

I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I want to thank my good friend from Virginia, Judiciary Chairman GOODLATTE, his Ranking Member, Mr. CONYERS, and the gentleman and gentlelady from New York—Mr. KATKO and Miss RICE—for their work on H.R. 4985, the Kingpin Designation Improvement Act, which deserves our support.

In the context of today's floor debate, it is important that we discuss the extensive role of Iran's primary regional proxy—Hezbollah—in the international drug trade.

Earlier this year, the U.S. Drug Enforcement Administration announced that they have, in cooperation with law enforcement agencies from 7 other nations, disrupted a global criminal enterprise Hezbollah was using to finance its participation in the Syrian conflict, as well as to plan for a future war with Israel.

Unfortunately, this is nothing new. For years, Hezbollah has had business connections with South American drug cartels, and has been using them to enter the narcotics trafficking business. In 2011 and 2013, the Department of the Treasury and other agencies designated core Hezbollah members and affiliates for engaging in international narcotics networks.

As a result, the Hezbollah International Financing Prevention Act of 2015, which I authored and passed into law in December, required specific Administration reporting on Hezbollah's international narcotics trafficking networks.

Unfortunately, once a terrorist organization enters this business, they seldom leave. Sanctions relief for Iran as a result of the Administration's flawed deal with that regime, and the resulting inflow of Iranian money to Hezbollah will not likely cause them to turn away from the lucrative drug industry. Rather, it may enable Hezbollah to double down on their efforts to finance their destructive regional activities.

For example, instead of 150,000 rockets on Israel's northern border, Hezbollah could afford to field 300,000, financed by the Iranian regime and Hezbollah's trafficking of narcotics into our communities.

With this in mind, it is important that we have robust Narcotics Kingpin Designation Act authorities in place, which this legislation ensures. I support the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MARINO) that the House suspend the rules and pass the bill, H.R. 4985.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1630

TRANSNATIONAL DRUG TRAFFICKING ACT OF 2015

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 32) to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 32

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 "Transnational Drug Trafficking Act of 2015".

SEC. 2. POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.

Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a), by striking "It shall" and all that follows and inserting the following: "It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or a listed chemical intending, knowing, or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

"(b) It shall be unlawful for any person to manufacture or distribute a listed chemical—

"(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

"(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States."

SEC. 3. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Chapter 113 of title 18, United States Code, is amended—

(1) in section 2318(b)(2), by striking "section 2320(e)" and inserting "section 2320(f)"; and

(2) in section 2320—

(A) in subsection (a), by striking paragraph (4) and inserting the following:

"(4) traffics in a drug and knowingly uses a counterfeit mark on or in connection with such drug";

(B) in subsection (b)(3), in the matter preceding subparagraph (A), by striking "counterfeit drug" and inserting "drug that uses a counterfeit mark on or in connection with the drug"; and

(C) in subsection (f), by striking paragraph (6) and inserting the following:

"(6) the term 'drug' means a drug, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. 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 materials on S. 32, currently under consideration.

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

There was no objection.

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

International drug traffickers are profiting off the misery of American

citizens, including our children. In recent years, our Nation has experienced an epidemic of opioid abuse. A significant part of that epidemic involves the trafficking of illicit heroin across our borders and into our communities and homes. Every Member in this Chamber today has a heartbreaking story about a constituent or a constituent's child who has been lost to this scourge.

The irony, Mr. Speaker, is that international drug traffickers know our drug trafficking laws as well as, if not better than, most Americans do. They know that if they simply employ a middleman to take the drugs from them and transport them into the U.S., it makes it much harder, if not impossible, for U.S. law enforcement to prosecute them under those drug trafficking laws.

Why is it more difficult, you might ask. Because under current law the government must prove that a trafficker knew the drugs were headed for the United States. Drug trafficking organizations in Colombia, Peru, Ecuador, and other Central and South American source nations sell their illicit products to Mexican traffickers who, in turn, traffic the drugs into the United States.

This makes it difficult, under current law, for Federal prosecutors to make cases against such source nation manufacturers, wholesale distributors, brokers, and transporters since direct evidence of their intent that the drugs are bound for the United States is difficult, if not impossible, to develop.

The result is that source nation malefactors who produce and distribute illegal narcotics escape prosecution under U.S. law because they feign ignorance of the drug's ultimate destination. This has happened with increasing regularity over the past several years, and it is Congress' responsibility to address this problem.

S. 32, the Transnational Drug Trafficking Act of 2015, is identical to H.R. 3380, legislation that was introduced by my Committee on the Judiciary colleagues, the gentleman from Pennsylvania (Mr. MARINO) and the gentleman from Puerto Rico (Mr. PIERLUISI).

This bill makes crucial changes to our Federal drug laws to give law enforcement additional tools to combat extraterritorial drug trafficking. It does this by amending the Controlled Substances Import and Export Act to stipulate that, when a narcotics trafficker or manufacturer has a "reasonable cause to believe" that the illegal narcotics he produces or traffics will be sent into the U.S., the U.S. may prosecute him. This amendment will permit Federal prosecutors to pursue extraterritorial drug traffickers who are not directly smuggling drugs into the United States but who facilitate it.

S. 32 also amends the Controlled Substances Import and Export Act to address the increasingly prevalent problem of trafficking in listed chemicals, which are chemicals regulated by the

DEA because they are used in the manufacture of controlled substances. During a recent codel to South and Central America, several of my colleagues and I heard firsthand how drug trafficking organizations have relied upon shadowy chemical suppliers in the manufacture of methamphetamine, heroin, cocaine, and other dangerous narcotics. S. 32 would enable Federal prosecutors to reach chemical traffickers who knowingly facilitate and benefit from the illicit production and smuggling of listed chemicals.

Both of these amendments will allow Federal law enforcement to go after not the lowly drug mules moving drugs into the United States, but the criminals who facilitate at a high level, within the source nation, the trafficking of narcotics and precursor chemicals into the United States. As one law enforcement official has said to me, it is better to fight this battle there than here.

In addition to these important reforms, S. 32 also amends the criminal counterfeit law to include an intent requirement for trafficking in counterfeit drugs. I am pleased the House is taking up this important bill, which the Senate has already passed unanimously, so that it can move expeditiously to the President's desk.

I urge my colleagues to support this important legislation.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, May 10, 2016.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN GOODLATTE: I am writing to notify you that the Committee on Energy and Commerce will forgo action on S. 32, Transnational Drug Trafficking Act of 2015, so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce's jurisdictional interests over this and similar legislation are in no way altered. In addition, the Committee reserves the right to seek conferees on S. 32 and requests your support when such a request is made.

I would appreciate your response confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 10, 2016.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR CHAIRMAN UPTON: Thank you for your letter regarding S. 32, the "Transnational Drug Trafficking Act of 2015," for which the Committee on Energy and Commerce received an additional referral.

I am most appreciative of your decision to forego formal consideration of S. 32 so that it may proceed to the House floor. I acknowledge that although you are waiving formal

consideration of the bill, the Committee on Energy and Commerce is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. In addition, I would support your effort to seek appointment of an appropriate number of conferees on any House-Senate conference involving this legislation.

Finally, I am pleased to include this letter and your letter in the Congressional Record during floor consideration of S. 32.

Sincerely,

BOB GOODLATTE,
Chairman.

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

I would like, first, for everyone to know that we here in the Congress are working to address the current heroin epidemic. We know that illegal drugs continue to present a public health crisis that impacts individuals and families in communities across the United States. S. 32 attempts to address the illegal importation of the drugs coming into the United States by amending section 959 of the Controlled Substances Act.

We have a bit of a problem here, but no one has worked on this longer or harder than Ms. SHEILA JACKSON LEE. It is in that spirit that I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the chairman and the ranking member for capturing what we in the Committee on the Judiciary have been doing over the last couple months. We have been working in a very effective, bipartisan manner to deal with the whole scheme, if you will, of criminal justice reform. We have been extensively involved in what has become a major epidemic across this Nation.

I listened to a number of legislative initiatives, one dealing with a veteran who died from a drug overdose that was just debated here on the floor of the House. As I was flying in today, we knew there was an incident in my district where a motorcyclist was killed by a driver, a young woman who was under the influence of opioids. We know that this Transnational Drug Trafficking Act is an important act, and we want to continue in our bipartisan effort.

It is important for me to note a concern that I do not believe the sponsors intended, but which I believe must be addressed. This bill is intended to help us do more to combat the importation of illegal drugs into our country, but it could also subject more people to mandatory minimum sentencing, an unfortunate feature of our criminal justice system that we must address.

The United States has been suffering from the damaging effects of illicit drug trafficking for decades. The majority of the drugs wreaking havoc in the United States originate in foreign countries, moving from one country to the next under the direction of powerful and wealthy drug kingpins. I think all of my adult life, Mr. Speaker, we

have heard the words "drug kingpins"—you cannot live in urban America without hearing about them; you cannot live in Texas without hearing about them—many of whom never see or touch the drugs or enter the boundaries of this country themselves.

Foreign drug kingpins in Colombia, Ecuador, and Peru are leading producers of cocaine imported into the United States. These kingpins lead operations which sell to traffickers in Mexico, who receive the drugs from Central America, South America, or Mexico and then smuggle the drugs into the United States.

Certainly, drugs come from all over. The Obama administration reported instances of Afghan drug trafficking working with West African drug trafficking organizations to smuggle heroin into the United States. It is around the world.

I support the idea that these drug kingpins are dangerous, but S. 32 is intended to help Federal prosecutors successfully prosecute foreign drug traffickers whose criminal activity outside the U.S. threatens the health, safety, and security of Americans at home.

Section 959 makes it a crime to manufacture or distribute controlled substances or certain chemicals used to make controlled substances intended or knowing that the substance or chemical will ultimately be brought illegally into the U.S. or within 12 miles of the coast of the U.S. In recent years, Federal prosecutors reported difficulties enforcing this statute in some instances.

Some drug traffickers are aware of the methods used to charge and then extradite foreign criminals into the U.S. for prosecution. Drug traffickers simply avoid any discussion of the destination of the drug shipments. S. 32 would amend section 959, making it easier for prosecutors to obtain a conviction against drug traffickers who operate in other countries. That is certainly an important mission.

I am troubled, however, that lowering the intent requirement in the statute without limiting its use to leaders and organizers would expose even low-level offenders to mandatory minimum sentences. We are working now to stop that tide so that we can restore the criminal justice system to be just and fair. This would happen, depending on the quantity of drugs involved.

Historically, mandatory minimums created in the late 1980s to target kingpins have been largely applied to low-level, nonviolent offenders. Mandatory minimums have led to unwarranted and unfair sentences and overincarceration. As the ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I am engaged with colleagues on both sides of the aisle to address the problem of mandatory minimum sentencing. I am concerned that S. 32 may make matters worse.

In the Committee on the Judiciary, Ranking Member CONYERS proposed a

very thoughtful amendment to H.R. 3380, the House companion to this bill, to specify that the reduced intent standard would only apply to leaders and organizers of foreign drug trafficking organizations. The amendment would have made certain that the substantial resources, time, and money necessary to extradite foreign criminals will be expended only on those individuals whose prosecution would disrupt the chain, the pipeline, or dismantle drug trafficking networks. If this bill was amended as recommended, it would be a useful tool to help target leaders of transnational organized crime from Africa to Afghanistan, to South and Central America and beyond, networks in the U.S. and abroad, priorities and objective detail in the President's strategy to combat transnational organized crime.

In a climate in Congress when we are working on a bipartisan basis to make our criminal justice system more just and effective and to reduce mandatory minimums, the best course is for us to limit the scope of this bill to high-level drug traffickers—a simple fix. While we do not have the opportunity to amend this bill today, I ask that my colleagues vote against it so that we may continue to work to address this concern, which would not undermine the goals of the bill.

S. 32 also corrects an error in section 2320 of title 18, the statute that governs trafficking in counterfeit goods and services. In order to prove the offense of trafficking in drugs with counterfeit marks, there must be proof that the accused knowingly used a counterfeit mark on or in connection with a trafficked drug. I support those changes.

The underlying change and spirit of the bill is a positive one. We are working here together. This scourge is something we must attack.

May I simply say, Mr. Speaker, I commend the sponsors of this bill for their desire to improve our ability to pursue, convict, and ultimately imprison top-level drug traffickers who have plagued our Nation for decades and beyond. Although I believe this bill still requires a simple change to address the unintended issue impacting mandatory minimum sentencing, I look forward to us working in the manner in which we can work, and I look forward to this concluding in a positive way.

Mr. Speaker. Although I support the goals of the Transnational Drug Trafficking Act, I must note a concern that I do not believe the sponsors intended but which I believe must be addressed.

This bill is intended to help us do more to combat the importation of illegal drugs into our country.

But, it could also subject more people to mandatory minimum sentencing—an unfortunate feature of our criminal justice system that we must address.

The United States has been suffering from the damaging effects of illicit drug trafficking for decades.

The majority of the drugs wreaking havoc in the U.S. originate in foreign countries, moving

from one country to the next, under the direction of powerful and wealthy drug kingpins—many of whom never see or touch the drugs or enter the boundaries of this country themselves.

Foreign drug kingpins in Columbia, Ecuador, and Peru are the leading producers of cocaine imported into the U.S.

These kingpins lead operations which sell to traffickers in Mexico, who receive the drugs in Central America, South America, or Mexico and, then, smuggle the drugs into the U.S.

In 2011 the Obama Administration reported instances of Afghan drug trafficking operations working with West African drug trafficking organizations to smuggle heroin into the U.S.

I support enhanced efforts to combat international drug trafficking.

S. 32 is intended to help federal prosecutors successfully prosecute foreign drug traffickers whose criminal activity outside of the U.S. threatens the health, safety, and security of Americans at home.

At present, Section 959 of Title 21 targets criminal conduct committed outside of the United States.

Section 959 makes it a crime to manufacture or distribute controlled substances or certain chemicals used to make controlled substances, intending or knowing that the substance or chemical will ultimately be brought illegally into the U.S. or within 12 miles of the coast of the U.S.

In recent years, federal prosecutors have reported difficulties enforcing this statute in some circumstances.

Since drug traffickers are aware of the methods used to charge and, then, extradite foreign criminals into the U.S. for prosecution, drug traffickers simply avoid any discussion of the destination of their drug shipments.

This tactic leaves prosecutors with no direct evidence that the traffickers know the ultimate destination of their drugs or the drugs produced using their chemicals.

S. 32 would amend Section 959, making it easier for prosecutors to obtain a conviction against drug traffickers who operate in other countries.

Prosecutors would no longer be required to prove the accused intended or actually knew the drugs or chemicals would be brought illegally into the U.S.

S. 32 would reduce the level of intent necessary to prove the accused's guilt, requiring prosecutors to only prove that there was reasonable cause for the accused to believe the drugs or chemicals used to make the drugs would be brought illegally into the U.S.

I am troubled, however, that lowering the intent requirement in the statute, without limiting its use to leaders and organizers would expose even low-level offenders to mandatory minimum sentences, depending on the quantity of drugs involved.

Historically, mandatory minimums created in the late 80's to target kingpins have been largely applied to low-level, non-violent offenders.

Mandatory minimums have led to unwarranted and unfair sentences and over-incarceration.

As the Ranking Member of the Subcommittee on Crime, I am engaged with colleagues on both sides of the aisle to address the problem of mandatory minimum sentencing.

I am concerned that S. 32 may make matters worse.

In the Judiciary Committee markup, Ranking Member CONYERS proposed an amendment to H.R. 3380, the House companion to this bill, to specify that the reduced intent standard would only apply to leaders and organizers of foreign drug trafficking organizations.

The amendment would have made certain that the substantial resources, time, and money necessary to extradite foreign criminals would be expended only on those individuals whose prosecution would disrupt or dismantle drug trafficking networks.

If this bill was amended as recommended, it would be a useful tool to help target leaders of transnational organized crime networks in the U.S. and abroad—priorities and objectives detailed in the President's Strategy to Combat Transnational Organized Crime.

In a climate in Congress when we are working on a bipartisan basis to make our criminal justice system more just and effective and to reduce mandatory minimums, the best course is for us to limit the scope of this bill to high-level drug traffickers.

While we do not have the opportunity to amend this bill today, I ask that my colleagues vote against it so that we may continue to work to address this concern, which would not undermine the goals of the bill.

S. 32 also corrects an error in Section 2320 of Title 18, the statute that governs trafficking in counterfeit goods and services. In order to prove the offense of trafficking in drugs with counterfeit marks, there must be proof that the accused knowingly used a counterfeit mark on or in connection with a trafficked drug, and I support this change.

In conclusion, Mr. Speaker, I commend the sponsors of this bill for their desire to improve our ability to pursue, convict, and, ultimately, imprison top-level drug traffickers, although I believe the bill still requires a change to address the unintended issue impacting mandatory minimum sentencing.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Pennsylvania (Mr. MARINO), a member of the Committee on the Judiciary and the chief sponsor of the House companion legislation to the bill before the House at this time.

□ 1645

Mr. MARINO. Mr. Speaker, I thank the chairman for yielding and for his leadership in committee and today on this important bipartisan piece of legislation.

I also would like to thank my colleague, Congressman PIERLUISI, for his stalwart support and work on this bipartisan bill.

The chairman of the Judiciary Committee is correct in recognizing that Federal law often fails to keep up with lawbreakers. As a former U.S. attorney, I am acutely aware of the ways criminal organizations adapt their practices to skirt Federal law and harm American citizens. This bill directly responds to one scenario that has played out time and again in our Federal courts.

I would like to start by making a key point about the purpose of this bill and the type of organizations it targets. Our focus through this bill is the leaders of sophisticated, often multi-national drug-trafficking organizations

with expansive networks of distribution internationally.

This includes source nation manufacturers primarily in South and Central America. They are a significant source, if not the largest source, of deadly drugs on the streets and in homes across America. It also includes the leaders of large “middleman” wholesale trafficking and distribution organizations.

I want to stress that the bill does not target petty dealers or low-level smugglers in the final chain to the narcotics’ final destination. Instead, the focus is on higher levels of the drug-trafficking chain beyond our borders. These are the decisionmakers who have twisted our law for their own profit.

Federal law requires prosecutors to prove that defendant manufacturers and traffickers knew the narcotics were destined for the U.S. Under their direction, drugs are manufactured and packaged for illegal wholesale distribution in these countries outside of the U.S. In many instances, the final destination is the United States. But these individuals can hide their knowledge or insert additional middlemen to potentially evade prosecution.

One recent case in the D.C. Federal district court perfectly depicts this problem. On trial were two Guatemalan nationals, leaders of an organization that received tons of cocaine over 13 years from manufacturers in Colombia and Venezuela. They built runways and warehouses to store and receive such massive quantities of narcotics. They then distributed the drugs to additional middlemen in Mexico.

It was known that these drugs reached the U.S. But the defendants claimed that, once they passed them on, they had no knowledge of its ultimate destination. At trial, this was their only defense. Currently, the law allows them to claim ignorance and simply put the blame on those who do their bidding.

My district and many of my colleagues’ districts face a growing heroin epidemic. Our efforts this week to counter this crisis are crucial to stopping it.

My final point. This bill is about dismantling international drug-trafficking organizations. It is about bringing to justice the source nation manufacturers and middlemen wholesalers behind the flow of deadly narcotics across our borders, nothing else.

I urge my colleagues to support the bill so we can make that happen today.

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

Mr. Speaker, there is no doubt that we must stop the flow of illegal drugs coming into the United States from foreign countries.

I want to commend our colleagues who have worked with Ms. JACKSON LEE on this, and I want to commend the chairman of the full committee, Mr. GOODLATTE, as well for dealing with this very important subject.

Mr. Speaker, we must avoid subjecting more people to mandatory min-

imum sentences. As a matter of principle, I oppose mandatory minimum sentences because they are unjust and unwise.

The flaws in mandatory minimum sentencing have led to extraordinary injustices, prison overcrowding, and excessive cost to taxpayers. They have been shown to have a disparate impact on minorities.

While I am committed to combating the importation of illegal drugs in this country, I must oppose the expansion of mandatory minimum sentences, which is what S. 32 would do.

In the Judiciary Committee markup, I offered an amendment to limit the scope of the changes that would be made by this bill to the leaders or organizers of the drug organizations, in other words, the real kingpins.

Whether or not it is the intent of this bill to target low-level offenders, too often it is precisely these individuals who are easier to arrest, easier to convict, and subject to mandatory penalties.

Now, while I understand that we are today considering a Senate-passed bill, I maintain that we should take the time to address this issue. This bill’s expansion of those convicted under the statute should be limited to kingpins, those to whom mandatory minimum penalties were originally intended to apply in the first place.

So, accordingly, I sincerely ask my colleagues to vote against this bill so that we may address this concern.

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

Mr. CONYERS. Mr. Speaker, in closing, without question, illegal drugs imported into the United States have harmed our citizens and our communities in innumerable ways. It is critical that appropriate steps be taken to address this problem.

Although S. 32 is a well-intentioned effort to do so, I believe that this bill should be amended to address a concern related to mandatory minimum sentencing. On this basis, I oppose the bill in its current form.

I urge my colleagues to join me and the ranking subcommittee member of the Judiciary Committee from Texas, Ms. JACKSON LEE, in supporting this bill.

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

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

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to S. 32, the Transnational Drug Trafficking Act of 2015. While I support the underlying goal of combating drug trafficking, existing federal criminal laws already prohibit and punish this conduct. This bill however weakens existing mens rea standards, and therefore could lead to the application of mandatory minimums to action which the defendant did not know was illegal.

This bill therefore is a perfect example of four of the most common problems in crime policy.

First, it is a textbook example of overcriminalization, namely the careless creation and addition of federal crimes without reviewing if that conduct is already sufficiently prohibited and can be prosecuted under existing federal criminal laws. Existing federal laws prohibit importation and exportation of controlled substances, possession with intent to distribute such substances, or attempt or conspiracy to do so and therefore already prohibit the very conduct S. 32 was drafted to reach.

Our federal code contains over 5,000 offenses carrying criminal penalties, but a precise count eludes not only the Congressional research service but also the Department of Justice, the agency charged with prosecuting those offenses. The House Judiciary Committee’s bi-partisan Overcriminalization Task Force, upon which I served as Ranking Member, found that our Congressional appetite to add new federal offenses to demonstrate that we were “tough on crime,” instead of relying on existing state or federal statutes, was a significant driver. If we are serious about cleaning up our federal code, it starts with ensuring that the first question we ask when introducing, marking up, or voting on a bill is whether that bill is necessary. There is no such evidence in the record that the Department of Justice has been unable to investigate or prosecute these such cases under existing law, nor is there any evidence that the present punishment for violation of these laws is insufficient.

Second, the mens rea standard in S. 32 is weaker than the criminal intent standards of existing federal drug statutes carrying mandatory minimums. This means that the government can convict based on a lower standard of proof. Again, the need for a robust mens rea standard is a key Constitutional requirement that ensures that citizens are not deprived of their liberty, absent a showing that they were aware that their conduct was prohibited and they intended to engage in that unlawful conduct. In the wake of discussions about the importance of mens rea in protecting defendants who act with innocent intent and/or no notice of the illegality of their conduct, it is disappointing to see a step in the wrong direction that makes it easier for the government to convict them based upon a weaker standard.

Third, applying S. 32 would lead to unintended consequences due to this weaker mens rea standard. Specifically, not only does S. 32 criminalize “intending” or “knowing” that one of the prohibited chemicals will be used to manufacture a controlled substance, but also “having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States.”

Many legitimate industrial chemicals, such as anhydrous ammonia found in fertilizer or ephedrine found in sinus medication, and natural substances, such as the alkaloid fluid extracted from the bulbs of poppy plants, can also be used to process and synthesize some illicitly produced drugs.

Thus, the problem S. 32 presents is that it may sweep too broadly. For example, a fertilizer manufacturer or pharmaceutical company or florist in Europe could be criminally liable and subject to a mandatory minimum penalty. That is because under S. 32’s rubric, any manufacturer, importer, or distributor of any substance that some illicit chemist seeks to turn into an existing, or as-of-yet-developed, controlled substance would be vulnerable to

federal criminal charges. The problem is that S. 32's "reasonable cause to believe" benchmark is intellectually bankrupt—is it "reasonable cause to believe that the entity they are shipping it to has requested it for illicit purposes" or merely "reasonable cause to believe that these are the types of chemicals that could be turned into illicit drugs?"

Lastly, this bill expands the universe of conduct to which a mandatory minimum applies. Research and evidence in the past few decades has demonstrated that mandatory minimums are ineffective deterrents, waste the taxpayers' money, force judges to impose irrational sentences, and discriminate against minorities, particularly with regards to drug offenses. Unfortunately, there are too many mandatory minimums in the federal code. If we expect to do anything about that problem, the first step has to be to stop passing new ones. The mandatory minimums in the code today did not get there all at once—they got there one at a time, each one part of a larger bill, which on balance might have been a good idea. Therefore, the only way to stop passing new mandatory minimums is to stop passing bills that contain mandatory minimums. Giving lip service to the suggestion that you would have preferred that the mandatory minimum had not been in a bill, then voting for it anyway, just creates another mandatory minimum and guarantees that those who support mandatory minimums will include them in the next crime bill. And more mandatory minimums will be created and the failed war on drugs will continue.

If our goal is to ensure that we prosecute transnational drug traffickers, let us provide adequate funding to local, state, and federal law enforcement agencies to do so under multiple federal statutes that already achieve that goal, without raising these problematic implementation and fairness concerns.

In summary, while I support the underlying goal of S. 32, I have grave concerns about its redundancy, its erosion of the mens reas standard commonly used in these offenses, its broad sweep and its use of mandatory minimums. Therefore, I urge my colleagues to vote no on S. 32.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, S. 32.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GOOD SAMARITAN ASSESSMENT ACT OF 2016

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5048) to require a study by the Comptroller General of the United States on Good Samaritan laws that pertain to treatment of opioid overdoses, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5048

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 "Good Samaritan Assessment Act of 2016".

SEC. 2. FINDING.

The Congress finds that the executive branch, including the Office of National Drug Control Policy, has a policy focus on preventing and addressing prescription drug misuse and heroin use, and has worked with States and municipalities to enact Good Samaritan laws that would protect caregivers, law enforcement personnel, and first responders who administer opioid overdose reversal drugs or devices.

SEC. 3. GAO STUDY ON GOOD SAMARITAN LAWS PERTAINING TO TREATMENT OF OPIOID OVERDOSES.

The Comptroller General of the United States shall submit to the Committee on the Judiciary of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Committee on the Judiciary of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(1) the extent to which the Director of National Drug Control Policy has reviewed Good Samaritan laws, and any findings from such a review, including findings related to the potential effects of such laws, if available;

(2) efforts by the Director to encourage the enactment of Good Samaritan laws; and

(3) a compilation of Good Samaritan laws in effect in the States, the territories, and the District of Columbia.

SEC. 4. DEFINITIONS.

In this Act—

(1) the term "Good Samaritan law" means a law of a State or unit of local government that exempts from criminal or civil liability any individual who administers an opioid overdose reversal drug or device, or who contacts emergency services providers in response to an overdose; and

(2) the term "opioid" means any drug, including heroin, having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. 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 materials on H.R. 5048, currently under consideration.

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

There was no objection.

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

H.R. 5048, the Good Samaritan Assessment Act of 2016, was introduced by our colleague, Congressman FRANK GUINTA, co-chair of the House Bipartisan Task Force to Combat the Heroin Epidemic. This legislation directs the Government Accountability Office to study the various Good Samaritan laws in effect in States across the country.

Generally speaking, every State has some form of Good Samaritan law, which protects from prosecution citizens who render aid in good faith to someone in need of assistance. As a general matter, courts will not hold a Good Samaritan liable if he or she rendered care as a result of an emergency, the emergency or injury was not caused by the Good Samaritan himself, and the care was not given in a negligent or reckless manner.

In the context of opioids, Good Samaritan law refers to laws that provide immunity for responding to an opioid overdose by rendering aid or by calling 911.

Today more than half the States and the District of Columbia have enacted some form of Good Samaritan law that provides immunity or limits liability for those who report an opioid overdose or render care to a person experiencing such an emergency.

In my home State of Virginia, the general assembly passed a Good Samaritan law in 2015, which provides immunity for individuals who contact emergency services to report an overdose, provided the caller remains at the scene of the overdose until law enforcement responds, identifies himself when law enforcement responds, and cooperates with any criminal investigation.

Given the recent proliferation of these laws at the State level and Congress' desire and duty to address the opioid epidemic, it is fitting we assess how the various Good Samaritan laws work to protect our citizens and help save lives. H.R. 5048 will direct the GAO to help us get the information we need.

I urge my colleagues to support this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 5048, the Good Samaritan Assessment Act. This legislation is part of a series of bills the House is considering this week in an effort to address the growing public health crisis in our Nation that is being caused by a surge in heroin use and abuse of other opioid drugs.

Without question, abuse of opioid drugs can have serious long-term effects, including physical and functional changes to the brain affecting impulse, reward, and motivation. But opioid abuse can have a more immediate and serious consequence. An overdose can threaten the life of the victim.

In recent years, heroin and prescription opioid drug overdoses have risen sharply in the United States. According to the Centers for Disease Control and Prevention, drug overdose deaths more than doubled between 1999 and 2014. In 2014 alone, more than 47,000 people died from drug overdoses, the highest of any previous year.

Fortunately, many of these tragic deaths can be prevented through the administration of an opioid reversal drug such as naloxone. But to be effective in saving lives, these drugs must be administered on an emergency basis.