

both the Senate and House seem to feel. Occasionally, the omnipotent can make a mistake. And if the committee process is followed, our chances of making those mistakes would be minimized.

So all I want to say, Mr. Speaker, is that I am sure mistakes like this will occur in the future. And this is no great Earth-shaking matter, but I felt it appropriate to use this opportunity to point out that the House is continuing to day-by-day, as far as I am concerned, corrupt the processes of the House by having the House evolve into a system in which a few staff people somewhere on Capitol Hill make all of the decisions, and then the other committees are told, Just do what you are told. Get rid of it. Move it on. After all, we have got to run the trains on time. It does not matter what is in them, but we have got to run the trains on time.

So that is why we are here today, Mr. Speaker. I hope we could all take a lesson from this.

Mr. LEWIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding me time.

Mr. Speaker, today I rise in opposition to S. Con. Res. 31. In the attempt to correct an error in drafting, this concurrent resolution would allow for 50,000 new green cards reserved for nurses and physical therapists. Green card status is permanent resident status. Accompanying spouses and minors also will be given permanent resident status and will not be counted against the 50,000 cap.

If this concurrent resolution is passed, it will give 50,000 nursing and physical therapist jobs away to foreign workers and will be giving even more jobs away to accompanying spouses, as those with permanent resident status are granted work permits.

The argument that the current drafting of the supplemental "recaptures unused employment-based visas" from the past 2 years is false, since any employment-based visas that are not used are given up to meet the family-based visa quota for that year.

A recent study by the Center for Immigration Studies found that "there is little evidence that immigrants take only jobs Americans don't want."

Another recent study conducted by the Center for Labor Market Studies at Northeastern University says that "there is little empirical support for the notion that new immigrants are taking large numbers of jobs that American workers refuse to accept. There is direct competition between new immigrants and native-born workers for most of these jobs."

At a hearing I held last week as the Chairman of the Subcommittee on Immigration, Border Security and Claims,

the minority witness, Dr. Holzer, testified that, due to cost containment in certain fields, "10 to 15 percent jobs in the United States potentially on the high end could face competition from engineers and computer programmers and others in India and China and other parts of the world."

If you have any nursing or physical therapy students in your district, consider that those students who will be graduating this spring will have to compete with 50,000 foreign nurses and physical therapists who will likely work for lower wages. We will have to answer to our constituent nurses and physical therapists who cannot find a job due to the influx of foreign workers in this field.

Also, if we pass this concurrent resolution for nurses and physical therapists, who will be the next workers that we will displace? Will we add 50,000 more new visas to each supplemental, driving more and more domestic American-born workers out of a job?

Today, I ask my colleagues to support their constituents, American workers who are in the fields of nursing and physical therapy, and vote against this concurrent resolution.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we now find ourselves in an even more interesting situation. The gentleman from Indiana (Mr. HOSTETTLER) has just raised some substantive concerns about the bill, and those ought to be responded to.

The problem is that, because of the way this has been handled, because you had a matter that was not under the jurisdiction of the Committee on Appropriations essentially dumped into an appropriations bill, this issue is not going to be dealt with on the substantive level.

The issues raised by the gentleman might be very legitimate, but they should be debated in the forum in which they are supposed to be debated, and that is the Committee on the Judiciary. Instead, we have the Committee on Appropriations which is supposed to focus on budgets here dealing with a legal issue about which our committee has no particular expertise. So, once again, the process by which the bill is being considered today changes the House from being what it is supposed to be, which is the greatest deliberative body in the world, to a poor imitation of Daffy Duck.

I again would urge that we give greater consideration to normal order around here if we do not want to rapidly descend into being the laughing-stock of the country.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since this change is merely a technical item in nature, I urge swift adoption of this resolution so we can expedite enrollment of the

bill and get it to the President for his signature today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEWIS) that the House suspend the rules and concur in the Senate Concurrent Resolution, S. Con. Res. 31.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 1279, GANG DETERRENCE AND COMMUNITY PROTECTION ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 268 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 268

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be

considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a structured rule providing for consideration of H.R. 1279, the Gang Deterrence and Community Protection Act of 2005. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

It waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary, and now printed in the bill, shall be considered as an original bill for the purpose of amendment, and it makes in order only those amendments printed in the Committee on Rules report accompanying this resolution.

It provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, and shall be considered as 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 a division of the question in the House or in the Committee of the Whole.

It waives all points of order against the amendment printed in the report, and it provides one motion to recommend, with or without instructions.

Mr. Speaker, it is time for Congress to get tough on gang activity. If we can get tough on drugs and if we can get tough on identity theft, terrorism, child abduction, we can get tough on gangs by creating the tools to put gang members behind bars and get them off the streets.

Gang activity is a real problem, a continuously growing problem. All cities with a population of more than 250,000 people have reported gang activity. Best estimates indicate that there are at least 750,000 gang members in the United States. They represent the ills of our society with links to drug trade, human trafficking, identity theft, assault and murder. Gang members continue to break our laws, reject rehabilitation efforts, and they are branching out beyond our cities into suburban and, yes, even rural, communities.

Mr. Speaker, we cannot solve our problems by simply throwing around money, nor can we simply categorize

gang activity as isolated incidents. We cannot eliminate gangs by prosecuting incident by incident. We need to enforce our laws in language gang members can understand: you do the crime; you do the time.

With the support of the Fraternal Order of Police, the National Sheriffs' Association, the National Association of Police Officers and many other, more specialized, law enforcement organizations, H.R. 1279, the Gang Deterrence and Community Protection Act of 2005, will make the necessary changes to prosecute gang criminals.

The Gang Deterrence and Community Protection Act designates high-intensity gang areas, and it authorizes funds to combat their illegal activity for special State and Federal enforcement task forces. It authorizes \$20 million per year over 5 years to help States hire prosecutors, purchase technology, purchase equipment, and train law enforcement.

Most importantly, it increases penalties to deter violent gang crimes such as murder, rape, kidnapping, and assault. The penalties include death or life imprisonment for murder, 30 years for kidnapping or rape, and 20 years for assault. In addition, this legislation includes juvenile justice reform to ensure that adult crimes, with adult motives, are prosecuted with adult penalties.

The Gang Deterrence and Community Protection Act would give the Attorney General discretion on whether or not to try a juvenile in Federal court as an adult if they are 16 or 17 years old. Mr. Speaker, let me be clear, this legislation does not and will not apply adult standards to anyone younger than 16.

According to the Department of Justice "Homicide Trends Report," between 1976 and 2002 one out of every three murders were committed by a juvenile for gang-related reasons. That means 16- and 17-year-olds are making adult, criminal decisions that equal tragedy for our neighbors and our friends.

More than half the States have enacted laws that mandate the prosecution of juveniles as adults for certain violent crimes, most notably murder. My own State of Georgia has laws that give prosecutors discretion on whether to treat juveniles as adults involving violent and repeat offenses.

Children by the legal definition making adult criminal decisions affect everyone. We need to pass strong anti-gang laws to help prevent troubled teenagers from becoming violent gang members.

As gangs spread and grow, we are seeing more drug activity. These are not simply high schoolers caught with marijuana. We are seeing gangs produce and trade dangerous drugs such as methamphetamine and cocaine. For example, in February, the Atlanta police, United States Drug Enforcement, the MCS Drug Task Force and other law enforcement agencies discovered Georgia's first "superlab" in my

district, in Smyrna, Georgia, the 11th. With 39 pounds of meth crystal and 250 gallons of the drug in liquid form, one mistake could have destroyed an entire neighborhood.

By strengthening laws against gangs, we are helping fight the supply side of our war against drugs. Gangs are not just a city threat when they jeopardize suburban neighborhoods.

Mr. Speaker, gang activity is as important to the war on crime today as the battles against organized crime in the 1960s and 1970s. This legislation goes beyond national gangs like the Bloods and the Crips and would actually make progress in breaking down membership before these smaller gangs expand into a national nightmare.

Like our war against terrorism, our law enforcement on the State, local, and national levels need to communicate, to share intelligence, and to share resources. We need stronger sentencing to deter crime, and we need to identify potential hot spots before they become major problems.

With passage of the rule, and the underlying bill, we will have the power to take back our communities.

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

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

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. GINGREY), my colleague, for yielding me the customary 30 minutes.

Mr. Speaker, let me begin by saying that every single Member of this House is concerned about gang violence in our communities and throughout our country, and every single Member of this House is dedicated to trying to make our communities and our Nation safer. However, some of us want to pass not a press release but tough legislation that will indeed make our communities safer.

So, Mr. Speaker, I rise today in strong opposition to H.R. 1279, the so-called Gang Deterrence and Community Protection Act. It is bad policy wrapped in a bad bill that will simply not do the job the sponsors claim it will do.

Do not let the title of the bill fool Members. It has nothing to do with deterrence or community protection. This bill does nothing to address the causes of gang activity. Instead, its primary purposes include unjustifiable punishment and ineffective enforcement of the law.

The bill unjustifiably expands death penalty provisions, removes judicial discretion over transferring juveniles to the adult court system, and imposes ineffective mandatory minimum sentencing.

Mr. Speaker, Time magazine focused on the spike in gang activity in Los Angeles in the September 3, 2001, edition. In that story, Father Greg Boyle, a Catholic priest who worked in a

gang-infested area of East Los Angeles, said that California's anti-gang strategy, which has been copied across the country, "is bankrupt. You have the three strikes law and jail and so on, but you can't terrify a kid into being hopeful about his future."

The following quote is even more telling: "We don't need new laws. We have a penal code a foot thick. You can't just work gangs with police suppression. You need prevention and intervention programs, too." Mr. Speaker, that statement was not made by a social worker or community activist. No, Mr. Speaker, it came from Sergeant Wes McBride, founder of the California Gang Investigators Association and a 28-year veteran of anti-gang policing.

After reading this legislation, it is clear to me that this bill will do nothing to deter gang activity and, instead, will sentence American youth to lives of crime and violence instead of proactively intervening in our communities to prevent our children and our youngsters from joining gangs in the first place.

This legislation contains several provisions that unjustifiably expand the Federal death penalty. Despite numerous studies that have documented both the exposure of innocent individuals to the death penalty system and its discriminatory nature, the proponents of this bill want to make this already-flawed system worse.

Mr. Speaker, let me say this clearly. I am opposed to the death penalty. I do not believe the death penalty deters future crimes. It has been proven that the death penalty unfairly targets minorities. It has also been proven that innocent people have been sent to death row and have been put to death. Inclusion of the death penalty in this bill is wrong and should be stripped out.

Since 1973, 119 innocent people have been released from Death Row. A study performed by the Criminal Justice Reform Education Fund reported that over two-thirds of all capital convictions and sentences between 1973 and 1995 were reversed because of serious error during trial or sentencing. How can we expand the death penalty system, especially to include juveniles, when it is proven to be faulty, discriminatory, and not an effective deterrent to violent behavior?

Let me remind my colleagues that President Bush signed the Justice For All Act into law on October 30, 2004. This law, which was approved overwhelmingly by this body, improved the fallibility of the death penalty system by making DNA technology available to our criminal justice system in order to improve its ability to exonerate the innocent, as well as identify and convict the guilty. However, the important provisions in the Justice For All Act that would improve the fallibility of the death penalty system are not even being funded. As if that were not bad enough, the bill before us today

would actually create new death penalty provisions.

In effect, Mr. Speaker, with this bill, we are adding more death penalty cases to an already-broken system that is desperately in need of repair. By not funding the protections provided under the Justice for All Act and by expanding the death penalty to new cases, this bill makes the death penalty system worse, not better.

Another provision that I strongly disagree with is the transferring of juveniles to the adult court system. Research performed by the Department of Justice has shown that youths tried as adults are more likely to commit a greater number of crimes upon release and that these crimes will be violent. Youths sent to prison with adults end up victims of rape, assault and become high repeat offenders. When these prisoners are released and attempt to reenter society, what are their options? It is most likely they will pick up where they left off and contribute once again to the cycle of gangs and violence.

Moving a youth into the adult court system and prison system will not reduce the amount of youth crime and gang activity. If anything, it will make it worse.

□ 1100

Another flawed aspect of H.R. 1279 is its emphasis on mandatory minimum sentencing. Mandatory minimum sentencing will not prevent youths from joining gang or reduce violent crime among youths. Mandatory minimums were originally created to decrease the disparity in sentencing of like offenders. However, the Judicial Conference of the United States and the U.S. Sentencing Commission has found mandatory minimums "require sentencing courts to impose the same sentence on offenders when sound policy and common sense call for reasonable differences in punishment." In other words, judges are prevented from assessing what type of punishment fits the crime.

Removing sentencing power from judges and shifting discretion to prosecutors will not prevent any youth from joining a gang, committing his first crime or becoming a repeat offender. In fact, this is exactly what the U.S. Supreme Court concluded in January when it ruled to allow Federal judges to deviate from sentencing guidelines. I submit, Mr. Speaker, that this bill's host of harsh mandatory sentences is directly in defiance of the Supreme Court ruling.

Mr. Speaker, we know that intervention programs work in the majority of cases. For the most violent and dangerous individuals, we already have laws on the books that address these actions. But we have a real chance through prevention and intervention programs to make a difference in the lives of these young people. Instead of expanding death penalty provisions and trying juveniles as adults, we need to address the problem of youth crime and

violence through early intervention and treatment methods. Programs like Head Start and the Job Corps have proven to be an effective means of deterring crime.

Studies of Head Start demonstrate that \$3 is saved for every \$1 spent on the program by reducing the future cost of crime, remedial education and welfare. This is clearly more cost effective than spending \$9 billion over the next 10 years for prison bed construction and inmate upkeep, which happens to be the cost impact of H.R. 1279 estimated by the Sentencing Commission.

Job Corps programs deter crime by guiding at-risk youths and adults to getting a job or full-time study. About 75 percent of Job Corps participants move on to a full-time job or study and are one-third less likely to be arrested than nonparticipants. This approach makes sense as a crime deterrent, and it is also economically beneficial.

Youth crime and gangs are an issue in many cities around the country. In my home city of Worcester, Massachusetts, I helped coordinate a community-wide forum this past fall to address the issue of gang violence. Local police, city government officials, the district attorney, the sheriff's office, and hundreds of individuals were among the attendees. Also participating in this event was the Boston Ten Point Coalition, a nationally recognized leadership foundation whose mission is to reach out to at-risk youth and gang members in hopes of reducing violence in the community.

One particular item the Coalition discussed was the Adopt-A-Gang program, in which city churches keep their doors open and serve as a support center for troubled youth. The churches work with local law enforcement to communicate messages of nonviolence and zero tolerance for crime to these youths. And I am happy to say that the churches of the city of Worcester, along with the city government, the police department and local businesses are currently working with the Coalition to implement this program.

Hands-on, coordinated efforts like the Adopt-A-Gang program are how youth crime can be deterred, not through codification of a so-called gang-buster bill like H.R. 1279. Early prevention programs like Head Start reduce crime; expansion of death penalty provisions will not. Recruitment efforts by Job Corps deter gangs; prosecuting young people as adults will not. Collaborative interventions like Adopt-A-Gang program protect our community; mandatory minimum sentencing will not.

Mr. Speaker, none of the provisions in this bill have proven to be effective ways of dealing with gangs and violent youth behavior. Instead of taking a comprehensive approach to the problem, H.R. 1279's "punishment first, prevention last" methodology does not dedicate any efforts toward early intervention, education or rehabilitation.

Ask any cop. Aggressive policing alone will never break the cycle of

gang violence. However, one of the things this bill also does not address is the shortage of police officers across the country. The Federal Government is cutting the COPS program. Local communities all across this country are laying off police officers at a time when we should be increasing the number of police who are on our streets. Intervention and preventive programs like Head Start, Job Corps and the Ten Point Coalition are crucial to any hopes of deterring gangs.

Mr. Speaker, for the past decade, this House has worked in a bipartisan manner to effectively draft and pass comprehensive juvenile justice legislation. This bill is a sharp break with that tradition. Getting tough should mean passing legislation that works, not just passing legislation that sounds tough.

Mr. Speaker, finally, let me just say that 16 Democratic amendments were not made in order by the Committee on Rules last night. Why? I have no idea. According to our schedule, we are going to be done today by around 4 p.m. Surely it is not because we do not have the time to be able to debate some of these important amendments.

This is the kind of legislation where people from different communities, from urban areas and from rural areas who are dealing with this issue of gang violence have important ideas. They brought them forward in the Committee on Rules last night. Yet, last night, the Committee on Rules said to 16 Democrats that you will be shut out of this debate. I do not think that is the way we should be discussing a bill like this.

So, Mr. Speaker, I would ask my colleagues to oppose H.R. 1279 and oppose the rule.

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

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume to clarify and to remind my colleagues on the other side, who are suggesting we should be adding more social programs to this legislation, that this is not a social programs bill. It is a law enforcement bill. If they would like to work with the chairman of the Committee on the Judiciary to craft a bill that would authorize arts and craft classes for gang members, certainly they can do that.

I would also like to mention that we currently have spent over the past 4 years, 2001 to 2004, over \$2.1 billion on juvenile social programs aimed at prevention. And even with \$2.1 billion, we have continued to see this dramatic rise in gang violence.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. FORBES), the distinguished author of the bill and member of the Committee on the Judiciary.

Mr. FORBES. Mr. Speaker, it is with a great deal of pride that I rise today to support both this rule and the underlying bill and to point out to my good friend on the other side that this is a bipartisan bill, and it is a bill that

is designed to reach a major problem in our country today, which is the rise of violent gang crime.

When I listen to some of our opponents talk about this bill, they always use the term "antisocial behavior," and I can tell you from studying gangs for over 10 years, it is not antisocial behavior that we are talking about. Let me, Mr. Speaker, tell you what we are talking about. We are talking about machete attacks, witness intimidation, extortion, cold-blooded assassination, rapes, cutting off people's fingers, cutting off their arms, cutting off their heads.

But what concerns me the most, Mr. Speaker, is the metamorphosis I have seen in violent gang activity across our country. First of all, there has been a huge change in numbers. My good friend from Georgia mentioned earlier that, as we sit here and debate this bill, there is probably between 750,000 to 850,000 gang members in the United States. To put that in perspective, if they were an army from a foreign country, it would be the sixth largest army in the world. And that is not waiting to get in our borders, but already here.

Their violence has increased enormously. In some of these gangs, in order to be able to get in, if you are a woman, you have to be raped in, for 30 minutes by six different individuals. If you are a male, you have to be either beaten in or, to some of the gangs, you have to murder somebody to get into the gang.

And they have become national and international in scope. No longer are we talking about the old Jets and Sharks from West Side Story; we are talking about gangs that are across the country that have boards of directors outside the prisons, boards of directors inside the prisons, and they are ordering violent activity. They may be in Los Angeles, but they are ordering the violence in another part of the country.

Their recruitment is now reaching as low as the elementary schools, and their motivation to join is no longer just a fear or a want to belong to something. Today, many people feel if they do not join the gang, they will be beaten or intimidated by the gang. So it is the presence of the gang and the fear and intimidation of the gang that is drawing them there.

Also, one of the things that concerns us most is that many of these gangs have become the most proficient smugglers of individuals and weapons in the country, and it is a small linkage between the gang activity that we are seeing and their connection with organized terrorist activity.

What this bill says is that, if you join a violent criminal gang and you commit a gang crime, you will go to jail for a long time, or you will help us bring down that network. What this bill says is that, if you are a gang leader, you can no longer order violence in one part of the country by a 16- or 17-year

old and expect to go scot-free, because the Federal, State and local government is coming after you. It also says that we are going to use the combined strength of the Federal, State and local government to protect citizens in our own borders from the domestic terror they face from gangs.

Mr. Speaker, I would suggest that if this bill fails, we might as well put a sign on a billboard that says "Coming to a neighborhood near you soon," because that is the growth we are seeing in violent gangs.

My good friend just raised in his opposition to the bill the support of the California Gang Investigators Association. They support this bill. The Fraternal Order of Police supports this bill. The National Latino Peace Officers Association supports this bill. The National Association of Police Organizations supports this bill. The major chiefs of law enforcement departments across the country support this bill. The National Troopers Coalition supports this bill.

Mr. Speaker, I hope we will support this bill and make it into law and protect our citizens.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume to respond to my colleague by saying that all the groups he has mentioned, and so many more, also support the COPS program, too, which the President has cut by \$40 million. We can talk all we want about using all this harsh rhetoric, but the bottom line is, there are laws already on the books if you commit a violent crime in this country. Right now, if you commit a murder, you will go to jail.

One of the things that is most troubling to me as we talk about how we make our communities safer, there is no talk about the fact that we are cutting funds for our local police departments. We need more police on the streets. That is not the only answer here, but clearly, the answer is not cutting the COPS program, which the Republican majority in this House is doing, and the President has suggested in his budget.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have worked with gangs at home in conjunction with our police department, and there is a way to start prevention. I recognize that the crimes that have been mentioned here this morning are crimes that should be punished. I believe if you do the crime, you do the time. But I also believe that you can prevent this with young people.

I dialogued with members of a gang several years ago, shortly after I heard that the people are coming from Los Angeles to start gangs. And in dialoguing with these young people, I first had to understand what they were saying. That gang activity has been

converted to something positive because I encouraged it. I said, Stay together but do not do crime stuff, do things positive. That is what they have done. They have even run people for office. You have got to not give up on young people.

Americans deserve a bill that would successfully combat gang activity and violence. This bill does fall short of that. This bill fails to address the root of the problem. Even though law enforcement is vital, we must try to prevent gang activities before they occur. Prevention programs can save many lives and many dollars. It is a lot cheaper to prevent all this crime and prevent them going to jail and for them to stay in school.

Of the \$50 million appropriated in this bill, not one penny goes toward prevention. You can call it play. You can call it anything you want. But in-school and after-school prevention programs successfully teach young people the skills they need to combat peer pressure. They target environmental risk factors by teaching young people conflict resolution skills, cultural sensitivity and the negative aspects of gang life, if it is violent.

These young people want to be a part of something, and it might as well be a positive experience. We must stop the violence at the source. If we do not put forth that activity, that is when it gravitates to what he just discussed. We must give our young people a path to success not just a path to prison.

Mr. GINGREY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and the underlying legislation. I want to congratulate my colleagues, the gentleman from Georgia (Mr. GINGREY), for his management of this rule; and the gentleman from Virginia (Mr. FORBES) for the hard work that he has put into this effort.

It is amazing, as we listened to those numbers that the gentleman from Virginia (Mr. FORBES) used, talking about the fact that this would be the sixth largest army on the face of the earth, between three-quarters of a million and 850,000 gang members, 21,500 gangs out there; the fact that it has become such an international entity.

□ 1115

It is clear that we need to do everything that we can to take action.

Mr. Speaker, I believe that this rule will provide us with an opportunity to do just that. At the close of his statement, the gentleman from Massachusetts (Mr. MCGOVERN) bemoaned the fact that we do not have enough amendments to be made in order by Democrats. The fact of the matter is the gentlewoman who just spoke, my

very good friend from Dallas (Ms. EDDIE BERNICE JOHNSON), is going to have an amendment made in order under this rule.

The gentleman from Texas (Mr. CUELLAR) is going to have an amendment made in order under this rule. The gentlewoman from California (Ms. WATSON) is going to have two amendments made in order under this rule. The gentleman from Virginia (Mr. SCOTT) who is sitting here on the floor along with the gentlewoman from California (Ms. WATERS) is going to have an amendment made in order under this rule.

The fact is six of the 10 amendments that are going to be made in order under this rule are being offered by members of the minority, creating an opportunity for us to consider a wide range of alternatives in dealing with what everyone acknowledges is an extraordinarily serious problem.

I want to take a moment to talk about three other amendments that are made in order under this rule that are very important, and I urge support for those amendments. They are being offered by the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Georgia (Mr. NORWOOD). The fact is many of the problems that are gang-related stem from an issue which we have just begun to deal with by passing the REAL ID Act and that has to do with the problem of illegal immigration. We know when we look at the number of gang-related homicides that have taken place in Southern California in the last 5 years, in the county where I live, Los Angeles, we have had 307 gang-related homicides. And now the number of those murders is spilling over into San Bernardino County.

One of the things that we found, tragically, is that much of this is directly related to the problem of illegal immigration. An overwhelming majority of the people who come into this country illegally, Mr. Speaker, come here for one reason and one reason only and that is to feed their families, to make sure that they can make a better life for their families. But of the remaining 2 percent who come in, tragically many of them have been perpetrating crime and tragically they are attracted to gangs.

As was said earlier by the gentleman from Virginia (Mr. FORBES), many of these gangs are managed from inside of prisons, outside of prisons, boards of directors, and there is an international component to this which must be addressed. So I will say that the amendment of the gentleman from Virginia (Mr. GOODLATTE), which I think is a very good one, will actually call for an additional 5 years of incarceration if, in fact, the gang member, the criminal, is found to be here illegally.

One of the things we need to make sure that we do, Mr. Speaker, is that as we increase that level of incarceration for that illegal immigrant felon, it is essential that we make sure the Federal Government provide the resources

for that incarceration. That is something that must be done. It is done under the State Criminal Alien Assistance Program, the SCAAP program; and we have to make sure that we provide those resources there, but it is correct and very important for us to do what we can to ensure that those people who are here illegally and perpetrate crimes against our fellow citizens are penalized for that.

I believe we have a very good piece of legislation here. It will help us turn the corner on what is a very serious problem. We also need to do everything that we can to, as has been pointed out by a number of people, train and provide incentive and create opportunity for young people so they are not attracted to the gang life and a life of crime.

Mr. Speaker, I urge my colleagues' support of this very fair and balanced rule and, as I said, urge support for the underlying measure and urge support for the Goodlatte amendment and the two Norwood amendments.

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

I always enjoy listening to the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER). He mentions that a handful of Democratic amendments were made in order, and I guess we all should be grateful on this side of the aisle because usually we get shut out totally. But the fact of the matter is 16 Democratic amendments were not made in order. Sixteen amendments have been shut out from this debate. If this issue was so important, and it is important, then why can we not take the time to debate all the various ideas? As I said, according to the schedule, we may be out of here at 4 o'clock today. I am willing to stay until 5, or even until 6 or even until 7 to give these other people an opportunity to have their concerns voiced on this floor.

We all represent communities, unfortunately, that have been touched by gang violence. All of us have dealt with community leaders, with our local police, in trying to figure out how best to deal with this violence. We all have good ideas. I think, especially on an issue like this, as many people who have these ideas should be able to bring them to the floor and to be able to debate them. But, unfortunately, 16 amendments have been totally blocked from consideration on this bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding me this time.

Mr. Speaker, if you listen to the debate, you might not think it is illegal to use a machete to chop somebody's hand off or to, last night, gang-rape a handicapped child in the park, murder for hire, cold-blooded murders. You might not think those are illegal. In most jurisdictions in the country, certainly in the jurisdictions that I represent, it is already illegal to take a

machete and chop somebody's hand off, and I have not heard complaints from the local police that they need a new Federal law to help deal with those crimes.

Mr. Speaker, this bill was introduced just about 2 months ago, incidentally the same day that a juvenile justice coalition released just another study showing how trying more juveniles as adults will actually increase crime. The rule, of course, does not allow us to address that issue, where juveniles, the marginal juveniles, the ones not now tried as adults in State court, would be tried as adults under this legislation. I have not seen any study that contradicts them, but all of the studies I have seen show that that will actually increase the crime rate because when they are tried as adults, they are also locked up with adult criminals and come out worse than they went in.

No amendments in this rule are allowed to address the death penalty, which has been shown to be racially discriminatory, which has been shown to have no effect on crime and shown to be so inappropriate that the Supreme Court with seven Republican appointees sitting on the court ruled that, for juveniles, the death penalty was unconstitutional. We have not had an opportunity under the rule to address that, not even the fact that under the bill you can have a capital prosecution for accidents, accidental actions. It does not require an intent to kill someone. It could have been an accident. There was no amendment allowed for that.

There is no amendment to allow the little money in the bill to go to local law enforcement. Virtually all of the money goes to Federal law enforcement. If you are going to have an effect on gangs, the money ought to go to where the gangs are actually fought, on the local.

Mr. Speaker, we have not had the amendments to actually address the kinds of problems that are in the bill. It came out at the last minute. My colleague from Virginia has mentioned all the people supporting it. I know one letter we received talked about the need for all of the money in the bill going to law enforcement and help get the money for law enforcement in the bill to the localities, and you look in the bill and there is no money. It is all for Federal law enforcement, Federal prosecution. Virtually nothing for local law enforcement. If you look at the title of the bill, you think you are doing something. In fact, you are doing nothing.

Mr. Speaker, the impact of this bill is going to round up a few low-level people committing little crimes, some even misdemeanors, and they will be getting 5- and 10-year mandatory minimum sentences. If we are going to do something about crime, if you ask anybody that knows what they are talking about what to do about juvenile crime, they will tell you prevention and early intervention. Keep the kids out of trou-

ble and if they get in trouble to begin with, get them right back on track. There is no money in here for prevention.

We have heard a crack about arts and crafts for gang members. Let me tell you something. Arts and crafts for gang members will do more to reduce juvenile crime and gang membership than the provisions in this bill, and everybody knows it.

I have got to admit that the sound bites and slogans are stronger on the other side, but all of the studies show that this bill would do virtually nothing to reduce juvenile crime and is certainly not an effective use of the taxpayers' money if your goal is to actually reduce crime. You need to put the money into prevention and early intervention. We lead the world in incarceration already. If you are going to get any more crime reduction out of the next dollar we are going to spend, it ought to go into prevention and early intervention to keep the kids out of trouble; 850,000 kids are not going to come out of gangs because we pass this legislation. They are in gangs now because they have nothing to do in the afternoon. We need to defeat this bill and do something serious about juvenile crime.

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

The gentleman from Virginia who just spoke is a brilliant lawyer, and I know he is not missing any points; but I want to say it is very important that the rest of our colleagues understand, we know that all of these crimes mentioned here today are illegal. But the point is, this bill addresses the dismantling of the systems that support gangs, and I think it is very important that we keep that in mind.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. REICHERT), 8 years King County sheriff and 30 years as a police officer.

Mr. REICHERT. Mr. Speaker, as the Congressman said, I have 33 years of law enforcement experience. In fact, up until January 3 of this year, I was a cop. One of the things I know about cops is that they need all kinds of tools, and we do need police officers on the street; but one of the most important things that cops want is to know that their community supports them, local, State, and Federal.

Mr. Speaker, we are here today to talk about a very serious problem. Across the country we are seeing a resurgence of organized crime sprawling into our towns and our neighborhoods. Gangs are becoming a magnet for youth, as they long to belong to something. This is hardly the team we want our children to join.

Gang violence in America is not a sudden problem. It has been a part of urban life for years, offering an aggressive definition and identity to those seeking a place to belong in the chaos of a large metropolitan area. However, as gangs gain momentum and invade smaller communities, it is time to take

a more serious and focused approach. The gentleman from Virginia (Mr. FORBES) addresses this critical problem today in the Gang Deterrence and Community Protection Act of 2005.

Prior to being elected to sheriff, as I said, I served 33 years as a cop. I have worked with prostitutes, drug dealers, and gang bangers for that length of time. My colleagues in the sheriff's office and I actively fought to curb the growth and influence of gangs. I know not only in my home State of Washington but across the country, law enforcement officers recognize gangs for the serious threat they are to our community.

I believe in taking problems head on, not running away. You evaluate the facts, you make a decision, and then you see the solution through. We have recognized the consequence of letting this situation go forward for far too long. It is dangerous to all Americans. Whether a gang currently has a presence in our hometowns or not, we need to take a careful look at where this issue is headed and stop the influence of gangs before it spirals out of control and out of our hands.

The United States Department of Justice cites that there are currently 25,000 active gangs in 3,000 jurisdictions across this country; 25,000 gangs. That equals 750,000 gang members. If growth continues, we could be looking at 1 million gang members across the country in only a few years. These groups are a funnel to criminal activities, allowing a central point to encourage violence and a family that preaches drug trafficking, murder, theft, prostitution, and rape. In fact, street gangs are the primary distributor of illegal drugs in the United States.

Mr. Speaker, I am a man of faith who believes deeply in family and responsibility. Our obligation is to American families and communities. We need to look out for their futures. We need to direct our youth towards a path of success and progress as productive members of society looking towards a better country. We cannot afford to lose those talented youths in our community to a life on the street with drugs and a gang hierarchy whose form of discipline is violence.

Mr. Speaker, I applaud the gentleman from Virginia's efforts to deter gangs across the country and urge my colleagues to support the rule and vote for final passage later today.

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

The gentleman from Washington just said that our local law enforcement would appreciate the support of the Federal Government.

□ 1130

I could not agree with him more. Then why are we cutting community policing programs? I mean it does not make any sense to me. And why did the Committee on Rules last night deny the gentleman from Massachusetts (Mr. CAPUANO) and the gentleman from



New York (Mr. WEINER) the right to offer an amendment that reauthorizes the Community Oriented Policing Services, the COPS program for fiscal year 2006, 2008? That was denied. We could have had a vote on the floor today on that amendment and a full debate, and that was denied in the Committee on Rules.

The gentleman from New York (Mr. CROWLEY) had an amendment that would require that the purchase of firearms, ammunition and explosives to be made in person and to require records to be kept on how the purchases were made. The reason why this is an important amendment because more and more we find out that gangs are purchasing weapons over the internet. Yet that was not even made in order. I know the gun lobby does not like that amendment, but even so, if we want to make sure that gang members have a more difficult time getting access to firearms, we certainly should have debated that amendment.

The gentlewoman from Texas (Ms. JACKSON-LEE) had an amendment that would make it illegal to transfer a firearm to any individual that the Federal Government has designated as a suspected or known gang member or terrorist. I am trying to find where the controversy is with that amendment. Yet the Committee on Rules would not allow that amendment to be made in order on the floor today.

The gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Virginia (Mr. SCOTT), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentlewoman from California (Ms. WATERS) had an amendment that strikes the section of the bill that allows the Attorney General to charge as adults those juveniles who commit violent crimes and are at least 16 years old. We can disagree on whether or not juveniles should be tried as adults, but, nonetheless, it is an important enough issue that we should have debated it on the floor here today and let Members decide that. And yet that was not made in order.

The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) had an amendment that establishes funding for prevention and intervention programs for the suppression of youth and gang violence. That was deemed to not be made in order.

The gentleman from California (Mr. SCHIFF), the gentleman from California (Mr. CARDOZA), the gentlewoman from California (Ms. WATSON), and the gentlewoman from California (Ms. LINDA T. SANCHEZ) had an amendment that authorizes the expansion and the enhancement of law enforcement and community-based prevention and intervention programs targeting criminal street gangs, gang members and at-risk youth. That was ruled out of order by the Committee on Rules. I mean, I can go on and on and on. There are really good ideas here, and yet, for whatever reason, the Committee on Rules last night said they are not

going to have their day on the House floor. And I do not understand why, and nobody who has spoken on the other side has explained to me why those amendments were not made in order, not even the Chairman of the Committee on Rules. We have the time. This is an important issue. These amendments should have been made in order. And, quite frankly, I think it is a disgrace and does a great disservice to a lot of people in this country who care about this issue that these Members were denied their right to offer these amendments.

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

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. FORBES), the bill's author.

Mr. FORBES. Mr. Speaker, I think, if one is around here long enough, they get to the point where they do not believe they could be shocked by anything. But when I heard the other side a while ago say that they believe that giving arts and crafts to violent gang members will do more to deter crime than empowering law enforcement agents and locking up gang members in jail, that, I have to admit, still shocks me.

Mr. Speaker, I include for the RECORD a letter from the National Latino Peace Officers Association, which supports all the provisions of this bill and asks that this bill be passed; from the Fraternal Order of Police that supports this bill and asks that it be passed; from the National Association of Police Organizations, which supports this bill and asks that it be passed; from the National Sheriffs' Association, which supports the provisions of this bill and asks that it be passed; from the Law Enforcement Alliance of America, which supports the provisions of this bill and asks that it be passed; from the National Troopers Coalition; from the California Gang Investigators Association; from the Los Angeles Deputy Sheriffs office; and from the Major County Sheriffs' Association.

And, Mr. Speaker, we will have a lot more as the day goes on.

MAJOR COUNTY SHERIFF'S ASSOCIATION,  
Alexandria, Virginia, April 20, 2005.

HON. JAMES SENSENBRENNER, Jr.,  
House of Representatives, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On behalf of the Major County Sheriffs' Association, I am writing to express our support for H.R. 1279, the "Gang Deterrence and Community Protection Act of 2005." This much needed legislation takes a necessary step toward addressing the growing epidemic of gang violence that is affecting our entire nation and has even stretched into some of our most rural communities.

The Department of Justice estimates there are currently over 25,000 gangs and over 750,000 gang members who are active in more than 3,000 jurisdictions across the United States. Gang activity has been directly linked to the narcotics trade, human trafficking, identification documentation falsification and the use of firearms to commit deadly shootings.

H.R. 1279 would address the growing problem of gang violence by creating a rational

strategy to identify, apprehend and prosecute gangs across the nation. Specifically, the bill would provide for the designation of High Intensity Gang Areas (HIGAs) to identify, target and eliminate violent gangs in areas where gang activity is particularly prevalent.

The bill would also create a statute to prosecute criminal gangs similar to the Racketeer Influenced and Corrupt Organizations statute (RICO) that has proven so effective against organized crime, and would provide more than \$385 million over the next five years in grants to support Federal, State, and local law enforcement efforts against violent gangs, and to coordinate law enforcement agencies' efforts to share intelligence and jointly prosecute violent gangs.

Finally, under H.R. 1279, several categories of gang-related offense would be subject to mandatory minimum sentences of at least 30 years in prison for cases of kidnapping, aggravated sexual assault or maiming.

The "Gang Deterrence and Community Protection Act of 2005" is a comprehensive piece of legislation that addresses both the enforcement and prosecution aspects of the battle against gang violence.

Thank you for your time and attention, as well as your continued support of law enforcement.

Sincerely,  
SHERIFF MICHAEL J. BOUCHARD,  
MCSA Vice President—Legislative Affairs.  
SHERIFF JAMES A. KARNES,  
MCSA President.

ASSOCIATION FOR  
LOS ANGELES DEPUTY SHERIFFS, INC.,  
Los Angeles, California, April 20, 2005.  
Re H.R. 1179—Support; H.R. 1518—Support  
Hon. F. JAMES SENSENBRENNER, Jr.,  
Chairman, House Judiciary Committee, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On behalf of the members of the Association for Los Angeles Deputy Sheriffs (ALADS), which represents over 7,000 deputy sheriffs and district attorney investigators in Los Angeles County. I am writing in support of H.R. 1279, The Gang Deterrence and Community Protection Act of 2005, and H.R. 1528, Defending America's Most Vulnerable: Safe Access to Drug Treatment and Child Protection Act of 2005.

H.R. 1279, The Gang Deterrence and Community Protection Act of 2005 not only designates high intensity gang areas and authorizes funds to combat gang activity, it creates a new gang prosecution statute; increases penalties for violent gang crimes; and limits a criminal street gang to a group or association of three or more individuals that commit two or more gang crimes.

H.R. 1528, Defending America's Most Vulnerable: Safe Access to Drug Treatment and Child Protection Act of 2005, provides for sound statutory reforms of ineffective anti-drug laws designed to protect children.

ALADS strongly supports both H.R. 1279, and H.R. 1528.

Sincerely,  
ROY L. BURNS,  
President.

CALIFORNIA GANG  
INVESTIGATORS ASSOCIATION,  
Huntington Beach, CA, April 25, 2005.  
Hon. F. JAMES SENSENBRENNER,  
Rayburn House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE SENSENBRENNER: Mr. Chairman, as President of the California Gang Investigators Association (CGIA) I am writing to offer the support of the Association for H.R. 1279, The Gang Deterrence and Community Protection Act of 2005 and H.R.

1528, Defending America's Most Vulnerable: Safe Access to Drug Treatment and Child Protection Act of 2005. The Association supports the legislative effort to curb gang violence and the associated criminal drug networks that goes hand-in-hand with street gang activity. We have supported the efforts of Senators Hatch and Feinstein in their anti-gang efforts and stand ready to be of any assistance we can be in your committee's efforts to obtain the same goals.

Street gangs continue to spread their unique brand of urban terrorism across our nation. Not only have they become prevalent in most urban inner cities, but have become a scourge in our rural communities as well, presenting a threat to this nation's bread basket. As I travel around this country lecturing to these communities it seems their primary concern for their personal safety is not from some foreign terrorist but their greatest fear is of the local street gangs. Hundreds upon hundreds of Americans are slain every year by street gangs, and thousands more injured.

This legislation provides new law which will aid in this struggle, not only attacking the gangs but with its companion bill, begins to focus on their drug business as well.

If our association can be of any further assistance to you please feel free to contact me.

Sincerely yours,

WESLEY D. MCBRIDE,  
*President.*

NATIONAL TROOPERS COALITION,  
*Green Bay, WI.*

Re H.R. 1279—Gang Deterrence and Community Protection Act of 2005

Hon. F. JAMES SENSENBRENNER, JR.,  
*Chair, House Judiciary Committee,  
House of Representatives, Washington, DC.*

DEAR CHAIRMAN SENSENBRENNER: As Chairman of the National Troopers Coalition, (NTC) I am writing to express our support for H.R. 1279, Gang Deterrence and Community Protection Act of 2005. The NTC represents over 40,000 state troopers and highway patrolmen throughout the United States.

We urge you to continue your work on fighting Gang Violence in America; we support all of the provisions contained in H.R. 1279.

Our members continue to deal with increased gang crimes and violence, as we have for years. The provisions of H.R. 1279, that in part deal with increased penalties, clarification of definitions, and increased resources and appropriations will greatly aid us and our law enforcement counterparts with gang investigations, deterrence and prevention.

Accordingly, on behalf of our members, we fully support and urge passage of H.R. 1279.

Sincerely,

CASEY L. PERRY,  
*Chairman, National Troopers Coalition.*

THE LAW ENFORCEMENT  
ALLIANCE OF AMERICA,  
*Falls Church, Va., April 19, 2005.*

Hon. F. JAMES SENSENBRENNER, JR.,  
*Chairman, House Judiciary Committee,  
House of Representatives, Washington DC.*

DEAR CHAIRMAN SENSENBRENNER: On behalf of the more than 75,000 Members and Supporters of the Law Enforcement Alliance of America (LEAA), I am writing to express our strong support for the Gang Deterrence and Community Protection Act of 2005 (H.R. 1279). This legislation provides law enforcement and prosecutors with much needed tools to combat the growing organized threat of violence from criminal street gangs.

Today's gang violence problem is not one of neighborhoods, but increasingly an inter-

state and even international operation involving highly structured and extremely violent criminal enterprises. H.R. 1279 recognizes this growing menace and provides a much needed response.

By providing state and local law enforcement with the additional resources to pursue such criminals and giving prosecutors additional tools to punish such criminals. H.R. 1279 offers a significant opportunity to make an impact in the fight against violent crime. I respectfully ask for your support for this much needed federal initiative. If you have any questions about LEAA's position on H.R. 1279 or any other matter, feel free to have your staff contact our Legislative Director, Kevin Watson at (703) 847-2677.

Sincerely,

JAMES J. FOTIS,  
*Executive Director.*

NATIONAL SHERIFFS' ASSOCIATION,  
*Alexandria, Virginia, April 19, 2005.*  
Hon. F. JAMES SENSENBRENNER, JR.,  
*House of Representatives, Committee on the Judiciary, Washington, DC.*

DEAR CHAIRMAN SENSENBRENNER: I am writing on behalf of the National Sheriffs' Association and the 3,087 sheriffs across the country to express our full support for H.R. 1279, the "Gang Deterrence and Community Protection Act of 2005." This much needed legislation takes a necessary step toward addressing the growing epidemic of gang violence that is affecting our entire nation and has even stretched into some of our most rural communities.

The Department of Justice estimates there are currently over 25,000 gangs and over 750,000 gang members who are active in more than 3,000 jurisdictions across the United States. Gang activity has been directly linked to the narcotics trade, human trafficking, identification documentation falsification and the use of firearms to commit deadly shootings.

H.R. 1279 would effectively address the growing problem of gang violence by creating a rational strategy to identify, apprehend, and prosecute gangs across the nation. Specifically, the bill would provide for the designation of High Intensity Gang Areas (HIGAs) to identify, target and eliminate violent gangs in areas where gang activity is particularly prevalent.

The bill would also create a statute to prosecute criminal gangs similar to the Racketeer Influenced and Corrupt Organizations statute (RICO) that has proven so effective against organized crime, and would provide more than \$385 million over the next five years in grants to support Federal, State, and local law enforcement efforts against violent gangs, and to coordinate law enforcement agencies' efforts to share intelligence and jointly prosecute violent gangs.

Finally, under H.R. 1279, several categories of gang-related offense would be subject to mandatory minimum sentences of at least 30 years in prison for cases of kidnapping, aggravated sexual assault or maiming.

The "Gang Deterrence and Community Protection Act of 2005" is a comprehensive piece of legislation that addresses both the enforcement and prosecution aspects of the battle against gang violence.

The National Sheriffs' Association and its member sheriffs fully endorse H.R. 1279 and thank you for your continued support of law enforcement.

Sincerely,

THOMAS N. FAUST,  
*Executive Director.*

NATIONAL ASSOCIATION OF  
POLICE ORGANIZATIONS, INC.  
*Washington, D.C., April 15, 2005.*

Hon. F. JAMES SENSENBRENNER, JR.,  
*Chairman, Judiciary Committee, House of Representatives, Washington, DC.*

DEAR CHAIRMAN SENSENBRENNER: On behalf of the National Association of Police Organizations (NAPO), representing 236,000 rank-and-file police officers from across the United States, I would like to thank you for introducing the "Gang Deterrence and Community Protection Act of 2005," and advise you of our support for the legislation. If enacted, this legislation will greatly assist state and local law enforcement in their efforts against gang expansion and violence.

Recent studies on gangs have estimated that over 25,000 different gangs, comprising over 750,000 members are active across the United States. 100 percent of all cities larger than 250,000 have reported gang activity. Compounding this problem, gangs have been directly linked to narcotics trade, human trafficking, identification document falsification, violent maiming, assault and murder, and the use of firearms to commit deadly shootings. The "Gang Deterrence and Community Protection Act" works to reduce gang violence by designating High Intensity Gang Areas (HIGAs) and authorizing \$20 million per year over five years to combat gang activity. It also creates a new gang prosecution statute focusing on street gangs and increases the penalties for violent gang crimes, strengthening prosecutors' ability to combat gang activities.

NAPO looks forward to fighting for this legislation's passage and I thank you for your continued support of law enforcement. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Andrea Mournighan, at (202) 842-4420.

Sincerely

WILLIAM J. JOHNSON,  
*Executive Director.*

GRAND LODGE,  
FRATERNAL ORDER OF POLICE,  
*Washington, DC, April 4, 2005.*

Hon. J. RANDY FORBES,  
*House of Representatives, Washington, D.C.*

DEAR REPRESENTATIVE FORBES: I am writing on behalf of the members of the Fraternal Order of Police to advise you of our strong support for H.R. 1279, the "Gang Deterrence and Community Protection Act of 2005."

This legislation will attack the growing problem of criminal gang activity by providing increased Federal funding, almost \$390 million, to support Federal, State and local law enforcement efforts to combat gang activity. The bill aims to facilitate greater cooperation between law enforcement officers and prosecutors at every level of government by providing for the designation of certain locations as "high intensity interstate gang activity areas." This strategy, modeled after the High Intensity Drug Trafficking Area (HIDTA) program, will enable law enforcement in these designated areas to build successful multijurisdictional efforts targeting criminal street gangs using Federal funds. Law enforcement agencies in these designated areas will be able to call on Federal resources to hire additional State and local prosecutors and purchase technology to increase their ability to identify and prosecute violent offenders.

The legislation also creates new criminal gang prosecution offenses and enhances existing gang and violent crime penalties to deter and punish illegal gang activity. The bill would also allow 16-year olds to be charged as adults in Federal court for crimes of violence.



We believe that our nation's law enforcement officers can be more effective at fighting the menace of criminal gangs if they have the necessary resources that this legislation provides. I want to commend you for your leadership on this issue. If I can be of any further help on this or any other issue, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,  
National President.

APRIL 18, 2005

Re Gang Deterrence and Community Protection Act H.R. 1279

Hon. F. JAMES SENSENBRENNER, Jr.,  
Chair, House Judiciary Committee, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE SENSENBRENNER: As the House Judiciary Committee continues its work on Gang Violence in America, on behalf of the National Latino Peace Officers Association (NLPOA), we support all of the provisions contained in H.R. 1279 and urge the Committee to adopt all of the provisions to strengthen federal law enforcement's capabilities on combating the growing gang violence in America:

18 U.S.C. 521 Criminal Street Gang Prosecutions, increasing the penalty for such criminal acts on behalf of a criminal gang;

Defining Gang Crime for federal prosecution;

Increased Penalties for Racketeering Crimes on behalf of the criminal gangs;

Modification of the Definition of a Crime of Violence; and

Increasing Resources and Appropriations in the newly defined High Intensity Interstate Gang Activity Areas.

NLPOA members have dealt with gang crimes and gang violence for the last 32 years and are experts in this arena; with respect to gang investigations, deterrence, and prevention. The NLPOA recognizes that many gangs are more sophisticated and have more resources than local police departments. Designating federal resources through increase penalties and federal task forces will help Keep America Safe!

Sincerely,

FELIPE A. ORTIZ,  
NLPOA National President.

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

What shocks me is that we have people who get up and talk about the importance of supporting our local law enforcement officials, and at the same time, we are supporting budgets that cut money to our local law enforcement agencies.

Mr. Speaker, I include for the RECORD a letter from the National Council of La Raza opposing this bill. I also include for the RECORD a statement that has been signed by the American Bar Association, the American Civil Liberties Union, Chamber of Commerce of the United States, the Children's Defense Fund, the Commission on Social Action of Reform Judaism, Leadership Conference on Civil Rights, the National Urban League, Murder Victims' Families for Human Rights, the NAACP, the National Federation of Independent Business, and the United States Conference on Catholic Bishops, all in opposition to this legislation. I also include for the RECORD, Mr. Speaker, a letter that has been signed by the President of Catho-

lic Charities USA, also opposed to this legislation. And I include for the RECORD, so that it is there, the 16 amendments that the majority of the Committee on Rules decided to not make in order today on this important legislation.

NATIONAL COUNCIL OF LA RAZA,  
Washington, DC, May 9, 2005.

Re Oppose provisions in the "gang buster bill" H.R. 1279 that prosecute youth as adults and impose mandatory minimum sentences.

DEAR MEMBER OF CONGRESS: On behalf of the National Council of La Raza (NCLR), the largest national Latino civil rights organization in the U.S., I urge you to oppose provisions contained in the "Gang Deterrence and Community Protection Act of 2005" (H.R. 1279) which is on the suspension calendar this week. Please be advised that NCLR will recommend that votes relevant to the Latino community and final passage of the bill be included in the National Hispanic Leadership Agenda Congressional Scorecard.

The Latino community is directly affected by gang violence, consequently NCLR is committed to finding a solution to combat it; however, the approach in H.R. 1279 is ineffective, irresponsible and simplistic, given that it does nothing to get to the root causes of the problem, and it further exacerbate youth violent behavior. H.R. 1279 will if enacted into law, would have a disparate impact on Latino youth and their families. This bill would undermine overall public safety, given that it imposes excessively severe measures aimed at only punishing and not reforming youth violent behavior. Specifically, NCLR strongly opposes two provisions—the prosecution and transfer of youth into the adult system and the inclusion of various mandatory minimum sentences for a broad category of offenses that are labeled "gang crimes" and numerous other offenses.

Section 115 of the bill allows for the prosecution and transfer of youth into the adult system. The latest research shows that transferring youth to adult status is a failed public policy approach, resulting in the opposite of what this bill is purporting to do. It will increase—not decrease—youth violence. The research shows that young people prosecuted as adults, compared to those prosecuted as juveniles, are more likely to: (a) commit a greater number of crimes upon release; (b) commit more violent crimes upon release; and (c) commit crimes sooner upon release. The research also shows that youth held in adult facilities, compared to youth held in juvenile facilities, are five times as likely to be sexually assaulted by other inmates, twice as likely to be beaten by staff, 50% more likely to be assaulted with a weapon, and eight times as likely to commit suicide.

With these kinds of risks, it does not make sense for the House to pursue legislation that includes the power to prosecute juveniles as adults in federal court for activities that the states are already well-equipped—indeed, better-equipped—to handle than the federal system. Also, putting the transfer decision at the sole discretion of a prosecutor, not a judge as the law currently requires, violates the most basic principles of due process and fairness.

Section 103 of the bill includes and expands mandatory minimum sentences for a broad category of offenses that are deemed "gang crime." Under this bill, the mandatory minimum sentences for these crimes range: from 5 to 30 years. Although the offenses are serious and individuals who are convicted should be properly held accountable, mandatory sentences often prevent judges from determining the appropriate punishment. When

judges are restricted by mandatory sentences, they cannot assess an individual's culpability during the crime or other factors that have bearing on recidivism, thus resulting in inappropriate sentences.

Although mandatory minimums were intended to reduce the racial disparities that were associated with indeterminate sentencing, in practice they exacerbate and mask such disparities by shifting discretion from the judge to the prosecutor. Prosecutors retain the power to plea bargain by offering defendants plea agreements that avoid the mandatory penalty. Studies have shown that this discretion results in a disparity in sentencing outcomes based largely on race and quality of defense attorney. According to testimony from the U.S. Sentencing Commission, in 1999, 39% of those receiving mandatory sentences were Hispanic, 38% were African American, and 23% were White. Hispanics comprised 44% of those subject to five-year mandatory sentences in 1999, 37% of the ten-year mandatory sentences, 20% of the 20-year mandatory sentences, and 8% of the mandatory life sentences. The reality for African American defendants is even bleaker.

NCLR respectfully asks you to oppose legislation that prosecutes and transfers youth into the adult system and that includes and expands mandatory minimum sentences. These provisions will only exacerbate youth violent behavior, at a time when data from the FBI's Uniform Crime reporting program that breaks down the age of people arrested for serious offenses in 2003 showed that the number of people under 18 arrested declined by 30%. Instead, NCLR calls for a comprehensive research-based approach that gets at the root causes of youth violence—which includes but is not limited to prevention, treatment, and effective alternatives to incarceration. If you have any questions please contact Angela Arboleda, NCLR Civil Rights Policy Analyst, at (202) 776-1789.

Sincerely,

JANET MURGUIA,  
President and CEO.

JUNE 2, 2004.

Hon. ORRIN G. HATCH,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to express our strong concern about the unintended consequences that will result from Section 206 of The Gang Prevention and Effective Deterrence Act of 2003—S. 1735. Although Section 206 has been removed from the bill by amendment, we understand discussions are underway to reinsert it.

Section 206 would change the general definition of a crime of violence to require only a "substantial risk of . . . injury to a person or property," and not physical force. Violence, however, is commonly defined as physical force. Thus, removing the "physical force" requirement from crimes of violence undermines the purpose of having a special category of heinous crimes.

Moreover, this new definition would broaden crimes of violence to include a number of regulatory violations targeted at businesses. For example, felony violations of environmental statutes, such as the Clean Water Act, Clean Air Act, and Resource Conservation and Recovery Act, which criminalize violations of both statutory and regulatory requirements, could be deemed crimes of violence. In many cases, these violations are "technical" in nature, including record-keeping, reporting, training, etc. and have very low criminal intent standards. With a mere "knowing" violation—which requires neither knowledge by the defendant of the underlying regulations or the law nor an intention to violate the law—a business and its

officers and employees are especially vulnerable to criminal penalties. If conviction under the particular statute can result in a 1-year prison sentence, thus making it a felony, and if the violation risked injury to a person or the property of another, under the proposed new definition the violation would be a violent crime.

This designation serves as a trigger for a host of consequences, including longer sentences under the federal sentencing guidelines, and a doubling of the statute of limitations. The current statute of limitations for all environmental crimes is five years from the date the violation occurred. As a crime of violence, the statute of limitations would be the greater of either ten years from the occurrence or eight years from discovery of the alleged violation. In addition, conviction of any crime that is labeled a "crime of violence" under this proposed statute brings deportation without right of appeal for legal immigrants working for a company, and potential federal money laundering charges, which can result in substantial asset forfeiture.

While we certainly recognize that these consequences were not the intent of this legislation, this provision could have an unjust impact on business. We ask that you give serious consideration our concerns as you continue to work on this issue. Thank you for your attention to this very important matter.

Sincerely,

Chamber of Commerce of the United States.

Association of Oil Pipe Lines.

National Petrochemical & Refiners Association.

National Association of Manufacturers.

Interstate Natural Gas Association of America.

Business Civil Liberties, Inc.

American Chemistry Council.

No. 25 Capuano/Weiner: The amendment reauthorizes the Community Oriented Policing Services (COPS) program for FY2006-FY2008.

No. 26 Crowley: The amendment requires that the purchase of firearms, ammunition and explosives to be made in person and requires records to be kept on how the purchases were made.

No. 23 Jackson Lee: The amendment would make it illegal to transfer a firearm to any individual that the Federal government has designated as a suspected or known gang member or terrorist. It also establishes a system that would assist any individual who is wrongly included on such a list to have his or her name removed.

No. 24 Jackson Lee/Scott/Delahunt/Waters: The amendment strikes the section of the bill that allows the Attorney General to charge as adults those juveniles who commit violent crimes and are at least 16 years old.

No. 15 Eddie Bernice Johnson: The amendment establishes funding for prevention and intervention programs for the suppression of youth and gang violence.

No. 2 Schiff/Cardoza/Watson/Linda Sanchez: The amendment authorizes the expansion and enhancement of law enforcement and community-based prevention and intervention programs targeting criminal street gangs, gang members, and at-risk youth.

No. 21 Waters: The amendment creates a "Gang Exit Program" to facilitate the re-entry of ex-gang members into society. This program would provide relocation programs, educational programs, special student loans, and housing to ex-gang members.

#### OTHERS

No. 14 Davis (IL): The amendment strikes the provision in the bill that calls for a minimum mandatory 10 year jail term.

No. 12 Davis (IL): This amendment would strike section 110 and preserve language in current law regarding venue in capital cases.

No. 13 Davis (IL): The amendment strikes the section of the bill that gives the Attorney General the discretion to charge as adults juveniles who commit violent crimes and are at least 16 years old.

No. 22 Jackson Lee: The amendment clarifies that the defendant, and not just a member of the gang, must have committed criminal activity related to the capital case in the jurisdiction where the prosecutor seeks to bring the charge.

No. 16 Eddie Bernice Johnson: The amendment establishes funding for regional databases that track gang activity in high intensity gang areas. These databases contain critical information on gangs, gang members, firearms, criminal activities and histories, vehicles, and other fields of information necessary to investigators in solving gang related crimes.

No. 7 Scott: The amendment makes application of the death penalty under the bill contingent upon appropriation of the authorized levels to protect innocence under Title IV of the "Justice For All Act of 2004."

No. 8 Scott: The amendment restricts the application of the death penalty to intentional acts of the defendant.

No. 9 Scott: The amendment strikes section 115, which gives the Attorney General authority to prosecute certain juveniles without court assessment or review.

No. 10 Scott: The amendment uses the \$57.5 million authorized in the bill for 94 new U.S. Attorneys to go, instead, to local law enforcement to prevent and reduce the formation or continuation of juvenile gangs and the use and sale of illegal drugs by juveniles.

No. 11 Scott: The amendment modifies the definition of a "gang crime" so that only the more serious violent offenses are included.

MAY 6, 2005.

DEAR REPRESENTATIVE: On behalf of the United States Conference of Catholic Bishops and Catholic Charities USA, we urge you to oppose provisions in H.R. 1279, Gang Deterrence and Community Protection Act of 2005, the (Gang Bill) that would expand the use of the death penalty, treat juveniles as adults and impose mandatory minimum sentences.

First, we strongly oppose any provision in the bill that would expand the use of the death penalty. As you may be aware, the bishops of the United States oppose the use of the death penalty. Catholic teaching on capital punishment is clear, "If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority should limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person" (Catechism of the Catholic Church).

Secondly, we urge you to eliminate any provisions in the legislation that would result in the expanded "transfer" or "waiver" of youth to the adult criminal system and/or placing an additional number of youth in adult correctional facilities. While there is no question that violent and dangerous youth need to be confined for our safety and theirs, we cannot support provisions that treat children as though they are equal to adults. As we stated in our 2000 pastoral statement on criminal justice, we believe that placing juveniles in the adult court system is not a solution to reducing gang activity.

We bishops cannot support policies that treat young offenders as though they are adults. The actions of the most violent youth leave us shocked and frightened and

therefore they should be removed from society until they are no longer dangerous. But society must never respond to children who have committed crimes as though they are somehow equal to adults—fully formed in conscience and fully aware of their actions. Placing children in adult jails is a sign of failure, not a solution. (Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice, November 15, 2000).

Additionally, removing youth from state juvenile justice systems greatly reduces their chances of receiving necessary treatment and intervention programs. Unlike state systems around the country, the federal system does not have any specialized programs or facilities to accommodate young people or to address the root problems, such as abuse, that these children are experiencing at home or on the streets. This emphasis on swift punishment rather than effective treatment and intervention demonstrates a fundamental misunderstanding of the street gang culture and is tantamount to giving up on our children—something that our faith tradition teaches we should never do. Rather, we believe the challenge as responsible adults is to create a fairer and more effective youth justice system, where there is a balance between prevention, treatment and intervention that gives young people a chance to make better choices. Unfortunately, we believe several provisions in H.R. 1279 do not rise to the challenge.

Finally, we urge you to oppose language in the bill that includes and expands mandatory minimum sentences for a broad category of offenses that are deemed gang crime. In the Gang Bill, the mandatory minimum sentences for gang related crimes range from five to thirty years. Although the offenses are serious and individuals who are convicted ought to be properly held accountable, rigid sentencing formulations could prevent judges from properly assessing an individual's culpability during the crime or other factors that have bearing on recidivism, thus sometimes resulting in harsh and inappropriate sentences. From our experience, arbitrarily expanding mandatory minimum sentences does nothing to deter youth gang violence and we urge you to oppose any such provisions.

Thank you for your consideration of this very important issue. Should you have any questions or comments, please do not hesitate to contact Mr. Andrew Rivas in our office of Social Development and World Peace, 202-541-3190, [arivas@uscgb.org](mailto:arivas@uscgb.org), or Ms. Lucrecia Cobbs at Catholic Charities USA, 703-549-1390, [lcobbs@catholiccharitiesusa.org](mailto:lcobbs@catholiccharitiesusa.org). With every good wish, we are

Faithfully yours,

Most Reverend Nicholas  
DiMarzio,  
Diocese of Brooklyn,  
Chairman, Domestic  
Policy Committee,  
United States Conference of Catholic  
Bishops.

REV. LARRY SNYDER,  
President, Catholic  
Charities USA.

AMERICAN CIVIL LIBERTIES UNION,  
Washington, DC, May 9, 2005.

DEAR REPRESENTATIVE: Oppose the ineffective policies proposed in H.R. 1279, the Gang Deterrence and Community Protection Act of 2005.

Representative Randy Forbes (R-VA) has introduced H.R.1279, the Gang Deterrence and Community Protection Act of 2005 ("Gang bill"). The Gang bill could subject innocent people to the death penalty, creates numerous discriminatory mandatory minimum sentences, could result in wrongfully

convictions based on unreliable evidence, and creates more serious juvenile offenders by incarcerating children in adult prisons. H.R. 1279 is scheduled for a vote on the House floor on Wednesday, May 11, 2005, we strongly urge you to oppose this legislation.

Congress should not expand the Federal death penalty until it ensures innocent people are not on death row.

Expansion of the federal death penalty undermines the very reforms that were enacted in last year's Justice for All Act (P.L. 108-405), which addressed some systemic problems with the federal death penalty. H.R. 1279 would create several new offenses and make them punishable by the death penalty as well as increase the penalty for several existing federal offenses to the possibility of a death sentence.

The death penalty is in need of reform, not expansion. According to the Death Penalty Information Center, 119 prisoners on death row have now been exonerated. Chronic problems, including inadequate defense counsel and racial disparities, plague the death penalty system in the United States. The expansion of the death penalty potential for gang crimes creates an opportunity for more arbitrary application of the death penalty. States continue to address the systemic problems with the administration of the death penalty by implementing reform and moratorium efforts, while the federal government, in H.R. 1279, is moving to expand the death penalty in lieu of enacting or implementing reforms on the federal level.

In addition to expanding the number of federal death penalty crimes, Section 110 of the bill expands venue in capital cases to the point that any location even tangentially related to the crime could be the site of a trial. 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.

People could be convicted of a "gang" crime even if they are not members of a gang.

This bill would impose severe penalties for a collective group of three or more people who commit "gang" crimes. Even more disconcerting is that a person could receive the death penalty for the illegal participation in what would be considered a "criminal street gang" while having no idea or intention of being a part of a so-called "gang." H.R. 1279 revises the already broad definition of "criminal street gang" to an even more ambiguous standard of a formal or informal group or association of three (3) or more people who commit two (2) or more "gang" crimes. The number of people required to form a gang decreases from five (5) people in an ongoing group under current law to three (3) people who could just be associates or casual acquaintances under this proposed legislation.

Under the Gang bill a "continuing series" of crimes does not have to be established to charge a person with a gang crime. Presently, the government has to establish that criminal street gangs engaged "within the past five (5) years in a continuing series of offenses." The continuing series of offenses under current law is essential to preserving the concept of gang activity that the law is trying to target, i.e. criminal activity that has some type of connection to a tight knit

group of people. This broader definition of gang crime in H.R. 1279 would result in people being convicted of "gang" crimes that are neither ongoing in nature nor connected to each other, and could occur 10, 15 or 20 years apart.

H.R. 1279 further erodes federal judges' sentencing discretion by proposing harsher mandatory minimum sentences.

This legislation further erodes the sentencing discretion of judges by imposing mandatory minimums that would result in unfair and discriminatory prison sentences. Many of the enhanced gang penalties in this bill are mandatory minimum sentences or death. Mandatory minimum sentences deprive judges of the ability to impose sentences that fit the particular offense and offender. Although in theory mandatory minimums were created to address disparate sentences that resulted from indeterminate sentencing systems, in reality they shift discretion from the judge to the prosecutor. Prosecutors hold all the power over whether a defendant gets a plea bargain in order for that defendant to avoid the mandatory sentence. It is not clear what standards (if any) prosecutors use to offer plea bargains, therefore only a few defendants get the benefit of avoiding the mandatory sentence. This creates unfair and inequitable sentences for people who commit similar crimes, thus contributing to the very problem mandatory minimums were created to address.

H.R. 1279 jeopardizes a person's right to a fair trial and creates the possibility that innocent people would be held for long periods of time prior to a trial.

Innocent people could be convicted of crimes they did not commit if the statute of limitations is extended as proposed in this legislation. The Gang bill proposes to extend the statute of limitations for non-capital crimes of violence. Generally, the statute of limitations for non-capital federal crimes is five (5) years after the offense is committed. This bill would extend that limitation for crimes of violence to 15 years after the offense was committed or the continuing offense was completed. For example, if a violent crime was committed in 2005, but a person was not indicted until 2020, that individual could be charged with a crime 15 years later. In 2020, 15 years after the crime, alibi witnesses could have disappeared or died, other witnesses' memories would have faded and evidence may be unreliable. The use of questionable evidence could affect a person's ability to defend themselves against charges and to receive a fair trial.

Shifting the burden of proof for pretrial detention in some cases involving guns could result in serious injustices and interfere with an accused person's defense. This legislation would create a rebuttal presumption against bail for people accused of certain firearms offenses during the commission of serious drug crimes. A person who is presumed innocent and has not been found guilty of any crime could be held for months or years without the government having made any showing that he or she is dangerous or a flight risk. Making it more difficult for an accused person to be released on bail prior to trial hinders a defendant's ability to assist their defense lawyer with investigating the facts of the case and preparing their defense.

Children would be put in Federal prison with little opportunity for education or rehabilitation.

Under the Gangs 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. H.R. 1279 would give the prosecutor the discretion to determine when to try a young person in federal court as an adult, if the juvenile is 16 years of age or older and commits a crime of violence.

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. The federal government should continue to let states deal with juveniles in their family court systems that were created to address the needs and provide services to young people. Furthermore, a 1996 study showed that youth transferred to adult court in Florida were a third more likely to re-offend than those sent to the juvenile justice system for the same crime and with similar prior records. Of the youth in this study who committed new crimes, those sent to adult court reoffended at twice the rate of those sent to juvenile court. This research emphasizes the need for juveniles to be held accountable in the juvenile justice system, which has more resources to address the problems that cause children to come to the attention of the court system.

While efforts to address gang crime are very important to maintaining public safety, this legislation proposes to confront crime at the expense of the right to a fair trial, at the risk of convicting innocent people and unnecessary exposure to the death penalty. H.R. 1279 will not solve the problem of gang crime in this country, thus members should oppose this bill when the House of Representatives votes on Wednesday, May 11, 2005.

Sincerely,

GREG NOJEIM,  
Acting Director.  
JESSELYN MCCURDY,  
Legislative Counsel.

VOTE WEDNESDAY, MAY 11—OPPOSE HR. 1279  
"THE GANG DETERRENCE AND COMMUNITY PROTECTION ACT," INEFFECTIVE AND COSTLY FEDERAL INTRUSION IN STATE LAW ENFORCEMENT

FEDERALIZES TRADITIONAL STATE CRIMES  
WITHOUT JUSTIFICATION

H.R. 1279 would federalize all state felonies if related to a "criminal street gang" and a host of state violent offenses (whether or not gang-related), thereby significantly expanding the current list of over 4,000 federal crimes (according to a recent Federalist Society report). Traditional state jurisdiction over juvenile matters also would be undermined.

This approach will skew traditional federal law enforcement priorities, undercut the superior efforts of the states to deal with violent crimes and juvenile offenders, and may exceed constitutional limits on federal power.

Even the conservative Heritage Foundation, in recent testimony to Congress, recommended enforcing existing laws rather than passing new ones. Existing federal statutes—including RICO, Continuing Criminal Enterprise and drug trafficking statutes—have been used to prosecute and severely punish gang members, and these laws are more than adequate to prosecute any gang-related offenses that warrant federal intervention.

PROMOTES WIDELY DISCREDITED APPROACHES  
TO GANG AND YOUTH CRIME

H.R. 1279 does nothing to promote proven effective programs for dealing with criminal

street gangs and youth crimes, such as family and school-based interventions and mentoring programs. The Heritage Foundation provided recent testimony on what measures Congress should support to address the gang problem—including fostering stable neighborhoods, providing after-school activities, and improving local economies—and H.R. 1279 does none of these things.

H.R. 1279 would result in more youth being prosecuted as adults in the federal system despite research showing that youth transferred to the adult criminal justice system are more likely to re-offend than similarly situated youth who remain in the juvenile justice system.

As the Judicial Conference of the United States has stated, “primary responsibility for prosecuting juveniles has traditionally been reserved for the states,” and “the federal criminal justice system has little experience and few resources” for juvenile defendants.

#### EXACERBATES RACIAL DISPARITIES AND OTHER SIGNIFICANT FLAWS IN THE CRIMINAL JUSTICE SYSTEM

H.R. 1279 expands three criminal justice policies—mandatory minimum sentences, capital punishment, and youth transfer to adult prosecution—that are discriminatory towards minority communities.

Attached to the new federal crimes are 24 new mandatory minimum sentences, which will transfer sentencing power from judges to prosecutors, prescribe unconscionably severe sentences, and increase unwarranted disparity, including racial disparity. Similarly, H.R. 1279 indiscriminately raises penalties for a wide variety of offenses that have nothing to do with street gangs, ranging from carjacking to regulatory violations (e.g., Clean Water Act).

H.R. 1279 attaches the death penalty to a variety of traditional state crimes and allows prosecutors to forum shop, expanding this error-prone and discriminatory system and flouting community standards regarding the appropriateness of the death penalty for certain crimes.

#### SOME ORGANIZATIONS OPPOSING H.R. 1279

American Bar Association. American Civil Liberties Union.

Chamber of Commerce of the United States.

Children’s Defense Fund.

Commission on Social Action of Reform Judaism.

Leadership Conference on Civil Rights.

National Urban League.

Murder Victims’ Families for Human Rights NAACP.

National Council of La Raza.

National Federation of Independent Business.

United States conference of Catholic Bishops.

For more information, including a full list of opposing organizations, go to [www.nacdl.org/Gangs](http://www.nacdl.org/Gangs)

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

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

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

I will be asking Members to vote “no” on the previous question. If the previous question is defeated, I will amend the rule to allow the House to consider the Capuano-Weiner amendment on the COPS program. This amendment was offered in the Committee on Rules last night but was defeated on a straight party-line vote. This amendment will reauthorize the

Community Oriented Policing Services, the COPS program, for the next 3 years. The COPS program, created as a result of the Violent Crime Control and Law Enforcement Act of 1994, focuses on crime prevention at the local level. This program puts law enforcement professionals on the streets and assigns them a beat so they can build mutually beneficial relationships with the people that they serve. By earning the trust of members of their community and making those individuals invest in their own safety, community policing makes law enforcement more efficient and makes America safer.

Mr. Speaker, if we are really serious about stopping the growing gang problem that is occurring in this country, we need to start at the local level, and we need to include prevention as well as enforcement. I know of no better program to meet this worthy goal than the COPS program.

Members should be aware that a “no” vote will not prevent consideration of the gang deterrence bill and it will not affect any of the amendments that are in order under this rule. But a “no” vote will allow us to add this important amendment that is one of our most effective tools in the war against violence.

Mr. Speaker, as I said at the beginning, if we are truly interested in dealing with the gang problem in this country, we need to do more than pass legislation that sounds tough. We need to have legislation that is tough, that will do the job. We need to do more than a press release here.

I urge my colleagues to vote “no” on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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

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

As we bring debate on this rule to a close, I must stress the importance of strengthening our communities’ efforts against gang crime. Like other forms of organized crime, gangs are at the center of drug violence, identity theft, bank robberies and many of the deadly shootings we read about in the local papers. We need to act in one strong voice to indicate that our laws have a purpose, that our prosecutors and law enforcement officers mean business. Gangs are a national problem, and they will not go away by simply putting them into an arts and crafts program or opening up a gymnasium to let them play midnight basketball. We can prevent the formation of gangs by strengthening our families, and we can deter their crimes by breaking their organization and putting them in jail.

Gangs are no longer simply found in the largest cities but have made their way into our rural and suburban communities as well.

Gangs are a problem which need a resolution because the cost is in human lives. One of the more important aspects of the Gang Deterrence and Community Protection Act is mandatory minimum sentencing. With mandatory sentencing, law enforcement will gain leverage over the lower-level gang members, leverage that will put pressure on a gang member to “roll over” on their leadership. With cooperation comes the ability to take down an entire gang network, which is the desired effect of this legislation. If there is no threat of doing hard time, there is no incentive to cooperate with law enforcement investigators. In fact, minimal sentencing of much shorter time is often viewed by low-level 16- and 17-year-old gang members as a badge of honor, so-called “earning your bones.” They come out of prison in 6 months to 2 years and move up the gang chain of command. Plain and simple, mandatory minimum penalties are an important piece in protecting the public from violent gangs by taking down the system that supports them.

Mr. Speaker, mandatory sentencing, this is not a new concept. In fact, the Child Abduction Prevention Act of 2002 contained 20-year mandatory minimums for child abductions and earned the support of 178 Democrats at final passage. Mandatory minimum sentences were part of the 2003 PROTECT Act, which passed this body by a vote of 400 to 25. The Identity Theft Penalty Enhancement Act contained mandatory minimum sentences, and it passed on suspension. An amendment to the intelligence bill that contained mandatory minimum sentencing to assure appropriate penalties for serious offenses such as possession of atomic, biological and chemical weapons passed 385 to 30. Mandatory minimum sentencing has been widely supported by this House and I believe works to deter crime. Getting tough on crime requires tough and uniform enforcement. We cannot afford to relent in our efforts to deter gang crime and enforce our laws. We need to address this problem while we have the opportunity and before it grows further out of control. We need to invest in new technology, unify our intelligence and strengthen our sentencing so law enforcement will have the tools to get gangs off the street.

Mr. Speaker, I urge support for this rule and passage of the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my disappointment with the structured rule that has been set forth for debate on H.R. 1279 the “Gang Deterrence and Community Protection Act of 2005.” This bill among other things, could subject innocent people to the death penalty, creates numerous discriminatory mandatory minimum sentences, could result in wrongful convictions based on unreliable evidence, and creates more serious juvenile offenders by incarcerating children in adult prisons. These are very serious issues.

Issues that warrant extensive debate and the opportunity to fix these problems before the negative impact is felt. The current rule does not allow for such debate.

Before concluding, I feel it is important that I briefly mention my three amendments that were not ruled in order. My first amendment would have removed Section 110 of the bill. As written in the bill, a prosecutor could bring a capital case in a district that had only a limited connection with a crime. My amendment would have clarified that the defendant must have committed criminal activity related to the capital case in the jurisdiction where the prosecutor seeks to bring the charge. In essence, it would have stopped forum shopping which is currently allowed under the bill.

My second amendment would have deleted Section 115 of the bill which deals with the transfer of juveniles to adult courts. More specifically, the amendment would have prevented 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 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 was very straightforward. It would have closed the 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.

In closing, these are all very important amendments and were aimed at fixing many of the problems associated with H.R. 1279. Despite the structured rule, I hope my colleagues on both sides will realize the importance of this bill and give it the time and attention it deserves.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 268—RULE ON H.R. 1279: THE GANG DETERRENCE & COMMUNITY PROTECTION ACT OF 2005

At the end of the resolution, add the following:

"SEC. 2. Notwithstanding any other provision of this resolution the amendment specified in section 3 shall be in order as though printed after the amendment numbered 10 in the report of the Committee on Rules if offered by Representative Capuano of Massachusetts or Representative Weiner of New York or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 3. The amendment referred to in section 2 is as follows:

At the end of the bill, add the following new section:

**SEC. 2. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.**

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).";

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking "ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—" and inserting "USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—";

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (5) (as so redesignated) the following new paragraphs:

"(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

"(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

"(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

"(4) improve security at schools and on school grounds in the jurisdiction of the grantee through—

"(A) placement and use of metal detectors, locks, lighting, and other deterrent measures;

"(B) security assessments;

"(C) security training of personnel and students;

"(D) coordination with local law enforcement; and

"(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security;

"(5) pay for officers hired to perform intelligence, anti-terror, or homeland security duties exclusively;"; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

"(8) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and

forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;";

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively;

(5) in subsection (c) (as so redesignated) by striking "subsection (i)" and inserting "subsection (g)"; and

(6) by adding at the end the following new subsection:

"(j) MATCHING FUNDS FOR SCHOOL SECURITY GRANTS.—Notwithstanding subsection (i), in the case of a grant under subsection (a) for the purposes described in subsection (b)(4)—

"(1) the portion of the costs of a program provided by that grant may not exceed 50 percent;

"(2) any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection; and

"(3) the Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.".

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd-1) is amended in subsection (d)(2) by striking "section 1701(d)" and inserting "section 1701(b)".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking clause (i) and all that follows through the period at the end and inserting the following:

"(i) \$1,007,624,000 for fiscal year 2006;

"(ii) \$1,027,176,000 for fiscal year 2007; and

"(iii) \$1,047,119,000 for fiscal year 2008.";

and

(2) in subparagraph (B)—

(A) by striking "section 1701(f)" and inserting "section 1701(d)"; and

(B) by striking the third sentence.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 198, not voting 8, as follows:

[Roll No. 164]

## YEAS—227

Aderholt Gibbons Nussle  
 Akin Gilchrist Osborne  
 Alexander Gillmor Otter  
 Bachus Gingrey Oxley  
 Baker Gohmert Paul  
 Barrett (SC) Goodlatte Pearce  
 Bartlett (MD) Granger Pence  
 Barton (TX) Graves Peterson (PA)  
 Bass Green (WI) Petri  
 Beauprez Gutknecht Pickering  
 Biggart Hall Pitts  
 Bilirakis Harris Platts  
 Bishop (UT) Hart Poe  
 Blackburn Hastings (WA) Pombo  
 Blunt Hayes Porter  
 Boehlert Hayworth Price (GA)  
 Boehner Hefley Pryce (OH)  
 Bonilla Hensarling Putnam  
 Bonner Herger Radanovich  
 Bono Hobson Ramstad  
 Boozman Hoekstra Regula  
 Boustany Hostettler Rehberg  
 Bradley (NH) Hulshof Reichert  
 Brady (TX) Hunter Renzi  
 Brown (SC) Inglis (SC) Reynolds  
 Brown-Waite, Issa Rogers (AL)  
 Ginny Istook Rogers (KY)  
 Burgess Jenkins Rogers (MI)  
 Burton (IN) Jindal Rohrabacher  
 Buyer Johnson (CT) Ros-Lehtinen  
 Calvert Johnson (IL) Royce  
 Camp Johnson, Sam Ryan (WI)  
 Cannon Jones (NC) Ryun (KS)  
 Cantor Keller Saxton  
 Capito Kelly Kennedy (MN)  
 Carter King (IA) Sensenbrenner  
 Castle King (NY) Sessions  
 Chabot Kingston Shadegg  
 Chocola Kirk Shaw  
 Coble Kline Shays  
 Cole (OK) Knollenberg Sherwood  
 Conaway Kolbe Shimkus  
 Cox Kuhl (NY) Shuster  
 Crenshaw LaHood Simmons  
 Cubin Latham Simpson  
 Culberson LaTourette Smith (NJ)  
 Cunningham Leach Smith (TX)  
 Davis (KY) Lewis (CA) Sodrel  
 Davis, Jo Ann Lewis (KY) Souder  
 Davis, Tom Linder Stearns  
 Deal (GA) LoBiondo Sullivan  
 DeLay Lucas Sweeney  
 Dent Lungren, Daniel Tancredo  
 Diaz-Balart, L. E. Taylor (NC)  
 Diaz-Balart, M. Mack Terry  
 Doolittle Manzullo Thomas  
 Drake Marchant Thornberry  
 Dreier McCaul (TX) Tiahrt  
 Duncan McCotter Tiberi  
 Ehlers McCreery Turner  
 Emerson McHenry Upton  
 English (PA) McHugh Walden (OR)  
 Everett McKeon Walsh  
 Feeney McMorris Wamp  
 Ferguson Mica Weldon (FL)  
 Fitzpatrick (PA) Miller (FL) Weldon (PA)  
 Flake Miller (MI) Weller  
 Foley Miller, Gary Westmoreland  
 Forbes Moran (KS) Whitfield  
 Fortenberry Murphy Wicker  
 Fossella Myrick Wilson (NM)  
 Fox Neugebauer Wilson (SC)  
 Franks (AZ) Ney Wolf  
 Frelinghuysen Northup Young (AK)  
 Gallegly Norwood Young (FL)  
 Garrett (NJ) Nunes  
 Gerlach

## NAYS—198

Abercrombie Boucher Conyers  
 Ackerman Boyd Cooper  
 Allen Brady (PA) Costa  
 Andrews Brown (OH) Costello  
 Baca Brown, Corrine Cramer  
 Baird Butterfield Crowley  
 Baldwin Capps Cuellar  
 Barrow Capuano Cummings  
 Bean Cardin Davis (CA)  
 Becerra Cardoza Davis (AL)  
 Berman Carnahan Davis (FL)  
 Berry Carson Davis (IL)  
 Bishop (GA) Case Davis (TN)  
 Bishop (NY) Chandler DeFazio  
 Blumenauer Clay DeGette  
 Boren Cleaver Delahunt  
 Boswell Clyburn DeLauro

Dicks Levin  
 Dingell Lewis (GA)  
 Doggett Lipinski  
 Doyle Lofgren, Zoe  
 Edwards Lowey  
 Emanuel Lynch  
 Engel Maloney  
 Eshoo Markey  
 Etheridge Marshall  
 Evans Matheson  
 Farr Matsui  
 Fattah McCarthy  
 Filner McCollum (MN)  
 Ford McDermott  
 Frank (MA) McGovern  
 Gonzalez McIntyre  
 Gordon McKinney  
 Green, Al McNulty  
 Green, Gene Meehan  
 Grijalva Meek (FL)  
 Gutierrez Meeks (NY)  
 Harman Melancon  
 Herseht Menendez  
 Higgins Michaud  
 Hinchey Miller (NC)  
 Hinojosa Miller, George  
 Holden Mollohan  
 Holt Moore (KS)  
 Honda Moore (WI)  
 Hooley Murtha  
 Hoyer Nadler  
 Inslee Napolitano  
 Israel Neal (MA)  
 Jackson (IL) Oberstar  
 Jackson-Lee Obey  
 (TX) Olver  
 Jefferson Ortiz  
 Johnson, E. B. Owens  
 Jones (OH) Pallone  
 Kanjorski Pascrell  
 Kaptur Pastor  
 Kennedy (RI) Payne  
 Kildee Pelosi  
 Kilpatrick (MI) Peterson (MN)  
 Kind Pomeroy  
 Kucinich Price (NC)  
 Langevin Rahall  
 Lantos Rangel  
 Larsen (WA) Reyes  
 Lee Ross

## NOT VOTING—8

Berkley Larson (CT)  
 Goode Millender-  
 Hastings (FL) McDonald  
 Hyde Moran (VA)

## RECESS

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Pursuant to clause 12(b) of rule I, the House will stand in emergency recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in emergency recess subject to the call of the Chair.

## □ 1335

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 1 o'clock and 35 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 1279, GANG DETERRENCE AND COMMUNITY PROTECTION ACT OF 2005

The SPEAKER pro tempore. The House is continuing the vote on ordering the previous question on House Resolution 268. Members will have 15 additional minutes to continue to record votes on this question. Members who previously recorded their votes

may confirm their votes during this period.

This 15-minute vote on ordering the previous question will be followed by a 5-minute vote on adoption of the resolution, if ordered.

## □ 1353

Messrs. WYNN, CUMMINGS and DINGELL and Ms. LORETTA SANCHEZ of California changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING THE U.S. CAPITOL POLICE AND SERGEANT AT ARMS OFFICE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, as we all now know, a short time ago a small aircraft invaded the National Capital air space. The command structure for both the U.S. Capitol and the White House tracked this plane before making a decision to evacuate the Capitol complex at approximately 12:04 p.m.

At the time of the evacuation, Mr. Speaker, the House of Representatives was in the midst of a roll call vote and the House Chamber was ordered cleared in the middle of that vote. In addition to the Members of the House, the Capitol was filled with a number of foreign dignitaries, tourists, certainly staff and congressional pages. The Capitol Police led a rapid, yet orderly, evacuation for all of these people, as well as those who were in the House office buildings.

Mr. Speaker, I just want to commend the Capitol Police and the Sergeant at Arms Office for a job well done. We were all part of that evacuation. It was orderly. The Capitol and the office buildings were evacuated in record time. It went relatively smoothly. I have heard little or no complaints about the evacuation.

I also want to especially commend the employees of this House, those in the office buildings as well as in the Capitol. Everybody evacuated quickly and calmly, and it was a very good operation.

It is unfortunate that we have to live in these times where we have to evacuate the Capitol complex; but we are very pleased and proud of the Capitol Police, of their orderliness under very extreme conditions, their politeness and their calmness and reserve in the way they evacuated these buildings.

From a personal note, as I was going out of the Capitol complex, the Capitol Police were on station and were deployed in a very professional manner. They were acting in a very professional