

manner and moved people along in a very rapid manner. So in the event that we do have a catastrophe, many lives would be saved; and we greatly appreciate that.

I also want to say as a side note, Mr. Speaker, that a lot of times we treat these Capitol Police as furniture. Because they are so good at their job, we often do not notice them. I would hope that Members of the House and employees of the House would congratulate each and every officer that they may come across over the next few days and thank them for the good job that they have done. They deserve it. We appreciate their protection, and we appreciate their professionalism.

Mr. Speaker, I feel much safer in the hands of the Capitol Police today than I did yesterday, and I greatly appreciate them.

I also have to point out that there are Capitol Police that are stationed in this building even in the event of a catastrophe, and they showed great courage to stand their posts, knowing that something bad may happen to this building or the office buildings. They do not leave the building. That is incredible courage that we should honor, and we appreciate that courage and that honor. You have to extend that to their families, because their families also know that they are standing in this building with an eventual catastrophe coming and standing their posts like the courageous men and women that they are.

So we greatly appreciate what they have done, the way they have protected the buildings and, most importantly, the people that work in these buildings. You just cannot say enough for how the House appreciates their service.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California, the distinguished minority leader.

□ 1400

Ms. PELOSI. Mr. Speaker, I, too, want to sing the praises of our Capitol Police and the Sergeant at Arms Mr. Livingood for the expeditious manner in which the Capitol was evacuated earlier today. Thank heavens it was not necessary; better safe than sorry.

But I think that the evacuation took place with dignity in record time and with respect for all in the Capitol, not only the Members of Congress but, very importantly, the tourists who are here, our visitors, the press who covers us, our employees who work here in the Capitol and the office buildings and, of course, the Capitol Police.

Thank you to the Capitol Police. Because of you, Americans or people visiting from overseas can come to this Capitol because of your courage with the confidence that they will be safe. Because of you, this evacuation was conducted in a manner of full cooperation from all who participated. Because of their confidence in you, when you

gave the signal, everyone moved exactly the way you wanted them to.

Mr. Speaker, I would also like to add my appreciation to our national security apparatus and all that that involves, for having those airplanes in the air immediately to escort that Cessna to another place. We do not know the full story about it, or I do not anyway, yet, but I do think that they are to be commended for the speed with which they made us safe.

This Capitol is a symbol of freedom throughout the world. And today, I think that the balance between freedom and security was well-demonstrated, and certainly that was because, again, of the professionalism, as our colleague said, and the courage of the Capitol Police, Mr. Livingood and our national security apparatus.

With that, Mr. Speaker, I know that the gentleman from Illinois (Mr. HASTERT) shares our views; I do not know if he can even speak from the chair, but I have heard the gentleman express his appreciation individually and personally to them, too, and I want to add my voice to that.

Mr. DELAY. Mr. Speaker, reclaiming my time, I appreciate the words of the Minority Leader, and she is absolutely right on. I just would finish by saying, people need to realize, because there are already critics on television, it is amazing; but people need to realize that very serious decisions have to be made in times like these: A decision to scramble the jets, a decision to shoot the flares, a decision to shoot the plane down or not and a decision to evacuate the building when that plane is only 3 to 4 minutes away from this building. Those are very critical decisions that have to be made, and we appreciate the people that have made those decisions and made them properly and protected the lives and property of the Capitol.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1279 to be considered shortly.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### GANG DETERRENCE AND COMMUNITY PROTECTION ACT OF 2005

The SPEAKER. Pursuant to House Resolution 268 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1279.

□ 1403

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the

consideration of the bill (H.R. 1279) to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 1279, the Gang Deterrence and Community Protection Act of 2005. This bill is a forward-looking and comprehensive approach to a growing national threat: violent and vicious criminal gangs in our communities.

According to the last National Youth Gang Survey, there are now between 750,000 and 850,000 gang members in our country. Every city in the country with a population of 250,000 or more has reported gang activity. There are over 25,000 gangs in more than 3,000 jurisdictions in the United States.

Criminal gangs are no longer just a local problem. In recent years, gangs have become nationally-organized criminal syndicates. They are disciplined criminal enterprises with leaders, managers and employees, with training and structured associations, many of which are now international in scope. They are dedicated to enriching themselves through criminal activity and terrorizing our communities. The law-abiding public and State and local law enforcement have sent us a strong message: Act now and stop the scourge of violence in our communities.

This legislation has four broad and significant purposes. First, the bill authorizes the creation of anti-gang task forces that will bring together Federal, State and local law enforcement to conduct complex and significant gang prosecutions and provide a national infrastructure for the sharing of gang information nationwide. Second, the bill creates a new gang crime statute, akin to the RICO statute, that addresses specific techniques and criminal strategies used by the gangs. Third, the bill increases penalties and clarifies several existing statutes for crimes typically committed by gangs. Fourth, the bill adopts a limited measure to permit Federal prosecutors to charge 16- and 17-year-olds in Federal court without going through a lengthy and outdated transfer procedure. Current law has hindered law enforcement efforts to incapacitate violent 16- and 17-year-old gang members in aggravated crimes of violence.

I would like to underscore one important aspect of this bill. It adopts new

mandatory minimum penalties that address the seriousness of violent crimes committed by gang members. For kidnapping, maiming and aggravated sexual abuse, gang members will be subject to a 30-year mandatory minimum. For assaults resulting in serious bodily injury; that is, nearly killing or permanently disabling a person, gang members will face a mandatory minimum of 20 years, and for all other gang crimes, gang members will face a 10-year mandatory minimum penalty.

The mandatory minimums contained in this legislation are carefully tailored to deter and disrupt violent gang activity as swiftly as possible. These mandatory minimum penalties reflect Congress's duty to ensure that violent gang members are consistently and fairly incarcerated. Further, prosecutors and law enforcement will tell you that in the absence of mandatory guidelines, such penalties are the only way to secure the cooperation of lower-level gang members who have critical information about the tightly-knit gang structure and gang crimes to testify and cooperate against higher-level gang members who typically insulate themselves from the day-to-day criminal activity. Gang members who wish to avoid the mandatory minimum penalty can do so by freely and willingly deciding to cooperate against other gang members.

Madam Chairman, I wish to take a minute to underscore the support for this measure from law enforcement, and by that, I mean the brave men and women who are on the streets every day putting their lives on the line to fight the gang epidemic in our country. Since this measure was introduced, we have received strong letters of support from organizations representing State and local law enforcement agencies across our country, including the Fraternal Order of Police, the National Sheriffs Association, the National Association of Police Officers, the National Latino Peace Officers Association, the National Troopers Coalition, the Major County Chief Association, the Law Enforcement Alliance of America, the Association For Los Angeles Deputy Sheriffs, the District Attorney for New Orleans, the California Gang Investigators Association and the International Union of Police Associations.

When law enforcement speaks with such a clear and unanimous voice, we have a duty to listen, to act now and to give their members the tools and resources they need to fight and win this battle on behalf of America's law-abiding citizens.

I want to thank my two colleagues, the gentleman from Virginia (Mr. FORBES) and the gentleman from Virginia (Mr. WOLF) for their strong and committed leadership on this issue. They have dedicated both time and effort to H.R. 1279 and should be commended for their focus on combating this disturbing national trend.

I urge my colleagues to support this vital public safety legislation. Tough,

determinate sentencing policies have worked to reduce crime in the last 20 years, and now, we are facing a new challenge. Gang violence is a growing national scourge that requires a tough and measured response. Stiff penalties and additional resources to law enforcement will send a clear and unmistakable message to the violent criminal gang members that their conduct will no longer be tolerated.

I urge my colleagues to support this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chairman, I rise in opposition to the bill, and I yield myself such time as I may consume.

Madam Chairman, it is unfortunate that we are again debating how to reduce juvenile crime and violence. Rather than following through on the proven crime and violence prevention techniques that work, we are back to tough-talking sound bite policies that have been proven to not only fail to reduce crime but actually increase crime, waste taxpayers' money and discriminate against minorities. Seven years ago, it was the Violent Youth Predator Act. Now it is the "Gang Busters" bill, with the same array of poll-tested sound bites: trying more juveniles as adults and mandatory minimum sentences. The bill includes mandatory life or death penalties, even for unintentional acts.

This bill is in no way like the bill we developed a few years ago on a bipartisan basis to address youth crime and violence following the dark days following the Columbine school shootings. That bill was cosponsored by all of the members of the Subcommittee on Crime and was based on combined wisdom and expertise of law enforcement, juvenile court judges, administrators, researchers, criminologists and juvenile justice advocates along with the entire political spectrum.

All of the Hastert-Gephardt Task Force members called witnesses to let us know what we should do to reduce crime and violence amongst juveniles. Not a single one of those witnesses said we needed to add more Federal mandatory minimum sentences. Not one mentioned the death penalty. Not one said anything about trying more juveniles as adults. Not one. The fully bipartisan bill we developed from recommendations of those experts was full of collaborative efforts between Federal, State, and local officials aimed at addressing the problems caused by young people and addressing them early, focused on prevention and keeping them out of trouble to begin with. And when they first get in trouble, intervene early and provide sufficient sanctions and services to get them back on the straight and narrow. Further, if they do come back, hit them with graduated sanctions and services to the extent required to address the problem, including keeping them away from or getting them out of gang activities. At that

time, as now, we can try juveniles as adults as early as 13-years old and sentence them with harsh sentences when they commit serious, violent offenses, both at the Federal as well as the State level.

So make no mistake about it: The children affected by this bill will be those children whose roles in gang crimes are minor or fringe, because we are already trying youth who commit serious violent offenses as adults and locking them up for long periods of time. It is the lesser offenders, the children who get in fist fights, committing misdemeanors, who will be subject to the 10-year, mandatory minimum numbers in this bill. Those who commit murder or rape or chop off hands with machetes or even conspire to do that are already subject to life sentences. So the 10-year mandatory minimums will be the friends who get in fights.

Madam Chairman, we already lock up more people than anywhere on earth: 714 per 100,000, way above whatever is in second place, way above the national average of 100 per 100,000. In fact, whereas there is 1 out of 63 white youth 25- to 29-years old in jail today, we lock up one out of every 8 African-American youth in jail today. This bill, with all of its discriminatory policies, will only add to that disparity. And for what? A long line of studies conducted by the Department of Justice and crime researchers have consistently told us that treating more juveniles as adults will increase crime and violence.

□ 1415

The Coalition of Juvenile Justice study, "Childhood on Trial," coincidentally released the same day as this bill was introduced, covers thousands of cases over a long period of time and confirmed that adult treatment of more juveniles increases crime and violence and is discriminatory in its application. That is primarily because if the judge finds a person guilty in adult court, his only possibilities are lock the child up with adults or let them walk on probation or parole. If they get locked up with adults, they will obviously come out worse than they went in. And so the studies show that if we increase the number of juveniles tried as adults we will not only increase crime, but we will increase violent crime.

Now, this bill not only includes provisions to try more juveniles as adults. It also includes more mandatory minimums. We know from all of the credible research, mandatory minimum sentences are the most costly and least effective way to address crime. As compared to intelligent approaches, like having the worst offenders get the most time and lesser offenders get less time, or drug treatment for drug-addicted offenders, mandatory minimum sentences have been shown to waste money and discriminate against minorities. That is why the Federal Judicial Conference has told us time and time again that mandatory minimum sentences violate common sense.

We also know that the death penalty is not only flawed, but is disproportionately applied to minorities and the poor. It also does not reduce crime. Some 199 people have been freed from Death Row over the last 10 years because they were innocent of the crimes for which they received the death penalty. Now, until we fund the innocence protection provisions we passed last year, we should not be passing new death penalties.

But unfortunately, despite all of our agreement and progress, we have failed in the most important aspect of our prior work, and that is to provide adequate funding for the initiatives that we passed. The most money we have ever been able to get appropriated for the juvenile justice bills was \$55 million a year, about one-tenth of what was necessary. We are, in fact, cutting funding for these programs in our budget, and also cutting money for local law enforcement. And this bill provides nothing for prevention, nothing for early intervention, and virtually nothing in the bill goes to local law enforcement. It all goes to Federal prosecution and incarceration. Instead, almost \$400 million in the bill will go to the Federal prosecutors and possibly billions to locking up people under the long mandatory minimum sentences.

Madam Chairman, we have a choice in crime policy. We can play politics, or we can reduce crime. And we know what to do to reduce crime. All the researchers have told us. In fact, a few weeks ago I met with some students at Monument High School in South Boston, Massachusetts, and I told them about this upcoming hearing we were having on the gang bill, and I asked them what did they think needed to be done to keep kids out of gangs. They said, kids join gangs for reputation, protection, to feel wanted, to have friends, and to get money. And what is needed to prevent them from joining gangs was ample recreation for boys as well as girls, jobs and internships for training and money, and assistance to allow their families to live in decent homes.

Recently, I met with law enforcement officials in my district, and they had similar advice. Neither group said anything about the need for more mandatory minimums, trying more juveniles as adults, or new death penalties. None of them asked us to waste money on these programs.

But we took their advice a few years ago and actually started the process for doing what was necessary to reduce crime: prevention and early intervention. But we did not finish the job of funding the programs. We should fund juvenile justice prevention programs, early intervention programs, and local law enforcement instead of passing this bill.

Madam Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Chairman, I yield 4 minutes to the principal author of this bill, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Madam Chairman, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his leadership in this area and for bringing this bill to the floor.

I rise today in support of this bipartisan bill, H.R. 1279, the Gang Deterrence and Community Protection Act of 2005. And in the limited time that I have, I just want to raise three points. The first point is that throughout the debate today, you will hear two different worlds described about gangs. One world they will describe in gangs will be talking about antisocial behavior and fist fights. If you think that is what we are concerned about with gangs, then we should not be here today at all talking about this bill.

But the true world, when you talk about gangs, are that you are having a rise in gangs in the United States where today, as we debate this bill, there are between 750,000 and 850,000 gang members within our borders. If it was a foreign army, it would be the sixth largest army in the world. And these are the acts in the real gang world: machete attacks, witness intimidation, extortion, murder of Federal agents, rape, cutting off arms, fingers and individuals' heads.

So the second point is, why can we not just deal with these acts with current State laws? Well, this chart shows just one member of one gang and all of the activities that he had in traveling around the United States. Today, these gangs have become national and international in scope; and if we want to truly deal with gangs, there is only one way to do it: you have got to bring down the gang networks and the gang leaders. And this bill will do that.

Now, our friends who are opposed to this bill say let us just deal with it crime by crime and individual by individual. And that works if it is just an individual committing a crime, because once you get that person and put them in jail, the crime stops. But when you are talking about gangs, when you deal with just one crime from a lower-tier person in that gang and you get that person and prosecute him, 20 different acts were never caught. And when you get that one person from a gang and it is an organized effort, 20 more spring up in their place.

We need a system to bring together teams of Federal, State, and local law enforcement so that we can go after that network and bring them down. And I would just ask you to look at a single situation where local or State law enforcement has been able to reach up to these national and international gangs and bring down the gang network.

The other thing that I want to say that you will see today, and we heard it earlier, and I was absolutely shocked when I heard it, but the opponents of this bill literally said on the floor earlier this morning that giving arts and crafts to criminal gang members who committed violent crimes would do more than the provisions of this bill,

which is to lock them up and to empower law enforcement to go after them.

And I want to just say, because you hear a lot of talk about people who met with a group of students here, or maybe a group of people over here, this is a list that the chairman read out earlier of virtually every major law enforcement organization in the United States who supports the provisions of this bill and realizes if we do not pass this bill and bring down the gang networks, you might as well put a big billboard out that says, "Coming soon to a neighborhood near you," because that is what is going to happen with the rapid rise of these gangs.

And I hope that this House will stand up today, will vote to give law enforcement the tools they need, and that we will go after these networks and bring them down.

Mr. SCOTT of Virginia. Madam Chairman, I yield myself 1 minute just to say, first of all, that my distinguished colleague from Virginia and I will be working together later this week if they try to close any military bases. But on this bill we, unfortunately, have to disagree.

First of all, Madam Chairman, murder, rape, kidnapping are already illegal in every State. Interstate gang members can be caught by RICO and organized crime, continuing criminal enterprise, FBI is already working on that. But this bill contains a provision that fist fights can subject young people to 10-year mandatory minimums.

The after-school programs that have been disparaged are the kinds of things that will actually reduce gang involvement. You can disparage them by calling it arts and crafts for gang members. But if you ask the researchers what will actually make a difference, it is those after-school programs to give the kids constructive things to do with their time.

Madam Chairman, I yield 4 minutes to the gentleman from California (Mr. SCHIFF), a former prosecutor.

Mr. SCHIFF. Madam Chairman, in February of this year, I introduced bipartisan legislation with the gentleman from California (Mrs. BONO), the Gang Prevention and Effective Deterrence Act of 2005. The Schiff-Bono bill represents a comprehensive effort to increase gang prosecution and prevention efforts in order to crack down on criminal street gangs. The bill is virtually identical to bipartisan legislation that was reported out of the Senate Judiciary Committee in the 108th Congress and has since been introduced by Senators FEINSTEIN, HATCH, KYL, CORNYN, and GRASSLEY.

Madam Chairman, the bipartisan Schiff-Bono anti-gang bill had three core objectives. First, it created a RICO-like statute specifically tailored to street gangs in order to bring these networks down in the same way we bring down organized crime through RICO. Second, our legislation increased

a host of gang and violent crime penalties in order to deter and punish illegal street gangs. And finally the Schiff-Bono bill included important funding for prevention and intervention efforts in order to attack the gang problem at its roots.

The sponsor of the bill before us today has spent much time on highlighting the groups that have supported his bill. The Schiff-Bono and Feinstein-Hatch bills are also endorsed by these groups and a host of other law enforcement organizations. With all due respect to my colleague from Virginia on the opposite side of the aisle, the most significant difference between the bill I introduced prior to the bill that is now before us is that all of the prevention funding in the Senate bill and in my own bipartisan bill has been stripped out of the anti-gang measure, and all we are left with is the deterrence.

Unfortunately, Madam Chairman, the committee leadership rejected the opportunity to address this national problem in a bipartisan fashion. Instead, the majority introduced the bill before us today after our bill was introduced that essentially increases the same penalties that our bill increases, but instead via mandatory minimums. The bill also remarkably cuts out the bipartisan provisions devoted to expanding and enhancing community-based and law enforcement prevention and intervention programs targeting criminal street gangs, gang members, and at-risk youth.

These prevention and intervention provisions are largely law enforcement in nature. And, Madam Chairman, I want to point out these provisions that have been stripped out of my bill that are in the present form in this bill have the support of law enforcement. Law enforcement does not support removing those from the legislation. They are also part of the bipartisan bill in the Senate sponsored, as I mentioned, by Senators HATCH, FEINSTEIN, CORNYN, GRASSLEY, and KYL. Members from both sides of the aisle recognize that a complete approach to addressing the problem of criminal street gangs must include prevention and intervention measures that attack the problem at its roots.

Yes, we need deterrence as my bill provided. But we need prevention as well. And, unfortunately, I think it is quite clear that this body is no longer in the business of legislating, but rather of leveraging. The legislation before us today is merely an attempt to leverage the Senate. It will not come back in this form, and I intend to oppose it today in the hopes that we will get a better bill coming back from the Senate, as I am confident we will.

Madam Chairman, when I took office in the California State Senate, I introduced a host of anti-crime measures as, indeed, I have done here.

At the same time, I realized then, as I realize now, that we also have to take steps to intervene immediately and ad-

dress juvenile crime at its roots and try to prevent young people from getting into trouble. And this, I think, is the fundamental issue before us. We can pay now, or we can pay later. A small amount to preventive funding that we invest now saves us a lot on the back end.

Madam Chairman, in my home State of California, when we incarcerate a juvenile, it costs us \$90,000 a year. Investing a small amount on the front end in time-tested and true programs that keep kids out of trouble makes infinite sense, both in terms of dollars saved and in terms of lives saved.

And my hope, Madam Chairman, because my amendment to restore this funding was not allowed by the Rules Committee, we were not allowed to put it to my colleagues on the House floor for a vote, I hope, Madam Chairman, it comes back from the Senate in a form that we can both support on both sides of the aisle.

Mr. SENSENBRENNER. Madam Chairman, I yield myself 30 seconds. Madam Chairman, I deeply respect the arguments that have been advanced by the gentleman from California (Mr. SCHIFF). He put forth his proposal in committee, and it was defeated on a rollcall vote of 3 ayes to 22 noes. So the Schiff proposal did not even carry a majority of the Democratic members in the committee, let alone the Republican members.

Madam Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF), who is also a sponsor of this bill.

Mr. WOLF. Madam Chairman, let me begin by thanking the gentleman from Virginia (Mr. FORBES) for doing this. And every Member of this House on both sides should thank the gentleman. And I thank the chairman and the staff of the Judiciary Committee for moving this legislation.

March issue of Newsweek: "They are a violent force in 33 States and counting. The most dangerous gang in America, MS-13."

They killed 10 people in Northern Virginia. And I will tell the gentleman from Los Angeles, they have killed a number of people out in your area too.

There was a Washington Post editorial about this and a story where it talks about a young parent. The eldest son, age 15, was sitting on the steps of a nearby apartment with two friends when he was gunned down. The friends were wounded, but survived. The son was killed almost instantly. The mother remarked, we moved here to get away from the gangs.

The brutality of these gangs. They took Brenda Paz, who was in the Witness Protection Program down to the Shenandoah Valley and slashed her throat to where her neck was cut all the way almost through, and stabbed her 16 times.

□ 1430

They prey on the poor. They prey on the poor in the inner cities. They prey

on the poor in Culmore. I have said, the people of Culmore and the people of the inner city have just as much right to live in the upscale neighborhoods where they may not be.

This is a good bill. And when we protect the most vulnerable in our society, we protect everybody. I have talked to the community in different areas of my district and in Culmore through this region. They live in fear. And I say whether you have been in this country for 50 years and are wealthy or whether you have been here for 50 hours and you live in an area where you are trying to work your way out, you deserve the right to be protected. And the bill by the gentleman from Virginia (Mr. FORBES) protects the poor.

This bill protects those who are being preyed upon. And I hope and I pray, on behalf of Brenda Paz who was stabbed 16 times and the families that live in Culmore and the families that live out in L.A. and the families that live in Houston, and the families that live throughout the State of Virginia that are suffering with this, that this bill passes overwhelmingly and goes on to the Senate, and they pass it so we can finally get relief, not for the wealthy but for those who live in Culmore and the inner city, who, up until this time, have been forgotten by this institution.

Finally, with the Forbes bill, this will do more to help them.

Mr. SCOTT of Virginia. Madam Chairman, I yield myself 30 seconds.

If the bill passes or does not pass, it will still be illegal to stab someone 16 times. What we ought to be looking at are the kinds of initiatives that will reduce the chances that that will happen again.

Giving a 10-year mandatory minimum for a second offense fist fight is not going to reduce the chance that someone will be stabbed 16 times when you are not funding any of the programs that are desperately needed to actually reduce juvenile crime.

Madam Chairman, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Chairman, I thank the gentleman for yielding me time.

I want to respond very briefly to the chairman's point. I have the greatest respect for my chairman as well.

Yes, it is true that the Feinstein-Hatch amendment that I offered in committee did not enjoy broad support on either side of the aisle. Some on my side of the aisle thought the sentencing enhancements in this bipartisan legislation were too strong and could not support it. But the other amendment, Madam Chairman, that I offered that would simply reinstate all the preventive funding, all of the proactive funding in the bill, that was rejected by every Republican member of the committee. Not a single GOP member of the Committee on the Judiciary would support the prevention funding in committee. And we do not have the ability to raise that issue on the House floor.

It is my earnest hope, however, that in conference with the Senate, which I hope will insist that we not only have a back-end strategy for dealing with the crime problem of gangs but that we have a front-end strategy as well and that we will have the chance to address this again in conference committee, and that funding will be restored.

Mr. SENSENBRENNER. Madam Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Madam Chairman, I rise in strong support of H.R. 1279, the Gang Deterrence and Community Protection Act of 2005. I want to thank the distinguished gentleman from Virginia (Mr. FORBES) for his hard work on this very critical issue. I also want to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership in this area as well.

Gang violence is taking over too many of our communities. What was once thought to be an urban problem has now moved into many suburban and even rural areas, leaving virtually every community and every child in them vulnerable. Sadly, too many children are turning their backs on beneficial extra-curricular activities and turning to the world of guns and drugs and violent activity in order to gain entry into or move up or just maintain status in a gang.

In order to gain entry into these things, this legislation is absolutely critical. And for those who have avoided being seduced by gang life, they are too often held hostage in their homes for fear of being the next victim or the unfortunate one who may witness a gang act and who may later be called upon to testify, and they are often times in fear of their life when that happens.

In my district, the first district of Ohio which includes the City of Cincinnati, the 22 homicides that have occurred as of March put the city on pace to exceed the record number, 75 homicides that occurred back in 2003. Many of our city officials and law enforcement point toward gang activity centered on drug trafficking as the source of this increase.

We cannot allow gangs to control our communities. We must give law enforcement the tools to fight back. H.R. 1279 would help to accomplish this in two ways: It would establish new stronger gang and violent criminal penalties as well as strengthen existing ones to deter the acts of violence commonly associated with these gangs. Most importantly, H.R. 1279 gives our communities the resources to attack the gang problem from all levels.

H.R. 1279 ensures that local State and national law enforcement work together to stop gangs and to make our communities finally safe as they ought to be. Our communities cannot fight gangs alone.

I would strongly urge my colleagues to support this important piece of legislation to ensure that we have a co-

ordinated effort in all levels of government. I want to again thank the gentleman from Virginia (Mr. FORBES) for his leadership in this area.

Mr. SCOTT of Virginia. Madam Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Madam Chairman, I thank the gentleman for yielding me time.

I rise reluctantly because rarely do I oppose a majority bill. In this case, however, as I expressed in the Committee on the Judiciary, I think there are three problems with the bill: First, it federalizes State crimes. Second, it spends too much money. Third, it has mandatory minimums.

I voted for mandatory minimums a number of times in my previous time in Congress, and then I had 6 years out, six years out to talk with people in the community, to talk with judges. And during that time, I became very uncomfortable with our approach about mandatory minimums.

We have sentencing guidelines. The idea of those guidelines is to have a coherent system of sentencing, some method of figuring out how heinous one crime is compared to another. And then Congress comes along and slaps on mandatory minimums on top of that framework, doing violence to the framework of a sentencing guideline system. I think it is a mistake.

Like I say, I voted for them in the past. I will not do it again. I am inclined to say, let us have a sentencing guideline system that works. Let us not, because of some political considerations, rise and go after say crack cocaine as opposed to powdered cocaine and end up with perverse results, which is somebody rotting in jail because they smoked the wrong kind of cocaine. It is an unjust result. It is something we should resolve in this body to avoid.

I think we have an opportunity to improve this bill. I will be supporting some of the amendments the gentleman from Virginia (Mr. SCOTT) will be offering. It is another opportunity to try to improve it.

I appreciate the gentleman yielding me time.

Mr. SENSENBRENNER. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Madam Chairman, I spent 22 years as a judge in Texas trying criminal cases, felonies; 22,000 felony cases came through my court. They dealt with everything from major theft to capital murder cases. And a lot of those cases were gang cases. And the people in this country who believe and think that gangs are not a problem are sorely mistaken.

It was the action operative of the gangs in the Houston area to use juveniles to commit serious crimes, violent crimes, because those very juveniles and these gang leaders knew that juveniles would be treated differently, as they were. These gangs would almost

laugh at the criminal justice system because the juveniles would not face the same type of punishment as adults.

This portion of the bill that treats juveniles in some cases the same as adults is a good idea, because, in our country, victims continue to be discriminated against based on the age of offenders. Those days need to end, especially with gang members.

This is an important issue.

I, too, like the previous speakers are concerned about whether this is a States' rights issue or not. But gangs cross State lines. No longer are they just a local terrorist community. And they are terrorists, Madam Chairman. We, at this time, are engaged in a war against international terrorists. We need to be concerned about the street terrorists who roam our neighborhoods and commit violent crimes in the name of some type of gang.

A specific powerful enemy to the United States is the MS-13 gang. We need to be concerned about them because they are a terrorist group. They are gang members. So the first duty of government is to protect its citizens. We do that abroad. We need to do it against those street terrorists that live among us.

I support this bill.

Mr. SCOTT of Virginia. Madam Chairman, I yield 4½ minutes to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished gentleman for yielding me time.

I rise to acknowledge, Madam Chairman, that gang violence poses a problem in America. Coming from the community that I come from in Houston, we have had some tough times with gang activities, and we have been successful in eliminating or steering young people away from that gang violence.

Just recently, of course, as the ranking member on the Subcommittee on Immigration, we have had hearings on the MS-13 gangs. And I reached out to my community in Houston to determine the influx of those gangs. Those gangs are particularly focused in South and Central America. Many of the individuals are undocumented aliens that become engaged in that activity in California and places along the border.

So I believe that we should have a comprehensive approach and look at this particular crisis, but at the same time, when I say comprehensive, I would suggest balanced.

The concern I have of H.R. 1279 is that the bill and the legislative approach is not balanced. From the early time of my career, I recall that we have on the Committee on the Judiciary reached out, those of us who were Democrats to reach out on this question of intervention. In fact, the first term that I was here, we did a national tour, if you will, national meetings of the Subcommittee on Crime.

My colleague who is now the ranking member joined me on that, the gentleman from Virginia (Mr. SCOTT),

where we traveled across the Nation to talk about the importance of intervention on gang and juvenile crime activities. In fact, out of that came a legislative initiative, the aspect that I worked on was mental health intervention, mental health treatment, which we found to be very effective.

In fact, during that time, my late colleague, a very committed former Senator Paul Wellstone, who we tragically lost in an airplane crash, came to my district and visited the juvenile detention centers. We saw the sadness and the plight of those young men. Some, yes, had perpetrated heinous acts, and they were detained, or they were incarcerated. But we also saw the hopeless and those who did not have a good family situation, those who had no intervention, those who were not given the kind of educational structure that they needed.

This legislation unfortunately does not meet that balance-comprehensive test. For example, something that I find particularly troubling is the provision that the Attorney General can charge a juvenile 16-years old or older as an adult for certain violent crimes and prohibits judicial review of the Attorney General's decision.

This is not to suggest that that decision might not be confirmed or affirmed, but here we are talking about a 16-year old, and we do not know the circumstances of that violent act, the previous history of this 16-year old, and the Attorney General does not get subjected to the checks and balances of that the Constitution allows us to have, which is judicial review of that kind of difficult decision.

I cannot imagine, Madam Chairman, that we would have a bill that would not have those kind of protections.

I had an amendment that was not made in order in particular that dealt specifically with the question of illegal transfer of a firearm to any individual the Federal Government had designated as a suspected or known gang member or a terrorist. It established a system whereby any individual inadvertently included on the gang terror watch list may have his or her name removed. So there is a question of mistaken identity. There is a question of a big sweep and adding people's names to the list.

We saw that with the Pakistani registration lists after 9/11. Sweeping up large numbers of people from the Pakistani community, and as I understand, not one single person on that list was found to be a terrorist. And it was stopped when the Members of Congress raised their voices.

The mandatory sentencing, and I am delighted of the position of the gentleman from South Carolina (Mr. ING-LIS), I think that this Congress should address that separately. And I have, in fact, written bills that have enhanced sentencing on particular notorious or vicious acts.

□ 1445

I think that is appropriate; but a blanket, mandatory sentencing that

does not deal with the fact that you are looking at juveniles, some U.S. citizens, some not, really begs the question.

So if we are going to look at terrorism, we are going to look at gang activity, we have to realize that still children are involved; and we must have this comprehensive approach, because we are already known as the world power with the largest number of Americans and others incarcerated. Yes, incarcerate those who have been tried and convicted fairly for heinous acts and other acts; but we have a record of incarcerating people for long, long years way beyond the time that it does anything other than pack the prisons and deny families of their loved ones and the ability of young people to be educated and to have an alternative life.

This bill leaves a lot to be desired, and I hope we can go back to the drawing boards and actually fix it and have a comprehensive approach to fighting gang violence and, of course, gang involvement.

Madam Chairman, I rise today in opposition to the legislation before the House today, H.R. 1279, the Gang Deterrence and Community Protection Act of 2005. As Founder and Chair of the Congressional Children's Caucus, I undoubtedly recognize the need for us to legislate to create protections from the danger and violence produced by gangs. However, before we haphazardly amend the law to add excessive and egregious mandatory minimums and other penalties that apply to groups of people or young groups of people, we must clearly define the acts that we seek to penalize. That is the essence of crafting law that is "narrowly tailored" and that does not suffer from overbreadth.

This bill is unnecessary because federal prosecutors have statutes such as the Continuing Criminal Enterprise (CCE) and Racketeer Influenced and Corrupt Organizations Act (RICO) to prosecute gang crime. Recent Supreme Court jurisprudence strongly suggests that this bill would exceed Congressional authority under the Commerce Clause.

H.R. 1279 unreasonably an unjustifiably removes judicial review of a prosecutor's decision to try a youth as an adult. Current law requires an in-depth review of multiple considerations by a federal judge of whether such a transfer is in the interest of justice. This policy is unwise and will increase federal prosecution of youth for minor offenses. Presently, in both federal and state courts, juveniles who commit the most serious violent crimes are almost certain to be transferred to adult court through use of a judicial waiver. In effecting transfer to adult court, judicial waivers, as opposed to legislative or prosecutorial waivers, are the most common type of waiver device used. That is, the juvenile court judge decides whether or not to waive jurisdiction to adult court. However, Section 115 of H.R. 1279 takes the waiver decision out of the judge's discretion.

As the Judicial Conference of the United States aptly suggests, Section 115 "could result in the federal prosecution of juveniles for myriad offenses." Equally alarming, the legislation removes the current prerequisite that the transferred child have a prior conviction for an

offense that would be a serious violent felony if committed by an adult. Thus, a prosecutor could unilaterally decide to transfer a youthful offender with no prior criminal record who commits a simple drug trafficking offense, with no judicial review of whether such transfer serves the interests of justice. Moreover, a move toward federal prosecution causes us great concern because as the Judicial Conference acknowledges, "juvenile offenders require different and perhaps more extensive correctional and rehabilitative programs than adults and there is not a single, federal correctional facility to meet these needs."

H.R. 1279 simply takes the wrong approach. Instead of focusing on correctional and rehabilitative programs, it attempts to throw more youth in crowded adult prisons where these programs are lacking. H.R. 1279 reflects the politics of crime where you come up with a good slogan such as "the gang busters" bill and codify it. Until H.R. 1279, the Judiciary Committee had made great progress toward putting aside the politics of crime in favor of sound policy in the area of juvenile justice. I believe in fighting terrorism but not without a thoughtful approach.

#### AMENDMENTS THAT WERE NOT MADE IN ORDER

I would like to thank the Gentlemen from Massachusetts, Mr. MCGOVERN for his austere words in support of the amendments that I offered at the Committee on Rules yesterday but were not made in order. These amendments were very substantive, as were those of my colleagues that were also denied debate.

My first amendment would have struck Section 10 of the bill. As written in the bill, a prosecutor could bring a capital case in a district that had only the most tangential connection with the crime. This amendment clarifies that the defendant must have committed criminal activity related to the capital case in the jurisdiction where the prosecutor seeks to bring the charge. For example, if a murder occurred in Massachusetts with a gun stolen from Mississippi, the homicide case could be prosecuted in Mississippi. This allows prosecutors to forum shop and pick the location where they think they are most likely to be able to obtain a death sentence.

Studies of the federal death penalty show that a person prosecuted in Texas is much more likely to be charged, tried, and sentenced to death in a capital case than a person who is prosecuted for the same crime in Massachusetts. This bill will exacerbate these geographic inequities that exist in the federal death penalty system. The wide range of discretion in both what to charge and where to bring the charge will give prosecutors tremendous latitude to forum shop. This broad discretion will increase the racial and geographic disparities already at play in the federal death penalty.

My second amendment would have struck Section 115 of the bill which deals with the transfer of juveniles to adult courts. More specifically, my amendment will prevent the transferring of juveniles from juvenile courts to adult courts when a juvenile has committed an act, which if committed by an adult, would be a felony. If this section is allowed to remain in the bill, more children will become hardened criminals after being tried in federal court and incarcerated in adult prisons. Currently under federal law, when the government recommends trying a juvenile as an adult in federal court various factors must be considered

by the court before deciding whether the criminal prosecution of a young person is in the interest of justice. These factors include the age, social background, and the intellectual development and psychological maturity of the child.

The decision by a prosecutor to try a juvenile as an adult cannot be reviewed by a judge under this legislation. This unreviewable process of transferring youth to adult federal court is particularly troubling when juveniles are not routinely prosecuted in the federal system and there are no resources or facilities to address the needs of youth.

My third amendment would have closed a glaring loophole which currently exists in our federal gun laws by making it illegal to transfer a firearm to any individual that the federal government has designated as a suspected or known gang member or terrorist. As many of you know, under current law, neither suspected nor actual membership in a gang or terrorist organization is a sufficient ground, in and of itself, to prevent the purchase of a dangerous firearm. In fact, according to a recently released GAO report, over the course of a nine-month span last year, a total of fifty-six (56) firearm purchase attempts were made by individuals designated as known or suspected gang members or terrorists by the federal government.

In forty-seven (47) of those cases, state and federal authorities were forced to permit such transactions to proceed because officials were unable to find any disqualifying information, such as a prior felony conviction or court-determined 'mental defect'. Thus, producing a situation whereby suspected or known gang members were, and continue to be free to obtain as many guns as they desire.

Admittedly, section 114 of the underlying bill offers increased criminal penalties for the use of a firearm in a gang-related crime. However, "after the fact" criminal penalties are often of little use to victims and their loved ones. And, if we really want to curb this growing problem, we have to do something to prevent these individuals from gaining access to these dangerous weapons in the first place.

Madam Chairman, again, I oppose this legislation and urge my colleagues to join me.

Mr. SENSENBRENNER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I have been here for a number of years; and when you are against a bill, you can come up with a million and one reasons why the bill should not pass. We just heard some of that; but if we do not do anything, the killings are going to continue.

We can have a legitimate disagreement on mandatory minimum sentences, but I think there are some crimes that are so severe and eat away so much at the roots of our society and the fabric of our society that those who are convicted of those crimes ought to be locked up and locked up for sure, because only with a certain jail term are we going to be able to punish those who have killed people in the most brutal manner and deter those who might be thinking of doing it to others in our society.

I have here an April 26 story from the Associated Press, dateline, Houston:

"Violent gang linked to nine Houston area killings." I am not going to read the whole story on the floor, but I am going to read one paragraph of this story to show that those who wish to delay this bill because it has a mandatory minimum or because it does not do enough social work are wrong:

"Harris County Sheriff's investigators arrested five members of Mara Salvatrucha," which is MS-13, "in connection with the shooting death of 18-month-old Alden Naquin, who was trapped in his car seat April 12 when a man opened fire on a car driven by his father, Ernest Naquin."

I think if someone is convicted of murdering an 18-month-old in that circumstance they ought to be locked away for sure and for a long time. I am sorry people disagree with that, but I hope that this bill passes.

Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Madam Chairman, I thank the gentleman from Wisconsin for the time.

I rise today in strong support of H.R. 1279, and I commend the gentleman from Wisconsin (Chairman SENSENBRENNER) for his leadership in bringing this bill to the floor for a vote today.

Madam Chairman, gang violence is on the rise across the United States. Areas once thought safe harbors from crime are now under the threat of expanding gang violence.

My district is not home to a center city area. It is considered a suburban area. Bucks County is a quiet pastoral suburb of the city of Philadelphia, an area bordered by farms to the north, business centers to the south, residential areas to the west, and the Delaware River to the east. However, the majority of crime in my district takes place in a very small, concentrated area.

But the people of Bristol, Bucks County, are taking the lead in cleaning up their streets. The hard work of Don Billingsley and other neighbor leaders have made Bristol a shining example of the Department of Justice's Weed and Seed initiative to take back neighborhoods from crime. However, Bristol is under threat from gangs migrating from cities just across the river in New Jersey.

Madam Chairman, three things are needed to make sure gangs do not infiltrate areas like Bristol: people, money, and strong anti-crime laws. Well, in Bristol, we have the money and we have financial resources through the Weed and Seed program, but what we need are strong laws. H.R. 1279 is the bill that would dissuade gangs from taking up shop in my district.

Gang violence is an issue that must be dealt with immediately. The House Committee on the Judiciary reports that over 631 gang-related homicides occurred in 2001, perpetrated by an estimated 750,000 active gang members. Gangs are directly linked to narcotics trade, human trafficking, identifica-

tion document fraud, violent maiming, assault and murder, and the use of firearms to commit deadly shootings; but the problem does not stop there.

Organized crime syndicates like the ultra-violent MS-13 have reportedly agreed to smuggle terrorists over our southern borders. This is now a homeland security issue.

H.R. 1279 will apply a RICO-type approach to prosecuting modern street gangs. At the heart of this bill are provisions that allow prosecutors to go after the gangs as an enterprise. Rather than trying to shoehorn such cases into the existing RICO statute, the new gang crime statute is narrowly tailored to address the specific problem of gangs. Gang investigations and prosecutions take time and resources, and those resources will be provided by this bill.

Organized crime, Madam Chairman, has been prosecuted in the same way with long and complex trials designed to take out a number of defendants in one single prosecution, and they were successful in ending their spread. Madam Chairman, let us give our police and prosecutors the freedom to end the spread of gang violence.

Mr. SCOTT of Virginia. Madam Chairman, I yield myself 1 minute.

Whether this bill passes or not, murder, rape, robbery will be illegal. People will be prosecuted. They will get time in jail. In fact, as I indicated before, for 15- to 19-year-old African Americans in this country, one out of eight are already in jail today. This bill, which will try more juveniles as adults, will not only increase the number in jail but will also increase the crime rate.

Mandatory minimums have been shown to be discriminatory and waste the taxpayers' money. The death penalty is discriminatory and does not do anything about crime. This bill will give 10 years mandatory minimums to second-offense fist fights, and that is not the kind of sentence that is going to do anything about these violent kinds of crimes that my colleagues are talking about. Ten years, mandatory minimum, second offense, fist fight.

Madam Chairman, I yield 30 seconds to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, let me add to the distinguished gentleman's commentary.

First of all, in the passage of the PATRIOT Act, if we are fearful of these gangs smuggling individuals over who do terrorist acts, the PATRIOT Act enhances sentencing on those engaging in terrorist acts.

That tragic incident in Texas, for example, in Houston, the information suggests that the dad was involved in gang activity that caused the, if you will, rising of the level of violence; but the good news is that the sheriff's department arrested those violent criminals.

This bill misses the point by providing a comprehensive approach to

have intervention to be able to dissuade some of the young people of America away from the affinity and kinship of gangs. That is why the bill is wrong, and this is why it does not have a full comprehensive approach.

Mr. SENSENBRENNER. Madam Chairman, I yield myself 15 seconds.

Madam Chairman, I am sure that a social worker would have been able to convince the person who murdered the 18-month-old not to do it. If my colleagues believe that, vote "no." If not, vote "yes."

Madam Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Chairman, I thank the esteemed chairman for yielding time to me, and Madam Chairman, I ask for this opportunity to say a few words in support of the bill that is before us and in compliments to the work done by the gentleman from Virginia who has announced to us that there is a number, the best estimate at 750,000 to 850,000, gang members in the United States.

When we think about the magnitude of that size number, 750,000 to 850,000, 75 to 100 percent, and a lot believe the number is very close to 100 percent, are illegal immigrants who have established a gang culture in the ethnic enclave that is a necessary result of illegal immigration. This ethnic enclave has created and fostered some of the worst gains we have ever seen in this country, people that cut off hands and arms and heads, people that have a network across this Nation that from a prison in California can order an execution on the streets of Virginia or from a prison in Virginia, order an execution in a prison in L.A. or on the streets of L.A.

That is what this culture has fostered; and that amount, that 850,000, that is roughly out of the 10 million illegal immigrants, that is about 8½ percent of the illegal population ends up in a gang. One in 12 people that come across the border illegally and stay here end up in a gang. By these numbers, it is an astonishing thing; and if we have 1.1 million that come across the southern border, these are the ones that stay here, calculate the numbers that turn out into gangs, the price to this society in hands and arms and heads.

Madam Chairman, I thank my colleague for this privilege to speak before this House.

Mr. SCOTT of Virginia. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a member of the Committee on the Judiciary.

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Madam Chairman, I rise in opposition to H.R. 1279, the Gang Deterrence and Community Protection Act, because this bill fails to adequately deter youths from joining gangs and does not do enough to protect our communities.

This bill fails to create a much-needed, comprehensive approach to fighting our national gang epidemic. Instead of offering funding for proven intervention and prevention programs that effectively keep youths from joining gangs in the first place, this punitive bill simply imposes harsh and sweeping mandatory minimum sentences.

Locking up 16-year-olds for 10 years will not make gang crimes disappear. As any law enforcement officer will tell my colleagues, suppression is merely one of the avenues by which we can prevent gang violence. In fact, as many of my Democratic colleagues have repeatedly stressed, imposing mandatory minimums on youths often results in a greater likelihood of repeat, and more violent, offenses.

Prevention and intervention programs, on the other hand, have a proven track record of keeping kids out of gangs; but at the Committee on the Judiciary markup of this bill and in the Committee on Rules last night, amendments to include intervention and prevention programs in this bill were defeated along party-line votes.

I joined my colleagues, the gentleman from California (Mr. SCHIFF), the gentleman from California (Mr. CARDOZA), and the gentlewoman from California (Ms. WATSON), in submitting an amendment to expand the Project Safe Neighborhoods program, to authorize the Attorney General to make the FBI increase Safe Streets Initiative efforts, to reauthorize the Gang Resistance Education and Training Projects program and, more importantly, to double-funding for high-intensity interstate gang activity areas and require half of those funds to go to community-based anti-gang programs.

I know from personal knowledge that our amendment would have reduced gang activity nationwide because I have seen community-based programs work in my very own district.

The Gang Resistance in Paramount, or GRIP, program has been educating kids about the dangers of gang participation for years. I spent some time inside a fourth grade class inside of Paramount last year to see the GRIP program in action. I saw firsthand how the program caught the attention of the students, and it was amazing how the program engaged the students in learning and how quickly they saw the dangers in gangs.

I urge my colleagues to oppose H.R. 1279 and instead work towards a comprehensive approach.

Mr. SENSENBRENNER. Madam Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Chairman, I rise this afternoon to support H.R. 1279, the Gang Deterrence and Community Protection Act.

I was pleased to work with the Committee on the Judiciary, and especially the gentleman from Virginia (Mr. FORBES), my good friend, to support the legislation on the floor today.

According to the Justice Department, there are currently over 25,000

gangs and over 750,000 gang members who are active across the United States. Gang activity has been directly linked to the proliferation of illegal drugs, human trafficking, and many other violent crimes.

The Gang Deterrence and Community Protection Act will authorize funds for joint Federal, State, and local gang investigation prosecution; create a statute to prosecute criminal gang enterprises similar to the existing RICO statute used to prosecute Federal racketeering; create mandatory minimum sentencing for gang and violent crimes; and fund gang investigation technology to allow law enforcement to act more efficiently.

Madam Chairman, many headlines of late have reflected on growing gang problems in heavily populated areas. Unfortunately, gang violence is also on the rise in rural areas, including my congressional district. The disturbing news that it is spreading through the Shenandoah Valley of Virginia is indeed disturbing. In fact, the FBI has recognized the existence of at least six separate gangs in the valley, some of which are responsible for at least two gang-related murders in the past 2 years.

Madam Chairman, acknowledging the reality that gangs are no longer limited solely to urban areas, I am pleased to join my colleagues to support this gangbusters legislation. This legislation will allow us to meet the increase in gang activity with resources sufficient to combat this scourge in our communities, and I urge my colleagues to support this important legislation.

□ 1500

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I cannot think of anybody who would want to see gangs deterred more. I cannot think of anybody who would want to see crime deterred more. I cannot think of many people who have had more experience living in inner-city communities, where there is a tremendous amount of poverty, deprivation and pestilence.

I want to see people who commit robbery, murder, rape, assaults, participate in mob action, all of them dealt with accordingly. And although I do not believe in capital punishment, I do believe that they have to be punished. I do not believe that mandatory minimums, that trying more children, more teenagers as adults, or changing venues and deciding what discretionary action individuals would be tried under is going to solve the problem. I think that we need to make sure that fairness is a part of justice.

Mr. Chairman, this bill frightens me. It scares me. I would hope that we would take it back, deal with it appropriately and bring a bill that we can



agree on that punishes those who deserve to be punished but to demonstrate that we understand sensitivity and not put children in jail as adults.

Mr. SCOTT of Virginia. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

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

Mr. CONYERS. My colleagues, this is a measure that we should be able to identify the problem, study the data, and work together to craft a common-sense response to youth violence. But the measure before us has fatal flaws which authorizes trying more juveniles as adults and provides for more mandatory minimums and more death penalties. None of these things will correct and reduce the youth violence problem, but they will seriously harm our system of juvenile justice.

Now, the one thing that we should know before we go to a vote here is the organizations that have joined myself and the gentleman from Virginia (Mr. SCOTT), the ranking subcommittee member, and the gentleman from Illinois (Mr. DAVIS), who has worked tirelessly on this issue across the years with the Congressional Black Caucus. For instance, the Judicial Conference of the United States opposes this measure. The Sentencing Commission opposes this measure; the Alliance for Children and Families, the Children's Defense Fund, the Youth Law Center, the American Civil Liberties Union, the American Correctional Association, the Chamber of Commerce, the National Federation of Independent Businesses, the National Council of La Raza, the Presbyterian Church, and the Volunteers of America.

And let me tell my colleagues why these groups oppose this legislation. Because, first, they know that trying children as adults and transferring them to adult jails not only does not work, but it makes the situation more likely that they will commit crimes upon release. There are studies that back this up; that they will commit violent crimes upon release, and they will commit crimes sooner upon release. The Miami Herald study concluded that, since adult prisons are, in effect, often crime schools, sending a juvenile there increases by 35 percent the odds that they will commit another offense within a year of release.

Secondly, we know that mandatory minimums distort the sentencing process because the Judicial Conference and the Sentencing Commission have found that mandatory minimums "destroy honesty in sentencing by encouraging charge and fact plea bargains." Again, the legislation before us ignores these facts and creates numerous new mandatory minimums that will lead to far greater disparities and further discrimination.

At a time when we have more than 2.1 million Americans in prisons or

jails, more than any Nation on the planet, and 10 percent of these individuals are already serving life sentences, it is difficult for reasonable legislators to see how more jail time for more youth can accomplish anything constructive.

Finally, we know now that the death penalty system in this country is incredibly prone to error. So I urge that the Members of this House return this measure to the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the opponents of this bill seem to zero in on two things. First of all, they are opposed to mandatory minimum sentences. People may have a philosophical disagreement on mandatory minimum sentences, but it seems to me that given the violence of gang activity, the number of murders, the number of maimings, that a mandatory minimum sentence is absolutely necessary to get these people off the streets if the twelve persons on the jury believe that that defendant has committed those crimes beyond a reasonable doubt.

The other thing we hear from the opponents is, they dust off the same old tired arguments that we need more and more spending on prevention programs, but no one has proven they work. Let us take a look at the facts. Violent crime rates over the last 30 years have dropped dramatically, by almost 50 percent. At the same time, tough new determinant sentencing schemes have been enacted by Congress, including mandatory minimums, truth-in-sentencing programs and other sentencing schemes where criminals go to jail for a specified period of time after their conviction. Prison populations have grown, and crimes have gone down. The logic is clear. We have to incarcerate and incapacitate the violent criminals in our society. We have done so and must continue to do so. This bill does that.

When we talk about spending more on prevention, consider these facts: Conservative estimates show that the Department of Justice has already spent over \$2 billion, that is with a "B," of the taxpayers' dollars between fiscal years 2001 through 2004 on juvenile and gang prevention programs. From fiscal year 1999 through fiscal year 2005, Congress has appropriated \$3.3 billion of the taxpayers' dollars for juvenile justice programs within the Department of Justice.

Have they worked? This is yet to be proven, because juvenile gang violence is on the rise. The percentage of homicides committed by gangs has risen, and the number of juveniles committing gang murders has also risen.

So let me say that, if \$3.3 billion over the last 6 years in intervention and prevention programs has not turned around this type of crime when other crime has gone down, maybe the time to throw the book at those who are en-

gaged in juvenile gang violence is at hand. That is why this bill ought to pass. I urge the membership to vote aye.

Mr. RUSH. Mr. Chairman, I rise against this H.R. 1279, the Gang Deterrence and Community Prosecution Act of 2005. I strongly believe in cooperation between Federal and State law enforcement to deter gang activities. However, this bill takes the wrong approach by imposing mandatory sentences, trying juveniles as adults and expanding the death sentence to new offenses.

I, myself, can appreciate the destruction that gang violence can impose on a community. In Chicago alone, there are estimated to be 70,000 to 100,000 gang members—compared with about 13,000 Chicago police officers. Several "super gangs" dominate: the Gangster Disciples, the Black Disciples, the Vice Lords, the Black P Stones, the Mickey Cobras, the Latin Kings, the Spanish Cobras, the Mar-niac Latin Disciples, and the Satan Disciples. Each of these gangs controlled large amounts of territory and have wreaked havoc on the Chicago community. Nevertheless, prevention and intervention is the key in deterring juvenile crime and gang activities, not discriminatory mandatory sentencing or unfettered prosecutorial discretion.

Study after study have shown that trying juveniles as adults does not reduce crime but increases crime, including violent crime. In addition, a better approach, as opposed to this ill-advised approach, would be to focus our energy on more programs for at risk youth such as Head Start, Job Corps and family focused intervention programs. Again, I rise against H.R. 1279, and urge my colleagues on both sides of the aisle to do the same.

Ms. SCHAKOWSKY. Mr. Chairman, I stand today in strong opposition to H.R. 1279, the so-called gang Deterrence and Community Protection Act. Despite its deceptive title, its primary purpose is to punish more young people as adults. This bill would expand the use of the death penalty, treat juveniles as adults and impose mandatory minimum sentences. The research conclusively shows that prosecuting young people as adults does not reduce youth crime. If Congress is serious about reducing youth violence, it should fund evidence-based programs that have proven effective.

Federal prosecutors are already armed with the Continuing Criminal Enterprise, CCE, and Racketeer Influences and Corrupt Organization Act, RICO, statutes to combat gang crimes. This bill would unnecessarily federalize a host of crimes currently and competently handled by the states; penalize even non-violent crimes and misdemeanors as crimes of violence, including garden variety State offenses like resisting arrest; expand without reason the definition of criminal street gang; unwisely leave to the sole discretion of the government the unreviewable decision to try juveniles as adults; impose unduly harsh and discriminatory mandatory minimum sentences; and expand the use of the federal death penalty to new offenses.

I agree that gang violence and youth crimes are serious concerns today. Unfortunately, this bill does nothing in the way of jobs or education for at-risk youth. Instead, this bill would lock up young people in adult prisons and take away judges' discretion to review on a case-by-case basis crimes committed by youth. Research shows that young people who are

prosecuted as adults are more likely to commit a greater number of crimes upon release than youth who go through the juvenile justice system. Locking young people up in adult prisons will actually compromise public safety.

We know what works to prevent violent crime. Research demonstrates the effectiveness of focused family interventions such as family therapy and multidimensional treatment foster care. Certain school-based interventions such as the Bullying Prevention Program and the Project Towards No Drug Abuse, and careful monitoring programs such as Big Brothers Big Sisters of America have also proven effective. Instead of funding these programs whose empirical effectiveness can be demonstrated, supporters of this bill insist upon approaches that lack any evidence of actually deterring and reducing violent youth crime.

Furthermore, state juvenile justice systems are more appropriate and effective means for addressing youth offenses. Studies have shown that comprehensive, locally tailored strategies are the most effective in preventing gang and youth violence. Existing state legislation is more than adequate to comprehensively address youth violence—increased federalization of juvenile crime is not the answer.

The Judicial Conference of the United States, child advocacy groups, criminal justice groups, industry and business-oriented groups, religious, human rights and civil rights organizations all oppose this bill. It is the responsibility of Congress to the young people of this nation and to all citizens to ensure public safety. I urge my colleagues to reject H.R. 1279 because it would only exacerbate youth violence in the United States.

Mr. PAUL. Mr. Chairman, the Gang Deterrence and Community Protection Act, (H.R. 1279), is the latest example of Congress disregarding its constitutional limitations in the name of “getting tough on crime.” Gang crime is certainly a serious issue in many parts of the country. However, unless criminal gangs are engaging in counterfeiting, treason, or piracy, the federal government has no jurisdiction over the criminal activities of gangs. In fact, by creating new federal crimes related to gang activities, but unrelated to one of the federal crimes enumerated in the Constitution, the new federal crimes and enhanced penalties in this bill usurp state and local authority.

H.R. 1279 broadly defines “criminal street gangs” and “gang activity.” This is a major expansion of Federal criminal jurisdiction. Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese, two men who no one has ever accused of being “soft on crime,” have both warned that, although creating more Federal crimes may make politicians feel good, it is neither constitutionally sound nor prudent. Rehnquist has stated that, “[t]he trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system.” Meese stated that Congress’s tendency in recent decades to make federal crimes out of offenses that have historically been state matters has dangerous implications both for the fair administration of justice and for the principle that states are something more than mere administrative districts of a nation governed mainly from Washington.

Those who want the American criminal justice system to actually deliver justice should

oppose H.R. 1279 because it imposes “mandatory minimum” sentences for certain gang-related crimes. Mandatory minimum sentences impose a “one-size-fits-all” formula in place of the discretion of a judge, or jury, to weigh all the circumstances surrounding an individual’s crime and decide on an appropriate punishment. Taking away judicial discretion over sentencing may represent a legislative usurpation of areas properly left to the judiciary. I have long been critical of judicial usurpation of legislative functions, and have introduced legislation using Congress’s constitutional powers to rein in the judiciary. However, I recognize that Congress must make sure it does not overstep its constitutional authority by imposing legislative solutions on matters best resolved by the judicial branch.

Mandatory minimums almost guarantee unjust sentences. Reverend Nicholas DiMarzio, Chairman of the Domestic Policy Committee of the United States Conference of Catholic Bishops, and Reverend Kerry Snyder, President of Catholic Charities USA, summed it up well in a letter to Congress opposing this bill: “. . . rigid sentencing formulations could prevent judges from properly assessing an individual’s culpability during the crime of other factors that have bearing on recidivism, thus sometimes resulting in harsh and inappropriate sentences.”

I am also concerned that removing authority over the prevention and punishment of gang crimes from state and local jurisdictions will prevent states and localities from coming up with innovative ways to prevent gang crimes. Gangs flourish for a multitude of reasons, and no federal “one-size-fits-all” program can address all the causes of gang crimes. States and localities should be left free to create the gang prevention and punishment programs that best meet their unique needs.

Supporters of this bill make a good point that federal money is being wasted on ineffective “prevention” programs like the infamous “midnight basketball” program. However, H.R. 1279 in no way reduces funding for ineffective prevention programs. Instead, it spends more taxpayer money on unconstitutional crime programs. The sponsors of this bill could have attempted to stop wasting taxpayer funds on programs such as midnight basketball by defunding such prevention programs and using the funds to pay for the new programs created by H.R. 1279.

Finally, I must oppose this bill because it expands the Federal death penalty. While I recognize that nothing in the Constitution forbids Federal, State, or local governments from imposing a death penalty, I have come to the conclusion that a consistent pro-life position requires opposition to any legislation imposing a Federal death penalty for unconstitutional Federal crimes. Mr. Speaker, I do not advocate Federal action to stop individual States from imposing a death penalty, I simply oppose compounding the damage done by creating new Federal crimes by making those crimes subject to a Federal death penalty.

H.R. 1279 exceeds Congress’s constitutional authority by creating new Federal crimes, thus further burdening the already overwhelmed Federal judiciary system and taking another step toward upending our constitutional system by turning the States into administrative districts of the Federal Government. This bill also creates unwise mandatory minimum sentences, usurping the sentencing

decisions of judges and juries. Finally, H.R. 1279 raises serious moral issues by expanding the use of the Federal death penalty. Therefore, I must oppose H.R. 1279 and urge my colleagues to do same.

Mr. CANTOR. Mr. Chairman, I rise today to express my strong support for H.R. 1279, the Gang Deterrence and Community Protection Act of 2005.

I have spoken with sheriffs and police chiefs back in my district and they tell me: we need to be ready; we need to learn how to confront these gangs. This legislation will do just that, it will provide local, State, and Federal law enforcement and legal authorities with personnel, equipment, and training needed to combat violent criminal gangs.

In Virginia, no urban area has gone unscarred by criminal gangs. Across Virginia, officials estimate that as many as 80 gangs totaling 30,000 members or more roam our city streets.

The Commonwealth’s law enforcement and prosecutors will now have greater resources to combat violent criminal gang activity. We must act now, if we are to protect Virginia’s families and communities.

I urge passage of this legislation.

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 1279, which will increase the prosecution of gangs and help prevent gang-related crimes.

Gang violence is a serious problem, and we need to address it with determination and creativity.

A recent rash of gang-related violence has left four injured and one person dead in the city of Norwalk this year. My own home town of Bridgeport has faced a tough gang problem for years. It is absolutely essential we have strong legislation on the books to send gang members who commit violent acts into jail and off our streets.

I want to stress, however, the importance of prevention programs to deter our vulnerable youth from turning to gangs to support. The mentoring program in the Norwalk Public School system, which will benefit from the recent Department of Education Federal grant we secured, plays a strong role in keeping kids off the streets. The bottom line is, while we need to make sure juvenile offenders understand the consequences of their actions and are punished for them, we need to make every effort to help youth who are at risk of becoming juvenile offenders.

Mentoring programs designed to reduce children’s juvenile delinquency and involvement in gangs and provide positive relationships to help guide them during their school years are an invaluable way to break the cycle of gang membership before it begins. Incarceration will put criminals away but it won’t save more kids from falling through the cracks and turning to a life of crime.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1279

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 “Gang Deterrence and Community Protection Act of 2005”.

**TITLE I—CRIMINAL LAW REFORMS AND ENHANCED PENALTIES TO DETER AND PUNISH ILLEGAL STREET GANG ACTIVITY AND RELATED CRIMINAL LAW REFORMS****SEC. 101. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.**

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended to read as follows:

**“CHAPTER 26—CRIMINAL STREET GANGS**

“Sec.

“521. Criminal street gang prosecutions.

**“§521. Criminal street gang prosecutions**

“(a) STREET GANG CRIME.—Whoever commits, or conspires, threatens or attempts to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in such a gang, shall, in addition to being subject to a fine under this title—

“(1) if the gang crime results in the death of any person, be sentenced to death or life in prison;

“(2) if the gang crime is kidnapping, aggravated sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30;

“(3) if the gang crime is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

“(4) in any other case, be imprisoned for life or for any term of years not less than 10.

“(b) FORFEITURE.—

“(1) IN GENERAL.—The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States such person’s interest in—

“(A) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

“(B) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation.

“(2) APPLICATION OF CONTROLLED SUBSTANCES ACT.—Subsections (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853) shall apply to a forfeiture under this section as though it were a forfeiture under that section.

“(c) DEFINITIONS.—The following definitions apply in this section:

“(1) CRIMINAL STREET GANG.—The term ‘criminal street gang’ means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence other than an offense punishable under subparagraphs (A), (B), or (C) of section 401(b)(1) of the Controlled Substances Act), in 2 or more separate criminal episodes, in relation to the group or association, if any of the activities of the criminal street gang affects interstate or foreign commerce.

“(2) GANG CRIME.—The term ‘gang crime’ means conduct constituting any Federal or State crime, punishable by imprisonment for more than one year, in any of the following categories:

“(A) A crime of violence.

“(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled

substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(D) Any conduct punishable under section 844 (relating to explosive materials), subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices), section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

“(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of the Immigration and Nationality Act.

“(3) AGGRAVATED SEXUAL ABUSE.—The term ‘aggravated sexual abuse’ means an offense that, if committed in the special maritime and territorial jurisdiction would be an offense under section 2241(a).

“(4) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”

(b) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking “chapter 46 or chapter 96 of this title” and inserting “section 521, under chapter 46 or 96.”

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “, section 521 (relating to criminal street gang prosecutions)” before “, section 541”.

**SEC. 102. INCREASED PENALTIES FOR INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING.**

(a) SUBSTANTIVE CHANGES TO OFFENSE.—Section 1952(a) of title 18, United States Code, is amended—

(1) so that the heading for the section reads as follows:

**“§1952. Interstate or foreign commerce-related aid to racketeering”;**

(2) by inserting “(1)” after “(a)”;

(3) by striking “travels” and all that follows through “intent to” and inserting “, in or affecting interstate or foreign commerce”;

(4) by striking “(1) distribute” and inserting “(A) distributes”;

(5) by striking “(2) commit” and inserting “(B) commits”;

(6) by striking “(3) otherwise promote, manage, establish, carry on, or facilitate” and inserting “(C) otherwise promotes, manages, establishes, carries on, or facilitates”;

(7) by striking “and thereafter” and all that follows through the end of the subsection and inserting the following:

“or attempts or conspires to do so, shall be punished as provided in paragraph (2).

“(2) The punishment for an offense under this subsection is—

“(A) in the case of a violation of subparagraph (A) or (C) of paragraph (1), a fine under

this title and imprisonment for not less than 5 nor more than 20 years; and

“(B) in the case of a violation of subparagraph (B) of paragraph (1), a fine under this title and imprisonment for not less than 10 nor more than 30 years, but if death results the offender shall be sentenced to death, or to imprisonment for any term of years or for life.”

(b) CLERICAL AMENDMENT.—The item relating to section 1952 in the table of sections at the beginning of chapter 95 of title 18, United States Code, is amended to read as follows:

“1952. Interstate or foreign commerce-related aid to racketeering.”

**SEC. 103. AMENDMENTS RELATING TO VIOLENT CRIME.**

(a) CARJACKING.—Section 2119 of title 18, United States Code, is amended—

(1) by striking “, with the intent to cause death or serious bodily harm” in the matter preceding paragraph (1);

(2) by inserting “or conspires” after “attempts” in the matter preceding paragraph (1);

(3) by striking “15” and inserting “20” in paragraph (1); and

(4) by striking “or imprisoned not more than 25 years, or both” and inserting “and imprisoned not less than 10 years nor more than 30 years” in paragraph (2).

(b) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

“(h) Whoever, in or affecting interstate or foreign commerce, knowingly transfers a firearm, knowing or intending that the firearm will be used to commit, or possessed in furtherance of, a crime of violence or drug trafficking crime, shall be fined under this title and imprisoned not less than 5 years nor more than 20 years.”

(c) AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting “section 521 (criminal street gang prosecutions), in” after “felony set forth in”;

(2) by striking “specified person, other than his attorney, upon” and inserting “specified person upon”; and

(3) by inserting “a criminal street gang or” before “an illegal enterprise”.

(d) CONSPIRACY PENALTY.—Section 371 of title 18, United States Code, is amended by striking “five” and inserting “20”.

**SEC. 104. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.**

(a) IN GENERAL.—Section 1958 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**“§1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence”;**

(2) in subsection (a), by inserting “or other crime of violence, punishable by imprisonment for more than one year,” after “intent that a murder”; and

(3) in subsection (a), by striking “shall be fined” the first place it appears and all that follows through the end of such subsection and inserting the following:

“shall, in addition to being subject to a fine under this title

“(1) if the crime of violence or conspiracy results in the death of any person, be sentenced to death or life in prison;

“(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, or a conspiracy to commit such a crime of violence, be imprisoned for life or any term of years not less than 30;

“(3) if the crime of violence is an assault, or a conspiracy to assault, that results in serious

bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

“(4) in any other case, be imprisoned for life or for any term of years not less than 10.”

(b) CLERICAL AMENDMENT.—The item relating to section 1958 in the table of sections at the beginning of chapter 95 of title 18, United States Code, is amended to read as follows:

“1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.”

**SEC. 105. INCREASED PENALTIES FOR VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.**

(a) OFFENSE.—Section 1959(a) of title 18, United States Code, is amended to read as follows:

“(a) Whoever commits, or conspires, threatens, or attempts to commit, a crime of violence for the purpose of furthering the activities of an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in, such an enterprise, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for any other violation of this chapter and in addition to being subject to a fine under this title—

“(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

“(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for life or any term of years not less than 30;

“(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or for any term of years not less than 20; and

“(4) in any other case, be imprisoned for life or for any term of years not less than 10.”

(b) VENUE.—Section 1959 of title 18, United States Code, is amended by adding at the end the following:—

“(c) A prosecution for a violation of this section may be brought in—

“(1) the judicial district in which the crime of violence occurred; or

“(2) any judicial district in which racketeering activity of the enterprise occurred.”

**SEC. 106. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.**

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

“MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME

“SEC. 424. (a) IN GENERAL.—Whoever commits, or conspires, or attempts to commit, a crime of violence during and in relation to a drug trafficking crime, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for the drug trafficking crime and in addition to being subject to a fine under this title—

“(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

“(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for life or any term of years not less than 30;

“(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

“(4) in any other case, be imprisoned for life or for any term of years not less than 10.

(b) VENUE.—A prosecution for a violation of this section may be brought in—

“(1) the judicial district in which the murder or other crime of violence occurred; or

“(2) any judicial district in which the drug trafficking crime may be prosecuted.

“(c) DEFINITIONS.—As used in this section—

“(1) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18, United States Code; and

“(2) the term ‘drug trafficking crime’ has the meaning given that term in section 924(c)(2) of title 18, United States Code.”

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 423, the following:

“Sec. 424. Murder and other violent crimes committed during and in relation to a drug trafficking crime.”

**SEC. 107. MULTIPLE INTERSTATE MURDER.**

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

**“§ 1123. Use of interstate commerce facilities in the commission of multiple murder**

“(a) IN GENERAL.—Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, or who conspires or attempts to do so, with intent that 2 or more intentional homicides be committed in violation of the laws of any State or the United States shall, in addition to being subject to a fine under this title—

“(1) if the offense results in the death of any person, be sentenced to death or life in prison;

“(2) if the offense results in assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

“(3) in any other case, be imprisoned for life or for any term of years not less than 10.

“(b) DEFINITION.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

“1123. Use of interstate commerce facilities in the commission of multiple murder.”

**SEC. 108. ADDITIONAL RACKETEERING ACTIVITY.**

Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting “, or would have been so chargeable if the act or threat had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,” after “chargeable under State law”; and

(2) in subparagraph (B), by inserting “section 1123 (relating to interstate murder),” after “section 1084 (relating to the transmission of gambling information).”

**SEC. 109. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.**

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3), by inserting “an offense under subsection (g)(1) (where the underlying conviction is a drug trafficking crime (as defined in section 924(c)), (g)(2), (g)(4), (g)(5), (g)(8), or (g)(9) of section 922, or a crime of violence,” after “that the person committed”; and

(2) in subsection (g), by amending paragraph (1) to read as follows:

“(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a controlled substance, firearm, explosive, or destructive device;”

**SEC. 110. VENUE IN CAPITAL CASES.**

Section 3235 of title 18, United States Code, is amended to read as follows:

**“§ 3235. Venue in capital cases**

“(a) The trial for any offense punishable by death shall be held in the district where the offense was committed or in any district in which the offense began, continued, or was completed.

“(b) If the offense, or related conduct, under subsection (a) involves activities which affect interstate or foreign commerce, or the importation of an object or person into the United States, such offense may be prosecuted in any district in which those activities occurred.”

**SEC. 111. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

**“§ 3298. Violent crime offenses**

“No person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 15 years after the date on which the alleged violation occurred or the continuing offense was completed.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“3298. Violent crime offenses.”

**SEC. 112. MODIFICATION OF DEFINITION OF CRIME OF VIOLENCE.**

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

“(b) any other offense that is an offense punishable by imprisonment for more than one year and that, by its nature, involves a substantial risk that physical force may be used against the person or property of another, or is an offense punishable under subparagraphs (A), (B), or (C) of section 401(b)(1) of the Controlled Substances Act.”

**SEC. 113. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.**

Rule 804(b)(6) of the Federal Rules of Evidence is amended to read as follows:

“(6) FORFEITURE BY WRONGDOING.—A statement offered against a party who has engaged or acquiesced in wrongdoing, or who could reasonably foresee such wrongdoing would take place, if the wrongdoing was intended to, and did, procure the unavailability of the declarant as a witness.”

**SEC. 114. INCREASED PENALTIES FOR CRIMINAL USE OF FIREARMS IN CRIMES OF VIOLENCE AND DRUG TRAFFICKING.**

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by striking “shall” and inserting “or conspires to commit any of the above acts, shall, for each instance in which the firearm is used, carried, or possessed”; and

(B) in clause (i), by striking “5 years” and inserting “7 years”; and

(C) by striking clauses (ii) and (iii) and inserting the following:

“(ii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 15 years; and

“(iii) if the firearm is used to wound, injure, or maim another person, be sentenced to a term of imprisonment of not less than 20 years.”; and

(2) by striking paragraph (4).

(b) CONFORMING AMENDMENT.—Section 924 of title 18, United States Code, is amended by striking subsection (o).

**SEC. 115. TRANSFER OF JUVENILES.**

The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(1) by striking "A juvenile" where it appears at the beginning of the paragraph and inserting "Except as otherwise provided in this chapter, a juvenile";

(2) by striking "as an adult, except that, with" and inserting "as an adult. With"; and

(3) by striking "However, a juvenile" and all that follows through "criminal prosecution." at the end of the paragraph and inserting "The Attorney General may prosecute as an adult a juvenile who is alleged to have committed an act after that juvenile's 16th birthday which if committed by an adult would be a crime of violence that is a felony, an offense described in subsection (d), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), or section 931 (relating to purchase, ownership, or possession of body armor by violent felons). The decision whether or not to prosecute a juvenile as an adult under the immediately preceding sentence is not subject to judicial review in any court. In a prosecution under that sentence, the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted as an adult of any lesser included offense."

#### TITLE II—INCREASED FEDERAL RESOURCES TO DETER AND PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

##### SEC. 201. DESIGNATION OF AND ASSISTANCE FOR "HIGH INTENSITY" INTERSTATE GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section the following definitions shall apply:

(1) GOVERNOR.—The term "Governor" means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term "high intensity interstate gang activity area" means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity interstate gang activity areas, specific areas that are located within 1 or more States.

(2) ASSISTANCE.—In order to provide Federal assistance to high intensity interstate gang activity areas, the Attorney General shall—

(A) establish criminal street gang enforcement teams, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity interstate gang activity area;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(C) provide all necessary funding for the operation of the criminal street gang enforcement team in each high intensity interstate gang activity area; and

(D) provide all necessary funding for national and regional meetings of criminal street gang enforcement teams, and all other related organizations, as needed, to ensure effective operation of such teams through the sharing of intelligence, best practices and for any other related purpose.

(3) COMPOSITION OF CRIMINAL STREET GANG ENFORCEMENT TEAM.—The team established pursuant to paragraph (2)(A) shall consist of agents and officers, where feasible, from—

(A) the Federal Bureau of Investigation;

(B) the Drug Enforcement Administration;

(C) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(D) the United States Marshals Service;

(E) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(F) the Department of Housing and Urban Development;

(G) State and local law enforcement; and

(H) Federal, State, and local prosecutors.

(4) CRITERIA FOR DESIGNATION.—In considering an area for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which violent crime in the area appears to be related to criminal street gang activity, such as drug trafficking, murder, robbery, assaults, carjacking, arson, kidnapping, extortion, and other criminal activity;

(C) the extent to which State and local law enforcement agencies have committed resources to—

(i) respond to the gang crime problem; and

(ii) participate in a gang enforcement team;

(D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(c) ADDITIONAL ASSISTANT U.S. ATTORNEYS.—The Attorney General is authorized to hire 94 additional Assistant United States attorneys to carry out the provisions of this section. Each attorney hired under this subsection shall be assigned to a high intensity interstate gang activity area.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) \$50,000,000 for each of the fiscal years 2006 through 2010 to carry out subsection (b); and

(2) \$7,500,000 for each of the fiscal years 2006 through 2010 to carry out subsection (c).

##### SEC. 202. GRANTS TO STATE AND LOCAL PROSECUTORS TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) to hire additional prosecutors to—

"(A) allow more cases to be prosecuted; and

"(B) reduce backlogs;

"(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors; and

"(7) to fund technology, equipment, and training for prosecutors to increase the accurate identification and successful prosecution of young violent offenders."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

##### "SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle."

The Acting CHAIRMAN. No amendment to the committee amendment is

in order except those printed in House Report 109-76. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1, printed in House Report 109-76.

##### AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 4, lines 13 through 14, strike "under subparagraphs (A), (B), or (C)" and insert "under subparagraph (A), (B), or (C)".

Page 4, line 23, insert "(other than a crime of violence against the property of another)" before the period.

Page 7, line 10 through the matter after line 2, page 9, strike section 102 and insert the following:

##### SEC. 102. INCREASED PENALTIES FOR INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING.

Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "perform" and all that follows through the end of the subsection and inserting "perform an act described in paragraph (1), (2), or (3), or conspires to do so, shall be punished as provided in subsection (d)."; and

(2) by adding at the end following:

"(d) The punishment for an offense under subsection (a) is—

"(1) in the case of a violation of paragraph (1) or (3), a fine under this title and imprisonment for not less than 5 nor more than 20 years; and

"(2) in the case of a violation of paragraph (2), a fine under this title and imprisonment for not less than 10 nor more than 30 years, but if death results the offender shall be sentenced to death, or to imprisonment for any term of years or for life."

Page 9, line 24, strike "drug trafficking crime," and insert "drug trafficking crime (as defined in subsection (c)(2))."

Page 11, line 11, strike "this title" and insert "this title—".

Page 12, line 10, insert ", as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or" after "crime of violence".

Page 13, line 8, strike "following:—" and insert "following:".

Page 15, line 7, strike "423," and insert "423".

Page 16, line 1, strike "is assault resulting".

Page 19, line 8, strike "force may be used against" and insert "injury may result to".

Page 19, line 10, strike "subparagraphs (A), (B), or (C)" and insert "subparagraph (A), (B), or (C)".

Page 20, after line 17, insert the following new subsection and redesignate the succeeding subsection accordingly:

(b) CLARIFICATION OF BAN ON POSSESSION OF HANDGUNS BY JUVENILES.—Section 922(x)(3) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following:

"(E) the possession of a handgun or ammunition by a juvenile, while in the presence of a parent or guardian of the juvenile, if such parent or guardian, as the case may be, is not prohibited by Federal, State, or local law from possessing a firearm."

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentleman from Wisconsin, (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

MODIFICATION TO AMENDMENT NO. 1 OFFERED  
BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that my amendment be modified by the form that I have placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. SENSENBRENNER: Strike that portion of the amendment which proposes to insert material on page 20.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentleman from Wisconsin?

Mr. SCOTT of Virginia. Mr. Chairman, reserving the right to object, I would ask the gentleman to please explain the modification, if that is not part of his presentation.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the material that is on page 20 relates to a clarification of the ban on possession of hand guns by juveniles. It appears to me that the clarification does not clarify the statute. The best thing to do is to completely remove the clarification as was proposed, thus leaving the current law intact, which means that if a juvenile possesses a hand gun, he will have to have a written note stating that he is authorized to do so from his parent.

Mr. SCOTT of Virginia. Continuing my reservation of objection, Mr. Chairman, how does the modification change the original manager's amendment?

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, the original manager's amendment said if the parent accompanied the juvenile, the juvenile did not have to have the note. What this modification does is to require the juvenile to continue having the note.

Mr. SCOTT of Virginia. Mr. Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Is there objection to the modification offered by the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this manager's amendment to correct and clarify sev-

eral provisions of the legislation. Let me briefly summarize the changes made by the amendment, as modified.

First, the amendment would exclude property crimes from the crime of violence definition of the gang crime statute created by this legislation. The purpose of this change is to ensure that the gang crime statute is applied as intended to dismantle and disrupt violent gangs and to prevent unintended application of the statute for property crimes.

□ 1515

Second, the amendment would add conspiracies as a criminal violation and increase criminal penalties for any such violation under section 1952 of title 18, Interstate and Foreign Travel in Aid of Racketeering Enterprises.

Third, the manager's amendment would ensure that a portion of title 18 under existing law, which was inadvertently omitted from the introduced and reported versions of H.R. 1279, is not changed as a result of enacting this legislation.

Fourth, the amendment would clarify the crime of violence definition under section 16(b) of title 18 to include an act that by its nature creates a substantial risk that physical injury may result to a person or property of another.

I urge my colleagues to support this amendment.

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

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to seek the time in opposition although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. LAHOOD). Without objection, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY. Mr. Chairman, I would like to thank the gentleman from Wisconsin for working with me on this section, section 922(x) which he just basically took out. I appreciate him working with us on that issue.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Ms. WOOLSEY).

Ms. WOOLSEY. I thank the gentleman for yielding me this time.

Mr. Chairman, addressing gang violence across this Nation is absolutely an important step so that people can feel safe in their communities and so that our youth will grow up to be productive, happy, satisfied adults. While I commend my colleagues on the other side of the aisle for addressing this important issue, I am deeply disappointed in their legislation.

Gang violence affects most communities across the United States. In fact, I represented the Sixth District of California, which is north of the Golden Gate Bridge from San Francisco. In my

district, there is no exception. We too have gang violence. The largest city in my district, Santa Rosa, is increasingly faced with gang violence. Drive-by shootings are becoming so common that the newspapers no longer report the incidents on the front page.

Local communities must address this problem, no question; and Santa Rosa is working hard to do so. With the help of new State of California funding through Measure Zero, a sales tax that passed in the last go-around, the city is providing diversion programs that appeal to youth, such as after-school programs and increased recreational activities. Community leaders are finding more job opportunities for young people, and adults are mentoring them and exposing them to situations that are positive alternatives to gang life. Even the conservative think tank, Mr. Speaker, the Heritage Foundation, agrees that these are the best ways to curb gang violence.

This bill does not provide significant funding to States and local communities to build on their successful local programs. Rather, H.R. 1279 creates new death penalties, mandatory minimum sentences, and measures to prosecute children in adult court, in other words, applying adult punishment to young people. This is the wrong approach, and I cannot support it. I urge my colleagues to join me in opposing H.R. 1279 and insisting that we go back and prepare legislation with real workable solutions and alternatives to gang violence.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER), as modified.

The amendment, as modified, was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109-76.

AMENDMENT NO. 2 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CUELLAR: Page 26, after line 2, insert the following (and redesignate succeeding subsections accordingly):

(C) NATIONAL GANG INTELLIGENCE CENTER.—  
(1) ESTABLISHMENT.—The Attorney General shall establish a National Gang Intelligence Center to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

- (A) the Federal Bureau of Investigation;
- (B) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (C) the Drug Enforcement Administration;
- (D) the Bureau of Prisons;
- (E) the United States Marshals Service;

(F) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(G) the Department of Housing and Urban Development;

(H) State and local law enforcement;

(I) Federal, State, and local prosecutors;

(J) Federal, State, and local probation and parole offices; and

(K) Federal, State, and local prisons and jails.

(2) INFORMATION.—The Center established under paragraph (1) shall make available the information referred to in paragraph (1) to—

(A) Federal, State, and local law enforcement agencies;

(B) Federal, State, and local corrections agencies and penal institutions; and

(C) Federal, State, and local prosecutorial agencies.

(3) ANNUAL REPORT.—The Center established under paragraph (1) shall annually submit to Congress a report on gang activity.

Page 26, line 10, strike “\$50,000,000” and insert “\$60,000,000”.

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we all know that gangs are no longer just an urban problem. They affect every community. As law enforcement officials from big cities to small towns will tell you, to combat the problem we all need to work together, share information, and identify the issues that will help us strike at the heart of gang violence. My amendment gives us the means to do just that.

It would establish a national gang intelligence center at the FBI to help law enforcement officials across the country share information about gangs and gang members so that we can identify emerging problems before they take root. Last year, \$10 million was appropriated for the center, an effort led by the gentleman from Virginia (Mr. WOLF), who has long been a strong supporter of law enforcement. My amendment would simply authorize the creation of the center.

Mr. Chairman, by helping law enforcement share information, we will be giving our police on the streets a powerful tool in the fight against violence and help them better protect our citizens.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am pleased to support the gentleman's amendment. It provides an authorization for a program that already has been funded by the Committee on Appropriations. It is a good amendment. It helps the bill out. I urge Members to vote for it.

Mr. CUELLAR. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by

the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–76.

AMENDMENT NO. 3 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 26, after line 2, insert the following new subsection (and redesignate succeeding subsections accordingly):

(c) NATIONAL AND REGIONAL GANG ACTIVITY DATABASES.—

(1) DATABASES REQUIRED.—From amounts made available to carry out this section, the Attorney General shall establish—

(A) for each high intensity interstate gang activity area, a regional gang activity database; and

(B) a national gang activity database that replicates the information in the regional databases.

(2) DESCRIPTION.—Each regional gang activity database required by paragraph (1) shall—

(A) be designed to disseminate gang information to law enforcement agencies throughout the region;

(B) contain critical information on gangs, gang members, firearms, criminal activities, vehicles, and other information useful for investigators in solving gang-related crimes; and

(C) operate in a manner that enables law enforcement agencies to—

(i) identify gang members involved in crimes;

(ii) track the movement of gangs and members throughout the region;

(iii) coordinate police response to gang violence;

(iv) enhance officer safety;

(v) provide realistic, up to date figures and statistical data on gang crime and violence;

(vi) forecast trends and respond accordingly; and

(vii) more easily solve crimes and prevent violence.

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me applaud the author and the ranking member and the Chair of this committee for addressing the issue of gangs. I do not agree with all of the approach, but I do agree we need to address the issue, and I rise today to speak about the creation of databases to track gang activity.

In addition to developing a solid gang prevention strategy, we must equip our law enforcement professionals with the tools to protect our communities. Recently, law enforcement in Dallas spoke to me regarding their desire to

track gang activity. I work closely with the law enforcement divisions in my area, and they wanted a system that would allow them to easily access and share information on gang activity. I am offering an amendment that will do just that.

This database will contain critical information on gangs, gang members, firearms, criminal activities and histories, vehicles, and other fields of information necessary for investigators to solve gang-related crimes.

In addition, it will allow law enforcement to track the movement of gangs and members throughout the country, coordinate police response to gang violence, and enhance officer safety. This system is a fundamental step in combating future gang violence. I ask my colleagues for their support for this important amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding. This is also a very good amendment. I would hope everybody would support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–76.

AMENDMENT NO. 4 OFFERED BY MS. WATSON

Ms. WATSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. WATSON:

Page 26, after line 2, insert the following:

(5) CONSULTATION REQUIRED.—The Attorney General may not designate a high intensity interstate gang activity area without first consulting with and receiving comment from local elected officials representing communities within the State of proposed designation.

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentlewoman from California (Ms. WATSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I yield myself such time as I may consume.

I urge my colleagues to support the amendment. I would also like to thank my colleagues on the Committee on Rules for allowing me to bring this important issue to the floor today. This amendment would require the Attorney General to seek input from local elected officials before designating an area as a high-intensity interstate gang activity area. The bill currently

only requires the Attorney General to consult Governors of the States. California is three States in one; and for a person like me who lives in South Los Angeles, right in the middle of a gang area, I would have a lot to tell about designating that gang area.

The underlying bill gives local communities no input. My amendment would simply require the Attorney General to seek input from local elected officials before designating an area as being a high-intensity gang area. This amendment is not intended to slow down the process of designation or give local officials veto power that supersedes the power of Federal and State officials. Rather, it lets the communities and the people that represent them have a voice in the decision-making.

Addressing the gang problem in our communities is an issue that requires all levels of government working together. Who knows better the problems facing these communities' constituents than the communities themselves? Reducing gang violence requires hands-on intervention and input from those most affected by gang violence.

These communities know, first-hand, the damage gang violence does in their neighborhoods everyday. Their opinions should be heard on the state and federal levels.

The communities affected by gang violence must have the chance to express their views before neighborhoods are classified as a High Intensity Gang Area. Local officials know better than anyone else what is occurring on a day to day basis in their jurisdictions. This amendment would allow participation on all levels of government in this designation process. Mr. Chairman, I urge my colleagues to support this amendment and allow local elected officials, in conjunction with federal and state officials, to have input on how their communities are branded as High Intensity Gang Areas.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. WATSON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentlewoman for yielding. This also is a very good amendment. I would hope that the Committee would unanimously approve it.

Ms. WATSON. Mr. Chairman, I would hope the Members would support my amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATSON).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109-76.

AMENDMENT NO. 5 OFFERED BY MS. WATSON

Ms. WATSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. WATSON:

Page 26, after line 7, insert the following:

(d) ADDITIONAL BATFE INSPECTORS AND AGENTS.—The Attorney General, acting through the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, is authorized to hire 100 additional inspectors and 100 additional agents for the Bureau. Each inspector and agent hired under this subsection shall be assigned to a high intensity interstate gang activity area, for the purpose of assisting local law enforcement agencies to provide more accurate and complete reports to the Bureau of weapons used by gangs in the area.

Page 26, line 8, strike “(d)” and insert “(e)”.

Page 26, line 11, strike “and”.

Page 26, line 13, strike the period and insert “; and”.

Page 26, after line 13, insert the following:

(3) \$20,000,000 for each of the fiscal years 2006 through 2010 to carry out subsection (d).

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentlewoman from California (Ms. WATSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I yield myself such time as I may consume.

This amendment would add 100 new inspectors and 100 new agents to the Bureau of Alcohol, Tobacco, Firearms, and Explosives. These inspectors and agents would be assigned to the new high-intensity interstate gang activity areas created by H.R. 1279.

As I mentioned, my congressional district is part of a high-crime area, and there is a gun shop in it that has sparked my attention in recent months. I have been working with BATFE to ensure that this shop does not become a source of gang weaponry in my district. One comment I have repeatedly heard from the bureau is that they simply do not have the personnel necessary to crack down on gun-law violators and keep guns out of the hands of violent gangs.

The lack of proper inspections and detailed reports on how guns get into the hands of gang members hampers the fight against these violent gangs. Congress must assist the bureau by allowing it to have an adequate amount of staff to accurately investigate how illegal guns are getting into our communities and make every effort to remove weapons from gang members' hands.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. WATSON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding. She has got a second good amendment. I urge the Committee to approve it and allow her to leave batting 2 for 2.

Ms. WATSON. I thank the gentleman.

Mr. Chairman, reclaiming my time, I will just finish up.

These additional inspectors and agents are essential because they would be assigned to assist local law enforcement to cut off the supply of

weapons and ammunition to gang members. This amendment would also help local law enforcement and the BATFE compile much-needed data on how weapons are obtained and used by gangs.

This amendment is not a gun control amendment; it is a law enforcement amendment. By improving our enforcement of existing gun laws, gang members will lose the dominating weaponry that permits gangs to outgun police and kill innocent people.

Mr. Chairman, I believe that we should make every effort to prevent gang members from obtaining their “Weapons of Mass Destruction.” I urge my colleagues to support this amendment and help the Bureau of Alcohol, Tobacco, Firearms, and Explosives continue the assault on crime in our communities while cutting off the flow of guns to gang members.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATSON).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109-76.

AMENDMENT NO. 6 OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WYNN:

Page 22, after line 3, insert the following:

SEC. 116. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL PENALTIES.

The Attorney General is authorized to conduct media campaigns in those areas designated as high intensity interstate gang activity areas and those areas with existing and emerging problem with gangs, as needed, to educate individuals there about the changes in criminal penalties made by this Act, and to report to the Committee on the Judiciary of the House of Representatives the amount of expenditures and all other aspects of the media campaign.

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentleman from Maryland (Mr. WYNN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

I think it is very laudable that we are taking up the issue of gun violence and gang violence. This is a problem that affects just about every community; and I think this bill, while I do not agree with all of its approaches, certainly has merit. It relies in significant part on mandatory minimum sentences. Some people will say we have gone too far. The point is with mandatory minimums, you have two aspects: one, the punitive aspect. We will get bad actors off the street. The second aspect is deterrence. People being aware of mandatory minimums will not, in fact, do the crime. In the instance of a 30-year mandatory minimum sentence for murder, for sexual



assault, for maiming, this is designed to discourage people from engaging in this conduct.

My amendment would simply authorize the Attorney General to engage in a media campaign to let people know about these new mandatory minimums so that we can, in fact, have a deterrent effect.

□ 1530

The deterrence requires a certain knowledge of the consequences of one's acts. By having a media campaign, we are in a position to let young people who may be either in a gang or contemplating joining a gang understand that, if they engage in a maiming, cutting off someone's arm, if they engage in an aggravated sexual assault, that they are facing a potential 30-year mandatory minimum sentence, the idea being that this mandatory minimum sentence would discourage the conduct. I think the media campaign contained and authorized under this amendment would further that goal. So I would ask for favorable consideration.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, another good amendment has been offered, and I would urge the Committee to adopt that, and I thank the gentleman for offering it.

Mr. WYNN. Mr. Chairman, reclaiming my time, I thank the gentleman for his support.

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

The Acting CHAIRMAN (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109-76.

AMENDMENT NO. 7 OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GOODLATTE:

Page 22, after line 3, insert the following:

**SEC. 116. CRIMES OF VIOLENCE AND DRUG CRIMES COMMITTED BY ILLEGAL ALIENS.**

(a) OFFENSES.—Title 18, United States Code, is amended by inserting after chapter 51 the following new chapter:

**“CHAPTER 52—ILLEGAL ALIENS**

“Sec.

“1131. Enhanced penalties for certain crimes committed by illegal aliens.

**“§1131. Enhanced penalties for certain crimes committed by illegal aliens**

“Whoever, being an alien who is unlawfully present in the United States, commits, conspires or attempts to commit, a crime of violence (as defined in section 16) or a drug trafficking offense (as defined in section 924),

shall be fined under this title and sentenced to not less than 5 years in prison. If the defendant was previously ordered removed under the Immigration and Nationality Act on the grounds of having committed a crime, the defendant shall be sentenced to not less than 15 years in prison. A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following new item:

**“52. Illegal aliens ..... 1131”.**  
**SEC. 117. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.**

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued, and any and all aliens who have signed a voluntary departure agreement. Such information shall be provided to the National Crime Information Center regardless of whether or not the alien received notice of a final order of removal and even if the alien has already been removed.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

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

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

“(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether or not the alien has received notice of the violation and even if the alien has already been removed; and”.

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. SCOTT) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

I rise to offer an amendment to crack down on gangs comprised of illegal aliens, such as MS-13, which Newsweek recently called “the most dangerous gang in America.”

In my congressional district alone, we have recently witnessed a disturbing rise in the level of gang activity as well as the number of illegal aliens participating in this gang activity. The FBI has recognized the existence of at least six separate gangs in the Shenandoah Valley, with the largest being the notorious Salvadoran gang Mara Salvatrucha, or MS-13. MS-13 is known for such heinous crimes as shootings, rapes and machete attacks, among others, and is estimated to have over 1,500 members in northern and northwestern Virginia alone.

The number of gang members and violent criminals who are illegal aliens

and who have been previously deported is staggering. Recently, at the Immigration, Border Security, and Claims Subcommittee, Commonwealth's Attorney Marsha Garst of Rockingham County, Virginia, testified that illegal aliens make up 50 percent of the membership of MS-13 and 75 percent of the membership of another gang in that area, Surenos 13.

According to the FBI, MS-13 is a highly sophisticated gang of illegal and previously deported aliens that is committed to national expansion in the United States and is built on an infrastructure which transports new members or previously deported members across our borders with the intention and plan to expand their activities into new communities and enrich themselves all at the expense of our communities and our law-abiding neighbors. Make no mistake about it: MS-13 is committed to a war by invading and taking over our communities, and deportation means nothing to them because they simply return to our country with yet another new identity, crossing our borders without any reservation and resuming their illegal activities, terrorizing our communities without fear of harsh punishment.

It is now time for us to disable MS-13 and its vicious cycle of violence. My amendment does just that. It gives law enforcement the ability to tack on more severe punishments rather than simply returning MS-13 members to El Salvador or other countries where they will turn around and sneak right across our borders once again. If faced with a choice of putting these gang members in jail or deporting them and having them return, the choice is clear: We must incarcerate them and bring freedom back to our neighborhoods.

The growth in illegal alien participation gangs is not limited to Virginia or just to MS-13. Across the Nation, the number of illegal aliens joining gangs and the number of gang members who have re-entered the country after deportation is alarming. According to the testimony of Heather MacDonald of the Manhattan Institute, a confidential California Department of Justice study reported in 1995 that 60 percent of the 20,000-strong “18th Street gang” in Southern California was illegal. Immigration and Customs Enforcement conservatively puts the number of illegal aliens in MS-13 as a majority. Sixty percent of the leadership of the “Columbia Lil’ Cycos” gang, which uses murder and racketeering to control the drug market around Los Angeles’ MacArthur Park, consisted of illegal aliens in 2002. And according to the Los Angeles Times, the Los Angeles Department arrests about 2,500 criminally convicted deportees annually. Let me make that clear: Annually, the Los Angeles Police Department estimates that 2,500 of the people that they arrest each year have already previously committed a crime and already previously been deported, and they have come back into the country, and 2,500 of them are arrested yet again.

My amendment would help to stop the entry and re-entry of gang members into the country by imposing strict penalties on illegal aliens who participate in gang activities and who have already shown they will commit violent crimes and drug-trafficking offenses. With stiff new penalties, we can deter these gang members from re-entering the United States with the intention of joining or resuming violent gang activities.

Specifically, my amendment would add 5 years of prison time to any sentence for violent crimes or drug-trafficking offenses when the violator is an illegal alien. It will also add 15 years of prison time to any such sentence if the illegal alien had been previously deported on the grounds of a criminal offense and had re-entered the country. In addition, the amendment would require the Department of Homeland Security to send all the names of individuals who are subject to deportation orders or who have signed voluntary deportation orders to the National Crime Information Center, the NCIC, so that information on illegal alien gang members can be more easily accessed.

We must shut down this revolving door of criminal illegal aliens. It is time to say to them, if they come here illegally and commit a gang crime, they will do the time. Our children and our communities deserve nothing less.

This amendment will give law enforcement additional tools in the fight against some of the most vicious gangs in America and will help deter violent criminals from entering the country to join gangs.

I urge my colleagues to support this commonsense amendment.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to remind the House that it is already illegal to murder, rape, kidnap, cut off hands with machete attacks, conspiracy to do any of those acts. We lock people up for that. In fact, since we are talking about immigrants, one in 27 Hispanic males 25 to 29 are in jail today already. Those are crimes. They are doing the time. Also, for those who are crossing State lines and all that, we have RICO, Continuing Criminal Enterprise. That is already the law.

But this amendment just adds insult. And let us be clear: Second-offense fist fight by a bunch of kids, under the bill, is 10 years mandatory minimum. This adds 5 years to the 10-year mandatory minimum for second-offense fist fighting. I think that is excessive. If the fist fight deserves more time, the Sentencing Commission can deal with that. I would hope that we would defeat the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, could I ask the distinguished author of this amendment if this idea occurred to him during the time that we considered the bill in the Committee on the Judiciary? Because I have never heard of this before.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, this is something that has been discussed since the committee acted and passed the legislation out, but we felt very strongly that this would be a good addition to the legislation because of the fact that so many of these gang members are illegal aliens who have re-entered the country after already having been deported and having committed crimes earlier. Something needs to be done more than simple deportation when they come right back in and commit more crimes.

Mr. CONYERS. Mr. Chairman, reclaiming my time, but we are trying to get rid of criminals from coming into the country, and what the gentleman is doing in this amendment is keeping them in the country. In other words, deporting them is not good enough. We want to keep them in our prison systems, which now house more citizens, and now, we are adding noncitizens to the population of those incarcerated in America. And I have some reservations about piling it on. We have never talked about this position before in the subcommittee or full committee of the Committee on the Judiciary.

Mr. Chairman, I thank the gentleman for yielding me this time to make that observation.

Mr. GOODLATTE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the fact of the matter is that this has a great deterrent effect. When the word gets out that they come back into this country and they get arrested after they have been deported and they are going to do serious time in the slammer, they are not as likely to come back. And with the efforts that are ongoing with the REAL ID Act, we are going to keep a lot of these people out of the country with that method, and we are going to find them when they come into the country and try to get driver's licenses. But when they do, they need to know that they are going to face serious time.

Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. WOLF), a real leader in the war against gangs in America.

Mr. WOLF. Mr. Chairman, I rise in support of this amendment. Let me read an article from the Washington Post, "In what officials suspect is the latest horror committed by gangs, 28 people, including six children, were killed December 24 when gunmen opened fire on a bus full of passengers near the northern Honduran city of San Pedro Sula." Twenty-eight individuals, six of them were children.

Another article said there was a request by the presidents of four Central

American countries for help in gang battles. The request came as U.S. authorities revealed that they had issued an alert for the suspected mastermind of the killing of these 28 people near San Pedro Sula. The individual is a suspected member of the MS-13 gang and may have already entered the United States illegally.

The gentleman is right. That individual who was involved in the killing of 28 individuals in San Pedro Sula in Honduras was arrested in McAllen, Texas, coming back into the country after killing 28 people.

I think the gentleman's amendment is exactly right on target. There are many cases whereby they come back into the country and commit violent crimes after having committed violent crimes down in El Salvador. But 28 people in that little village in that town of San Pedro Sula, and then the man is arrested not in Honduras but up here in Texas.

With that, I just urge Members to strongly support the amendment. It is very good.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in opposition to this amendment. And I am surprised that my friend would propose that we increase the amount of money that taxpayers are paying for incarceration to now expand it to illegal aliens who commit crimes, leave the country and come back in. Where are we going to get all of this money?

We have one of the highest incarceration rates of any nation in the entire world. And we are spending a disproportionate amount of money on incarceration.

I submit to my colleagues that I think deportation is the answer, but have they thought about the fact that they should place the responsibility on keeping these criminals out of the country on the heads of the leaders of those countries?

We go right along with the leaders of these countries on trade agreements, on foreign assistance, with all kinds of assistance to these governments.

I would submit to my colleagues that if they submit the name of everybody that they deport and they send them back and they say to the leaders of these countries, If these people come back, we are going to penalize you in one of several ways that we cooperate with you; again, we have so many ways that we provide assistance to other countries, and we have got to make them responsible for keeping their criminals at home.

So I do not like the idea that we have a problem and that we are deporting criminals, and they are coming back, and we are going to make the American people pay for it. Make those other governments pay for it. Do not end up in press conferences with this administration, the head of our government's Members of Congress, working out all kinds of arrangements with

these governments to help them in so many ways, whether it is trade, foreign assistance or 909 other ways that we help them. Make them keep their criminals at home.

□ 1545

Penalize them if they do not. Do not charge the American taxpayer.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Wisconsin (Mr. SEN-SENRENNER), the chairman of the Committee on the Judiciary.

Mr. SENRENNER. Mr. Chairman, I am sure the President of Honduras would have loved to have kept the person who killed the 26 people in his country there and tried him and punished him there; but the fact of the matter is, the borders are leaky. Some of us have been trying to ensure the security of the borders through various measures, like the REAL ID Act, which has been signed. I would hope that that concern would spread as we deal with other immigration matters such as the numbers of border patrol people that we need to put on the border.

I support this amendment because it creates enhanced penalties for illegal aliens or those ordered deported on the grounds of having committed a crime who subsequently commit a crime of violence or a drug-trafficking crime.

An illegal alien who commits a drug-trafficking crime or crime of violence would receive a consecutive sentence of 5 years, and an alien who previously has been deported for a crime and subsequently commits a crime of violence or a drug trafficking crime would receive a consecutive sentence of 15 years. In addition, the amendment would require the Department of Homeland Security to provide the National Crime Information Center with information on illegal aliens.

Mr. Chairman, I urge support of the amendment.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

The gentleman from Virginia (Mr. WOLF) is exactly right, as is the chairman. Here we have a Los Angeles Times story: "Four presidents seek help in gang battle. Central American leaders say the groups pose a hemispheric threat augmented by U.S. deportation of criminals."

You cannot keep sending them back down there where they have no ability to handle them and they come right back up here and commit more crimes on our citizens. This is an important amendment that will give teeth to the message: do not come back in the United States. If you do, we are going to keep you in the slammer.

There are many, many examples of what illegal aliens have done. In Virginia, recent gang victims have been hacked by machetes and had fingers cut off. In May 2004, a 16-year-old boy in Fairfax County had several fingers chopped off in an attack by a machete-wielding assailant. A week later, a 17-year-old youth was shot dead in Hern-

don by an assailant on a bicycle. In July 17, 2003, in Shenandoah County, Virginia, MS-13 gang members violently murdered a 17-year-old pregnant Federal witness, Brenda Paz, before she could testify in a pending Federal trial in the Eastern District of Virginia against MS-13.

Send these guys to jail when they come back into this country after being deported. I urge my colleagues to support the amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to remind the House that it is illegal to chop off fingers and you will be given more time than this bill will provide. Murdering 28 people is also already illegal, whether this bill passes or not.

But this amendment just adds insult to injury. If a child comes into the country because his parents snuck into the country to work, this bill, the underlying bill provides for a 10-year mandatory minimum for a fist -fight. This just adds 5 more years of insult.

I would hope we defeat the amendment.

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

The Acting CHAIRMAN (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109-76.

AMENDMENT NO. 8 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. NORWOOD: Page 22, line 3, insert the following:

**SEC. 116. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.**

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued, any and all aliens who have signed a voluntary departure agreement, and any and all aliens who have overstayed their visa. Such information shall be provided to the National Crime Information Center regardless of whether or not the alien received notice of a final order of removal and even if the alien has already been removed.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

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

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

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether or not the alien has received notice of the violation and even if the alien has already been removed; and".

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of my amendment is to require the Department of Homeland Security within 6 months to get information on a number of types of criminal illegal aliens into the National Crime Information Center. This makes sense for law enforcement, it makes sense if you are going to go after the gang problem, and it even makes sense to address our illegal immigration problem.

The NCIC is a computerized index of criminal justice information available to the Federal, State, local law enforcement, and other criminal justice agencies. It is operational 24 hours a day, 365 days a year. This information helps apprehend fugitives, locates missing persons or property, and protects law enforcement officers. All records in NCIC are protected from unauthorized access.

Mr. Chairman, I would say to my colleagues, there should be no fear in using this database to get this vital information into the hands of law enforcement. It is a good system. It is a tested one.

Under my amendment, information on three types of aliens would be included in the National Crime Information Center: first, those aliens with a final order of removal issued against them. These are absconders who are flagrantly violating our laws.

Recent estimates, remember that word "estimates," recent estimates say that there are over 400,000 in our country today. Of this number, approximately 85,000 are criminal aliens. I do not mean jaywalkers either. I mean murderers, rapists, and pedophiles.

Second, there are those who signed a volunteer deportation order.

The third group, a very important group, are those who have overstayed their visas.

Essentially, we are dealing with those who our government says should not be here, those who have themselves said they should not be here, and those who are overstaying their permission to be here.

This first category, visa overstays, is the difference between the language in my amendment and that of the previous one offered by my good friend,

the gentleman from Virginia (Mr. GOODLATTE), who incorporated much of my language into his good amendment; and I applaud him for that.

Lest my colleagues forget, this final category, those who overstay their visas, has given us some of the most heinous criminals recently. The chief planner of the 9/11 attacks, Mohammed Atta, overstayed his visa, along with a number of other hijackers.

Sheik Omar Rahman, the spiritual leader of the World Trade Center bombers and the plot to attack New York City landmarks, overstayed his visa, among other immigration violations.

Mahmud Abouhalima entered on a tourist visa in 1985, which expired in the spring of 1986. He was given permanent residence in 1988 as part of an amnesty for agriculture workers. There was no evidence, however, that he was ever an agriculture worker. He made several trips to Afghanistan where he received combat training. He was implicated as a lead organizer in the 1993 plots to bomb New York landmarks.

Mohammed Salameh entered on a 6-month tourist visa issued in Jordan in 1988. He should never have qualified for the visa by law as he fit the profile of intending immigrant. He rented the truck in the 1993 WTO bombing.

Eyad Ismoil entered on a student visa in 1989, left school after three semesters, violating the terms of his visa, and became an illegal alien. He later drove the World Trade Center van full of explosives.

More facts about visa overstays that might startle folks a little bit: at least 40 percent of the noncitizens who stay in the United States illegally, and perhaps more than half, did not sneak across the border. Visa overstays were described as a "disturbing and persistent problem" in a report by the Justice Department's Inspector General.

Now, here is the punch line. This was all written on November 8, 1998, in the Dallas Morning News, nearly 3 years before the attacks of 9/11, and approximately 6½ years ago. This visa overstay language is therefore key to this amendment and key to our safety and security.

This amendment is necessary. This language regarding visa overstays makes us safer. I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SCOTT of Virginia. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition because we have not studied this. This issue did not come before the committee. We do not know anything

about the accuracy of the data that may be circulated. We do not know what it is going to cost. And we particularly do not know whether or not this is a good cost-effective way of providing homeland security. For example, this will do nothing to prevent an Oklahoma bombing, where the problem was domestic.

If we are going to spend money in homeland security, we ought to put it where it is most needed. We have not studied to determine whether this is the best use of the money or not. Therefore, Mr. Chairman, I would hope we would not pass this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, the gentleman is very kind.

Mr. Chairman, I will tell you the NCIC system works. After 6½ years, it is overdue time we tried to do something about the visas.

I will take just a minute to thank the chairman of the Committee on the Judiciary for a great bill. I appreciate so much his support in this, as well as the support of the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. WOLF) and all their good work. We are finally, finally trying to do something about this terrible problem of illegal immigrants.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I hope we defeat the amendment. As I said, it may or may not, we do not know, be a cost-effective use of the taxpayers' money.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The amendment was agreed to

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 109-76.

AMENDMENT NO. 9 OFFERED BY MR. NORWOOD

Mr. NORWOOD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. NORWOOD: Page 22, after line 3, insert the following:  
**SEC. 116. STUDY.**

The Attorney General and the Secretary of Homeland Security shall jointly conduct a study on the connection between illegal immigration and gang membership and activity, including how many of those arrested nationwide for gang membership and violence are aliens illegally present in the United States. The Attorney General and the Secretary shall report the results of that study to Congress not later than one year after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentleman from Georgia (Mr. NORWOOD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I point to the previous amendment where we talked about estimates a little bit. Well, this is dealing with estimates. This amendment would simply require a study conducted jointly by the Department of Homeland Security and the Department of Justice on the link between illegal aliens and gang membership. Surprisingly, despite the overwhelming agreement from all parties that the two are linked, there is no comprehensive report anywhere that we can find on this topic. It is time for that to change.

Congressional testimony on April 13 of this year produced some important anecdotal evidence of the need of this sort of data. Before the Committee on the Judiciary Subcommittee on Immigration, Marsha Garst offered some statistics in relation to some problems in the Shenandoah Valley of Virginia. She indicated the gangs there are nearly 75 percent composed of illegal aliens. She also related that a number of the illegal alien gang members had been previously deported, proving that we are not doing our job on the borders.

A second witness at the same hearing was Heather MacDonald of the Manhattan Institute. She has research that is helpful to this subject, but somewhat out of date. She indicated that a confidential California Department of Justice study from 1995 said that 60 percent of the 20,000-member 18th Street Gang in Southern California are illegal. Also, that the leadership of the Colombian Lil' Cycos Gang, who control some markets in L.A., was about 60 percent illegal in 2002. ICE officials put the number of illegals among MS-13 members at simply "a majority."

We need to do better than just know "a majority." If you are not convinced, just listen to my friend and colleague, the gentleman from Indiana (Mr. HOSTETTLER), who is the Subcommittee on Immigration chairman. He indicated in his statement: "While there are an estimated 750,000 to 800,000 gang members in the Nation, there are no firm estimates on how many of these gang members are aliens and how many are citizens." His point should not go unaddressed.

So we again are saying today that our porous borders are a problem for our citizens. This time it is crime, sometimes deadly in our neighborhoods and streets. Despite this very clear link between gangs and illegal aliens, there is not a study that I located anywhere that addresses this issue.

□ 1600

I think that it is long past due for that to change.

People say that addicts have to first admit that they have a problem before they can move on and get help. This study is a good way for us to finally

admit that we have a major problem and seek ways then to correct the problem. I hope that we will not take too long to seek that help, and I would be happy to assist with a solution, because it is an issue that I have worked on and been very interested in for a long time.

I urge my colleagues to adopt this amendment and help us finally get the facts about the nationwide scope of what we are dealing with in terms of illegal aliens and gang membership.

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

Mr. SCOTT of Virginia. Mr. Chairman, I rise to claim the time in opposition, and I yield myself such time as I may consume.

I would just say, this is interesting timing of the amendment, because we just passed the Goodlatte amendment, and now we are going to study, I guess, whether or not we should have passed it because, as the gentleman from Georgia has indicated, we do not know the link between illegal aliens and gang membership, and so we have to study it. We just passed an amendment to add 5 years mandatory minimum to sentences if a couple of them get into a fist fight. So I guess it is nice to know whether we should have passed it or not, but I just want to point out that it is an interesting place to consider this amendment.

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

Mr. NORWOOD. Mr. Chairman, in conclusion, I will simply say to my friend, the gentleman from Virginia (Mr. SCOTT) that this is not an amendment that justifies or does not justify the previous amendment. This is an effort to get the facts on what we already know. If you ride around at all, you do not have to go very far to determine what the problem is in this country.

I ask all of our colleagues on both sides of the aisle to vote to help protect this country from illegal immigrants.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, allow me to shock the Members on the opposite side of the aisle and join with them in support of this amendment.

Mas vale tarde que nunca. It means, better late than never. And while my colleague here, the gentleman from Virginia (Mr. SCOTT), is absolutely correct, we have put the cart before the horse, I suppose it is never too late to try and correct our errors.

I do think that we should have been involved in studies a long time ago. We are basically forever speculating and coming up with anecdotes without a basis of facts for our decisions. So I am hopeful that we will get the support of our colleagues in this Congress so that we can study.

While this is limited to the link between illegal aliens and gang membership, we need more studies on gangs, period. We need to find out, number one, where the young people are coming from. What is it about gang membership that entices them to want to be a part of that gang? What are their parents like? Are they the children of those who are already incarcerated? If we had an opportunity to support them getting back into school, moving out of neighborhoods, et cetera, what would happen?

So, again, even though this is a little late in coming, I do support the amendment, and I ask for an aye vote.

Mr. NORWOOD. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I would just like to thank the gentlewoman. I hope this will be, and I think it should have bipartisan support, and I am going to call for a vote, because I believe most of us will vote for this.

Ms. WATERS. Mr. Chairman, reclaiming the time, I would hope that the gentleman would also support the idea of a broader study on gangs, period, and that we could identify a number of areas to be looked at. Would the gentleman be interested in that at some point in time?

Mr. NORWOOD. Mr. Chairman, if the gentlewoman will yield, I am interested in doing anything I know we can do to stop gang violence in this country. It is time we brought it to an end, and of course, I am interested in anything about that that might head that off.

Ms. WATERS. Mr. Chairman, I thank the gentleman.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Having heard the distinguished views from my friend, the gentlewoman from California (Ms. WATERS) and the gentleman from Georgia (Mr. NORWOOD), I am convinced that the amendment is well taken, however misplaced in time. We should have considered this before the gentleman from Roanoke, Virginia, but as my colleague has said, better late than never.

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

The Acting CHAIRMAN (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Georgia (Mr. NORWOOD).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) will be postponed.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 10 printed in House report 109-76.

AMENDMENT NO. 10 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. WATERS:  
Strike section 102.  
Strike section 103.  
Strike section 104.  
Strike section 105.  
Strike section 106.  
Strike section 107.

The Acting CHAIRMAN. Pursuant to House Resolution 268, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of my amendment. Mr. Chairman, the gentleman from Virginia (Mr. SCOTT) and I have offered an amendment that would strike all of the mandatory minimum sentences in H.R. 1279, the Gang Deterrence and Community Protection Act. The mandatory minimum sentencing requirements found in sections 102, 103, 104, 105, 106 and 107 are simply not the answer to gang deterrence.

Mr. Chairman, all of us know that mandatory minimum sentencing has not worked, and it does have a huge disproportionate impact on minorities. Just to name a few statistics, African-Americans only comprise 12 percent of the United States population; however, they comprise a staggering 58 percent of all prisoners incarcerated under Federal mandatory minimum sentences. There is something wrong with this picture.

Mandatory minimums are not even effective in deterring crime. Their only proven result is in driving up our prison populations, resulting in overcrowding and the need for the creation of more prisons. Increasing prison populations is not the solution to the prevention of crime in our communities, even communities infested with gang crime.

Mr. Chairman, mandatory minimums also impede on the role of our judges. We need to let judges be judges and ensure that they have the discretion to sentence criminal defendants in a manner that takes into account all of the facts and circumstances that are presented before them. Clearly, this must include an evaluation of any mitigating circumstances, such as the defendant's childhood experience, especially if the defendant is a juvenile; the mental state of the defendant; the role that the defendant played in the commission of the crime; the mental capacity of the defendant; the crime committed; whether force or a firearm was used during the commission of the crime; and whether a victim lost his or her life and was seriously maimed as a result of the crime. The mandatory minimums under H.R. 1279 would make it impossible for trial judges to fairly and fully evaluate the cases before them, because these sections overreach

into the State court's authority and remove the judge's sentencing discretion.

Mr. Chairman, to be tough on gangs, we must focus more on gang crime prevention. We need to implement more effective prevention tactics that focus on both individuals at risk of joining gangs and on former gang members at risk of rejoining a gang after being released from prison. Also, educational and rehabilitation programs for communities with gangs that have a high crime rate need to be implemented. We should focus our attention on what works.

I urge all of my colleagues to please support my amendment and to strike all of the mandatory minimum sentences included in H.R. 1279.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

This amendment would essentially strip the bill of vital and necessary weapons that prosecutors and law enforcement need to win the war against violent gangs. In particular, and I ask that everyone pay close attention to this, the amendment would eliminate increased penalties and mandatory minimum penalties for the following crimes: interstate and foreign travel or transportation in aid of racketeering, carjacking and illegal gun transfers to drug traffickers or violent criminals, murder for hire or other felony crimes of violence, violent crimes in aid of racketeering activity, murder or other violent crimes committed by drug traffickers and multiple interstate murderers.

These people belong in jail. Just listen to the types of crimes that the mandatory minimums and enhanced penalties apply to.

When considering this amendment, it is important to recognize just how much of a problem gangs represent today. Just take the City of Chicago. The U.S. Attorney for Northern Illinois, Patrick Fitzgerald, testified and described the gang problem in Chicago: "It is easy to underestimate the grip that gangs have on some of our cities, but the sad reality is that their grip on urban life is lethal. First, the sheer number of gang members is staggering. In Chicago alone, there are estimated to be 70,000 to 100,000 gang members, compared with about 13,000 Chicago police officers. Several "super gangs" dominate: The Gangster Disciples, the Black Disciples, the Vice Lords, the Black P Stones, the Mickey Cobras, the Latin Kings, the Spanish Cobras, the Maniac Latin Disciples and the Satan Disciples. All of these gangs control large amounts of territory, engage in large-scale drug trafficking and use gun violence to control their territory and drug trade."

Unfortunately, my colleagues ignore the practical reality of this problem by trying to take away new and valuable tools for law enforcement and prosecutors such as mandatory minimum penalties.

U.S. Attorney Fitzgerald again explained, "It is important to maintain heavy penalties on gang members, particularly higher-echelon members and those engaging in violence, to deter violent activity and to leverage cooperation from gang members who are already conditioned to understand they will do some prison time but often cooperate when faced with heavier prison time. Cases against gangs proceed most effectively when the heavy penalties cause key members of the gang to work with authorities to dismantle the organization. Ultimately, severe sentencing of gang members results more quickly in greater freedom for the community victimized by the gangs."

Heavy penalties mean more cooperation to people on the fringes. Mandatory minimum penalties and heavier sentences result in more quickly and greater freedom for the community victimized by the gangs. This amendment is the anti-community freedom amendment and should be defeated.

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

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of our subcommittee.

Mr. SCOTT of Virginia. Mr. Chairman, I want to remind Members of the House that murders are already illegal. Intentional murder subjects you to either the death penalty or mandatory life. Racketeering and those other charges are illegal. The mandatory minimums in the bill apply to second-offense fist fights, and I guess if you are an illegal immigrant, you get an additional 5 years mandatory minimum.

If that is not enough, Mr. Chairman, we have already said that, for those 25 to 29 in the African-American community, 1 out of 8 are already in jail today. Apparently, that is not enough penalty, and we need to increase it.

The Sentencing Commission has studied the impact of mandatory minimum sentences and have found that they not only violate the entire purpose of the Sentencing Commission, but they are also applied in a racially discriminatory manner. We also have found, Mr. Chairman, that the Rand Corporation has studied mandatory minimums and found that it is not a cost-effective sentencing scheme. They found that compared to a more intelligent scheme where the more serious criminals get more time and less serious get less time, mandatory minimums are less effective in reducing crime. They are also much less effective than drug rehabilitation for drug penalties. So we have the Rand Corporation designating mandatory minimums as a waste of the taxpayers' money.

The Judicial Conference of the United States, the Chief Justice of the United States presiding, has written us a letter saying, not only that trying juveniles as adults is bad policy but also the mandatory minimums, and they have maintained opposition to mandatory minimums since 1953. They write: The reason is manifest. Mandatory minimums severely distort and damage the Federal sentencing system. Mandatory minimums undermine the sentencing guideline regime Congress so carefully established in the Sentencing Reform Act of 1984 by preventing the rational development of guidelines that reduce unwanted disparity and provide proportionality and fairness.

□ 1615

Mandatory minimums also destroy honesty in sentencing by encouraging charge and fact plea bargains. In fact, the U.S. Sentencing Commission has documented that mandatory minimums have the opposite of their intended effect. Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity.

Mandatory minimums also treat dissimilar offenders in a similar fashion, although these offenders can be quite different with respect to the seriousness of their conduct or their danger to society.

Finally, mandatory minimums require the sentencing court to impose the same sentence on offenders when sound policy and common sense call for reasonable differences and punishment. Accordingly, we respectfully request that the expansion of the Federal criminal justice system over juvenile offenders be seriously reconsidered, and that the mandatory minimum sentences provision in the bill be removed.

Mr. Chairman, that is exactly what this amendment does, and I would hope that the amendment would be adopted.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I just wish today that we would hear the same passion for the victims of gang crimes as we have heard on the other side for those who commit violent gang crimes. You know, we have heard a lot about the cost of locking up violent gang criminals. But I have not heard a whole lot about the cost of leaving them in our neighborhoods to create more crimes and leave repeated paths of victims.

We just heard about common sense. Well, let me tell you about common sense. Common sense is that you are not going to stop these violent gang criminals by giving them a Popsicle and a hug. You stop them by getting them off the streets.

Let us make it clear that we do not believe there is any socially redeeming value for belonging to a violent criminal gang. What mandatory sentences do is they set out clearly a policy that we say, if you are going to belong to

one of these gangs, you take the consequences; that if you commit one of these gang crimes, you are going to pay a price. You cannot just roll the dice.

Now, our opponents will tell you it is already illegal to do some of these acts. They miss the point. Our whole purpose is to keep those acts from being committed in the first place by getting rid of the gang networks. They believe, they have argued here the way you do that is by giving arts and crafts to members of these violent gangs. We just respectfully disagree.

We believe that the way you do it is by bringing down the criminal gang networks and the criminal gang leaders. Mandatory sentences do that by giving those individuals who commit gang crimes a choice. They can either spend a long time in jail, or they can help us bring down the networks that are praying on our communities.

Mr. Chairman, I hope we will reject this amendment and will pass the bill.

Ms. WATERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong opposition to this bill, which offers no solution to our Nation's gang violence problem, and in support of the Waters-Scott amendment which strikes the mandatory sentences provisions.

Clearly, in many neighborhoods throughout our country, we have a gang violence problem. Yet dramatically increasing prison terms and failing to fund proven strategies to reduce youth violence is exactly what H.R. 1279 does.

Violence in gangs is a critical problem, persistent among low-income and minority communities. Today we see that 95 percent of the largest cities and 88 percent of the smaller cities are confronted with gang-related crimes. More and more younger kids are joining gangs. But no value of hope is given to these children seeking a way out of the gang activity. We must face this reality, rather than hide from it.

It seems to me that the only solution being offered by this legislation to our juveniles involved in gangs is locking them into a life path where there is no way out. Whatever happened to gang prevention programs, to the funding desperately needed for delinquency and intervention programs?

If we want to deter gang violence and protect our communities, we need to focus on effective and comprehensive solutions to address the root causes of youth violence, not simply punitive actions.

Mr. Chairman, passing this bill will do nothing to stem the tide of gang violence throughout this country. What this bill will do is worsen our youth's violent behavior by enslaving our youngsters into prison as an answer to one of this Nation's most critical prob-

lems, and that is no solution at all. I urge my colleagues to support the Waters-Scott amendment and to oppose the underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Chairman, I am a cop. I wear a congressional pin, but I always will live and breathe and think like a cop.

I have worked the streets for 33 years. Up until January 3 of this year I was a police officer. In the early 1990s, gangs were a huge problem in this country; and we worked hard and passed local tough laws to address the gang issue. And we had success. The crackdown by cops across the Nation in the early 1990s did break the backs of gang activity. And today we need tough laws to continue fighting gang violence and the resurgence of gang activity.

These gangs today are more violent. They are committing murders, rapes, and robberies. Cops need tough laws to help them. They need to know that local governments, State governments, and the Federal Government is behind them with tough laws to help them break the backs of gangs.

A few years ago I lost a good friend, an officer who worked in the Seattle area. He stopped his police car, opened his car door, stood by the front of his police car, and was approached by three gang members. The job that night, the assignment that night by these gang bangers, kill a cop. And they did. They fired the bullet into the cop's head, and he died.

Mr. Chairman, I urge my colleagues to pass this bill and protect the lives of citizens of this great country.

Mr. Chairman, I am a cop. I wear a Congressional pin, but I will always think like a cop, live and breathe as a cop.

I have chased these gangs, I have worked to shut down these groups and these were not innocent children. I absolutely believe in protecting our children and giving them a chance, teaching them right from wrong and allowing them to make mistakes. I believe in doing that while they are young. We should be educating our children, teaching them responsibility and raising them to be better men and women than we are.

But I believe once that foundation has been laid, they are responsible for their actions. It is a harsh world and I have seen it first hand. I have watched young women turn to prostitution. I have picked them up from their beats and taken them to shelters and tried to help them find a way out of that life. I've had success too. But ultimately, they are responsible for themselves and their choices. I am a compassionate man, but I firmly believe that respect stems from responsibility. And no one—not you, me, not any of these youths in gangs are without responsibility.

The members of these gangs consciously choose to act out against their communities. They dispense the violence; no one forces them to do so. That type of influence is like a cancer. These gangs seep into young men and women and corrupt them. They erode the

good of our neighborhoods and destroy lives. Our communities need to be safe. In order to be safe, we need to stop this cycle before it begins. Mandatory minimums enforce that gang members and their theft, prostitution, weapons and drugs will not be tolerated. They will be dealt with to the fullest extend of the law.

In May of 2001, Des Moines patrol officer Steve Underwood was shot to death and killed after approaching a car with four gang members on a late-night watch along Pacific Highway South. Shot to death simply in approaching the car, this is what we have progressed to.

Last night I spoke with King County's Gang Detective, Sheila Hatch. In the course of our conversation, she raised mandatory minimums. She said that the only way for our prosecutors to effectively go after gang leaders when the cops manage to bring them down is with a strong penalty. Our laws need to be effective to stop and make them think of consequence before they commit a crime. The cost of their crime spree should not be simply an afterthought.

Mr. Chairman, we need mandatory minimums. I am telling you that first hand, as someone who worked on the streets to stop gangs. I urge my colleagues to vote "no" against the Waters-Scott amendment.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, if you kill a police officer you are going to get death or life without parole. If you make any murder in the Federal system you are looking at life. If you are talking about the impact of this bill, it is a 10-year mandatory minimum for second-offense fist fights.

We have been asked where our compassion is for the victims. We have got mandatory minimums where you already know that it violates common sense, it wastes the taxpayers money, it fails to do anything about reducing crime. That is what the studies have shown. Trying juveniles as adults we know increases crime.

That is a good question. Where is your compassion for the victims when you are actually increasing crime? We know what works to reduce crime. We know what polls well, and what we need to do is have some compassion for common sense and actually enact those provisions that will reduce crime.

We know that prevention and early intervention work. You know, you can make jokes about it; but we know what works and we know what polls well. If we are going to show some compassion for our victims, we ought to do something to actually reduce crime.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is important for me to say on behalf of most of the Members, if not all of the Members of the Congress of the United States of America, we are all against crime. We do not support criminals. We are indeed passionate about victims. We want hard-core criminals off the streets.

What we do not support is using this terrible issue to get your law and order

credentials on. We do not want you using this issue on the backs of young people who may be victims of gangs rather than criminals themselves.

Let me just say this: we are against mandatory minimum sentencing because it takes away the discretion of the judge. The judge may give more time, given all of the facts. And, yes, they may give less time, given all of the facts.

We need to let judges be judges. We cannot sit here in the Congress of the United States and continue to take away the ability of judges to make decisions. So I stand here today with this amendment to say, let the judges make the decision.

You do not know if there is a kid who happens to live in a neighborhood that is infested with gang members and they must pretend to be in the gang in order to survive. Do you want that kid caught up in a situation where they are going to be given mandatory minimum sentencing, when they did not have an opportunity to have a judge understand what the extenuating circumstances were?

I do not think that is good legislating, nor is it good public policy. I would ask my colleagues to please support this amendment.

The Acting CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

Ms. WATERS. Mr. Chairman, does the gentleman from Wisconsin (Mr. SENSENBRENNER) have any more time, because I wish to make a statement on this bill prior to the close of debate.

The Acting CHAIRMAN (Mr. LAHOOD). The gentleman from Wisconsin (Mr. SENSENBRENNER) has 2 minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I am pleased to yield one of those minutes to my friend, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, let me just say this. I am not going to allow my amendment to get caught up in the politics of the day. I know that there are people who are just salivating for this amendment to remain on the floor so they can catch Democrats voting for something that they will use in their campaigns.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Waters/Scott Amendment which strikes out all mandatory minimums in H.R. 1279. The mandatory minimums proscribed in this legislation will only result in many young people serving long sentences, at least ten years, based on the circumstances of rather than the crime itself. Perhaps it is no surprise that mandatory minimums have come under criticism for being discriminatory in nature.

The enormous monetary and human costs associated with incarceration simply outweigh the supposed benefits of the proposed legislation. It is well known that incarceration costs American taxpayers millions of dollars each year, what is not as widely known is that it also costs millions to reintegrate those released from prison back into society. Additionally, as suggested in the recent Booker deci-

sion, judges often refuse to hand down mandatory minimums if they feel that they are draconian. With the proposed changes, we may even see juries unwilling to convict an obviously guilty defendant if they know that doing so will result in ten years' imprisonment. Creating laws that are likely to go un-enforced will not foster faith in the criminal justice system or help take down gangs.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of the Waters/Scott amendment to H.R. 1279, the Gang Deterrence and Community Protection Act of 2005. If the Waters/Scott amendment is defeated I would urge my colleagues to oppose the underlying bill because it broadens the definition of gangs and metes out even harsher punishments for offenses that already have very long sentences.

Mr. Chairman, the Scott/Waters amendment strikes those sections of the bill which set mandatory minimum sentences. I agree with the National Association for the Advancement of Colored People, (NAACP) who propose that by increasing the number of crimes that have mandatory minimum sentences, and stiffening those sentences, the bill will exacerbate the already troubling and offensive racial disparities in the criminal justice system.

According to Families Against Mandatory Minimums, such "sentences are bad regardless of the crime because they prevent judges from making distinctions between defendants and sentencing them according to their culpability. Instead, mandatory minimums impose one-size-fits-all sentencing, which guarantees injustices"

In my district the US Virgin Islands we are in the midst of gang violence amongst our young males. Over the years, through various preventative programs within our law enforcement community and amongst private organizations, we have seen a difference in behavior within our teen population as it pertains to conflict resolution. Prevention is truly the best cure in this situation not inflexible mandatory minimum sentences

I urge my colleagues to support the Waters/Scott amendment.

Ms. JACKSON-LEE of Texas. Mr Chairman, I rise in support of the Waters amendment. Terrorism is solved with intelligence, prevention not simple mandatory minimums.

Since the enactment of mandatory minimum sentencing for drug users, the Federal Bureau of Prisons budget increased by more than 2,016 percent, from two hundred twenty million dollars in 1986 to about four billion four hundred thirty seven million dollars in 2004.

African Americans comprise 12 percent of the United States population, 15 percent of drug users, 17 percent of cocaine users, but 33 percent of all Federal drug convictions and 57 percent of Federal cocaine convictions.

In 1986, before the mandatory minimums for crack cocaine offenses became effective, the average Federal offense for African Americans was 11 percent higher than whites. Following the implementation of mandatory drug sentencing laws, the average drug offense sentence for African Americans was 49 percent higher than whites.

Largely as a result of mandatory minimum sentencing statutes, there are now more than 2,100,000 persons in prison and almost 70 percent of the people behind bars in America are persons of color. African Americans made up 40 percent of the Federal prison population in August, 2003, up from 31 percent in 1986

before Federal mandatory minimums were enacted.

As a result of mandatory minimum sentencing statutes, particularly with respect to drug crimes, in 2001, the average Federal drug trafficking conviction was 72.7 months while the average Federal manslaughter sentence was 34.3 months the average assault sentence 37.7 months, and the average sexual abuse sentence 65.2 months.

In 1999, African Americans constituted 13 percent of drug users. In that same year, African Americans constituted 35 percent of drug arrests, 53 percent of drug convictions, and 58 percent of those in prison for drug Federal mandatory minimum sentences make African Americans more likely to be incarcerated and for longer periods than their white counterparts.

In the year 2000, 84.7 percent of crack cocaine cases were brought against African Americans even though, in that year, African Americans comprised only about 26.6 percent of crack users. Only 5.6 percent of crack cases that year were brought against Caucasians even they constituted 64.4 percent of crack users.

In the 20 years from 1981 to 2001, the sentenced portion of the Federal prison population grew from about 20,000 in 1981 to about 115,000 prisoners. During that same period, the percentage of drug offenders in Federal prison grew from 25 percent to almost 60 percent. Mandatory minimum sentences for drug crimes are the largest drivers of expanding prison populations.

Due to harsh sentencing guidelines, such as the 'three-strikes, you're out, provision', a disproportionate number of young black and Hispanic men are likely to be imprisoned for life under scenarios in which they are guilty of little more than a history of untreated addiction and several prior drug-related offenses . . . States will absorb the staggering cost of not only constructing additional prisons to accommodate increasing numbers of prisoners who will never be released but also warehousing them into old age.

We all know and are stunned by the staggering statistic cited in the September 2002 issue of the journal Racial Issues in Higher Education, that, at that time, there were more African American males in prison than in college. Mandatory minimums are driving this growth in federal prison populations.

Mandatory minimum drug sentences are also resulting in the disproportionate lengthy incarceration of young African American women. From 1986 (the year mandatory sentencing was enacted) to 1996, the number of women sentenced to state prison for drug crimes increased ten fold and has been the main element in the overall increase in the imprisonment of women. Ninety five percent of female arrests from 1985 to 1996 were drug related and over 80% of female prison inmates are incarcerated as a result of their association with abusive boyfriends.

Terrorism requires a more comprehensive approach along with major immigration reform not just mandatory minimums.

Ms. WATERS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.



SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 7 offered by the gentleman from Virginia (Mr. GOODLATTE), amendment No. 9 offered by the gentleman from Georgia (Mr. NORWOOD).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 7 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 159, not voting 8, as follows:

[Roll No. 165]

AYES—266

|               |                  |                 |
|---------------|------------------|-----------------|
| Abercrombie   | Costello         | Hastings (WA)   |
| Aderholt      | Cox              | Hayes           |
| Akin          | Cramer           | Hayworth        |
| Alexander     | Crenshaw         | Hefley          |
| Bachus        | Cubin            | Hensarling      |
| Baird         | Culberson        | Herger          |
| Baker         | Cunningham       | Herseth         |
| Barrett (SC)  | Davis (KY)       | Higgins         |
| Barrow        | Davis, Jo Ann    | Hobson          |
| Bartlett (MD) | Davis, Tom       | Hoekstra        |
| Barton (TX)   | Deal (GA)        | Holden          |
| Bass          | DeFazio          | Hooley          |
| Bean          | DeLay            | Hostettler      |
| Beauprez      | Dent             | Hulshof         |
| Berry         | Doolittle        | Hunter          |
| Biggert       | Drake            | Hyde            |
| Bilirakis     | Dreier           | Inglis (SC)     |
| Bishop (NY)   | Duncan           | Israel          |
| Blackburn     | Edwards          | Issa            |
| Blunt         | Emerson          | Istook          |
| Boehlert      | Engel            | Jenkins         |
| Boehner       | English (PA)     | Jindal          |
| Bonilla       | Etheridge        | Johnson (CT)    |
| Bonner        | Everett          | Johnson (IL)    |
| Bono          | Feeney           | Johnson, Sam    |
| Boozman       | Ferguson         | Keller          |
| Boren         | Fitzpatrick (PA) | Kelly           |
| Boswell       | Foley            | Kennedy (MN)    |
| Boucher       | Forbes           | King (IA)       |
| Boustany      | Fortenberry      | King (NY)       |
| Boyd          | Fossella         | Kingston        |
| Bradley (NH)  | Fox              | Kirk            |
| Brady (TX)    | Franks (AZ)      | Kline           |
| Brown (SC)    | Frelinghuysen    | Knollenberg     |
| Brown-Waite,  | Gallegly         | Kolbe           |
| Ginny         | Garrett (NJ)     | Kuhl (NY)       |
| Burgess       | Gerlach          | LaHood          |
| Burton (IN)   | Gibbons          | Latham          |
| Buyer         | Gilchrest        | Lewis (CA)      |
| Calvert       | Gillmor          | Lewis (KY)      |
| Camp          | Gingrey          | Linder          |
| Cannon        | Gohmert          | Lipinski        |
| Cantor        | Goode            | LoBiondo        |
| Capito        | Goodlatte        | Lucas           |
| Cardoza       | Gordon           | Lungren, Daniel |
| Carter        | Granger          | E.              |
| Case          | Graves           | Mack            |
| Chabot        | Green (WI)       | Manzullo        |
| Chandler      | Green, Gene      | Marchant        |
| Chocola       | Gutknecht        | Marshall        |
| Coble         | Hall             | Matheson        |
| Cole (OK)     | Harman           | McCarthy        |
| Conaway       | Harris           | McCaul (TX)     |
| Costa         | Hart             | McCotter        |

|               |               |              |
|---------------|---------------|--------------|
| McCrery       | Pomeroy       | Slaughter    |
| McHenry       | Porter        | Smith (NJ)   |
| McHugh        | Price (GA)    | Smith (TX)   |
| McIntyre      | Pryce (OH)    | Snyder       |
| McKeon        | Putnam        | Sodrel       |
| McMorris      | Radanovich    | Souder       |
| Melancon      | Ramstad       | Spratt       |
| Mica          | Regula        | Stearns      |
| Michaud       | Rehberg       | Strickland   |
| Miller (FL)   | Reichert      | Sullivan     |
| Miller (MI)   | Renzi         | Tancredo     |
| Miller, Gary  | Reynolds      | Taylor (MS)  |
| Moore (KS)    | Rogers (AL)   | Taylor (NC)  |
| Moran (KS)    | Rogers (KY)   | Terry        |
| Murphy        | Rogers (MI)   | Thomas       |
| Myrick        | Rohrabacher   | Thornberry   |
| Neugebauer    | Ross          | Tiahrt       |
| Ney           | Royce         | Tiberti      |
| Northup       | Ruppersberger | Turner       |
| Norwood       | Ryan (WI)     | Udall (CO)   |
| Nunes         | Ryun (KS)     | Walden (OR)  |
| Nussle        | Saxton        | Walsh        |
| Ortiz         | Schiff        | Wamp         |
| Osborne       | Schwarz (MI)  | Weldon (FL)  |
| Otter         | Scott (GA)    | Weldon (PA)  |
| Oxley         | Sensenbrenner | Weller       |
| Pearce        | Sessions      | Westmoreland |
| Pence         | Shadegg       | Whitfield    |
| Peterson (MN) | Shaw          | Wicker       |
| Peterson (PA) | Shays         | Wilson (SC)  |
| Petri         | Sherwood      | Wolf         |
| Pickering     | Shimkus       | Wu           |
| Pitts         | Shuster       | Young (AK)   |
| Platts        | Simmons       | Young (FL)   |
| Poe           | Simpson       |              |
| Pombo         | Skelton       |              |

NOES—159

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Ackerman        | Gutierrez       | Olver            |
| Allen           | Allen           | Owens            |
| Andrews         | Hinojosa        | Pallone          |
| Baca            | Holt            | Pascrell         |
| Baldwin         | Honda           | Pastor           |
| Becerra         | Hoyer           | Paul             |
| Berman          | Inslee          | Payne            |
| Bishop (GA)     | Jackson (IL)    | Pelosi           |
| Blumenauer      | Jackson-Lee     | Price (NC)       |
| Brady (PA)      | (TX)            | Rahall           |
| Brown (OH)      | Jefferson       | Rangel           |
| Brown, Corrine  | Johnson, E. B.  | Reyes            |
| Butterfield     | Jones (NC)      | Ros-Lehtinen     |
| Capps           | Jones (OH)      | Rothman          |
| Capuano         | Kanjorski       | Roybal-Allard    |
| Cardin          | Kapoor          | Rush             |
| Carnahan        | Kennedy (RI)    | Ryan (OH)        |
| Carson          | Kildee          | Sabo             |
| Castle          | Kilpatrick (MI) | Salazar          |
| Clay            | Kind            | Sanchez, Linda   |
| Cleaver         | Kucinich        | T.               |
| Clyburn         | Langevin        | Sanchez, Loretta |
| Conyers         | Lantos          | Sanders          |
| Cooper          | Larsen (WA)     | Schakowsky       |
| Crowley         | LaTourette      | Schwartz (PA)    |
| Cuellar         | Leach           | Scott (VA)       |
| Cummings        | Lee             | Serrano          |
| Davis (AL)      | Levin           | Sherman          |
| Davis (CA)      | Lewis (GA)      | Smith (WA)       |
| Davis (FL)      | Lofgren, Zoe    | Solis            |
| Davis (IL)      | Lowe            | Stark            |
| Davis (TN)      | Lynch           | Stupak           |
| DeGette         | Maloney         | Sweeney          |
| Delahunt        | Markey          | Tanner           |
| DeLauro         | Matsui          | Tauscher         |
| Diaz-Balart, L. | McCollum (MN)   | Thompson (CA)    |
| Diaz-Balart, M. | McDermott       | Thompson (MS)    |
| Dicks           | McGovern        | Tierney          |
| Dingell         | McKinney        | Towns            |
| Doggett         | McNulty         | Udall (NM)       |
| Doyle           | Meehan          | Upton            |
| Ehlers          | Meeke (FL)      | Van Hollen       |
| Emanuel         | Meeks (NY)      | Velazquez        |
| Eshoo           | Menendez        | Visclosky        |
| Evans           | Miller (NC)     | Waters           |
| Farr            | Miller, George  | Watson           |
| Fattah          | Mollohan        | Watt             |
| Filner          | Moore (WI)      | Waxman           |
| Flake           | Murtha          | Weiner           |
| Ford            | Nadler          | Wexler           |
| Frank (MA)      | Napolitano      | Wilson (NM)      |
| Gonzalez        | Neal (MA)       | Woolsey          |
| Green, Al       | Oberstar        | Wynn             |
| Grijalva        | Obey            |                  |

NOT VOTING—8

|               |            |           |
|---------------|------------|-----------|
| Berkley       | Millender  | Wasserman |
| Bishop (UT)   | McDonald   | Schultz   |
| Hastings (FL) | Moran (VA) |           |
| Larson (CT)   | Musgrave   |           |

□ 1649

Messrs. SWEENEY, TIERNEY, CARNAHAN, UPTON, DOYLE and Mrs. MALONEY changed their vote from “aye” to “no.”

Ms. SLAUGHTER, and Messrs. CASE, BISHOP of New York, STRICKLAND and INGLIS of South Carolina changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. NORWOOD

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 31, not voting 7, as follows:

[Roll No. 166]

AYES—395

|                |                 |                  |
|----------------|-----------------|------------------|
| Aderholt       | Camp            | Doolittle        |
| Akin           | Cannon          | Doyle            |
| Alexander      | Cantor          | Drake            |
| Allen          | Capito          | Dreier           |
| Andrews        | Capps           | Duncan           |
| Baca           | Capuano         | Edwards          |
| Bachus         | Cardin          | Ehlers           |
| Baird          | Cardoza         | Emanuel          |
| Baker          | Carnahan        | Emerson          |
| Barrett (SC)   | Carson          | Engel            |
| Barrow         | Carter          | English (PA)     |
| Bartlett (MD)  | Case            | Eshoo            |
| Barton (TX)    | Castle          | Etheridge        |
| Bass           | Chabot          | Evans            |
| Bean           | Chandler        | Everett          |
| Beauprez       | Chocola         | Farr             |
| Becerra        | Clay            | Fattah           |
| Berman         | Cleaver         | Feeney           |
| Berry          | Clyburn         | Ferguson         |
| Biggert        | Coble           | Fitzpatrick (PA) |
| Bilirakis      | Cole (OK)       | Flake            |
| Bishop (GA)    | Conaway         | Foley            |
| Bishop (NY)    | Cooper          | Forbes           |
| Bishop (UT)    | Costa           | Ford             |
| Blackburn      | Costello        | Fortenberry      |
| Blumenauer     | Cox             | Fossella         |
| Blunt          | Cramer          | Fox              |
| Boehlert       | Crenshaw        | Frank (MA)       |
| Boehner        | Crowley         | Franks (AZ)      |
| Bonilla        | Cubin           | Frelinghuysen    |
| Bonner         | Cuellar         | Gallegly         |
| Bono           | Culberson       | Garrett (NJ)     |
| Boozman        | Cummings        | Gerlach          |
| Boren          | Cunningham      | Gibbons          |
| Boswell        | Davis (AL)      | Gilchrest        |
| Boucher        | Davis (CA)      | Gillmor          |
| Boustany       | Davis (FL)      | Gingrey          |
| Boyd           | Davis (KY)      | Gohmert          |
| Bradley (NH)   | Davis (TN)      | Gonzalez         |
| Brady (PA)     | Davis, Jo Ann   | Goode            |
| Brady (TX)     | Davis, Tom      | Goodlatte        |
| Brown (OH)     | Deal (GA)       | Gordon           |
| Brown (SC)     | DeFazio         | Granger          |
| Brown, Corrine | DeGette         | Graves           |
| Brown-Waite,   | DeLauro         | Green (WI)       |
| Ginny          | DeLay           | Green, Al        |
| Burgess        | Dent            | Green, Gene      |
| Burton (IN)    | Diaz-Balart, L. | Gutknecht        |
| Butterfield    | Diaz-Balart, M. | Hall             |
| Buyer          | Dicks           | Harman           |
| Calvert        | Doggett         | Harris           |

|                 |                |                  |
|-----------------|----------------|------------------|
| Hart            | McCullum (MN)  | Ryan (WI)        |
| Hastings (WA)   | McCotter       | Ryun (KS)        |
| Hayes           | McCrery        | Sabo             |
| Hayworth        | McHenry        | Salazar          |
| Hefley          | McHugh         | Sanchez, Loretta |
| Hensarling      | McIntyre       | Sanders          |
| Herger          | McKeon         | Saxton           |
| Herseth         | McMorris       | Schiff           |
| Higgins         | McNulty        | Schwartz (PA)    |
| Hinchey         | Meehan         | Schwarz (MI)     |
| Hinojosa        | Meek (FL)      | Scott (GA)       |
| Hobson          | Meeks (NY)     | Scott (VA)       |
| Hoekstra        | Melancon       | Sensenbrenner    |
| Holden          | Menendez       | Sessions         |
| Hooley          | Mica           | Shadegg          |
| Hostettler      | Michaud        | Shaw             |
| Hoyer           | Miller (FL)    | Shays            |
| Hulshof         | Miller (MI)    | Sherman          |
| Hunter          | Miller (NC)    | Sherwood         |
| Hyde            | Miller, Gary   | Shimkus          |
| Inglis (SC)     | Miller, George | Shuster          |
| Inslee          | Mollohan       | Simmons          |
| Israel          | Moore (KS)     | Simpson          |
| Issa            | Moore (WI)     | Skelton          |
| Istook          | Moran (KS)     | Slaughter        |
| Jackson (IL)    | Murphy         | Smith (NJ)       |
| Jackson-Lee     | Murtha         | Smith (TX)       |
| (TX)            | Myrick         | Smith (WA)       |
| Jefferson       | Napolitano     | Snyder           |
| Jenkins         | Neal (MA)      | Sodrel           |
| Jindal          | Neugebauer     | Souder           |
| Johnson (CT)    | Ney            | Spratt           |
| Johnson (IL)    | Norhup         | Stearns          |
| Johnson, E. B.  | Norwood        | Strickland       |
| Johnson, Sam    | Nunes          | Stupak           |
| Jones (NC)      | Nussle         | Sullivan         |
| Jones (OH)      | Obey           | Sweeney          |
| Kanjorski       | Ortiz          | Tancredo         |
| Kaptur          | Osborne        | Tanner           |
| Keller          | Otter          | Tauscher         |
| Kelly           | Oxley          | Taylor (MS)      |
| Kennedy (MN)    | Pascarell      | Taylor (NC)      |
| Kennedy (RI)    | Pastor         | Terry            |
| Kildee          | Paul           | Thomas           |
| Kind            | Pearce         | Thompson (CA)    |
| King (IA)       | Pelosi         | Thompson (MS)    |
| King (NY)       | Pence          | Thornberry       |
| Kingston        | Peterson (MN)  | Tiahrt           |
| Kirk            | Peterson (PA)  | Tiberi           |
| Kline           | Petri          | Tierney          |
| Knollenberg     | Pickering      | Towns            |
| Kolbe           | Pitts          | Turner           |
| Kuhl (NY)       | Platts         | Udall (CO)       |
| LaHood          | Poe            | Udall (NM)       |
| Langevin        | Pombo          | Upton            |
| Lantos          | Pomeroy        | Van Hollen       |
| Larsen (WA)     | Porter         | Velázquez        |
| Latham          | Price (GA)     | Visclosky        |
| LaTourette      | Price (NC)     | Walden (OR)      |
| Leach           | Pryce (OH)     | Walsh            |
| Levin           | Putnam         | Wamp             |
| Lewis (CA)      | Radanovich     | Waters           |
| Lewis (KY)      | Rahall         | Watson           |
| Linder          | Ramstad        | Watt             |
| Lipinski        | Regula         | Waxman           |
| LoBiondo        | Rehberg        | Weiner           |
| Lofgren, Zoe    | Reichert       | Weldon (FL)      |
| Lowey           | Renzi          | Weldon (PA)      |
| Lucas           | Reyes          | Weller           |
| Lungren, Daniel | Reynolds       | Westmoreland     |
| E.              | Rogers (AL)    | Wexler           |
| Lynch           | Rogers (KY)    | Whitfield        |
| Mack            | Rogers (MI)    | Wicker           |
| Maloney         | Rohrabacher    | Wilson (NM)      |
| Manzullo        | Ros-Lehtinen   | Wilson (SC)      |
| Marchant        | Ross           | Wolf             |
| Markey          | Rothman        | Woolsey          |
| Marshall        | Roybal-Allard  | Wu               |
| Matheson        | Royce          | Wynn             |
| Matsui          | Ruppersberger  | Young (AK)       |
| McCarthy        | Rush           | Young (FL)       |
| McCaul (TX)     | Ryan (OH)      |                  |

NOT VOTING—7

|               |            |           |
|---------------|------------|-----------|
| Berkley       | Millender- | Musgrave  |
| Hastings (FL) | McDonald   | Wasserman |
| Larson (CT)   | Moran (VA) | Schultz   |

□ 1658

Mr. PALLONE and Ms. KILPATRICK of Michigan changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

The Acting CHAIRMAN (Mr. LAHOOD). There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REHBERG) having assumed the chair, Mr. LAHOOD, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1279) to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes, pursuant to House Resolution 268, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIERNEY. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tierney moves to recommit the bill H.R. 1279 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 22, after line 3, insert the following:

**SEC. 116. PROHIBITION OF PROFITEERING.**

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

**“§ 1037. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq**

“(a) PROHIBITION.—

“(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, knowingly and willfully—

“(A) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq;

“(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

“(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

“(D) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq; shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

“(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

“(A) \$1,000,000; or

“(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

“(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

“(c) VENUE.—A prosecution for an offense under this section may be brought—

“(1) as authorized by chapter 211 of this title;

“(2) in any district where any act in furtherance of the offense took place; or

“(3) in any district where any party to the contract or provider of goods or services is located.”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1037. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq.”.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking “or 1030” and inserting “1030, or 1037”.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: “, section 1037 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq),” after “liquidating agent of financial institution.”.

Mr. TIERNEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TIERNEY. Mr. Speaker, my motion to recommit is simple and straightforward and deserves the support of every Member of this body. It would amend the criminal code to prohibit defrauding the government in connection with the reconstruction efforts in Iraq.

My motion would make it clear that these outrageous and unpatriotic activities would be subject to prison time and monetary penalties. Every single

NOES—31

|             |                 |                |
|-------------|-----------------|----------------|
| Abercrombie | Honda           | Owens          |
| Ackerman    | Kilpatrick (MI) | Pallone        |
| Baldwin     | Kucinich        | Payne          |
| Conyers     | Lee             | Rangel         |
| Davis (IL)  | Lewis (GA)      | Sánchez, Linda |
| Delahunt    | McDermott       | T.             |
| Dingell     | McGovern        | Schakowsky     |
| Filner      | McKinney        | Serrano        |
| Grijalva    | Nadler          | Solis          |
| Gutiérrez   | Oberstar        | Stark          |
| Holt        | Oliver          |                |

dollar that is wasted because of corporate fraud or abuse in Iraq is one less dollar that can go to protect our troops, one less dollar for body armor, one less dollar for protective equipment that can save lives.

It is an unfortunate fact of life that, today, in Iraq, taxpayer funds are being routinely wasted by organized corporate criminals. The American taxpayer is being defrauded by a system of distributing funds that is totally unaccountable. This not only demeans and cheapens the sacrifices that our military and civilian personnel are making in Iraq, it endangers their lives.

Mr. Speaker, just last week, the House spent another \$82 billion of taxpayer funds on the war. The cost of the war had already been over \$200 billion. We also learned this week that the Pentagon auditors found that \$212 million was paid to Kuwaiti and Turkish subcontractors for fuel the Pentagon auditors concluded was exorbitantly priced. Halliburton passed these payments onto the taxpayer.

That may be just the tip of the iceberg, as billions of dollars are being expended in Iraq with precious little accountability. While there are fraud statutes to protect against wasted tax dollars at home, none expressly prohibit war profiteering, and none expressly confer extraterritorial jurisdiction overseas, as my motion would do.

Against this backdrop, it is imperative that this Congress send a strong signal that we will not tolerate taxpayer rip-offs at the expense of our troops. I offer this amendment now because this bill before us is open ended as a crime bill. It not only deals with gangs but it amends the criminal laws on matters concerning hearsay, venues, statute of limitations and sentencing. It also authorizes new grants and databases, among other things. If we are going to do all of this, it certainly is appropriate that we also amend the criminal laws to combat blatant contract fraud in Iraq to protect our brave troops.

When concerns about wartime fraud were raised during World War II, President Roosevelt declared it was our duty to ensure that a few do not gain from the sacrifices of the many. Then, as now, our government cannot in good faith ask its people to sacrifice for reconstruction efforts that allow so many others to unfairly profit.

Mr. Speaker, I urge a "yes" vote on this commonsense motion to recommit.

Mr. FORBES. Mr. Speaker, I rise in opposition to the motion to recommit.

I thought I had heard everything this morning, Mr. Speaker, when, in the debate, we heard the opponents of this bill say that they felt that they could fight violent gang crime better by using arts and crafts than they could by locking up violent criminals, but I am shocked now that they are even bringing in Iraq.

If you look, Mr. Speaker, the Department of Justice, I am sure, is going to

investigate the matters that are in this motion to recommit. There has not been a shred of evidence or testimony in any subcommittee or full committee about this bill related to anything in this motion to recommit. We have not heard a single discussion on it on the floor today. We have heard one poison pill after another to try to stop us from going after violent criminal gangs. There have even been amendments to try to offer loans to gang members, to give housing to violent gang members.

Mr. Speaker, it is time we stopped playing games with this bill and we pass it and go on to try to deal with these violent gangs. I want to remind the House that the Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs Association, the Major County Sheriffs Association, the Law Enforcement Troopers Coalition, Federal Criminal Investigators Association, California Gang Investigators Association, National Latino Peace Officers Association, the New Orleans District Attorney, the Los Angeles Deputy Sheriffs, and 63 chiefs of major police departments around the country support the bill as it is. I hope we will defeat the motion to recommit and pass H.R. 1279.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. TIERNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 198, noes 227, not voting 8, as follows:

[Roll No. 167]

AYES—198

|                |            |             |
|----------------|------------|-------------|
| Abercrombie    | Cardoza    | Dingell     |
| Ackerman       | Carnahan   | Doggett     |
| Allen          | Carson     | Doyle       |
| Andrews        | Case       | Edwards     |
| Baca           | Chandler   | Emanuel     |
| Baird          | Clay       | Engel       |
| Baldwin        | Cleaver    | Eshoo       |
| Barrow         | Clyburn    | Etheridge   |
| Bean           | Conyers    | Evans       |
| Becerra        | Cooper     | Farr        |
| Berman         | Costa      | Fattah      |
| Berry          | Costello   | Filner      |
| Bishop (GA)    | Cramer     | Ford        |
| Bishop (NY)    | Crowley    | Frank (MA)  |
| Blumenauer     | Cueellar   | Gonzalez    |
| Boren          | Cummings   | Gordon      |
| Boswell        | Davis (AL) | Green, Al   |
| Boucher        | Davis (CA) | Green, Gene |
| Boyd           | Davis (FL) | Grijalva    |
| Brady (PA)     | Davis (IL) | Gutierrez   |
| Brown (OH)     | Davis (TN) | Harman      |
| Brown, Corrine | DeFazio    | Herseth     |
| Butterfield    | DeGette    | Higgins     |
| Capps          | DeLahunt   | Hinchey     |
| Capuano        | DeLauro    | Hinojosa    |
| Cardin         | Dicks      | Holden      |

|                 |                |                  |
|-----------------|----------------|------------------|
| Holt            | McKinney       | Sánchez, Linda   |
| Honda           | McNulty        | T.               |
| Hooley          | Meehan         | Sanchez, Loretta |
| Hoyer           | Meek (FL)      | Sanders          |
| Insee           | Melancon       | Schakowsky       |
| Israel          | Menendez       | Schiff           |
| Jackson (IL)    | Michaud        | Schwartz (PA)    |
| Jackson-Lee     | Miller (NC)    | Scott (GA)       |
| (TX)            | Miller, George | Scott (VA)       |
| Jefferson       | Mollohan       | Serrano          |
| Johnson, E. B.  | Moore (KS)     | Sherman          |
| Jones (NC)      | Moore (WI)     | Skelton          |
| Jones (OH)      | Murtha         | Slaughter        |
| Kanjorski       | Nadler         | Smith (WA)       |
| Kaptur          | Napolitano     | Snyder           |
| Kennedy (RI)    | Neal (MA)      | Solis            |
| Kildee          | Oberstar       | Spratt           |
| Kilpatrick (MI) | Obey           | Stark            |
| Kind            | Olver          | Strickland       |
| Kucinich        | Ortiz          | Stupak           |
| Langevin        | Owens          | Tanner           |
| Lantos          | Pallone        | Tauscher         |
| Larsen (WA)     | Pascarell      | Taylor (MS)      |
| Leach           | Pastor         | Thompson (CA)    |
| Lee             | Payne          | Thompson (MS)    |
| Levin           | Pelosi         | Tierney          |
| Lewis (GA)      | Peterson (MN)  | Towns            |
| Lipinski        | Pomeroy        | Udall (CO)       |
| Lofgren, Zoe    | Price (NC)     | Udall (NM)       |
| Lowey           | Rahall         | Van Hollen       |
| Lynch           | Rangel         | Velázquez        |
| Maloney         | Reyes          | Visclosky        |
| Markey          | Ross           | Waters           |
| Marshall        | Rothman        | Watson           |
| Matheson        | Roybal-Allard  | Watt             |
| Matsui          | Ruppersberger  | Waxman           |
| McCarthy        | Rush           | Weiner           |
| McCollum (MN)   | Ryan (OH)      | Wexler           |
| McDermott       | Sabo           | Woolsey          |
| McGovern        | Salazar        | Wu               |
| McIntyre        |                | Wynn             |

NOES—227

|                 |                  |                 |
|-----------------|------------------|-----------------|
| Aderholt        | Drake            | Kelly           |
| Akin            | Dreier           | Kennedy (MN)    |
| Alexander       | Duncan           | King (IA)       |
| Bachus          | Ehlers           | King (NY)       |
| Baker           | Emerson          | Kingston        |
| Barrett (SC)    | English (PA)     | Kirk            |
| Bartlett (MD)   | Everett          | Kline           |
| Barton (TX)     | Feeney           | Knollenberg     |
| Bass            | Ferguson         | Kolbe           |
| Beauprez        | Fitzpatrick (PA) | Kuhl (NY)       |
| Biggert         | Flake            | LaHood          |
| Bilirakis       | Foley            | Latham          |
| Bishop (UT)     | Forbes           | LaTourrette     |
| Blackburn       | Fortenberry      | Lewis (CA)      |
| Blunt           | Fossella         | Lewis (KY)      |
| Boehrlert       | Fox              | Linder          |
| Boehner         | Franks (AZ)      | LoBiondo        |
| Bonilla         | Frelinghuysen    | Lucas           |
| Bonner          | Galleghy         | Lungren, Daniel |
| Bono            | Garrett (NJ)     | E.              |
| Boozman         | Gerlach          | Mack            |
| Boustany        | Gibbons          | Manzullo        |
| Bradley (NH)    | Gilchrist        | Marchant        |
| Brady (TX)      | Gillmor          | McCaul (TX)     |
| Brown (SC)      | Gingrey          | McCotter        |
| Brown-Waite,    | Gohmert          | McCreary        |
| Ginny           | Goode            | McHenry         |
| Burgess         | Goodlatte        | McHugh          |
| Burton (IN)     | Granger          | McKeon          |
| Buyer           | Graves           | McMorris        |
| Calvert         | Green (WI)       | Mica            |
| Camp            | Gutknecht        | Miller (FL)     |
| Cannon          | Hall             | Miller (MI)     |
| Cantor          | Harris           | Miller, Gary    |
| Capito          | Hart             | Moran (KS)      |
| Carter          | Hastings (WA)    | Murphy          |
| Castle          | Hayes            | Myrick          |
| Chabot          | Hayworth         | Neugebauer      |
| Chocola         | Hefley           | Ney             |
| Coble           | Hensarling       | Northup         |
| Cole (OK)       | Herger           | Norwood         |
| Conaway         | Hobson           | Nunes           |
| Cox             | Hoekstra         | Nussle          |
| Crenshaw        | Hostettler       | Osborne         |
| Cubin           | Hulshof          | Otter           |
| Culberson       | Hunter           | Oxley           |
| Cunningham      | Hyde             | Paul            |
| Davis (KY)      | Inglis (SC)      | Pearce          |
| Davis, Jo Ann   | Issa             | Pence           |
| Davis, Tom      | Istook           | Peterson (PA)   |
| Deal (GA)       | Jenkins          | Petri           |
| DeLay           | Jindal           | Pickering       |
| Dent            | Johnson (CT)     | Pitts           |
| Diaz-Balart, L. | Johnson (IL)     | Platts          |
| Diaz-Balart, M. | Johnson, Sam     | Poe             |
| Doolittle       | Keller           | Pombo           |

Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schwarz (MI)

Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (NJ)  
Smith (TX)  
Sodrel  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thomas

Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

Hoyer  
Hulshof  
Hunter  
Hyde  
Issa  
Istook  
Jenkins  
Jindal  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
LaHood  
Langevin  
Lantos  
Latham  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Marchant  
Marshall  
Matheson  
McCarthy  
McCaul (TX)  
McCotter  
McCreary  
McHugh  
McIntyre  
McKeon  
McMorris  
Meek (FL)  
Melancon  
Mica

Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Moore (KS)  
Moran (KS)  
Murphy  
Murtha  
Myrick  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Ortiz  
Osborne  
Otter  
Oxley  
Pascrell  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Platts  
Poe  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)

Salazar  
Saxton  
Schwartz (PA)  
Schwarz (MI)  
Scott (GA)  
Sensenbrenner  
Sessions  
Shaw  
Shays  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Sodrel  
Souder  
Spratt  
Stearns  
Strickland  
Stupak  
Sullivan  
Tancredo  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Van Hollen  
Visclosky  
Walden (OR)  
Walsh  
Watson  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Wu  
Wynn  
Young (AK)  
Young (FL)

Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Velázquez  
Wamp  
Waters  
Watt

Waxman  
Weiner  
Wexler  
Woolsey

NOT VOTING—10

Berkley  
Evans  
Feeney  
Hastings (FL)  
Larson (CT)  
Meeks (NY)  
Millender-  
McDonald  
Moran (VA)  
Musgrave  
Schultz

□ 1735

Mr. SNYDER changed his vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday, May 11, 2005 to vote on rollcall vote Nos. 164, 165, 166, 167 and 168 due to a family medical emergency.

Had I been present, I would have voted: “no” on rollcall vote No. 164 on Ordering the Previous Question on H. Res. 268; “no” on rollcall vote No. 165—an amendment to H.R. 1279; “yea” on rollcall vote No. 166—an amendment to H.R. 1279; “yea” on rollcall vote No. 167 on the Motion to Recommit H.R. 1279 with instructions; and, “no” on rollcall vote No. 168 on passage of H.R. 1279—Gang Deterrence and Community Protection Act of 2005.

ABUSE OF POWER

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the level of abuse in this House by the Republican Party has become an embarrassment. Instead of working on the pressing problems of this Nation, my colleagues on the other side of the aisle continue to push an agenda controlled and influenced by special interests.

According to a report released by the gentlewoman from New York (Ms. SLAUGHTER), the Committee on Rules’ ranking Democrat, all of the major bills passed by the Republican Party in the 108th Congress were written with big business or special interests in mind. These interest groups do not look at what is best for the American people. They look at what is best for their bottom line. If the Republican Party is as compassionate as they profess to be, they would be writing legislation that protects workers from harm and even death, not dismantling OSHA in order to save big business money. They would be helping families get paid sick leave and family leave rather than focusing on rolling back family and medical leave protections to save businesses money on the backs of working people.

NOT VOTING—8

Berkley  
Hastings (FL)  
Larson (CT)  
Meeks (NY)  
Millender-  
McDonald  
Moran (VA)  
Musgrave  
Wasserman  
Schultz

□ 1725

Mr. GILLMOR changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 279, nays 144, not voting 10, as follows:

[Roll No. 168]

YEAS—279

Aderholt  
Akin  
Alexander  
Baca  
Bachus  
Baker  
Barrett (SC)  
Barrow  
Barton (TX)  
Bass  
Bean  
Beauprez  
Berry  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blunt  
Boehrlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Cardin  
Cardoza  
Carter  
Case  
Castle  
Chabot  
Chandler  
Chocola  
Coble  
Cole (OK)  
Conaway  
Costa  
Covaca  
Cox  
Cramer  
Crenshaw  
Cuellar  
Culberson  
Cunningham  
Davis (AL)  
Davis (FL)  
Davis (KY)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeFazio  
DeLay  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Doyle  
Drake  
Dreier  
Edwards  
Emanuel  
Emerson  
English (PA)  
Etheridge  
Everett  
Ferguson  
Fitzpatrick (PA)  
Foley  
Forbes  
Ford  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gallagher  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Gordon  
Granger  
Graves  
Green (WI)  
Hall  
Harman  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Herseth  
Higgins  
Hobson  
Hoekstra  
Holden  
Hooley

Abercrombie  
Ackerman  
Allen  
Andrews  
Baird  
Baldwin  
Bartlett (MD)  
Becerra  
Berman  
Blumenauer  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Carnahan  
Carson  
Clay  
Cleaver  
Clyburn  
Conyers  
Cooper  
Crowley  
Cubin  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLaunty  
DeLauro  
Dicks  
Dingell  
Doggett  
Duncan  
Ehlers  
Engel  
Eshoo  
Farr  
Fattah  
Fliner  
Flake  
Frank (MA)  
Garrett (NJ)  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Gutknecht  
Hensarling  
Hinchev  
Hinojosa  
Holt  
Honda  
Hostettler  
Inglis (SC)  
Inslee  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
Kucinich  
Larsen (WA)  
LaTourette  
Lee  
Levin  
Lewis (GA)  
Lofgren, Zoe  
Lowe  
Lynch  
Maloney  
Manzullo  
Markey  
Matsui  
McCollum (MN)  
McDemott  
McGovern  
McHenry  
McKinney  
McNulty

NAYS—144

Meehan  
Menendez  
Michaud  
Miller, George  
Mollohan  
Moore (WI)  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Owens  
Pallone  
Pastor  
Paul  
Payne  
Pelosi  
Pitts  
Price (NC)  
Rahall  
Rangel  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schiff  
Scott (VA)  
Serrano  
Shadegg  
Sherman  
Sherwood  
Smith (WA)  
Snyder  
Solis  
Stark  
Sweeney  
Tanner  
Tauscher