

keep these voting systems off the internet. Therefore, S. 1321, this Senate bill, would expand the definition of the term "protected computer" under the Computer Fraud and Abuse Act to include computers, even if offline, that are a part of any voting system used in a Federal election.

It is so crucial that the American people know that we have taken this action today to protect them and to ensure the sanctity of the process of voting and democracy. By expanding the definition of computers that are protected under current law, we will enhance the ability of law enforcement and prosecutors to bring appropriate charges in instances in which computer voting systems are hacked.

The Senate passed this legislation with unanimous support, and it is now our turn to join our colleagues to adopt this important bill so that it may become law as quickly as possible. Therefore, Mr. Speaker, I ask all of my colleagues today to join me in this bipartisan, crucial legislation which upholds democracy and assures the sanctity of one vote, one person.

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

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

Mr. Speaker, I rise in support of S. 1321, the Defending the Integrity of Voting Systems Act.

This bill will protect our Nation's most sacred democratic process by making it a Federal crime to hack any voting system used in a Federal election.

Protecting our Nation's election process from bad actors must be a top priority of Congress.

In 2018, the Department of Justice's Cyber-Digital Task Force issued a report finding that election systems were not adequately protected by Federal law. This bill is a bipartisan response to address the problems identified by the task force.

Bad actors who attempt to interfere in our elections must be punished for their actions. As someone who spends a lot of time here talking about where crimes fit in the State and Federal place, and oftentimes I think we overreact as a Federal Government and interfere in things that I believe should be left to the States, I think this is the opposite of that. An election in North Dakota can have consequences across the country. An election in Texas can have consequences across the country.

This is written in a way that it deals with Federal elections and any machines used in those. It is a good piece of legislation. It is a bipartisan piece of legislation. It is based off of task force findings. It is narrow, and it does what we need it to do.

Mr. Speaker, I urge my colleagues to join me in supporting this bill, and I yield back the balance of my time.

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

Mr. Speaker, I thank the gentleman from the Judiciary Committee and on

the Crime, Terrorism, and Homeland Security Subcommittee for his leadership, and I thank the sponsors for their leadership. I thank our chairman and ranking member for the bipartisanship of this legislation.

Again, Mr. Speaker, let me remind my colleagues how important this change is. It doesn't speak to mistakes or innocent mistakes, but what it does is it makes sure that a computer that is offline is subject to the laws of hacking that may occur when a computer is online or active.

We know how creative those who want to undermine and distract from a fair, just election are. They may not just have an inclination to hack an active computer. So under the Computer Fraud and Abuse Act, this is to include computers, even if they are offline, that are part of a voting system used in a Federal election.

Again, we understand how many people are engaged in making sure we have a secure and just election, and we know that this legislation focuses on the bad actors, and that is what we want to do.

The integrity, Mr. Speaker, of the upcoming elections is essential to the foundation of our democracy. The right to vote is the most fundamental right of citizenship in our democracy, and this issue touches every voter in every community across America.

We know that people are now voting as we stand here on the floor of the House. We know that mail balloting will continue or start in many jurisdictions. Some have already started. We know many States are engaged in early voting, where millions of people will be voting. This is an important initiative that needs to be signed immediately into law.

We need to do all that we can to address current threats and to ensure public confidence in our elections. This legislation will help advance that goal. That is why I ask all of my colleagues to join me in supporting passage of S. 1321 today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, S. 1321.

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.

#### DUE PROCESS PROTECTIONS ACT

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1380) to amend the Federal Rules of Criminal Procedure to remind prosecutors of their obligations under Supreme Court case law.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1380

*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 "Due Process Protections Act".

#### SEC. 2. REMINDER OF PROSECUTORIAL OBLIGATIONS.

Rule 5 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

“(f) REMINDER OF PROSECUTORIAL OBLIGATION.—

“(1) IN GENERAL.—In all criminal proceedings, on the first scheduled court date when both prosecutor and defense counsel are present, the judge shall issue an oral and written order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and the possible consequences of violating such order under applicable law.

“(2) FORMATION OF ORDER.—Each judicial council in which a district court is located shall promulgate a model order for the purpose of paragraph (1) that the court may use as it determines is appropriate.”

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

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

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

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

There was no objection.

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

S. 1380, the Due Process Protection Act, introduced by Senators DAN SULLIVAN and DICK DURBIN and passed by unanimous consent in the Senate this past May, is a narrowly tailored, bipartisan bill that would reinforce the government's already existing constitutional obligation to disclose exculpatory evidence. Sometimes, of course, that evidence can be the difference between innocence and conviction and fairness to both the government and the defendant.

The Due Process Clause of the United States Constitution requires that prosecutors disclose to the accused all favorable evidence that is material. Unfortunately, at this time, there are inadequate safeguards in Federal law to ensure that this practice is followed across the country.

According to the National Registry of Exonerations, from 1989 to 2017, prosecutors concealed exculpatory evidence at trial in half of all murder exonerations. Although this statistic includes State prosecutions, we know that exculpatory evidence is concealed in Federal cases as well.

Mr. Speaker, I have been involved in criminal justice reform for a very long time, and I have seen the damage that

not exposing or disclosing exculpatory evidence can do and how it is an imbalance as it relates to defendants who happen to be Brown or Black. That is unfair, and I know the America that I have come to know and love understands that justice should be equal for all.

Again, one prominent example of the failure to disclose exculpatory evidence was in the 2008 trial of then-Senator Ted Stevens. When it was later revealed that the Justice Department had committed misconduct by failing to turn over exculpatory evidence, the judge in that case concluded that he could not sanction the prosecutors because he had not issued a direct written court order requiring them to abide by their ethical and constitutional obligations to disclose favorable evidence.

Many of us who knew that case, who knew Senator Stevens, knew, of course, that he had experienced an injustice.

Following the Stevens case, in June 2018, the District Court for the District of Columbia, where the case was tried, amended its local rules to require prosecutors to comply with their disclosure obligations. Other Federal districts had already and have since issued specific local rules or standing orders that govern these obligations.

A 2011 survey by the Federal Judicial Center indicated that 38 of the 94 Federal districts had a local rule or standing order confirming the government's obligation to disclose exculpatory and/or questioning the credibility of witnesses, which is known as impeachment, material.

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To address this issue, the Due Process Protections Act would do three things, three very vital things to the scales of justice: One, amend the Federal Rules of Criminal Procedure to require that a judge issue an order to prosecution and defense counsel that confirms the disclosure obligation of the prosecutors in every criminal case;

Two, require each judicial council in which a district court is located to issue a model order that its courts can use at their discretion; and,

Three, leave it to the courts in each district to detail the parameters of their order.

Mr. Speaker, I have had the opportunity to meet with our Federal judges in our jurisdiction over the years, and I know that our discussions always fall on how we can enhance justice and be fair to all parties in the courthouse.

Criminal justice winds up with the defendant, if convicted, to lose their due process rights. Clearly, this is an important and significant legislation that protects all parties, but particularly when someone is subject to losing their due process rights or their freedom.

And so I support this legislation because, significantly, the bill would not impose any new requirements on prosecutors. It would simply require them

to follow the Constitution or risk being sanctioned by the court.

It is a breath of fresh air to see the Constitution being raised over and over again for the good aspects of what American democracy is all about. The pillars upon which it is built are clearly that of justice and equality and fairness in our judicial system.

Accordingly, this is a straightforward and bipartisan measure that would help our criminal justice system operate in a more effective and fair manner.

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

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

Mr. Speaker, I rise in support of S. 1380, the Due Process Protections Act. This is a commonsense, bipartisan bill that will reinforce constitutional protections for criminal defendants.

This bill amends the Federal Rules of Criminal Procedure to require a judge to issue a Brady order, reminding prosecutors of their obligation to disclose all evidence that is material to the case, especially exculpatory evidence.

Although some judges already have a practice of issuing Brady orders, this bill will require all judges to issue it in all criminal proceedings.

Our criminal justice system falls short when key evidence is withheld by prosecutors and revealed years later at a conviction. Due process is a fundamental right of all Americans; so is the right to a fair trial, protected by the Constitution and this bill helps guarantee that fundamental right.

I urge my colleagues to join me in supporting this bill, and I yield back the balance of my time.

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

I thank my friend and colleague from North Dakota for his leadership.

I thank, again, the chairman and ranking member of the full committee and our subcommittee chairpersons and ranking members.

Mr. Speaker, let me just say that, as I indicated, it is with an enormous sense of pride and recognition and a breath of fresh air when we talk about the Constitution in this hallowed place, because this House and the other body are grounded in our appreciation and adherence to the Constitution.

That is what this bill is: due process protections and dealing with the Bill of Rights, and the right to due process that we find in the 14th Amendment and the Fifth Amendment. So I am delighted that the Due Process Protections Act is now recognized, and it is a commonsense, bipartisan measure.

How much better we will be when all of the judicial districts require exculpatory evidence to be presented, because then you know that you have given all parties their fair chance, and someone who might lose their liberty, you give them a fair chance by putting forward all of the evidence that may be exculpatory.

So it is narrowly tailored to ensure that Federal prosecutors simply follow the law, as they already should, in every case.

I strongly urge my colleagues to support this breath of fresh air in the recounting of the Constitution, a document that continues to live in 2020 so that it will become law and order.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, S. 1380.

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.

#### DOMESTIC TERRORISM PREVENTION ACT OF 2020

Ms. JACKSON LEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5602) to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5602

*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 "Domestic Terrorism Prevention Act of 2020".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Recent reports have demonstrated that White supremacists and other far-right-wing extremists are the most significant domestic terrorism threat facing the United States, including—

(A) a February 22, 2019, New York Times op-ed, by a Trump Administration United States Department of Justice official, who wrote that "white supremacy and far-right extremism are among the greatest domestic-security threats facing the United States. Regrettably, over the past 25 years, law enforcement, at both the Federal and State levels, has been slow to respond. . . . Killings committed by individuals and groups associated with far-right extremist groups have risen significantly.";

(B) an April 2017 Government Accountability Office report on the significant, lethal threat posed by domestic violent extremists, which—

(i) explained that "[s]ince September 12, 2001, the number of fatalities caused by domestic violent extremists has ranged from 1 to 49 in a given year.";

(ii) noted that "[F]atalities resulting from attacks by far right wing violent extremists have exceeded those caused by radical Islamist violent extremists in 10 of the 15 years, and were the same in 3 of the years since September 12, 2001. Of the 85 violent extremist incidents that resulted in death