violent felony though no element of violence is part of that criminal offense. Simple assault is also considered a violent crime even in circumstances where the underlying act was merely a push or shove.

One of the more egregious examples of an offense listed as a crime of violence is ''fleeing'' which is described as ''knowingly operating a motor vehicle and, following a law enforcement officer's signal to bring the motor vehicle to a stop, (A) failing or refusing to comply; or (B) fleeing or attempting to elude a law enforcement officer.'' Depending on factual circumstances, this provision elevates what could have amounted to a traffic violation to a crime of violence.

The bill dangerously expands the definition of violent crime which leads to overcriminalization. Every existing definition of a crime of violence in federal law or for federal purposes includes as an element the use, threatened use, or attempted use of force—see 18 U.S.C. §§924(c)(3), 3156; Uniform Crime Reports. But H.R. 6691 omits this crucial and basic requirement. The consequences are

dangerous, especially in the hands of a Sessions Justice Department which has displayed a general tendency to use a sprawling definition of violent crime to justify more arrests and prosecutions and longer prison sentences. The residual clause, while expansive, at least had the requirement that the crime of violence be classified as a felony that involves a substantial risk of force against person or property, but even that requirement has been removed by H.R. 6691.

A new definition of crime of violence is unnecessary, even in light of Dimaya. The Court in Dimaya held that the residual clause is unconstitutional but left in place subsection (a) which defines a crime of violence as ''an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.'' While not an ideal formulation, it can for now suffice as an adequate placeholder until Congress can undertake a more deliberate approach instead of a reflexive one.

H.R. 6691 could have significant exclusionary effects on federal criminal justice laws and legislation. Carelessly expanding the definition of a ''crime of violence'' will change criminal procedures under current law and lead to more people being unnecessarily detained both pretrial and post-conviction. This goes against bipartisan efforts to reform the criminal justice system. For example, proposed legislation such as H.R. 4833 (Bail Fairness Act); H.R. 5043 (Fresh Start Act); and H.R. 5575 (Pathway to Parenting Act) bars people convicted of a crime of violence from pretrial release considerations, expungement of crimes, and receiving visitors. Expanding the definition of a crime of violence would exclude some of the very people meant to be helped by these bills.

[From Asian Americans Advancing Justice]

AAJC OPPOSES H.R. 6691

Asian Americans Advancing Justice—AAJC, a national civil rights organization, urges Members of Congress to vote NO on the House Community Safety and Security Act (H.R. 6691)—a measure that would dangerously expand the definition of a ''crime of violence'' to include many offenses that have no element of violence at all, leading to overcriminalization and unnecessary detention.

This bill's overly broad definition opens the door to a massive increase in people being unjustifiably detained both pre-trial and post-conviction because the bill omits the crucial requirement that a ''crime of violence'' involve the use, threatened use, or attempted use of force. Such severe adverse consequences are highly likely to occur, especially since the Department of Justice has exhibited an alarming tendency to use an overly broad definition of a violent crime to justify increased arrests, prosecutions, and harsher prison sentences.

Congress owes a duty to the American public to carefully craft a definition of a ''crime of violence'' that takes into consideration the many harmful legal consequences that might flow from changing such a key term. Instead of following a reasoned, deliberate approach to lawmaking, the sponsors of this bill have hastily proposed a damaging definition that would frustrate current bipartisan efforts to reform the criminal justice system.

We oppose any expanded definition of ''crime of violence'' that would criminalize at-risk and marginalized communities. We need more fairness and relief within our criminal justice system, not less. This bill would disproportionately harm communities of color, including Southeast Asian refugees who are already being deported in high numbers for old criminal convictions. A new, sprawling definition for ''crime of violence'' would have negative ripple effects for community members' eligibility for immigration relief, further fueling Trump's draconian, anti-immigrant enforcement agenda.

We urge Congress to stand with us against this harmful and reckless bill. If you have any questions, please contact Megan Essaheb or Hannah Woerner.

NATIONAL CENTER FOR LESBIAN RIGHTS,
Washington, DC.

DEAR MEMBER OF CONGRESS: The National Center for Lesbian Rights urges you to vote ''No'' on HR 6691, Community Safety and Security Act of 2018. This bill would only serve to exacerbate mass incarceration and racial inequality in our country. The bill vastly broadens the scope of the federal term ''crime of violence,'' a definition with sentencing repercussions throughout the federal criminal code. Additionally, because the term is also referred to in various immigration statutes, the bill would also expand the already vast category of crimes that render even lawfully present immigrants subject to immigration mandatory detention and deportation.

This bill will likely lead to more lesbian, gay, bisexual, transgender, and queer (LGBTQ) people being incarcerated or detained, where they are more likely to experience violence than non-LGBTQ people. Currently LGBTQ people, especially those of color, are disproportionally incarcerated due to higher rates of poverty and to a history of anti-LGBTQ discrimination, including by law enforcement. For adults 40% of incarcerated women and 9% of incarcerated men are sexual minorities. Additionally, one in eight transgender people have been incarcerated; among transgender women, that number jumps to one in five. The rate of incarceration is higher for transgender people of color, with one in four trans Latinas and nearly half of Black trans people experiencing incarceration. In the last year, transgender people were incarcerated at twice the rate of the general population, with Black (9%) and American Indian (6%) transgender women being the most impacted.

Incarceration exposes LGBTQ people to verbal, physical, and sexual harassment and abuse. LGBTQ prisoners are significantly more likely to be sexually assaulted in prison, with 12% of gay and bisexual men and 40% of transgender people reporting a sexual assault in 2011. In a survey of LGBTQ inmates, 85% of respondents had been placed in solitary confinement—many purportedly for their own protection—and approximately half had spent two years or more in solitary. LGBTQ, and especially transgender inmates are often denied needed medical care while incarcerated including transition-related care, HIV-related care, and mental and behavioral care. In the previous year 37% of transgender people who were on hormone treatment were denied medication once incarcerated. Furthermore, LGBTQ individuals held at federal immigration detention centers are 97 times more likely to be sexually assaulted than other detainees.

By causing more people to be deported, this bill will lead to LGBTQ immigrants being sent back to countries where they have little to no legal rights and are more likely to experience anti-LGBTQ violence and possibly death. Nearly 80 countries criminalize same-sex relationships and many without explicit laws remain very dangerous for the LGBTQ community.

We urge you to vote ''No'' on HR 6691, because this bill would hurt LGBTQ and non-LGBTQ people, especially those who are of color and immigrants. As a community that experiences high rates of violence, LGBTQ people understand the important of addressing violence in our communities. However, incarceration is not the solution to violence. Instead, Congress should support community-based prevention strategies and address the structural causes of violence.

For more information, you can read the attached documents which further explain the harms this bill would cause.

Warmly,

TYRONE HANLEY, ESQ.
Policy Counsel.

[September 5, 2018]

IMMIGRANTS' RIGHTS ORGANIZATIONS ENCOURAGE MEMBERS OF CONGRESS TO VOTE NO ON H.R. 6691, A RETROGRESSIVE MASS INCARCERATION BILL

H.R. 6691 is a retrogressive measure that seeks to expand the federal criminal code and exacerbate mass incarceration at a time when the vast majority of Americans believe the country is ready for progressive criminal justice reform. The bill vastly broadens the scope of the federal term ''crime of violence,'' a definition with sentencing repercussions throughout the federal criminal code. Because the term is also referenced in one of the harshest provisions of immigration law, the bill would also expand the already vast category of crimes that render even lawfully present immigrants subject to immigration detention and deportation. The bill will cause numerous harms, outlined here and described in detail below:

1. H.R. 6691's expansion of Section 16 of Title 18 of the United States Code, the definition of a ''crime of violence,'' will expand the criminal justice and incarceration systems. Because this definition is cross-referenced widely throughout the criminal code and incorporated into federal immigration law, this bill will trigger a significant expansion of the penalties attached to even minor criminal conduct in federal criminal court, exacerbate the mass incarceration crisis, and render even more immigrants subject to the disproportionate penalty of deportation.

2. H.R. 6691 broadens the ''crime of violence'' definition far beyond what the statute included prior to the Supreme Court's decision in Dimaya, including offenses as minor as simple assault and as vague as ''communication of threats.''

3. H.R. 6691 will expand the already overly punitive immigration consequences of involvement in the criminal justice system by further broadening the already sweeping list of offenses that constitute an ''aggravated felony,'' in a manner almost entirely duplicative and sometimes at odds with other provisions in federal immigration law.

4. If H.R. 6691 became law, there would be serious questions about its constitutionality.

This bill represents a cynical effort to deepen the penalties attached to even minor criminal offenses, further criminalizing immigrants and communities of color. The Immigrant Justice Network, Immigrant Defense Project, Immigrant Legal Resource Center, National Immigrant Justice Center, and the National Immigration Project of the National Lawyers Guild urge Members of Congress to vote NO on H.R. 6691.

1. H.R. 6691 EXPANDS THE FEDERAL DEFINITION OF ''CRIME OF VIOLENCE,'' WITH VAST RIPPLE EFFECTS

H.R. 6691 purports to amend only one provision of U.S. law—the definition of what constitutes a ''crime of violence'' as defined at Section 16 of Title 18 of the United States Code. Section 16, however, serves as the ''universal definition'' of a ''crime of violence'' for the entirety of the federal criminal code. The language is cross-referenced in the definitions and sentencing provisions for

numerous federal offenses, including racketeering, money laundering, firearms, and domestic violence offenses. Additionally, the definition is incorporated into the Immigration and Nationality Act as one of a list of 21 different types of offenses that constitute an ''aggravated felony,'' which in turn constitutes a ground of deportability and a bar to nearly every type of defense to deportation.

Expanding the ''crime of violence'' definition is anathema to progressive criminal justice reform, criminalizing more conduct and attaching greater penalties across numerous provisions of the federal code, all while rendering more immigrants subject to the double penalty of deportation.

2. H.R. 6691 BROADENS THE ''CRIME OF VIOLENCE'' DEFINITION FAR BEYOND WHAT THE STATUTE INCLUDED PRIOR TO THE SUPREME COURT'S DECISION IN DIMAYA

H.R. 6691 is a solution in search of a problem. Section 16 is written in two sub-parts, (a) and (b). The text of the statute already broadly defines ''crime of violence'' in subsection (a), including any offense ''that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.'' We can assume that H.R. 6691 was written in response to the Supreme Court's April 2018 decision in Sessions v. Dimaya, in which the Court struck down sub-section (b) as unconstitutional in the immigration context. Section 16(b) includes any felony offense that ''by its nature'' involves a substantial risk of the use of such force; in Dimaya, the Court found its application so vague as to create ''more unpredictability and arbitrariness than the Due Process Clause tolerates.'' In short, the Court found the second half of the statute void for vagueness, but left the first half intact.

The Dimaya decision remedied significant injustices that had resulted from the inconsistent and often random application of section 16(b). Immigration legal service providers, serving as amid to the Dimaya Court, noted that the statute's ''only predictable outcomes are continued disagreements among the courts and continued harms to immigrants.'' To demonstrate this harmful disparity, amici described how the offense of residential trespass was considered a crime of violence under section 16(b) in the Tenth Circuit Court of Appeals, but not in the Seventh Circuit, which noted the offense could be committing simply by walking into a neighbor's open door under ''the mistaken belief that she is hosting an open house . . .''

Now comes H.R. 6691, which proposes to keep section 16(a) intact while expanding the ''crime of violence'' definition to encompass dozens of other offenses that are in some cases given their own new definitions and in others defined via reference to the existing criminal code. Many of these offenses move section 16 far beyond its pre-Dimaya scope, including offenses as minor as spitting on another person. The bill stretches the imagination by calling generally nonviolent offenses, such as simple assault, ''communication of threats,'' and extortion, crimes of violence.

3. H.R. 6691 WILL EXPAND THE ALREADY OVERLY PUNITIVE IMMIGRATION CONSEQUENCES OF INVOLVEMENT IN THE CRIMINAL JUSTICE SYSTEM, IN A MANNER ALMOST ENTIRELY DUPLICATIVE AND SOMETIMES AT ODD WITH OTHER PROVISIONS OF FEDERAL IMMIGRATION LAW

The immigration penalties of involvement in the criminal justice system are already breathtakingly harsh and overbroad; undocumented immigrants and decades-long lawful permanent residents alike can face deportation for offenses as minor as shoplifting, using a false bus pass, or simple drug possession. Immigration detention and deportation are frequently imposed as a penalty even in cases where a criminal court judge found community service or an entirely suspended sentence sufficient punishment for the offense committed.

The ''crime of violence'' definition at 18 U.S.C. §16 is incorporated as one of twenty-one types of offense that constitute an ''aggravated felony'' as defined at section 101 of the Immigration and Nationality Act. An ''aggravated felony'' is one of dozens of categories of offenses that trigger deportation from or preclude entry to the United States, layered on top of the provisions of federal immigration law that authorize deportation for those unlawfully present. The ''aggravated felony'' category is different, however, because it triggers mandatory no-bond detention in almost every case and categorically precludes nearly all immigrants from presenting a defense to their deportation.

By adding dozens of offenses to the existing ''crime of violence'' definition, H.R. 6691 therefore grows the already vast expanse of offenses that render lawfully present immigrants in the United States subject to immigration detention and enforcement.

The bill is largely duplicative of other grounds of removability, in several cases putting forth new definitions of offenses that are defined in other provisions of the Immigration and Nationality Act, setting up a nearly impossible-to-effectuate removal scheme. Many of the offenses delineated in the bill constitute their own independent aggravated felony grounds (including, for example, murder and burglary), their own independent ground of removability (including, for example, child abuse, stalking, and domestic violence), or—in nearly every other case—already fall within the wide-reaching ''crime involving moral turpitude'' grounds of deportability and inadmissibility, and those excluded from those grounds are by nature largely minor offenses.

This bill will further criminalize immigrant communities, communities already living in fear of increasingly militarized immigration enforcement operations. The bill's expanded list of ''crime of violence'' offenses includes relatively minor offenses including simple assault, vaguely worded offenses such as ''communication of threats,'' and a sweeping list of inchoate offenses including solicitation or ''aiding and abetting'' any of the enumerated categories.

This bill will further marginalize historically marginalized communities, triggering heightened immigration penalties in already over-policed neighborhoods.

4. IF THIS BILL WERE TO PASS, IT WOULD RAISE SERIOUS CONSTITUTIONAL CONCERNS

If this bill were to become law, there would be serious questions about its constitutionality because it jeopardizes the long established ''categorical approach'' in our legal system.

What is the 'categorical approach'? Over the years, the Supreme Court has carefully crafted an efficient and predictable legal framework to determine whether a non-citizen's crime makes him or her deportable or inadmissible. This framework is called the ''categorical approach,'' which applies to determine deportability and inadmissibility for criminal grounds. It sets a clear and uniform standard to evaluate the immigration consequences of the crime of conviction. The categorical approach helps to eliminate subjectivity in adjudication by ensuring that convictions are characterized based on their inherent nature and official record, rather than on potentially disputed facts, and thus ensures that two people convicted of the same crime will be treated similarly under the law.

This bill makes a strong push to systematically switch from the established framework of the ''categorical approach'' to a ''conduct based'' definition. The conduct based definition would effectively allow an immigration judge to go back and ''re-try'' a conviction that was already decided in a court of law. This bill, if passed, would raise the same Sixth Amendment concerns that the Supreme Court identified in Mathis v. United States: ''. . . allowing a sentencing judge to go any further would raise serious Sixth Amendment concerns. This Court has held that only a jury, and not a judge, may find facts that increase a maximum penalty, except for the simple fact of a prior conviction. See Apprendi v. New Jersey, 530 U.S. 466, 490 (2000). That means a judge cannot go beyond identifying the crime of conviction to explore the manner in which the defendant committed that offense.''

Like the burglary provision analyzed in Mathis, the crime of violence definition this bill amends is used as a sentencing enhancement under 8 U.S.C. §1326(b)(2). As a result of switching to a conduct-based definition rather than ''the simple fact of a prior conviction,'' the bill presents the same Sixth Amendment concerns that troubled the Mathis Court.

A yes vote on H.R. 6691 is a vote for mass incarceration, for increased criminalization of communities of color, and for even further militarization of immigration enforcement. Members of Congress must vote no.

Ms. JACKSON LEE. Mr. Speaker, I leave my colleagues with a simple challenge. The simple challenge is: Read the Constitution.

Vagueness can be the death of us. This bill is that kind of death, and I would hope that we would have the opportunity to do this as it should be: constitutionally sound and in a bipartisan way to save lives.

Mr. Speaker, let me be clear. We support victims of crime, especially those who are victims of violent crime. But classifying particular offenses as crimes of violence has tremendous consequences for the individuals accused of committing them. This bill dangerously leads to over-criminalization and we should not take lightly the task of amending the definition of ''crime of violence.''

At Rules on Wednesday, we addressed over-criminalization and mass incarceration. Rep. TORRES aptly stated that we should not proceed with haste, which will further exacerbate the over crowdedness in our prisons. Rep. BUCKS responded that we should build more prisons to address that problem.

Even conservative groups that work with these very complicated and important criminal justice reform issues, like the Koch Foundation and Right on Crime, do not agree that building more prisons is the answer.

Right on Crime states, ''by reducing excessive sentence lengths and holding non-violent offenders accountable through prison alternatives, public safety can often be achieved.''

In a recent forum, the Koch Foundation stated, ''After four decades of increasing punitiveness and sky-rocketing levels of imprisonment, American incarceration rates have declined in many states over the past five years. In fact, a bipartisan consensus has emerged in favor of major criminal justice reforms that would reduce mass incarceration much further.''

The original spark for this coalition of ''unlikely bedfellows'' has come from a group of conservative leaders who emphasize a variety of different factors, ranging from economic, to

freedom, to religious groups embracing redemption and second chances.

The Koch Foundation went on to say, "Although the 2016 presidential election temporarily halted this movement's momentum, the coalition has reemerged recently and seems prepared to make progress in 2018."

So I disagree with the notion that we should build more prisons and not exercise due diligence to ensure that in responding to the Supreme Court's finding that the statute was unconstitutionally vague, that we are doing so in a well-informed, heavily-engaged and thoughtful manner.

Due to the seriousness of our criminal justice system, we should always use due care and give thorough considerations when amending the criminal code.

For all these reasons, I oppose this bill.

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

Mrs. HANDEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first let me address the criticism regarding burglary being too broad in the way it is addressed in the legislation. This is the Federal generic definition of burglary and one that courts have found satisfies the definition of ''crime of violence.''

Mr. Speaker, the detractors of this fail to recognize that these definitions are not an expansion of actual State laws but only seek to cover the generic definition and reasonable iterations found in State law.

In fact, prior to the Dimaya Supreme Court case, the Supreme Court had previously unanimously agreed in Leocal v. Ashcroft that ''burglary is the classic example of a crime of violence under subsection 16(b).''

The Community Safety and Security Act of 2018 is a necessary, crucial piece of legislation that will fix a major loophole in our system. We squarely address the issues raised by the United States Supreme Court, eliminating the vagueness, giving notice, and explaining which offenses Congress intended to cover when they had first crafted the language in clause 16(b) from the very beginning.

By moving the legislation, we are avoiding potentially dangerous consequences of giving very serious, dangerous criminals a pass. We have examined the case law surrounding these offenses; we have considered the equities; we have been deliberative; and we have shown great restraint in many ways.

Congress cannot sit idly by and allow criminals to disrupt our communities because of this loophole. This bill is a product of necessity, and we do not have the privilege to squabble over hypotheticals that ultimately have no bearing on real-life applications of this law. We must move to protect our communities to prevent more victims of crime.

Therefore, Mr. Speaker, I can assure my colleagues that this bill is not overly broad. It is not, as some have irresponsibly stated, a ''dangerous expansion of criminal law.'' Instead, it is a carefully crafted response to the U.S. Supreme Court's recommendations in the Dimaya case. Frankly, it is just the sort of bill that our system was designed to produce.

Mr. Speaker, I urge my colleagues to vote ''yes'' for this bill. Vote ''yes,'' and in doing so, demonstrate to your constituents your commitment to protecting law-abiding Americans from violent criminals. It is a simple choice. Make the correct one and vote ''yes.''

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

Mr. DEFAZIO. Mr. Speaker, today I will vote present on H.R. 6691. I support the premise of this legislation and agree that action needs to be taken after the Supreme Court's ruling earlier this year. However, in their finding the Court cautioned that careful consideration should be exercised before any new or expanded criminal definitions are finalized. This bill does not meet that test.

In April, the Supreme Court ruled that the current definition of "crimes of violence" was unconstitutionally vague and needed to be clarified. I support efforts to rectify this issue and make certain we are prosecuting criminals to the fullest extent of the law. Yet since the Court's ruling, Republicans have taken no steps to meaningfully consider what this new definition should be. Instead, they rushed the bill to the floor without a hearing, markup or time for proper review.

I agree clarification is needed to ensure we are able to prosecute those who are guilty and uphold our laws as they are intended. However, rushing through a hasty definition of crimes of violence is dangerous and irresponsible. The definition is used in a number of federal criminal offenses beyond just the Immigration and Nationality Act. For instance, it also applies when determining whether a juvenile may be prosecuted as an adult in federal court.

There is simply too much potential for unintended consequences to rush through a definition written impulsively and without proper review. I would rather the House carefully consider what an appropriate definition should include, in order to properly balance the rights of Americans with the need to fully enforce our laws and protect our fellow citizens.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1051, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. JACKSON LEE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 247, nays 152, answered ''present'' 2, not voting 28, as follows:

[Roll No. 393]

YEAS—247

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Balderson
Banks (IN)
Barletta
Barr
Barton
Bera
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blum
Bost
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Byrne
Calvert
Carbajal
Carter (GA)
Carter (TX)
Cartwright
Chabot
Cheney
Cloud
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Crawford
Crist
Cuellar
Curbelo (FL)
Curtis
Davidson
Denham
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Frelinghuysen
Gaetz
Gallagher
Garamendi
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hastings
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Keating
Kelly (MS)
Kelly (PA)
Kind
King (IA)
King (NY)
Kinzinger
Knight
Kuster (NH)
Kustoff (TN)
LaHood
LaMalfa
Lamb
Lamborn
Lance
Latta
Lesko
Lewis (MN)
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lujan Grisham, M.
Lynch
MacArthur
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Newhouse
Norman
Nunes
O'Halleran
Olson
Palazzo
Palmer
Panetta
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Polis
Posey
Ratcliffe
Reed
Reichert
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rosen
Roskam
Ross
Rothfus
Rouzer
Ruiz
Russell
Rutherford
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Stefanik
Stewart
Stivers
Suozzi
Taylor
Tenney
Thompson (CA)
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—152

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Butterfield
Cárdenas
Carson (IN)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.

Engel	Larson (CT)	Quigley
Espaillat	Lawrence	Raskin
Esty (CT)	Lawson (FL)	Rice (NY)
Evans	Lee	Roybal-Allard
Foster	Levin	Ruppersberger
Frankel (FL)	Lewis (GA)	Rush
Fudge	Lieu, Ted	Sánchez
Gabbard	Lowenthal	Sarbanes
Gallego	Lowey	Schakowsky
Gomez	Luján, Ben Ray	Schiff
Gonzalez (TX)	Maloney, Carolyn B.	Schneider
Green, Al	Massie	Scott (VA)
Green, Gene	Matsui	Scott, David
Griffith	McCollum	Serrano
Grijalva	McEachin	Sewell (AL)
Gutiérrez	McGovern	Sherman
Hanabusa	McNerney	Sires
Heck	Meeks	Smith (WA)
Higgins (NY)	Meng	Soto
Himes	Moore	Swalwell (CA)
Hoyer	Moulton	Takano
Jackson Lee	Nadler	Thompson (MS)
Jayapal	Napolitano	Tonko
Jeffries	Nolan	Torres
Johnson (GA)	Norcross	Vargas
Johnson, E. B.	O'Rourke	Veasey
Kaptur	Pallone	Vela
Kelly (IL)	Pascrell	Velázquez
Khanna	Payne	Visclosky
Kihuen	Pelosi	Wasserman Schultz
Kildee	Perlmutter	Waters, Maxine
Kilmer	Peters	Watson Coleman
Krishnamoorthi	Pingree	Welch
Labrador	Pocan	Wilson (FL)
Langevin	Price (NC)	Yarmuth
Larsen (WA)		

ANSWERED ''PRESENT''—2

DeFazio	Lofgren

NOT VOTING—28

Blackburn	Jenkins (WV)	Ros-Lehtinen
Capuano	Jones	Royce (CA)
Cramer	Kennedy	Ryan (OH)
Culberson	Maloney, Sean	Shea-Porter
Davis, Rodney	Neal	Smith (TX)
DeSantis	Noem	Speier
Ellison	Renacci	Titus
Eshoo	Richmond	Tsongas
Gianforte	Rooney, Thomas J.	Walz
Huffman		

□ 1049

Messrs. SANFORD and SUOZZI changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come.

Mr. Speaker, I yield to the gentleman from California (Mr. MCCARTHY), my friend, the majority leader.

(Mr. MCCARTHY asked and was given permission to revise and extend his remarks.)

Mr. MCCARTHY. Mr. Speaker, on Monday and Tuesday, no votes are expected in the House.

On Wednesday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

On Thursday, the House will meet at 10 a.m. for morning hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business. Last votes are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of suspensions next week, a complete list of which will be announced by close of business today.

In addition, the House will consider H.R. 3798, the Save American Workers Act, sponsored by Representative JACKIE WALORSKI. This package of bills will reduce unnecessary burdens on employers by restoring the 40-hour full-time workweek, providing relief from the employer mandate, delaying the Cadillac tax until 2023, and saving small businesses time and money in compliance costs.

Mr. Speaker, the House also plans to vote on the conference report to accompany H.R. 5895, the Energy and Water, Legislative Branch, and Military Construction and Veterans' Affairs Appropriations Act of 2019.

Finally, Mr. Speaker, additional legislative items are possible in the House, including WRDA, which represents a critical investment in America's infrastructure. As soon as items are added to our schedule, I will be sure to inform all Members.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information. And the minibus that he referred to is what we refer to, I guess, as the first minibus. Has that conference report been completed at this point in time, Mr. Leader?

I yield to my friend.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Not at this moment, but I hope that it will be today. All the reports are there. It is just finishing a very few items, and I expect it to be done today.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. Mr. Speaker, we have some 7 days left to go, and, of course, next week is essentially one full day, and then we have 4, maybe 5 days the following week, depending upon what is necessary.

I would ask the majority leader, does he contemplate us trying to effect a continuing resolution for those appropriation items which have not been addressed in the next 7 days? And if so, how long does he expect that continuing resolution to go?

I yield to my friend.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for his question. Just as I announced, next week, the House is expected to send the full year appropriations for three bills directly to the President's desk. And just this week, we entered into conference with the Senate on six additional bills. These nine bills make up 87 percent of the discretionary budget and represents the most appropriation bills in conference at any point in the last 20 years.

I am encouraged by the work our committees are doing, and I believe that we are making good progress. As soon as further items are scheduled for the floor, I will be sure to inform the Members.

But the gentleman's question is about a continuing resolution. I want to focus on appropriations, because we have never been at this point in the last 20 years, and I would like to get as many, if not all of them, done before we depart, and we can deal with the continuing resolution with whatever is left when that moment comes.

Mr. HOYER. Mr. Speaker, I thank the gentleman. I hope his optimism is met because I think that would be a better thing for us to do, so I appreciate that observation.

Let me ask the gentleman as well, if we accomplish what he suggests that we might accomplish over the next 7 legislative days, there will still be a needed CR. Assuming we adopt a resolution which will fund all of government through a particular time, both because we passed appropriations bills, your point being that there are nine that are possible to pass with three remaining.

The gentleman has scheduled, as of now, for us to be meeting the first 2 weeks in October.

□ 1100

Obviously, Members are very interested in whether or not that schedule will be kept or whether there is a possibility that assuming we do, in fact, fund government to some date, either through the year, the next fiscal year, or for a period of time, for those bills that have not passed and been signed by the President, does the gentleman still contemplate that we will be here the first 2 weeks in October?

I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

I have no changes to the schedule at this time, but I am always encouraged. If we get all of our work done, there wouldn't be a point to be here. But as of now, we don't have our work done, so we will need to finish the job.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that. I would hope that, for scheduling purposes for all Members, we could make that decision by the end of next week so that Members would have the opportunity to plan. I realize full well that it depends upon whether or not, in fact, we get the work done, which is why I was asking about the CR.

In addition to that, the gentleman has mentioned a couple of bills, but the Violence Against Women Act, the farm bill, and the FAA, as the gentleman knows, expire on September 30. Does the gentleman expect us to be dealing with those bills in one form or another?

I yield to the gentleman from California.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

As the gentleman knows, in the farm bill, we are still in conference on that; and then additional items, I would like to deal with and get done before we depart, yes.

Mr. HOYER. Mr. Speaker, so the gentleman's hope is to vote on these conference reports prior to the 30th of September?