

In fact, according to the National Alliance of Mental Illness, 44 percent of those in jail and 37 percent of those in prisons have a history of mental illness.

□ 1545

Furthermore, once incarcerated, individuals with mental illness tend to stay in jail longer, and upon release are more likely to return to incarceration than those without mental illnesses.

These grants encourage collaboration between law enforcement and healthcare providers. The reforms to this program included in this reauthorization are centered on reducing suicide, increasing access to case management services, bolstering the roles of co-responder and crisis intervention teams, and continuing the strong support of mental health courts. This bill recognizes that prevention is the best investment in the criminal justice system for long-term success and cost savings.

This legislation is the result of the hard work of many, including State government organizations, mental health organizations, and law enforcement organizations. I thank all of those and my colleagues who have led this effort with me, including Representatives CHABOT, JACKSON LEE, and EMMER; the chairman of the committee, Mr. NADLER; as well as Senators CORNYN, KLOBUCHAR, MORAN, DURBIN, GRASSLEY, WHITEHOUSE, TILLIS, and CORTEZ MASTO.

Mr. Speaker, I hope that my colleagues will join me in supporting the reauthorization of this legislation so we can get it to the President's desk before the end of the year.

Mr. TIFFANY. Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

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

Mr. Speaker, the Justice and Mental Health Collaboration Program funds a variety of essential services to support the mental health needs of communities across the country and redirect people in crisis away from the criminal justice system and into the healthcare system.

This legislation would reauthorize and strengthen this important program so that it can continue to serve those in need of its services.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, S. 3846, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this motion will be postponed.

PRO BONO WORK TO EMPOWER AND REPRESENT ACT OF 2021

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3115) to remove the 4-year sunset from the Pro bono Work to Empower and Represent Act of 2018.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3115

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 “Pro bono Work to Empower and Represent Act of 2021” or the “POWER 2.0 Act”.

SEC. 2. REMOVAL OF SUNSET.

Section 3(a) of the Pro bono Work to Empower and Represent Act of 2018 (Public Law 115-237; 132 Stat. 2448) is amended by striking “for a period of 4 years”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. TIFFANY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3115.

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

There was no objection.

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

Mr. Speaker, nearly 25 percent of women suffer from domestic violence at some point in their lives. Domestic violence and related offenses destroy lives and shatter families. Among the many challenges that victims face is a lack of legal representation when seeking assistance from the court system.

According to the National Network to End Domestic Violence, in just one day in September 2014, domestic violence assistance programs received more than 10,000 requests for services, including legal representation, that were not met. The effect of this lack of representation is devastating. Research has shown that 83 percent of victims represented by counsel were able to obtain protective orders, while only 32 percent of unrepresented victims were able to do so.

That is why in 2018, Congress stepped in by enacting the POWER Act, which requires the chief judge of every judicial district to hold an annual public event, in partnership with a State, local, Tribal, or domestic violence service provider or volunteer attorney project, in promoting pro bono legal services as a critical way to empower survivors of domestic violence and sexual assault. The act also requires that events be held every 2 years in areas

with high numbers of Native Americans and Alaska Natives, with a focus on addressing the specific issues facing Native populations.

We recognize that pro bono legal assistance would not only provide critical representation in court, but it would also help provide survivors with access to services such as emergency shelter, transportation, and childcare. We also recognize that legal summits mandated by the act would raise awareness of the horrors of domestic violence and sexual assault while inspiring others to devote their efforts to helping survivors in their communities.

In addition to providing for these pro bono programs, the 2018 act requires the Administrative Office of the United States Courts to report to Congress about each public event conducted in the previous fiscal year.

The programs authorized under the original POWER Act have been extremely successful. In 2021, 73 pro bono legal summits were held across the Nation, reaching more than 11,000 attorneys. In the years since we passed the POWER Act, we have amassed an army of thousands of lawyers who are helping survivors, including children, get out of dangerous situations, giving them a measure of justice and a ray of hope.

But as effective as they have been, the programs created and authorized by the 2018 POWER Act are set to sunset at the end of this year. Meanwhile, the crisis of domestic and sexual violence continues.

S. 3115, the POWER 2.0 Act, would ensure the continuation of the critical programs we enacted in 2018 by removing the sunset date for these programs, helping to deliver essential legal services and to bring hope and healing to many more survivors across the country. We have already planted the seeds, and by removing the 4-year sunset provision from the original POWER Act, we will allow these pivotal programs to continue to grow and thrive, helping more and more survivors every year.

I thank Senator DAN SULLIVAN for introducing this important and time-sensitive legislation and the gentlewoman from Alaska (Ms. PELTOLA) for leading the House version of this legislation.

Mr. Speaker, I ask my colleagues to join me in support of this bill, and I reserve the balance of my time.

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

Mr. Speaker, the POWER 2.0 Act permanently authorizes the Pro bono Work to Empower and Represent Act of 2018, which is scheduled to sunset at the end of this year.

It requires the chief judge for each district to conduct public events to promote pro bono legal services for survivors of domestic violence, dating violence, sexual assault, and stalking.

In addition, the bill requires the chief judge for a district that includes an Indian Tribe to conduct a public event to promote pro bono legal services for Indian or Alaska Native victims of these crimes every 2 years.

Research has shown that survivors of domestic abuse have significantly better outcomes, such as successfully obtaining a protective order, when represented by an attorney.

This bill will hopefully assist victims in accessing quality representation through pro bono services.

Mr. Speaker, I recommend that my colleagues support this bill, and I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a member of the committee.

Ms. JACKSON LEE. Mr. Speaker, this is an enormously important initiative, and I rise today to support the Pro bono Work to Empower and Represent Act of 2021, or the POWER 2.0 Act. This has to be one of the more important bills on the floor, among many.

This is a bill that saves lives, and I certainly want to, at the very beginning, acknowledge certainly the Senator, but as well, I want to acknowledge our friend and colleague in the House and thank her so very much, Congresswoman PELTOLA, for her great work that has generated something that is very close to my heart.

The POWER Act will give a lifeline to domestic violence sufferers, those who have been abused by domestic violence.

As the author of the Violence Against Women Act in the House over a number of Congresses, I know how important any legislation is dealing with domestic violence and domestic abuse.

I speak to law enforcement and often say to them that domestic violence calls are the most dangerous that law enforcement engage in.

Remember, as I started on this floor, I indicated that as Democrats, we know how to bring down crime and also engage in social justice. We understand that it is extremely important that those in the criminal justice system deserve due process. But the victims of domestic violence, more often than not women, suffer greatly.

In Texas, 40.1 percent of women and 34 percent of men experience intimate partner physical violence, intimate partner rape, and/or intimate partner stalking in their lifetimes. Thousands of incidents are reported every day. On a single day in 2020, domestic violence hotlines across the country receive 21,321 calls.

The provision of legal services through the southern district or through the various Federal districts that train over 600,000 lawyers and then send them out to be able to give assistance to State and local governments is a lifeline. It is a lifesaver.

Less than one-third of domestic violence victims successfully obtain protective orders. Protective orders can be the cause of saving life, keeping a mother to protect her children, keeping an aunt or a grandmother. The POWER Act has an indelible impact on the lives of the most vulnerable Ameri-

cans, and I stand here in grand support of this important effort.

As a former board member of the Houston Area Women's Center, I know what it means to get calls late into the night and calling the executive director and asking for relief for a woman who is running for her life.

Over this past Thanksgiving weekend, unfortunately, in my own community, there were a series of domestic violence killings of women who suffered at the hands of an ex.

It is important to eliminate the sunset of this provision and to be able to say that no one should be left alone without the idea or the help of ensuring that there is legal protection and that you have access to legal protection.

Again, I want to commend Congresswoman MARY SATTTLER PELTOLA, a friend and someone who I appreciate her leadership.

Mr. Speaker, I include in the RECORD the following articles, The Justice in Government Project and HAWC.

[From the Justice in Government Project]
KEY STUDIES AND DATA ABOUT ABOUT HOW
LEGAL AID ASSISTS DOMESTIC VIOLENCE
SURVIVORS

The Centers for Disease Control and Prevention reports that in the U.S., 36.4 percent of women and 33.6 percent of men experience sexual or physical violence or stalking perpetrated by an intimate partner in their lifetimes. Individuals who have experienced domestic violence display a multitude of legal needs. They may require assistance with filing protection orders, custody issues, housing, identity theft, and employment (Lee & Backes, 2018; Allen et al., 2004).

RESEARCH HIGHLIGHTS

Providing civil counsel in divorce, custody, and protective order proceedings can significantly improve outcomes for DV [domestic violence] and IPV [intimate partner violence] victims and their children as well as serve as a cost-effective strategy for reducing violence and generating positive social norms" (Lee & Backes, 2018).

In a study of survivors of IPV, researchers concluded that "[c]ivil legal services can most directly address economic self-sufficiency in two ways: by increasing income and decreasing economic liability" (Hartley & Renner, 2016).

"83 percent of victims represented by an attorney successfully obtained a protective order, as compared to just 32 percent of victims without an attorney" (Institute for Policy Integrity, 2015).

In custody matters, "attorney representation, particularly representation by legal aid attorneys with expertise in IPV cases, resulted in greater protections being awarded to IPV victims and their children. Improved access of IPV victims to legal representation, particularly by attorneys with expertise in IPV, is indicated" (Kernic, 2015).

"DV/SA [sexual assault] victims reported an aggregate total of 3,446 separate legal problems in areas identified in the survey instrument with an average of 19.69 legal problems per household/respondent. This is 2 times higher than an average of 9.3 problems per household/year documented for the general low-income population of Washington" (Social & Economic Sciences Research Center, 2014).

"In 2003, for example, requests for restraining orders in Dane County were granted approximately 55 percent of the time. With the

aid of a legal advocate provided by DAIS, however, that number increased to 69 percent" (Elwart et al., 2006).

Women living in counties with shelters, hot-lines, safe homes, emergency transportation, programs for batterers, children's programs, and counseling are not significantly less likely to be victims of intimate partner abuse than women who live in counties without these services. However, women who live in counties with legal assistance programs to help battered women are significantly less likely to report abuse" (Allen et al., 2004).

"... [T]he overwhelming fraction of our study participants did not achieve the goal of terminating their marriages unless they had lawyers" (Degnan et al., 2019).

Most services provided to help battered women do not impact the likelihood of abuse, but the provision of legal services significantly lowers the incidence of domestic violence" (Farmer & Tiefenthaler, 2003).

NARRATIVE OVERVIEW RE: ASSISTING DOMESTIC VIOLENCE SURVIVORS

Domestic violence (DV) is defined as violent, often aggressive, behavior used by one partner in a relationship that incites fear and intimidates the other partner or among family members. The U.S. Department of Justice Bureau of Justice Statistics differentiates between DV (violence from family members and former or current partners) and IPV (violence only from current or former partners). Experiencing violence can leave a profound impact. Those who have been directly victimized report higher rates of depression, are at higher risk for repeat victimization, are at higher risk for perpetrating DV in their lifetime than those who have not experienced violence.

Experiencing IPV/DV is common: The Centers for Disease Control and Prevention reports that in the U.S., 36.4 percent of women and 33.6 percent of men experience sexual or physical violence or stalking perpetrated by an intimate partner in their lifetimes. In 2017, data from the National Crime Victimization Survey found that 1,237,960 Americans had experienced DV in the six months prior to the survey.

IPV/DV has disproportionate effects on elderly, disabled, LGBTQ, minority and low-income people due to increased social risks associated with violence and decreased access to services. One study found that, while 6 to 12 percent of older adults self-identify as being abused, the actual number of participants reporting indicators of abuse was about five times greater. A published review reported that, in comparison to non-Hispanic White women, Black, Latina, and Native American/Alaska Native women experienced higher lifetime rates of IPV associated with various mental health disorders, reproductive health outcomes, and barriers to services. These barriers are often the result of trauma, housing; instability, employment needs, and compounding mental and physical health needs experienced in historically marginalized communities. Additional evidence shows that even when survivors in vulnerable populations have access to legal interventions intended to reduce future risk of harm, they may be less protected from revictimization. For example, Benitez, McNiel & Binder (2010) found that Black women were at elevated risk of renewed abuse after legal intervention (i.e., obtaining a protection order or the arrest of their abusive partner following a DV incident) compared to white women.

DATA AND STUDIES SHOW LEGAL AID HELPS

Individuals who have experienced domestic violence often display a multitude of legal needs: from assistance with filing protection orders, custody issues, housing, identity

theft, and employment (Lee & Backes, 2018; Allen et al., 2004). Domestic violence survivors and sexual assault survivors are likely to report more legal needs than the average low-income household (Social & Economic Sciences Research Center, 2014). Studies show how access to legal aid can both reduce domestic violence and mitigate some of its collateral consequences. Kernic (2015) found that when DV survivors have access to legal representation in child custody cases, they are granted greater protections and visitation decisions when compared to those who are not represented. Another study agrees. The National Network to End Domestic Violence (2017) found in their survey of 1,762 shelters that DV survivors without legal representation are more likely to be later victimized than those without access to legal representation.

Having access to legal representation reduces the likelihood of future violence. In their seminal study, Farmer and Tiefenthaler (2003) found that increased access to legal representation and services is partly responsible for the decrease in domestic violence observed in the 1990s. More recently, Hartley and Renner found that with legal representation to obtain a protective order or on a family law issue, survivors of domestic violence in Iowa saw increases in monthly income and personal growth and support (2018). They also found that, while receiving free civil legal services for intimate partner violence, depression and PTSD decreased significantly over one year (Renner & Hartley, 2018).

The Institute for Policy Integrity (2015) also found that providing legal services to DV survivors reduced domestic violence, as well as the societal costs of domestic violence. Elwart and colleagues (2006) found that when state funding of domestic violence service providers was at \$9.1 million, the maximum benefits were \$27.3 million.

SEVEN REASONS WHY ABUSE VICTIMS NEED LEGAL SERVICES—HAWC

On average, survivors have multiple legal problems associated with their abusive situation, and many cannot afford the assistance of an attorney. Agencies like HAWC (Healing Abuse Working for Change) seek to ensure all abuse survivors can have access to the appropriate legal services they need to secure and maintain their utmost safety. Why legal assistance helps:

It dramatically increases the likelihood of obtaining a protective order. Research from the Institute for Policy Integrity shows that 86 percent of abuse, or domestic violence, victims who were represented by an attorney were successful at obtaining a protective order. The rate for abuse survivors without legal representation was only 32 percent.

Hundreds of thousands who need help are turned away every year. Each year, hundreds-of-thousands of domestic violence victims and abuse survivors are turned away from help, including legal services. This often leads to victims feeling helpless and, in some cases, going back to their abuser, each day from various domestic violence services, including shelters. Lack of funding and donations are the primary cause for the decreasing lack of services for victims.

3. Fifty-eight percent of victims need additional and transitional services. Legal representation doesn't end in the court room. Attorneys and legal advocates assist in everything from divorce proceedings to property protection, when related to the abuse.

4. Legal problems are complex. A domestic violence survivor will, on average, have at least three legal problems to resolve after obtaining safety and during any criminal proceedings. In many instances, survivors

don't realize how many separate legal issues will arise when initially trying to escape their abuser.

5. Without legal representation, a victim's voice often goes ignored. Domestic violence victims without legal representation often report that police, hospital staff, and judges do not take their claims "seriously," going as far as to ignore them completely.

6. Immigrants and adolescents are the most underserved. Obtaining legal services is an uphill battle for all victims of abuse. However, immigrants, adolescents, and their family are at the highest risk of not obtaining the appropriate legal representation because of various barriers to service.

7. The likelihood of losing of custody of children increases without an attorney. Presently, thousands of abuse victims lose custody of their children each year because they could not afford an attorney. The same research shows that, without an attorney, children may not receive the therapy and other psychological support they need during such a traumatic period.

HOW HAWC HELPS

Our trained legal advocates provide advice, assistance, and, depending on availability, representation for abuse survivors who seek a life free from fear and violence. Part of our mission is to make these services immediately available for everyone who needs them.

By supporting our legal service efforts you're giving thousands of domestic violence victims the chance to be safe from physical, emotional, and economic harm. Specifically, each donation goes towards:

Abuse and harassment prevention for survivors.

Access to clinics with our team of pro-bono attorneys.

Referrals for other services like individualized safety plans, and

Legal representation for high risk clients. HAWC offers immediate, comprehensive support to those experiencing domestic violence. By expanding our legal service offerings, we can ensure that all victims of domestic violence get access to the legal support they need.

Ms. JACKSON LEE. Mr. Speaker, this bill must be passed.

Mr. Speaker, I rise in support of S. 3115, the "Pro Bono Work to Empower and Represent Act of 2021," also known as the "POWER 2.0 Act," which extends the authorization of vital programs that help victims and survivors of domestic abuse and sexual violence receive free legal assistance—without which they would be unlikely to receive any semblance of justice, let alone safety and security.

No community is safe from domestic violence. It touches people of every socioeconomic status, race, and ethnicity—in red states and blue states.

Nearly a quarter of women in this country experience domestic violence or sexual assault at some point in their lives. Many victims of domestic violence are poor, helpless, and living in underserved communities. Many are mere children.

In Texas, 40.1 percent of women and 34.9 percent of men experience intimate partner physical violence, intimate partner rape and/or physical partner stalking in their lifetimes.

Thousands of incidents are reported daily. On a single day in 2020, domestic violence hotlines across the country received 21,321 calls—an average of almost 15 calls every minute.

The provision of legal services following the first occurrence of domestic violence can be a

proactive solution that minimizes the likelihood of victims experiencing further incidents of abuse. But without access to legal representation, those most in need of protection—which our courts can provide—are often unable to receive the help they need to escape the cycle of violence.

Unfortunately, less than one third of domestic violence victims successfully obtain protective orders if they seek one on their own, without the assistance of counsel.

That is why in 2018, Congress enacted the Power Act, which requires every judicial district within the United States and its territories to hold annual public pro-bono summits to recruit and encourage attorneys to provide free legal services to survivors of domestic violence, dating violence, stalking, and sexual assault. It also requires targeted programs in areas with large populations of Native Americans and Alaska Natives.

The Power Act has had an indelible impact on the lives of the most vulnerable Americans. From 2019 to 2021, our courts have held nearly 250 pro bono summits, reaching more than 60,000 attorneys—educating them about the need for their services and letting them know how they can help.

While that is a promising start, it is only the beginning. An innumerable number of domestic and sexual violence victims still need legal assistance to survive. Yet the programs authorized under the Act are set to expire in just a few short weeks.

That is why it is imperative we pass the POWER 2.0 Act, which would remove the 4-year sunset provision from the original legislation and allow us to continue growing an army of capable, volunteer attorneys available to represent, protect, and provide a lifeline to victims and survivors, who so desperately need their help.

I commend Representative MARY SATTler PELTOLA for her work on the POWER 2.0 Act, and I urge my colleagues to support it.

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

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Alaska (Mrs. PELTOLA), the House sponsor of the bill and a worthy successor to our late colleague, DON YOUNG.

Mrs. PELTOLA. Mr. Speaker, I rise today to speak on S. 3115, the POWER 2.0 Act. This bill is the Senate companion to my bill of the same title, H.R. 9113.

Both bills address the same flaw in our system, that survivors of intimate partner-related violence and intimidation often lack the legal resources they need to protect themselves from future injury. In this paradigm, victims are too often unable to escape their perpetrators, often to devastating effect.

Thankfully, in 2018, Congress offered an avenue to relief. The Pro bono Work to Empower and Represent Act, sponsored by my Senate colleague, Senator SULLIVAN, authorized a pilot project calling for each district court to hold at least one event annually in concert with domestic violence service providers to promote pro bono legal services for victims of partner-related violence and intimidation.

Additionally, to address the appalling victimization rates among Alaska

Natives and American Indians in particular, the bill also mandates partnerships between district courts and Tribes and Tribal organizations.

Since its enactment, the POWER Act has brought together dozens of service organizations and tens of thousands of lawyers, all with the aim of combating our skyrocketing rates of violence and intimidation endemic across many parts of our country.

As one of my first legislative actions in Congress, I am proud to introduce the POWER 2.0 Act. This bill removes the sunset on the POWER Act and will ensure more victims have the ability to protect themselves from further violence and intimidation.

I am both grateful and filled with anticipation to see this body act so uniformly in favor of this bill, S. 3115, today.

Mr. TIFFANY. Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time for closing.

Mr. Speaker, there are an untold number of victims of domestic and sexual violence in this country, including young children, who are without legal recourse to escape their abusers, to protect themselves and their families, and to obtain the services they need to rebuild their lives.

The POWER Act has started the hard work of incentivizing and encouraging thousands of lawyers to provide pro bono legal services to the victims and survivors that are most in need. But we need more attorneys to join the cause.

By removing the sunset date from the POWER Act, S. 3115 will allow us to continue and expand the critical programs we created in 2018, while ensuring that there is no gap in access to services for those who need them.

Mr. Speaker, I urge all of my colleagues to join me in support of this crucial legislation, and I yield back the balance of my time.

□ 1600

The SPEAKER pro tempore (Mr. SCHNEIDER). The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, S. 3115.

The question was taken.

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

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

The yeas and nays were ordered.

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

TERRY TECHNICAL CORRECTION ACT

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5455) to amend the First Step Act

of 2018 to permit defendants convicted of certain offenses to be eligible for reduced sentences, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5455

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 "Terry Technical Correction Act".

SEC. 2. APPLICATION OF FAIR SENTENCING ACT OF 2010.

Section 404 of the First Step Act of 2018 (21 U.S.C. 841 note) is amended—

(1) in subsection (a)—

(A) by striking "'covered offense' means" and inserting the following:

"'covered offense'—

"(1) means";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(2) includes a violation, involving cocaine

base, of—

"(A) section 3113 of title 5, United States Code;

"(B) section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C));

"(C) section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a));

"(D) section 406 of the Controlled Substances Act (21 U.S.C. 846);

"(E) section 408 of the Controlled Substances Act (21 U.S.C. 848);

"(F) subsection (b) or (c) of section 409 of the Controlled Substances Act (21 U.S.C. 849);

"(G) subsection (a) or (b) of section 418 of the Controlled Substances Act (21 U.S.C. 859);

"(H) subsection (a), (b), or (c) of section 419 of the Controlled Substances Act (21 U.S.C. 860);

"(I) section 420 of the Controlled Substances Act (21 U.S.C. 861);

"(J) section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3));

"(K) section 1010A of the Controlled Substances Import and Export Act (21 U.S.C. 960a);

"(L) section 90103 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12522);

"(M) section 70503 or 70506 of title 46, United States Code; or

"(N) any attempt, conspiracy or solicitation to commit an offense described in subparagraphs (A) through (M)."; and

(2) in subsection (c), by inserting "A motion made under this section that was denied after a court determination that a violation described in subsection (a)(2) was not a covered offense shall not be considered a denial after a complete review of the motion on the merits within the meaning of this section." after the period at the end of the second sentence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. TIFFANY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5455.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5455, which would clarify that the retroactivity provision of section 404 of the First Step Act of 2018 is available to all offenders who were sentenced for a crack offense before the Fair Sentencing Act of 2010 became effective, including individuals convicted of offenses involving small quantities of crack.

After decades of unfair sentences that swept too broadly, most often applied to low-level dealers and impacted minorities disproportionately, Congress has worked to right some of the wrongs of the misguided war on drugs, often on a bipartisan basis. This legislation continues that important effort.

In 1986, in response to a surge in the use of crack cocaine and several high-profile cocaine-related deaths, Congress passed the Anti-Drug Abuse Act, which created mandatory minimum penalties for drug offenses and introduced a 100-1 sentencing disparity between crack cocaine and powder cocaine offenses.

This meant that a person who distributed 5 grams of crack cocaine received the same 5-year mandatory minimum sentence as a person who distributed 500 grams of powder cocaine, and the person who distributed 50 grams of crack cocaine received the same 10-year mandatory minimum sentence as the person who distributed 5,000 grams of powder cocaine.

It soon became evident that this sentencing disparity had also created a significant racial disparity. Four years after Congress passed the Anti-Drug Abuse Act, the average Federal sentence for African-American defendants was 49 percent higher than the average for White defendants.

In 2010, Congress passed the Fair Sentencing Act, which did not eliminate the disparity but which significantly reduced the ratio from 100-1 to 18-1. Unfortunately, that legislation applied only to pending and future cases, leaving thousands of inmates without a path to petition for relief.

In 2018, the bipartisan First Step Act made the Fair Sentencing Act retroactive if an inmate received "a sentence for a covered offense," as defined in section 404 of the Act, providing a pathway to relief for some but not all individuals affected by the sentencing disparity.

Three years later, after roughly 4,000 motions for sentence reductions had been granted, the Supreme Court, in *Terry v. United States*, limited the availability of sentence reductions under the Fair Sentencing Act, contrary to the intent of Congress.

Based on a narrow reading of the meaning of "covered offense," the Court held that individuals convicted of crack offenses are only eligible for a sentence reduction under the First Step Act if their convictions triggered mandatory minimum penalties.

That means that individuals like Mr. Terry, who possessed less than 4 grams