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No. 61

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 11, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Daniel P. Gallagher, Pastor, Edon Church of Christ, Edon, Ohio, offered the following prayer:

O Lord, God of heaven and earth, there is no God like You. Your mercy and grace continue to shower down on Your servants, those of this great building who serve this Nation's people, a Nation started not by accident but by Your providence and watch care.

I ask of You, Lord, to help guide these men and women to make decisions that will make this country better and stronger, not just in the physical sense but in the spiritual as well. Help these leaders to keep their eyes focused on Your desires to make this country what You intended her to be when You first brought people to its shores to be a "light on a hill" for all the world to see. But, Father, may the world not see the might of this country but the Almighty, who is our Watchman. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A SPECIAL TRIBUTE TO DANIEL PATRICK GALLAGHER ON THE OCCASION OF HIS SERVICE AS GUEST CHAPLAIN TO THE UNITED STATES HOUSE OF REPRESENTATIVES

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

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to a truly wonderful friend of the Fifth Congressional District of Ohio. Daniel P. Gallagher is currently the minister at Edon Church of Christ in Edon, Ohio. Today the House was honored to open our legislative session by the inspirational words of Daniel as our guest chaplain.

To his soldiers at Valley Forge, our Nation's Founding Father George Washington proclaimed, "To the distinguished character of patriot, it should be our highest glory to add the more distinguished character of Christian." Today, before our House could again open and continue to work the will of the people, we paused, and we paused, as we have each morning since the Continental Congress, to give thanks and ask for strength.

We have had a chaplain since 1789, and as Guest Chaplain, Daniel Gallagher continues the great tradition by

offering his leadership and guidance to this institution.

Through Reverend Gallagher's opening prayer today, the Village of Edon has extended its arms and offered their prayers to those elected to serve them.

Williams County, Ohio is proud to claim the Village of Edon and its nearly one thousand citizens. The county borders both the States of Michigan and Indiana. This wonderful area of Ohio produces great crops for consumption, machines for production and the toys which deliver upon us the joyful sounds of children laughing. Williams County and the Village of Edon provide the fruit of life to our Nation and today it has sent us its shepherd.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Daniel P. Gallagher as we give thanks for his inspiring words. On behalf of the people of the Fifth District of Ohio, I am proud to recognize his faith and service. We wish Daniel and his family the best as we salute one of Ohio's finest citizens.

NEW FOCUS TO BRING OUR TROOPS HOME

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

Mr. KUCINICH. Mr. Speaker, congressional Democrats are so sure that we will win back the Congress in 2006 on the Social Security issue that many have stopped challenging the administration on the war on Iraq: Let us take the war off the table as an issue and focus on other issues.

It is not a new strategy. It was pursued by congressional Democrats in 2002 when our leadership supported the war in Iraq. We lost. It was furthered in 2004 when our nominee supported the war. We lost. We lost a chance to regain the Congress and take back the White House, and the American people lost a chance for a new start. Why? Because we did not challenge the central vulnerability of the administration that led this country into war, into a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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war based on lies and misrepresentations.

Democrats' failure to challenge the war represents a failure of the two-party system. For the Democrats to become politically viable in 2006 and 2008, we must take on this administration on the War on Iraq, not giving them more money to keep the war going. We must move to cut off funds, to bring our troops home, to get out of Iraq, to make those who lied to us to get us into war accountable, to hold them accountable in the courts.

THEY WILL NOT JUST DIE ANYWAY

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

Mr. PITTS. Mr. Speaker, some time this summer, the House will vote on a bill to allow Federal funds to be used to destroy embryos stored at IVF clinics in order to harvest their stem cells. Those voting for this legislation will say that these are leftover embryos. They will say they are going to be killed anyway.

Well, they are wrong. Only 2.8 percent of embryos in IVF clinics have been set aside for research; the rest are destined for implantation or adoption.

But, we do not need to kill these embryos to do stem cell research. Stem cells can be taken from many adult sources: fatty tissue, spleen, liver, sinus, bone marrow, just to name a few. These are called adult stem cells.

Adult stem cell research is currently treating 58 diseases successfully. Embryonic stem cell research is treating none: 58, adult stem cell; zero, embryonic stem cell. If there were no ethical alternative, which there is, if we applied "they are going to die anyway" rationale to other areas of research, it would justify such things as harvesting organs from death-row inmates and from terminally ill patients.

We should support adult stem cell research, not embryonic.

UNITED AIRLINES DEFAULT REMINDS US OF NEED TO PRESERVE SOCIAL SECURITY

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

Mr. EMANUEL. Mr. Speaker, today we are given a stark reminder of what is at stake in this debate about Social Security.

Yesterday, United Airlines unloaded their pension plan for their 100,000-plus employees onto the taxpayer, resulting in benefits being cut up to 40 percent. Now, go ask those United Airlines' employees what they think of Social Security as part of their retirement.

Earlier this year, US Airways unloaded their pension plan on the taxpayers, cutting benefits up to 50 percent. Go ask those U.S. Airways' em-

ployees what they think of Social Security.

It may come as a shock to some, but the American people like the security that comes with Social Security. That is what this debate is about. For United Airlines' employees, U.S. Airways' employees, the steel industry before them and probably the auto industry coming next, Social Security is the linchpin to their retirement security. They reject the idea of doing to Social Security what just happened to their private plan, where they put their personal and employer-based savings. It is now on the roulette table, and benefits are being cut by 40 percent.

The fact is, that is what this debate is, for two-thirds of seniors and 40 percent of widows rely on Social Security as their only retirement. Mr. Speaker, this debate is more than about the solvency of Social Security; it is about retirement security for every American.

FILIBUSTER OF JUDICIAL NOMINEES ILL-SERVES AMERICA

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, blocking confirmation of judges by a minority in the Senate ill-serves the American people.

Filibustering judges is not part of the Constitution; it is not even part of the old Senate rules. The Constitution is clear on what is required of the Senate and its responsibility under the Advice and Consent Clause as it applies to judicial nominations: Majority support. Never has a nominee with clear majority support been denied an up-or-down vote.

Four vacancies continue to exist in the Sixth Circuit Court of Appeals where my district of Cincinnati is contained. One of those vacancies could have been filled by Judge Richard Griffin whose nomination has been pending for 145 days, 145 days. Judge Griffin has the support of his colleagues and individuals such as former President Gerald Ford. He has been rated by the American Bar Association as "well qualified," a rating that has historically secured a nominee's confirmation, but not anymore.

If the Senate wants to amend the Constitution, it should do so as provided by our Founding Fathers, not by the threats of a minority to shut the place down if they do not get their way.

TRIBUTE TO MIGUEL CONTRERAS

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to pay tribute to Miguel Contreras, who died unexpectedly on Friday, May 6, 2005.

As executive-secretary treasurer of the Los Angeles County Federation of

Labor and a vice president of the California Labor Federation, Miguel was a staunch champion for working families in Los Angeles and throughout our Nation. His leadership reenergized our Nation's labor movement.

Miguel began his life working in the fields of southern California alongside his immigrant parents. After meeting Cesar Chavez, he became active in the United Farm Workers Union.

Under Miguel's leadership, union membership in the Los Angeles County area grew by more than 125,000, creating a powerful voice for working families. Miguel led successful organizing campaigns for janitors and bus drivers, among others.

In a lifetime dedicated to service of working men and women, Miguel Contreras touched many lives, including my own. It was Miguel who encouraged and supported my run for executive-secretary treasurer of the Orange County Federation of Labor. I became the first Latina to head a federation, so I jokingly described myself as Miguel Contreras in high heels. I want to thank him for being a great role model and teaching me many of life's invaluable lessons.

Miguel was not only a friend and a mentor to me, but more importantly, he was a remarkable labor leader, activist, community spokesman, power broker, husband and father, and he will be sorely missed.

PROMOTING FREEDOM AND DEMOCRACY IN EUROPE

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

Mr. SHIMKUS. Mr. Speaker, I would like to say welcome back, Mr. President, from your historic trip to Europe.

As a former military officer and a high school history teacher, I thank and appreciate the Soviet Union and the Russian people for their sacrifice in helping to win World War II.

Some would justifiably argue that the Russians carried the lion's burden in Europe, both in sacrifice and materiel. However, as much as we thank the Russian people for their sacrifice, we must also remember the five decades of totalitarian regime that ruled over five of the Eastern European Block countries, those that we call the former captive nations. Loss of liberty, freedom, rule of law, executions, deportations and Russification was imposed on many countries. By the President book-ending his trip with a visit to Latvia and Georgia, we should know that old animosities can be put aside and a new Europe can emerge, one that promotes freedom and democracy and the rule of law.

NEW AXIS OF EVIL

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

Mr. CROWLEY. Mr. Speaker, we all know about the axis of evil. Iran and North Korea's pursuit of nuclear weapons is frightening, and we need to do everything we can do to stop it.

But now there is a new axis of evil, apparently, and it starts right here in Washington. The axis of evil for this administration is bull's-eye, square one, the United States Senate and the 45 members of its minority. Because while not yet a nuclear State, that is exactly what the Republicans want to make it by eliminating the filibuster rule.

Not only does the Republican Party demonstrate yet again that when they do not get their way, they do not believe in playing fair, they want to change the rules. When they cannot change the rules, their leadership bullies judges and pushes legislation that has no business being in the United States Congress and is left best to the States. When that does not work, they eliminate the voice of the minority and appoint, for lifetime appointments, to the Federal and supreme Court.

Let us remember that Democrats in the United States Senate combined represent more Americans than do their Republican colleagues.

We have a proud history of an independent judiciary and checks and balances. That is something that Iran and North Korea cannot say. If Bill Frist gets his way, it is something we will not be able to say, either.

ISRAEL INDEPENDENCE DAY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today we mark Israel Independence Day.

Israel has stood as a symbol of perseverance and courage for the entire world from its birth in 1948. It has struggled constantly to maintain its independence and to ensure its survival amidst military attacks from hostile neighbors and prolonged terrorist campaigns. Even while at war, Israel's democracy and its vibrant, diverse and free society has remained strong. Its doors have been opened to victims of persecution and intolerance around the world. It has been said that the strength of a nation is determined by the caliber of its people, and there is perhaps no better example of this than the State of Israel and the Israeli people.

Today, as the State of Israel marks its 57th anniversary, we reiterate our commitment to its security and its stability.

I extend my best wishes and congratulations to the Israeli people and to the Jewish Nation.

REPUBLICAN CHANGE OF FILIBUSTER RULE IS ABUSE OF POWER

(Mr. PALLONE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, Republicans have become so arrogant with their absolute power here in Washington that whenever they do not get their way, they try to change the rules of the game. In January, House Republicans ignored protocol and weakened the ethics rules in order to protect one of their leaders, and now Senate Republicans are preparing to change the filibuster rule which has been in place beyond anyone's memory.

Republicans say Senate Democrats are preventing President Bush's judicial appointments from taking the bench, but let us set the record straight.

During President Bush's first 4 years in office, the Senate confirmed 204 of his 214 nominees; that is a 95 percent confirmation rate.

□ 1015

The Senate has been so productive in approving Bush's nominees that the Federal court vacancy rate is at its lowest point in 15 years.

Mr. Speaker, the filibuster has been used by Democrats and Republicans for 200 years to protect the rights of the minority party. After 2 centuries, it would be a mistake and an extreme abuse of power by Senate Republicans to change the rules now and eliminate this important check and balance.

EMPLOYEE PENSION PRESERVATION AND TAXPAYER PROTECTION ACT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, did you hear the news this morning? The U.S. Bankruptcy Court allowed United Airlines to default, to end four pension plans. They will be transferred to the Federal Pension Benefit Guarantee Corporation and ultimately the American taxpayer. Unless Congress acts, other major airlines will follow the same path and end their pension plans, the cost of which will ultimately be borne by the taxpayers. We need to act now. Hard-working taxpayers are already on the line for nearly \$10 billion in unfunded pension liabilities from just two airlines that are in bankruptcy.

There is a solution: H.R. 2106. This bill limits taxpayer liability and allows responsible companies to manage their pension liabilities. It makes certain that airline carriers meet their current obligations with no subsidy from the Federal Government, the taxpayers.

Mr. Speaker, when major airlines file for bankruptcy, taxpayers lose, employees are out of jobs, retirements are jeopardized, and the economy suffers.

We should act now on behalf of the American taxpayer. More bankruptcy headlines are coming unless we move responsibly, and I ask my colleagues to join me in this important and vital

matter to save jobs, retirements, and taxpayer money. Support H.R. 2106.

PULITZER PRIZE WINNERS FROM OHIO

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, I stand today to announce and commend the 2005 winners of the Pulitzer Prize and take particular notice that four of this year's winners are graduates of Ohio's public State universities.

Walter Bogdanich, with the New York Times, won the Pulitzer for National Reporting, getting a master's degree in journalism from Ohio State.

Julia Keller, with the Chicago Tribune, won the Pulitzer for Feature Writing after earning a doctoral degree in English from Ohio State.

Nick Anderson, with the Louisville Courier-Journal, won the Pulitzer for Editorial Cartooning after graduating from Ohio State with a degree in political science.

And of course I am most proud of my wife, Connie Schultz, of the Plain Dealer in Cleveland who won the Pulitzer for Commentary. She graduated from Kent State with a degree in journalism and was editor of the Daily Kent Stater.

The Pulitzer defines excellence in journalism, and it is personally gratifying to me that Ohio's public universities helped these talented individuals achieve this extraordinary honor.

DR. CALVIN R. FREMLING

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

Mr. GUTKNECHT. Mr. Speaker, the Mississippi River is called the Father of Waters.

I rise today to honor the work of Dr. Calvin R. Fremling of Winona, Minnesota. For nearly 50 years, Dr. Fremling has been a student of the Mississippi River. He has shared his passion as a teacher, researcher, historian, and photographer.

He received his bachelor's degree in biology and physical science from St. Cloud State University in 1951 and his Ph.D. in zoology from Iowa State University in 1959. After brief service as a teacher in Motley High School and with the U.S. Army's Ecological Research Unit, he returned to SCSU to earn his master's degree in biology.

Dr. Fremling then joined the faculty at Winona State University where he taught and conducted research for 32 years until his retirement in 1991. He just released his book, "Immortal River: The Upper Mississippi River in Ancient and Modern Times." The book is a record of lifetime of work dedicated to protecting the ecology of the Mississippi River.

I thank Dr. Fremling for his work with one of our national treasures and

for his commitment to our young people.

SCHOOL BUS SAFETY AND THE SECURE ACT OF 2005

(Mr. CLEAVER asked and was given permission to address the House for 1 minute.)

Mr. CLEAVER. Mr. Speaker, I rise to offer my condolences to the victims and their families of Tuesday's school bus accident in Liberty, Missouri, just north of my district in Kansas City. That tragic accident killed two adults and injured 23 children, some critically. The tragic accident of which I speak, Mr. Speaker, has generated a great deal of trauma in our community, understandably, because these injuries could easily have been prevented had the school bus in question been equipped with safety belts. Over 23 million children ride school buses every day, and almost none of them are equipped with seatbelts. While no one anticipates a tragedy like that which occurred in Liberty, we do owe it to our children to do all we can to ensure their safety while traveling to and from school.

Yesterday, the gentleman from California (Mr. BACA), my good friend and colleague, introduced the SECURE Act to equip school buses with safety belts. By supporting this common sense measure, we can help ensure that our children's ride to school and their safety is assured. I have cosponsored the SECURE Act, and I urge all Members to do the same.

ECONOMIC GROWTH

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to share good news with the American people.

Last week, the Bureau of Labor Statistics announced that 274,000 new jobs were created in April. That means the economy has created nearly 3.5 million jobs since May 2003. We have seen steady job gains for each of the last 23 months, and more Americans are working than ever before.

Another indicator which shows that we are on the road to recovery is home sales. A recent report by the Commerce Department indicates sales of new homes grew by 12.2 percent in March to the highest level in the history of the Nation's housing market.

Clearly, the economy's growth is a direct result of the pro-growth agenda of the President and this Republican Congress.

By encouraging fiscal responsibility in the budget and passing pro-growth bills such as the Death Tax Repeal and the Bankruptcy Bill, Republican Members continue to show their commitment to America's economy.

However, there is still work to do to continue to grow the economy and get more Americans working. I look for-

ward to continue working with the President to find ways to lower the prices we pay at the pump and will continue to urge my colleagues in the Senate to pass the energy bill that would put more than 500,000 Americans to work.

WAKE-UP CALL FOR AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is a simple pronouncement this morning. This is a wake-up call for America. In today's headlines we have: "United gets okay to drop pension funds." Earned pension funds, earned benefits now on the chopping block of America.

I have great concern for America's airlines, and I will work with them as we have worked in the past after 9/11 to shore them up. But is it not a shame that America cannot invest in its pension fund and believe when it is time for retirement that fund will be there?

Wake up America. Social Security is now falling to the same axe. This President wants to cut your benefits, the major social safety net of Americans. An invested process is now under siege.

We think it is a divided question. It is not a divided question. It is a question for the middle class. It is a question for working Americans. It is a question that Democrats have stood fast. We will not see Social Security denied or destroyed. And wake up America, because the pensions of America are now under the vulnerable chopping block that anybody who needs a dime or a dollar will go into your pension fund, whether you are a private corporation or the public sector. Wake up America.

SOCIAL SECURITY REFORM

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

Mr. PENCE. Mr. Speaker, with the specter of fiscal collapse facing our children and grandchildren's public retirement, Social Security reform is an idea whose time has come. And President Bush, never one to flinch from a good fight, is to be commended for taking it on.

Social Security reform means keeping its promise in tact for seniors and all who choose to remain in the system. But Social Security reform also means offering a better deal to younger Americans in the form of voluntary personal accounts.

And we can do it all, Mr. Speaker, without raising taxes on working families, small businesses and family farms. So let us get on with it. Let the House lead on Social Security reform. If the House goes first, we will produce a reform that is consistent with the Presi-

dent's vision for a 21st century public retirement system.

SENATE FILIBUSTER

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, the Republican Congress and Republican President are overcome with power, so much so that they want to fundamentally change our Nation's government into one where a single political party in power holds total control.

And how do the Republicans want to lay claim to absolute power? In order to break down the separation of powers and ram through their appointees to the judicial branch, the President and the Republican leadership want to eliminate a 200-year-old American rule that permits the Senate the right to extend debate in the confirmation of Presidential nominees.

Mr. Speaker, the role of the Senate in the confirmation of Presidential nominees is a central element of our democracy. The confirmation process underscores our Founding Fathers' commitment to the separation of powers and their abhorrence of simple majority rule. It provides for essential checks and balances to ensure we remain a Nation ruled by laws and not just by men.

We do not need a monarchy. We need to preserve our Republic.

CENTER FOR RESPONSIBILITY AND ETHICS IN WASHINGTON

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

Mr. MCHENRY. Mr. Speaker, there is a lot of talk by groups in Washington, D.C. about ethics, making sure that Members of Congress hold to the highest standards of ethical conduct.

It is good stuff. But one of these groups concerned about ethics, the Center for Responsibility and Ethics in Washington, is not the nonpartisan entity we may have thought. The Center for Responsibility and Ethics in Washington, CREW, Mr. Speaker, is a partisan group with a partisan political agenda.

According to The Wall Street Journal, board members of the group, including a former Clinton White House pollster, have contributed over \$340,000 to left-wing causes in the past 4 years.

The group's director has said, "Since I started, the main thing I want to do was to go after Tom DeLay. DeLay is my top target."

This group is concerned about ethics, Mr. Speaker? No, I do not think so. It is about partisan politics. And they only have one agenda, and that is to file complaints against Republicans.

Mr. Speaker, as someone new to Washington, I am not used to this Washington, D.C. parlor game of dirty tricks. This is about politics, Mr. Speaker, not about ethics.

SOCIAL SECURITY CRISIS

□ 1030

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

Mr. CANTOR. Mr. Speaker, I rise today to discuss the crisis in Social Security. The current system in place is based on demographics in America that are reflective of 1935, not 2005.

Currently, 45 percent of senior citizens rely on Social Security as their sole source of income. We, in this House, will not let them down. We also cannot lose sight of our goal, though, to preserve Social Security for our children and our grandchildren.

Our goal in this Congress, as leaders, is to help real people, not engage in political posturing. It is our duty as public servants to ensure a strong and solvent program. For today's seniors and those nearing retirement, the system should not change. But we owe those younger workers across America and our future generations more than just a stopgap fix. We owe them the best system that we can provide to suit their needs in their golden years.

SENATE FILIBUSTER

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, what does it profit a man to gain the whole world and lose his soul? Mr. Speaker, what does it profit one political party to rule this government with an iron fist and destroy the foundation our Founding Fathers built? This is the central question we are asking the Senate Republican conference today.

It is unreal. It is unbelievable that Senators sworn to uphold the Constitution would end filibusters on judicial nominations. This is not only a grab by one party to dominate every branch of American Government. It is a choke hold on the voices of millions of American voters. Where is our honor? Where is our honesty? Where is our respect for the American people who place their trust in all of us, not one political party?

Mr. Speaker, I thought the principles of American democracy stood for something. I hope the Senate Republican leadership will not fall for this miscarriage of justice.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later in the day.

CORRECTING THE ENROLLMENT
OF H.R. 1268

Mr. LEWIS of California. Mr. Speaker, I move to suspend the rules and concur in the Senate Concurrent Resolution (S. Con. Res. 31) to correct the enrollment of H.R. 1268.

The Clerk read as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 1268, an Act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, the Clerk of the House of Representatives is hereby authorized and directed to correct section 502 of title V of division B so that clause (ii) of section 106(d)(2)(B) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note), as amended by such section 502, reads as follows:

“(ii) MAXIMUM.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years 2001 through 2004 may not exceed 50,000.”

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

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

Mr. Speaker, the resolution instructs the enrolling clerk to correct a provision in division B of the Emergency Supplemental Appropriations conference report that was drafted incorrectly.

The conference agreement included a provision to make available an additional pool of permanent resident visas only for nurses and physical therapists.

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

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, ordinarily, on a piece of legislation like this, there would be virtually no debate and it would be passed routinely, but I think, for the good of the House, we ought to review exactly what we are doing here and why we are here doing it.

As you know, last month, the supplemental appropriations for Iraq and other purposes was passed by the House and then passed by the Senate. On the Senate floor, the Senate saw fit to adopt an amendment, the purpose of which was to increase the number of visas for nurses by 50,000. That is what it supposedly did.

Now, after that was adopted on the Senate floor, the bill was conferenced. It passed this House some time ago, and the conference passed the Senate yesterday.

Today, we are here with this concurrent resolution, and what does this concurrent resolution do? It raises the number of visas for nursing by 50,000. Why do we have to chew the same cud twice? Why are we here doing today

what we thought had been done much earlier?

I think it is very simple. We are here because the normal processes, the normal democratic processes of the House and the Senate have not been followed. We are here because, in an attempt to solve a debate within the Republican Caucus, extraneous material was added to the Iraqi supplemental which had no business being on that bill in the first place.

What essentially happened is that after this amendment was adopted by the other body, the leadership of the majority party then essentially took away from the Committee on Appropriations the ability to deal with all of these immigration-related issues.

Now, who dealt with them? I am, frankly, not sure, but I think it was Senator FRIST's staff, and I think it was the leadership staff in this House. But we are not sure because it all happened behind some closed door. I am not sure what room it was in. But it happened somewhere, some place in River City.

So now, we are here correcting that mistake. Why am I making a Federal case out of something like this? Well, it is very simple. The history of Congress has been written for decades, and each decade some scholar has noted that Congress works principally in committee. Woodrow Wilson wrote his great piece on the organization of Congress, making the point that Congress really ran in committees. We are here today because that committee system has been corrupted.

What has happened is that we have ignored the fact that the reason for the committee system in the first place has been so that the House could use the specialized knowledge that people develop on each and every committee and put that knowledge to work in the consideration of every bill that goes through this House. Under normal processes, the Committee on Appropriations would have been dealing with all matters that were attached in the appropriations bill.

Under normal processes, Senator HUTCHISON should have been allowed to have access to the language before it was arbitrarily attached to this bill. But when people tried to find out what was happening on immigration and other issues, they were told it is being taken care of. It is being taken care of.

Well, it certainly was.

Mr. Speaker, I simply take this time to make the point that there is a purpose for creating committees. There is a purpose for vetting these issues through the committee of jurisdiction because, through the years, committees learn their business. But when the normal business is side-tracked, when everyone except the powers on high are excluded from the rooms where decisions are being made, then you are going to have mistakes being made because nobody is smart enough to know everything about everything, despite what some people in the leadership in

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 multi-jurisdictional 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, or Ms. Lucrecia Cobbs at Catholic Charities USA, 703-549-1390, 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

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;”;

(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)”;

(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)”;

(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	Gilchrest	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
Biggert	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	Hershey	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	Ryun (KS)
Capito	Kelly	Saxton
Carter	Kennedy (MN)	Schwarz (MI)
Castle	King (IA)	Sensenbrenner
Chabot	King (NY)	Sessions
Chocola	Kingston	Shadegg
Coble	Kirk	Shaw
Cole (OK)	Kline	Shays
Conaway	Knollenberg	Sherwood
Cox	Kolbe	Shimkus
Crenshaw	Kuhl (NY)	Shuster
Cubin	LaHood	Simmons
Culberson	Latham	Simpson
Cunningham	LaTourette	Smith (NJ)
Davis (KY)	Leach	Smith (TX)
Davis, Jo Ann	Lewis (CA)	Sodrel
Davis, Tom	Lewis (KY)	Souder
Deal (GA)	Linder	Stearns
DeLay	LoBiondo	Sullivan
Dent	Lucas	Sweeney
Diaz-Balart, L.	Lungren, Daniel	Tancredo
Diaz-Balart, M.	E.	Taylor (NC)
Doolittle	Mack	Terry
Drake	Manzullo	Thomas
Dreier	Marchant	Thornberry
Duncan	McCaul (TX)	Tiahrt
Ehlers	McCotter	Tiberi
Emerson	McCrery	Turner
English (PA)	McHenry	Upton
Everett	McHugh	Walden (OR)
Feeney	McKeon	Walsh
Ferguson	McMorris	Wamp
Fitzpatrick (PA)	Mica	Weldon (FL)
Flake	Miller (FL)	Weldon (PA)
Foley	Miller (MI)	Weller
Forbes	Miller, Gary	Westmoreland
Fortenberry	Moran (KS)	Whitfield
Fossella	Murphy	Wicker
Fox	Myrick	Wilson (NM)
Franks (AZ)	Neugebauer	Wilson (SC)
Frelinghuysen	Ney	Wolf
Galleghy	Northup	Young (AK)
Garrett (NJ)	Norwood	Young (FL)
Gerlach	Nunes	

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 (AL)
Becerra	Cardoza	Davis (CA)
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	Rothman
Dingell	Lewis (GA)	Roybal-Allard
Doggett	Lipinski	Ruppersberger
Doyle	Loftgren, Zoe	Rush
Edwards	Lowe	Ryan (OH)
Emanuel	Lynch	Sabo
Engel	Maloney	Salazar
Eshoo	Markey	Sánchez, Linda
Etheridge	Marshall	T.
Evans	Matheson	Sanchez, Loretta
Farr	Matsui	Sanders
Fattah	McCarthy	Schakowsky
Filner	McCollum (MN)	Schiff
Ford	McDermott	Schwartz (PA)
Frank (MA)	McGovern	Scott (GA)
Gonzalez	McIntyre	Scott (VA)
Gordon	McKinney	Serrano
Green, Al	McNulty	Sherman
Green, Gene	Meehan	Skelton
Grijalva	Meek (FL)	Slaughter
Gutierrez	Meeks (NY)	Smith (WA)
Harman	Melancon	Snyder
Herseth	Menendez	Solis
Higgins	Michaud	Spratt
Hinches	Miller (NC)	Stark
Hinojosa	Miller, George	Strickland
Holden	Mollohan	Stupak
Holt	Moore (KS)	Tanner
Honda	Moore (WI)	Tauscher
Hooley	Murtha	Taylor (MS)
Hoyer	Nadler	Thompson (CA)
Inslee	Napolitano	Thompson (MS)
Israel	Neal (MA)	Tierney
Jackson (IL)	Oberstar	Towns
Jackson-Lee	Obey	Udall (CO)
(TX)	Olver	Udall (NM)
Jefferson	Ortiz	Van Hollen
Johnson, E. B.	Owens	Velázquez
Jones (OH)	Pallone	Visclosky
Kanjorski	Pascrell	Wasserman
Kaptur	Pastor	Schultz
Kennedy (RI)	Payne	Waters
Kildee	Pelosi	Watson
Kilpatrick (MI)	Peterson (MN)	Watt
Kind	Pomeroy	Waxman
Kucinich	Price (NC)	Weiner
Langevin	Rahall	Wexler
Lantos	Rangel	Woolsey
Larsen (WA)	Reyes	Wu
Lee	Ross	Wynn

NOT VOTING—8

Berkley	Larson (CT)	Musgrave
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

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

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

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

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

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

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

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

□ 1400

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

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

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

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

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

GANG DETERRENCE AND COMMUNITY PROTECTION ACT OF 2005

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

□ 1403

IN THE COMMITTEE OF THE WHOLE

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

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

The Clerk read the title of the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support this legislation.

Madam Chairman, I reserve the balance of my time.

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

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

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

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

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

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

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

□ 1415

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

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

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

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

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

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

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

Madam Chairman, I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1430

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I appreciate the gentleman yielding me time.

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

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

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

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

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

This is an important issue.

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

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

I support this bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1445

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

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

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

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

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

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

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

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

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

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

AMENDMENTS THAT WERE NOT MADE IN ORDER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This bill misses the point by providing a comprehensive approach to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge passage of this legislation.

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

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

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

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

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

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

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

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

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

H.R. 1279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gang Deterrence and Community Protection Act of 2005”.

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

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

“CHAPTER 26—CRIMINAL STREET GANGS

“Sec.

“521. Criminal street gang prosecutions.

“§521. Criminal street gang prosecutions

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

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

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

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

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

“(b) FORFEITURE.—

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

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

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

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

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

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

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

“(A) A crime of violence.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) by inserting “(1)” after “(a)”;

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 103. AMENDMENTS RELATING TO VIOLENT CRIME.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 107. MULTIPLE INTERSTATE MURDER.

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

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

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

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

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

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

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

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

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

SEC. 108. ADDITIONAL RACKETEERING ACTIVITY.

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

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

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

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

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

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

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

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

SEC. 110. VENUE IN CAPITAL CASES.

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

“§ 3235. Venue in capital cases

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

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

SEC. 111. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

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

“§ 3298. Violent crime offenses

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

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

“3298. Violent crime offenses.”

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

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

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

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

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

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

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

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

(1) in paragraph (1)(A)—

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

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

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

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

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

(2) by striking paragraph (4).

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

SEC. 115. TRANSFER OF JUVENILES.

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

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

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

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

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

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

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

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

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

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

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

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

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

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

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

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

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

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

(A) the Federal Bureau of Investigation;

(B) the Drug Enforcement Administration;

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

(D) the United States Marshals Service;

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

(F) the Department of Housing and Urban Development;

(G) State and local law enforcement; and

(H) Federal, State, and local prosecutors.

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

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

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

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

(i) respond to the gang crime problem; and

(ii) participate in a gang enforcement team;

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

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

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

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

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

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

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

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

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

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

(3) by adding at the end the following:

"(5) to hire additional prosecutors to—

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

"(B) reduce backlogs;

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

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

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

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

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

The Acting CHAIRMAN. No amendment to the committee amendment is

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

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

AMENDMENT NO. 1 OFFERED BY MR.

SENSENBRENNER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

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

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

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

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

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

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

(2) by adding at the end following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

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

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

MODIFICATION TO AMENDMENT NO. 1 OFFERED
BY MR. SENSENBRENNER

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

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

I urge my colleagues to support this amendment.

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

The amendment, as modified, was agreed to.

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

AMENDMENT NO. 2 OFFERED BY MR. CUELLAR

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

(G) the Department of Housing and Urban Development;

(H) State and local law enforcement;

(I) Federal, State, and local prosecutors;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

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

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

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

(c) NATIONAL AND REGIONAL GANG ACTIVITY DATABASES.—

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

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

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

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

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

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

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

(i) identify gang members involved in crimes;

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

(iii) coordinate police response to gang violence;

(iv) enhance officer safety;

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

(vi) forecast trends and respond accordingly; and

(vii) more easily solve crimes and prevent violence.

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

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

AMENDMENT NO. 4 OFFERED BY MS. WATSON

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. WATSON:

Page 26, after line 2, insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

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

AMENDMENT NO. 5 OFFERED BY MS. WATSON

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. WATSON:

Page 26, after line 7, insert the following:

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

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

Page 26, line 11, strike “and”.

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

Page 26, after line 13, insert the following:

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

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

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

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

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

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

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

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

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

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

Ms. WATSON. I thank the gentleman.

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

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

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

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

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

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

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

The amendment was agreed to.

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

AMENDMENT NO. 6 OFFERED BY MR. WYNN

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WYNN:

Page 22, after line 3, insert the following:

SEC. 116. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL PENALTIES.

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

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

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

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

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

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

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

□ 1530

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

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

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

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

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

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

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

The amendment was agreed to.

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

AMENDMENT NO. 7 OFFERED BY MR. GOODLATTE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GOODLATTE:

Page 22, after line 3, insert the following:

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

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

“CHAPTER 52—ILLEGAL ALIENS

“Sec.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support this commonsense amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1545

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

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

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

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

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

Mr. Chairman, I urge support of the amendment.

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

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

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

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

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

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

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

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

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

I would hope we defeat the amendment.

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

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

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

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

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

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

AMENDMENT NO. 8 OFFERED BY MR. NORWOOD

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was agreed to

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

AMENDMENT NO. 9 OFFERED BY MR. NORWOOD

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

□ 1600

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 10 OFFERED BY MS. WATERS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SCOTT of Virginia. Mr. Chairman, I want to remind Members of the House that murders are already illegal. Intentional murder subjects you to either the death penalty or mandatory life. Racketeering and those other charges are illegal. The mandatory minimums in the bill apply to second-offense fist fights, and I guess if you are an illegal immigrant, you get an additional 5 years mandatory minimum.

If that is not enough, Mr. Chairman, we have already said that, for those 25 to 29 in the African-American community, 1 out of 8 are already in jail today. Apparently, that is not enough penalty, and we need to increase it.

The Sentencing Commission has studied the impact of mandatory minimum sentences and have found that they not only violate the entire purpose of the Sentencing Commission, but they are also applied in a racially discriminatory manner. We also have found, Mr. Chairman, that the Rand Corporation has studied mandatory minimums and found that it is not a cost-effective sentencing scheme. They found that compared to a more intelligent scheme where the more serious criminals get more time and less serious get less time, mandatory minimums are less effective in reducing crime. They are also much less effective than drug rehabilitation for drug penalties. So we have the Rand Corporation designating mandatory minimums as a waste of the taxpayers' money.

The Judicial Conference of the United States, the Chief Justice of the United States presiding, has written us a letter saying, not only that trying juveniles as adults is bad policy but also the mandatory minimums, and they have maintained opposition to mandatory minimums since 1953. They write: The reason is manifest. Mandatory minimums severely distort and damage the Federal sentencing system. Mandatory minimums undermine the sentencing guideline regime Congress so carefully established in the Sentencing Reform Act of 1984 by preventing the rational development of guidelines that reduce unwanted disparity and provide proportionality and fairness.

□ 1615

Mandatory minimums also destroy honesty in sentencing by encouraging charge and fact plea bargains. In fact, the U.S. Sentencing Commission has documented that mandatory minimums have the opposite of their intended effect. Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity.

Mandatory minimums also treat dissimilar offenders in a similar fashion, although these offenders can be quite different with respect to the seriousness of their conduct or their danger to society.

Finally, mandatory minimums require the sentencing court to impose the same sentence on offenders when sound policy and common sense call for reasonable differences and punishment. Accordingly, we respectfully request that the expansion of the Federal criminal justice system over juvenile offenders be seriously reconsidered, and that the mandatory minimum sentences provision in the bill be removed.

Mr. Chairman, that is exactly what this amendment does, and I would hope that the amendment would be adopted.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I just wish today that we would hear the same passion for the victims of gang crimes as we have heard on the other side for those who commit violent gang crimes. You know, we have heard a lot about the cost of locking up violent gang criminals. But I have not heard a whole lot about the cost of leaving them in our neighborhoods to create more crimes and leave repeated paths of victims.

We just heard about common sense. Well, let me tell you about common sense. Common sense is that you are not going to stop these violent gang criminals by giving them a Popsicle and a hug. You stop them by getting them off the streets.

Let us make it clear that we do not believe there is any socially redeeming value for belonging to a violent criminal gang. What mandatory sentences do is they set out clearly a policy that we say, if you are going to belong to

one of these gangs, you take the consequences; that if you commit one of these gang crimes, you are going to pay a price. You cannot just roll the dice.

Now, our opponents will tell you it is already illegal to do some of these acts. They miss the point. Our whole purpose is to keep those acts from being committed in the first place by getting rid of the gang networks. They believe, they have argued here the way you do that is by giving arts and crafts to members of these violent gangs. We just respectfully disagree.

We believe that the way you do it is by bringing down the criminal gang networks and the criminal gang leaders. Mandatory sentences do that by giving those individuals who commit gang crimes a choice. They can either spend a long time in jail, or they can help us bring down the networks that are praying on our communities.

Mr. Chairman, I hope we will reject this amendment and will pass the bill.

Ms. WATERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong opposition to this bill, which offers no solution to our Nation's gang violence problem, and in support of the Waters-Scott amendment which strikes the mandatory sentences provisions.

Clearly, in many neighborhoods throughout our country, we have a gang violence problem. Yet dramatically increasing prison terms and failing to fund proven strategies to reduce youth violence is exactly what H.R. 1279 does.

Violence in gangs is a critical problem, persistent among low-income and minority communities. Today we see that 95 percent of the largest cities and 88 percent of the smaller cities are confronted with gang-related crimes. More and more younger kids are joining gangs. But no value of hope is given to these children seeking a way out of the gang activity. We must face this reality, rather than hide from it.

It seems to me that the only solution being offered by this legislation to our juveniles involved in gangs is locking them into a life path where there is no way out. Whatever happened to gang prevention programs, to the funding desperately needed for delinquency and intervention programs?

If we want to deter gang violence and protect our communities, we need to focus on effective and comprehensive solutions to address the root causes of youth violence, not simply punitive actions.

Mr. Chairman, passing this bill will do nothing to stem the tide of gang violence throughout this country. What this bill will do is worsen our youth's violent behavior by enslaving our youngsters into prison as an answer to one of this Nation's most critical prob-

lems, and that is no solution at all. I urge my colleagues to support the Waters-Scott amendment and to oppose the underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Chairman, I am a cop. I wear a congressional pin, but I always will live and breathe and think like a cop.

I have worked the streets for 33 years. Up until January 3 of this year I was a police officer. In the early 1990s, gangs were a huge problem in this country; and we worked hard and passed local tough laws to address the gang issue. And we had success. The crackdown by cops across the Nation in the early 1990s did break the backs of gang activity. And today we need tough laws to continue fighting gang violence and the resurgence of gang activity.

These gangs today are more violent. They are committing murders, rapes, and robberies. Cops need tough laws to help them. They need to know that local governments, State governments, and the Federal Government is behind them with tough laws to help them break the backs of gangs.

A few years ago I lost a good friend, an officer who worked in the Seattle area. He stopped his police car, opened his car door, stood by the front of his police car, and was approached by three gang members. The job that night, the assignment that night by these gang bangers, kill a cop. And they did. They fired the bullet into the cop's head, and he died.

Mr. Chairman, I urge my colleagues to pass this bill and protect the lives of citizens of this great country.

Mr. Chairman, I am a cop. I wear a Congressional pin, but I will always think like a cop, live and breathe as a cop.

I have chased these gangs, I have worked to shut down these groups and these were not innocent children. I absolutely believe in protecting our children and giving them a chance, teaching them right from wrong and allowing them to make mistakes. I believe in doing that while they are young. We should be educating our children, teaching them responsibility and raising them to be better men and women than we are.

But I believe once that foundation has been laid, they are responsible for their actions. It is a harsh world and I have seen it first hand. I have watched young women turn to prostitution. I have picked them up from their beats and taken them to shelters and tried to help them find a way out of that life. I've had success too. But ultimately, they are responsible for themselves and their choices. I am a compassionate man, but I firmly believe that respect stems from responsibility. And no one—not you, me, not any of these youths in gangs are without responsibility.

The members of these gangs consciously choose to act out against their communities. They dispense the violence; no one forces them to do so. That type of influence is like a cancer. These gangs seep into young men and women and corrupt them. They erode the

good of our neighborhoods and destroy lives. Our communities need to be safe. In order to be safe, we need to stop this cycle before it begins. Mandatory minimums enforce that gang members and their theft, prostitution, weapons and drugs will not be tolerated. They will be dealt with to the fullest extend of the law.

In May of 2001, Des Moines patrol officer Steve Underwood was shot to death and killed after approaching a car with four gang members on a late-night watch along Pacific Highway South. Shot to death simply in approaching the car, this is what we have progressed to.

Last night I spoke with King County's Gang Detective, Sheila Hatch. In the course of our conversation, she raised mandatory minimums. She said that the only way for our prosecutors to effectively go after gang leaders when the cops manage to bring them down is with a strong penalty. Our laws need to be effective to stop and make them think of consequence before they commit a crime. The cost of their crime spree should not be simply an afterthought.

Mr. Chairman, we need mandatory minimums. I am telling you that first hand, as someone who worked on the streets to stop gangs. I urge my colleagues to vote "no" against the Waters-Scott amendment.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, if you kill a police officer you are going to get death or life without parole. If you make any murder in the Federal system you are looking at life. If you are talking about the impact of this bill, it is a 10-year mandatory minimum for second-offense fist fights.

We have been asked where our compassion is for the victims. We have got mandatory minimums where you already know that it violates common sense, it wastes the taxpayers money, it fails to do anything about reducing crime. That is what the studies have shown. Trying juveniles as adults we know increases crime.

That is a good question. Where is your compassion for the victims when you are actually increasing crime? We know what works to reduce crime. We know what polls well, and what we need to do is have some compassion for common sense and actually enact those provisions that will reduce crime.

We know that prevention and early intervention work. You know, you can make jokes about it; but we know what works and we know what polls well. If we are going to show some compassion for our victims, we ought to do something to actually reduce crime.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is important for me to say on behalf of most of the Members, if not all of the Members of the Congress of the United States of America, we are all against crime. We do not support criminals. We are indeed passionate about victims. We want hard-core criminals off the streets.

What we do not support is using this terrible issue to get your law and order

credentials on. We do not want you using this issue on the backs of young people who may be victims of gangs rather than criminals themselves.

Let me just say this: we are against mandatory minimum sentencing because it takes away the discretion of the judge. The judge may give more time, given all of the facts. And, yes, they may give less time, given all of the facts.

We need to let judges be judges. We cannot sit here in the Congress of the United States and continue to take away the ability of judges to make decisions. So I stand here today with this amendment to say, let the judges make the decision.

You do not know if there is a kid who happens to live in a neighborhood that is infested with gang members and they must pretend to be in the gang in order to survive. Do you want that kid caught up in a situation where they are going to be given mandatory minimum sentencing, when they did not have an opportunity to have a judge understand what the extenuating circumstances were?

I do not think that is good legislating, nor is it good public policy. I would ask my colleagues to please support this amendment.

The Acting CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

Ms. WATERS. Mr. Chairman, does the gentleman from Wisconsin (Mr. SENSENBRENNER) have any more time, because I wish to make a statement on this bill prior to the close of debate.

The Acting CHAIRMAN (Mr. LAHOOD). The gentleman from Wisconsin (Mr. SENSENBRENNER) has 2 minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I am pleased to yield one of those minutes to my friend, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, let me just say this. I am not going to allow my amendment to get caught up in the politics of the day. I know that there are people who are just salivating for this amendment to remain on the floor so they can catch Democrats voting for something that they will use in their campaigns.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Waters/Scott Amendment which strikes out all mandatory minimums in H.R. 1279. The mandatory minimums proscribed in this legislation will only result in many young people serving long sentences, at least ten years, based on the circumstances of rather than the crime itself. Perhaps it is no surprise that mandatory minimums have come under criticism for being discriminatory in nature.

The enormous monetary and human costs associated with incarceration simply outweigh the supposed benefits of the proposed legislation. It is well known that incarceration costs American taxpayers millions of dollars each year, what is not as widely known is that it also costs millions to reintegrate those released from prison back into society. Additionally, as suggested in the recent Booker deci-

sion, judges often refuse to hand down mandatory minimums if they feel that they are draconian. With the proposed changes, we may even see juries unwilling to convict an obviously guilty defendant if they know that doing so will result in ten years' imprisonment. Creating laws that are likely to go un-enforced will not foster faith in the criminal justice system or help take down gangs.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of the Waters/Scott amendment to H.R. 1279, the Gang Deterrence and Community Protection Act of 2005. If the Waters/Scott amendment is defeated I would urge my colleagues to oppose the underlying bill because it broadens the definition of gangs and metes out even harsher punishments for offenses that already have very long sentences.

Mr. Chairman, the Scott/Waters amendment strikes those sections of the bill which set mandatory minimum sentences. I agree with the National Association for the Advancement of Colored People, (NAACP) who propose that by increasing the number of crimes that have mandatory minimum sentences, and stiffening those sentences, the bill will exacerbate the already troubling and offensive racial disparities in the criminal justice system.

According to Families Against Mandatory Minimums, such "sentences are bad regardless of the crime because they prevent judges from making distinctions between defendants and sentencing them according to their culpability. Instead, mandatory minimums impose one-size-fits-all sentencing, which guarantees injustices"

In my district the US Virgin Islands we are in the midst of gang violence amongst our young males. Over the years, through various preventative programs within our law enforcement community and amongst private organizations, we have seen a difference in behavior within our teen population as it pertains to conflict resolution. Prevention is truly the best cure in this situation not inflexible mandatory minimum sentences

I urge my colleagues to support the Waters/Scott amendment.

Ms. JACKSON-LEE of Texas. Mr Chairman, I rise in support of the Waters amendment. Terrorism is solved with intelligence, prevention not simple mandatory minimums.

Since the enactment of mandatory minimum sentencing for drug users, the Federal Bureau of Prisons budget increased by more than 2,016 percent, from two hundred twenty million dollars in 1986 to about four billion four hundred thirty seven million dollars in 2004.

African Americans comprise 12 percent of the United States population, 15 percent of drug users, 17 percent of cocaine users, but 33 percent of all Federal drug convictions and 57 percent of Federal cocaine convictions.

In 1986, before the mandatory minimums for crack cocaine offenses became effective, the average Federal offense for African Americans was 11 percent higher than whites. Following the implementation of mandatory drug sentencing laws, the average drug offense sentence for African Americans was 49 percent higher than whites.

Largely as a result of mandatory minimum sentencing statutes, there are now more than 2,100,000 persons in prison and almost 70 percent of the people behind bars in America are persons of color. African Americans made up 40 percent of the Federal prison population in August, 2003, up from 31 percent in 1986

before Federal mandatory minimums were enacted.

As a result of mandatory minimum sentencing statutes, particularly with respect to drug crimes, in 2001, the average Federal drug trafficking conviction was 72.7 months while the average Federal manslaughter sentence was 34.3 months the average assault sentence 37.7 months, and the average sexual abuse sentence 65.2 months.

In 1999, African Americans constituted 13 percent of drug users. In that same year, African Americans constituted 35 percent of drug arrests, 53 percent of drug convictions, and 58 percent of those in prison for drug Federal mandatory minimum sentences make African Americans more likely to be incarcerated and for longer periods than their white counterparts.

In the year 2000, 84.7 percent of crack cocaine cases were brought against African Americans even though, in that year, African Americans comprised only about 26.6 percent of crack users. Only 5.6 percent of crack cases that year were brought against Caucasians even they constituted 64.4 percent of crack users.

In the 20 years from 1981 to 2001, the sentenced portion of the Federal prison population grew from about 20,000 in 1981 to about 115,000 prisoners. During that same period, the percentage of drug offenders in Federal prison grew from 25 percent to almost 60 percent. Mandatory minimum sentences for drug crimes are the largest drivers of expanding prison populations.

Due to harsh sentencing guidelines, such as the 'three-strikes, you're out, provision', a disproportionate number of young black and Hispanic men are likely to be imprisoned for life under scenarios in which they are guilty of little more than a history of untreated addiction and several prior drug-related offenses . . . States will absorb the staggering cost of not only constructing additional prisons to accommodate increasing numbers of prisoners who will never be released but also warehousing them into old age.

We all know and are stunned by the staggering statistic cited in the September 2002 issue of the journal Racial Issues in Higher Education, that, at that time, there were more African American males in prison than in college. Mandatory minimums are driving this growth in federal prison populations.

Mandatory minimum drug sentences are also resulting in the disproportionate lengthy incarceration of young African American women. From 1986 (the year mandatory sentencing was enacted) to 1996, the number of women sentenced to state prison for drug crimes increased ten fold and has been the main element in the overall increase in the imprisonment of women. Ninety five percent of female arrests from 1985 to 1996 were drug related and over 80% of female prison inmates are incarcerated as a result of their association with abusive boyfriends.

Terrorism requires a more comprehensive approach along with major immigration reform not just mandatory minimums.

Ms. WATERS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 7 offered by the gentleman from Virginia (Mr. GOODLATTE), amendment No. 9 offered by the gentleman from Georgia (Mr. NORWOOD).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 7 OFFERED BY MR. GOODLATTE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 159, not voting 8, as follows:

[Roll No. 165]

AYES—266

Abercrombie	Costello	Hastings (WA)
Aderholt	Cox	Hayes
Akin	Cramer	Hayworth
Alexander	Crenshaw	Hefley
Bachus	Cubin	Hensarling
Baird	Culberson	Herger
Baker	Cunningham	Herseth
Barrett (SC)	Davis (KY)	Higgins
Barrow	Davis, Jo Ann	Hobson
Bartlett (MD)	Davis, Tom	Hoekstra
Barton (TX)	Deal (GA)	Holden
Bass	DeFazio	Hooley
Bean	DeLay	Hostettler
Beauprez	Dent	Hulshof
Berry	Doolittle	Hunter
Biggert	Drake	Hyde
Bilirakis	Dreier	Inglis (SC)
Bishop (NY)	Duncan	Israel
Blackburn	Edwards	Issa
Blunt	Emerson	Istook
Boehlert	Engel	Jenkins
Boehner	English (PA)	Jindal
Bonilla	Etheridge	Johnson (CT)
Bonner	Everett	Johnson (IL)
Bono	Feeney	Johnson, Sam
Boozman	Ferguson	Keller
Boren	Fitzpatrick (PA)	Kelly
Boswell	Foley	Kennedy (MN)
Boucher	Forbes	King (IA)
Boustany	Fortenberry	King (NY)
Boyd	Fossella	Kingston
Bradley (NH)	Fox	Kirk
Brady (TX)	Franks (AZ)	Kline
Brown (SC)	Frelinghuysen	Knollenberg
Brown-Waite,	Gallegly	Kolbe
Ginny	Garrett (NJ)	Kuhl (NY)
Burgess	Gerlach	LaHood
Burton (IN)	Gibbons	Latham
Buyer	Gilchrest	Lewis (CA)
Calvert	Gillmor	Lewis (KY)
Camp	Gingrey	Linder
Cannon	Gohmert	Lipinski
Cantor	Goode	LoBiondo
Capito	Goodlatte	Lucas
Cardoza	Gordon	Lungren, Daniel
Carter	Granger	E.
Case	Graves	Mack
Chabot	Green (WI)	Manzullo
Chandler	Green, Gene	Marchant
Chocola	Gutknecht	Marshall
Coble	Hall	Matheson
Cole (OK)	Harman	McCarthy
Conaway	Harris	McCaul (TX)
Costa	Hart	McCotter

McCrery	Pomeroy	Slaughter
McHenry	Porter	Smith (NJ)
McHugh	Price (GA)	Smith (TX)
McIntyre	Pryce (OH)	Snyder
McKeon	Putnam	Sodrel
McMorris	Radanovich	Souder
Melancon	Ramstad	Spratt
Mica	Regula	Stearns
Michaud	Rehberg	Strickland
Miller (FL)	Reichert	Sullivan
Miller (MI)	Renzi	Tancredo
Miller, Gary	Reynolds	Taylor (MS)
Moore (KS)	Rogers (AL)	Taylor (NC)
Moran (KS)	Rogers (KY)	Terry
Murphy	Rogers (MI)	Thomas
Myrick	Rohrabacher	Thornberry
Neugebauer	Ross	Tiahrt
Ney	Royce	Tiberi
Northup	Ruppersberger	Turner
Norwood	Ryan (WI)	Udall (CO)
Nunes	Ryun (KS)	Walden (OR)
Nussle	Saxton	Walsh
Ortiz	Schiff	Wamp
Osborne	Schwarz (MI)	Weldon (FL)
Otter	Scott (GA)	Weldon (PA)
Oxley	Sensenbrenner	Weller
Pearce	Sessions	Westmoreland
Pence	Shadegg	Whitfield
Peterson (MN)	Shaw	Wicker
Peterson (PA)	Shays	Wilson (SC)
Petri	Sherwood	Wolf
Pickering	Shimkus	Wu
Pitts	Shuster	Young (AK)
Platts	Simmons	Young (FL)
Poe	Simpson	
Pombo	Skelton	

NOES—159

Ackerman	Gutierrez	Olver
Allen	Hinchee	Owens
Andrews	Hinojosa	Pallone
Baca	Holt	Pascrell
Baldwin	Honda	Pastor
Becerra	Hoyer	Paul
Berman	Inslee	Payne
Bishop (GA)	Jackson (IL)	Pelosi
Blumenauer	Jackson-Lee	Price (NC)
Brady (PA)	(TX)	Rahall
Brown (OH)	Jefferson	Rangel
Brown, Corrine	Johnson, E. B.	Reyes
Butterfield	Jones (NC)	Ros-Lehtinen
Capps	Jones (OH)	Rothman
Capuano	Kanjorski	Roybal-Allard
Cardin	Kapoor	Rush
Carnahan	Kennedy (RI)	Ryan (OH)
Carson	Kildee	Sabo
Castle	Kilpatrick (MI)	Salazar
Clay	Kind	Sanchez, Linda
Cleaver	Kucinich	T.
Clyburn	Langevin	Sanchez, Loretta
Conyers	Lantos	Sanders
Cooper	Larsen (WA)	Schakowsky
Crowley	LaTourette	Schwartz (PA)
Cuellar	Leach	Scott (VA)
Cummings	Lee	Serrano
Davis (AL)	Levin	Sherman
Davis (CA)	Lewis (GA)	Smith (WA)
Davis (FL)	Lofgren, Zoe	Solis
Davis (IL)	Lowe	Stark
Davis (TN)	Lynch	Stupak
DeGette	Maloney	Sweeney
Delahunt	Markey	Tanner
DeLauro	Matsui	Tauscher
Diaz-Balart, L.	McCollum (MN)	Thompson (CA)
Diaz-Balart, M.	McDermott	Thompson (MS)
Dicks	McGovern	Tierney
Dingell	McKinney	Towns
Doggett	McNulty	Udall (NM)
Doyle	Meehan	Upton
Ehlers	Meeke (FL)	Van Hollen
Emanuel	Meeks (NY)	Velazquez
Eshoo	Menendez	Visclosky
Evans	Miller (NC)	Waters
Farr	Miller, George	Watson
Fattah	Mollohan	Watt
Filner	Moore (WI)	Waxman
Flake	Murtha	Weiner
Ford	Nadler	Wexler
Frank (MA)	Napolitano	Wilson (NM)
Gonzalez	Neal (MA)	Woolsey
Green, Al	Oberstar	Wynn
Grijalva	Obey	

NOT VOTING—8

Berkley	Millender-	Wasserman
Bishop (UT)	McDonald	Schultz
Hastings (FL)	Moran (VA)	
Larson (CT)	Musgrave	

□ 1649

Messrs. SWEENEY, TIERNEY, CARNAHAN, UPTON, DOYLE and Mrs. MALONEY changed their vote from “aye” to “no.”

Ms. SLAUGHTER, and Messrs. CASE, BISHOP of New York, STRICKLAND and INGLIS of South Carolina changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. NORWOOD

The Acting CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 31, not voting 7, as follows:

[Roll No. 166]

AYES—395

Aderholt	Camp	Doolittle
Akin	Cannon	Doyle
Alexander	Cantor	Drake
Allen	Capito	Dreier
Andrews	Capps	Duncan
Baca	Capuano	Edwards
Bachus	Cardin	Ehlers
Baird	Cardoza	Emanuel
Baker	Carnahan	Emerson
Barrett (SC)	Carson	Engel
Barrow	Carter	English (PA)
Bartlett (MD)	Case	Eshoo
Barton (TX)	Castle	Etheridge
Bass	Chabot	Evans
Bean	Chandler	Everett
Beauprez	Chocola	Farr
Becerra	Clay	Fattah
Berman	Cleaver	Feeney
Berry	Clyburn	Ferguson
Biggert	Coble	Fitzpatrick (PA)
Bilirakis	Cole (OK)	Flake
Bishop (GA)	Conaway	Foley
Bishop (NY)	Cooper	Forbes
Bishop (UT)	Costa	Ford
Blackburn	Costello	Fortenberry
Blumenauer	Cox	Fossella
Blunt	Cramer	Fox
Boehlert	Crenshaw	Frank (MA)
Boehner	Crowley	Franks (AZ)
Bonilla	Cubin	Frelinghuysen
Bonner	Cuellar	Gallegly
Bono	Culberson	Garrett (NJ)
Boozman	Cummings	Gerlach
Boren	Cunningham	Gibbons
Boswell	Davis (AL)	Gilchrest
Boucher	Davis (CA)	Gillmor
Boustany	Davis (FL)	Gingrey
Boyd	Davis (KY)	Gohmert
Bradley (NH)	Davis (TN)	Gonzalez
Brady (PA)	Davis, Jo Ann	Goode
Brady (TX)	Davis, Tom	Goodlatte
Brown (OH)	Deal (GA)	Gordon
Brown (SC)	DeFazio	Granger
Brown, Corrine	DeGette	Graves
Brown-Waite,	DeLauro	Green (WI)
Ginny	DeLay	Green, Al
Burgess	Dent	Green, Gene
Burton (IN)	Diaz-Balart, L.	Gutknecht
Butterfield	Diaz-Balart, M.	Hall
Buyer	Dicks	Harman
Calvert	Doggett	Harris

Hart	McCullum (MN)	Ryan (WI)
Hastings (WA)	McCotter	Ryun (KS)
Hayes	McCrery	Sabo
Hayworth	McHenry	Salazar
Hefley	McHugh	Sanchez, Loretta
Hensarling	McIntyre	Sanders
Herger	McKeon	Saxton
Herseth	McMorris	Schiff
Higgins	McNulty	Schwartz (PA)
Hinchey	Meehan	Schwarz (MI)
Hinojosa	Meek (FL)	Scott (GA)
Hobson	Meeks (NY)	Scott (VA)
Hoekstra	Melancon	Scott (VA)
Holden	Menendez	Sensenbrenner
Hooley	Mica	Sessions
Hostettler	Michaud	Shadegg
Hoyer	Miller (FL)	Shaw
Hulshof	Miller (MI)	Shays
Hunter	Miller (NC)	Sherman
Hyde	Miller, Gary	Sherwood
Inglis (SC)	Miller, George	Shimkus
Inslee	Mollohan	Shuster
Israel	Moore (KS)	Simmons
Issa	Moore (WI)	Simpson
Istook	Moran (KS)	Skelton
Jackson (IL)	Murphy	Slaughter
Jackson-Lee	Murtha	Smith (NJ)
(TX)	Myrick	Smith (TX)
Jefferson	Napolitano	Smith (WA)
Jenkins	Neal (MA)	Snyder
Jindal	Neugebauer	Sodrel
Johnson (CT)	Ney	Souder
Johnson (IL)	Norhup	Spratt
Johnson, E. B.	Norwood	Stearns
Johnson, Sam	Nunes	Strickland
Jones (NC)	Nussle	Stupak
Jones (OH)	Obey	Sullivan
Kanjorski	Ortiz	Sweeney
Kaptur	Osborne	Tancredo
Keller	Otter	Tanner
Kelly	Oxley	Tauscher
Kennedy (MN)	Pascarell	Taylor (MS)
Kennedy (RI)	Pastor	Taylor (NC)
Kildee	Paul	Terry
Kind	Pearce	Thomas
King (IA)	Pelosi	Thompson (CA)
King (NY)	Pence	Thompson (MS)
Kingston	Peterson (MN)	Thornberry
Kirk	Peterson (PA)	Tiahrt
Kline	Petri	Tiberi
Knollenberg	Pickering	Tierney
Kolbe	Pitts	Towns
Kuhl (NY)	Platts	Turner
LaHood	Poe	Udall (CO)
Langevin	Pombo	Udall (NM)
Lantos	Pomeroy	Upton
Larsen (WA)	Porter	Van Hollen
Latham	Price (GA)	Velázquez
LaTourette	Price (NC)	Visclosky
Leach	Pryce (OH)	Walden (OR)
Levin	Putnam	Walsh
Lewis (CA)	Radanovich	Wamp
Lewis (KY)	Rahall	Waters
Linder	Ramstad	Watson
Lipinski	Regula	Watt
LoBiondo	Rehberg	Waxman
Lofgren, Zoe	Reichert	Weiner
Lowey	Renzi	Weldon (FL)
Lucas	Reyes	Weldon (PA)
Lungren, Daniel	Reynolds	Weller
E.	Rogers (AL)	Westmoreland
Lynch	Rogers (KY)	Wexler
Mack	Rogers (MI)	Whitfield
Maloney	Rohrabacher	Wicker
Manzullo	Ros-Lehtinen	Wilson (NM)
Marchant	Ross	Wilson (SC)
Markey	Rothman	Wolf
Marshall	Roybal-Allard	Woolsey
Matheson	Royce	Wu
Matsui	Ruppersberger	Wynn
McCarthy	Rush	Young (AK)
McCaul (TX)	Ryan (OH)	Young (FL)

NOT VOTING—7

Berkley	Millender-	Musgrave
Hastings (FL)	McDonald	Wasserman
Larson (CT)	Moran (VA)	Schultz

□ 1658

Mr. PALLONE and Ms. KILPATRICK of Michigan changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

The Acting CHAIRMAN (Mr. LAHOOD). There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REHBERG) having assumed the chair, Mr. LAHOOD, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1279) to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes, pursuant to House Resolution 268, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIERNEY. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tierney moves to recommit the bill H.R. 1279 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 22, after line 3, insert the following:

SEC. 116. PROHIBITION OF PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1037. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq

“(a) PROHIBITION.—

“(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, knowingly and willfully—

“(A) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq;

“(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

“(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

“(D) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq; shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

“(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

“(A) \$1,000,000; or

“(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

“(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

“(c) VENUE.—A prosecution for an offense under this section may be brought—

“(1) as authorized by chapter 211 of this title;

“(2) in any district where any act in furtherance of the offense took place; or

“(3) in any district where any party to the contract or provider of goods or services is located.”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1037. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq.”.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking “or 1030” and inserting “1030, or 1037”.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: “, section 1037 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq),” after “liquidating agent of financial institution,”.

Mr. TIERNEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TIERNEY. Mr. Speaker, my motion to recommit is simple and straightforward and deserves the support of every Member of this body. It would amend the criminal code to prohibit defrauding the government in connection with the reconstruction efforts in Iraq.

My motion would make it clear that these outrageous and unpatriotic activities would be subject to prison time and monetary penalties. Every single

NOES—31

Abercrombie	Honda	Owens
Ackerman	Kilpatrick (MI)	Pallone
Baldwin	Kucinich	Payne
Conyers	Lee	Rangel
Davis (IL)	Lewis (GA)	Sánchez, Linda
Delahunt	McDermott	T.
Dingell	McGovern	Schakowsky
Filner	McKinney	Serrano
Grijalva	Nadler	Solis
Gutiérrez	Oberstar	Stark
Holt	Oliver	

dollar that is wasted because of corporate fraud or abuse in Iraq is one less dollar that can go to protect our troops, one less dollar for body armor, one less dollar for protective equipment that can save lives.

It is an unfortunate fact of life that, today, in Iraq, taxpayer funds are being routinely wasted by organized corporate criminals. The American taxpayer is being defrauded by a system of distributing funds that is totally unaccountable. This not only demeans and cheapens the sacrifices that our military and civilian personnel are making in Iraq, it endangers their lives.

Mr. Speaker, just last week, the House spent another \$82 billion of taxpayer funds on the war. The cost of the war had already been over \$200 billion. We also learned this week that the Pentagon auditors found that \$212 million was paid to Kuwaiti and Turkish subcontractors for fuel the Pentagon auditors concluded was exorbitantly priced. Halliburton passed these payments onto the taxpayer.

That may be just the tip of the iceberg, as billions of dollars are being expended in Iraq with precious little accountability. While there are fraud statutes to protect against wasted tax dollars at home, none expressly prohibit war profiteering, and none expressly confer extraterritorial jurisdiction overseas, as my motion would do.

Against this backdrop, it is imperative that this Congress send a strong signal that we will not tolerate taxpayer rip-offs at the expense of our troops. I offer this amendment now because this bill before us is open ended as a crime bill. It not only deals with gangs but it amends the criminal laws on matters concerning hearsay, venues, statute of limitations and sentencing. It also authorizes new grants and databases, among other things. If we are going to do all of this, it certainly is appropriate that we also amend the criminal laws to combat blatant contract fraud in Iraq to protect our brave troops.

When concerns about wartime fraud were raised during World War II, President Roosevelt declared it was our duty to ensure that a few do not gain from the sacrifices of the many. Then, as now, our government cannot in good faith ask its people to sacrifice for reconstruction efforts that allow so many others to unfairly profit.

Mr. Speaker, I urge a "yes" vote on this commonsense motion to recommit.

Mr. FORBES. Mr. Speaker, I rise in opposition to the motion to recommit.

I thought I had heard everything this morning, Mr. Speaker, when, in the debate, we heard the opponents of this bill say that they felt that they could fight violent gang crime better by using arts and crafts than they could by locking up violent criminals, but I am shocked now that they are even bringing in Iraq.

If you look, Mr. Speaker, the Department of Justice, I am sure, is going to

investigate the matters that are in this motion to recommit. There has not been a shred of evidence or testimony in any subcommittee or full committee about this bill related to anything in this motion to recommit. We have not heard a single discussion on it on the floor today. We have heard one poison pill after another to try to stop us from going after violent criminal gangs. There have even been amendments to try to offer loans to gang members, to give housing to violent gang members.

Mr. Speaker, it is time we stopped playing games with this bill and we pass it and go on to try to deal with these violent gangs. I want to remind the House that the Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs Association, the Major County Sheriffs Association, the Law Enforcement Troopers Coalition, Federal Criminal Investigators Association, California Gang Investigators Association, National Latino Peace Officers Association, the New Orleans District Attorney, the Los Angeles Deputy Sheriffs, and 63 chiefs of major police departments around the country support the bill as it is. I hope we will defeat the motion to recommit and pass H.R. 1279.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIERNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 198, noes 227, not voting 8, as follows:

[Roll No. 167]

AYES—198

Abercrombie	Cardoza	Dingell
Ackerman	Carnahan	Doggett
Allen	Carson	Doyle
Andrews	Case	Edwards
Baca	Chandler	Emanuel
Baird	Clay	Engel
Baldwin	Cleaver	Eshoo
Barrow	Clyburn	Etheridge
Bean	Conyers	Evans
Becerra	Cooper	Farr
Berman	Costa	Fattah
Berry	Costello	Filner
Bishop (GA)	Cramer	Ford
Bishop (NY)	Crowley	Frank (MA)
Blumenauer	Cueellar	Gonzalez
Boren	Cummings	Gordon
Boswell	Davis (AL)	Green, Al
Boucher	Davis (CA)	Green, Gene
Boyd	Davis (FL)	Grijalva
Brady (PA)	Davis (IL)	Gutierrez
Brown (OH)	Davis (TN)	Harman
Brown, Corrine	DeFazio	Herseth
Butterfield	DeGette	Higgins
Capps	DeLahunt	Hinchey
Capuano	DeLauro	Hinojosa
Cardin	Dicks	Holden

Holt	McKinney	Sánchez, Linda
Honda	McNulty	T.
Hooley	Meehan	Sanchez, Loretta
Hoyer	Meek (FL)	Sanders
Insee	Melancon	Schakowsky
Israel	Menendez	Schiff
Jackson (IL)	Michaud	Schwartz (PA)
Jackson-Lee	Miller (NC)	Scott (GA)
(TX)	Miller, George	Scott (VA)
Jefferson	Mollohan	Serrano
Johnson, E. B.	Moore (KS)	Sherman
Jones (NC)	Moore (WI)	Skelton
Jones (OH)	Murtha	Slaughter
Kanjorski	Nadler	Smith (WA)
Kaptur	Napolitano	Snyder
Kennedy (RI)	Neal (MA)	Solis
Kildee	Oberstar	Spratt
Kilpatrick (MI)	Obey	Stark
Kind	Olver	Strickland
Kucinich	Ortiz	Stupak
Langevin	Owens	Tanner
Lantos	Pallone	Tauscher
Larsen (WA)	Pascarell	Taylor (MS)
Leach	Pastor	Thompson (CA)
Lee	Payne	Thompson (MS)
Levin	Pelosi	Tierney
Lewis (GA)	Peterson (MN)	Towns
Lipinski	Pomeroy	Udall (CO)
Lofgren, Zoe	Price (NC)	Udall (NM)
Lowey	Rahall	Van Hollen
Lynch	Rangel	Velázquez
Maloney	Reyes	Visclosky
Markey	Ross	Waters
Marshall	Rothman	Watson
Matheson	Roybal-Allard	Watt
Matsui	Ruppersberger	Waxman
McCarthy	Rush	Weiner
McCollum (MN)	Ryan (OH)	Wexler
McDermott	Sabo	Woolsey
McGovern	Salazar	Wu
McIntyre		Wynn

NOES—227

Aderholt	Drake	Kelly
Akin	Dreier	Kennedy (MN)
Alexander	Duncan	King (IA)
Bachus	Ehlers	King (NY)
Baker	Emerson	Kingston
Barrett (SC)	English (PA)	Kirk
Bartlett (MD)	Everett	Kline
Barton (TX)	Feeney	Knollenberg
Bass	Ferguson	Kolbe
Beauprez	Fitzpatrick (PA)	Kuhl (NY)
Biggert	Flake	LaHood
Bilirakis	Foley	Latham
Bishop (UT)	Forbes	LaTourrette
Blackburn	Fortenberry	Lewis (CA)
Blunt	Fossella	Lewis (KY)
Boehlert	Fox	Linder
Boehner	Franks (AZ)	LoBiondo
Bonilla	Frelinghuysen	Lucas
Bonner	Galleghy	Lungren, Daniel
Bono	Garrett (NJ)	E.
Boozman	Gerlach	Mack
Boustany	Gibbons	Manzullo
Bradley (NH)	Gilchrist	Marchant
Brady (TX)	Gillmor	McCaul (TX)
Brown (SC)	Gingrey	McCotter
Brown-Waite,	Gohmert	McCreery
Ginny	Goode	McHenry
Burgess	Goodlatte	McHugh
Burton (IN)	Granger	McKeon
Buyer	Graves	McMorris
Calvert	Green (WI)	Mica
Camp	Gutknecht	Miller (FL)
Cannon	Hall	Miller (MI)
Cantor	Harris	Miller, Gary
Capito	Hart	Moran (KS)
Carter	Hastings (WA)	Murphy
Castle	Hayes	Myrick
Chabot	Hayworth	Neugebauer
Chocola	Hefley	Ney
Coble	Hensarling	Northup
Cole (OK)	Herger	Norwood
Conaway	Hobson	Nunes
Cox	Hoekstra	Nussle
Crenshaw	Hostettler	Osborne
Cubin	Hulshof	Otter
Culberson	Hunter	Oxley
Cunningham	Hyde	Paul
Davis (KY)	Inglis (SC)	Pearce
Davis, Jo Ann	Issa	Pence
Davis, Tom	Istook	Peterson (PA)
Deal (GA)	Jenkins	Petri
DeLay	Jindal	Pickering
Dent	Johnson (CT)	Pitts
Diaz-Balart, L.	Johnson (IL)	Platts
Diaz-Balart, M.	Johnson, Sam	Poe
Doolittle	Keller	Pombo

Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)

Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas

Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

Hoyer
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCreery
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica

Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)

Salazar
Saxton
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Watson
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Berkley
Evans
Feeney
Hastings (FL)

Larson (CT)
Meeks (NY)
Millender-
McDonald

Moran (VA)
Musgrave
Wasserman
Schultz

□ 1735

Mr. SNYDER changed his vote from “yea” to “nay.”
So the bill was passed.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday, May 11, 2005 to vote on rollcall vote Nos. 164, 165, 166, 167 and 168 due to a family medical emergency.
Had I been present, I would have voted: “no” on rollcall vote No. 164 on Ordering the Previous Question on H. Res. 268; “no” on rollcall vote No. 165—an amendment to H.R. 1279; “yea” on rollcall vote No. 166—an amendment to H.R. 1279; “yea” on rollcall vote No. 167 on the Motion to Recommit H.R. 1279 with instructions; and, “no” on rollcall vote No. 168 on passage of H.R. 1279—Gang Deterrence and Community Protection Act of 2005.

ABUSE OF POWER

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)
Ms. WOOLSEY. Mr. Speaker, the level of abuse in this House by the Republican Party has become an embarrassment. Instead of working on the pressing problems of this Nation, my colleagues on the other side of the aisle continue to push an agenda controlled and influenced by special interests.
According to a report released by the gentlewoman from New York (Ms. SLAUGHTER), the Committee on Rules’ ranking Democrat, all of the major bills passed by the Republican Party in the 108th Congress were written with big business or special interests in mind. These interest groups do not look at what is best for the American people. They look at what is best for their bottom line. If the Republican Party is as compassionate as they profess to be, they would be writing legislation that protects workers from harm and even death, not dismantling OSHA in order to save big business money. They would be helping families get paid sick leave and family leave rather than focusing on rolling back family and medical leave protections to save businesses money on the backs of working people.

NOT VOTING—8

Berkley
Hastings (FL)
Larson (CT)
Meeks (NY)

Millender-
McDonald
Moran (VA)
Musgrave

Wasserman
Schultz

□ 1725

Mr. GILLMOR changed his vote from “aye” to “no.”
So the motion to recommit was rejected.
The result of the vote was announced as above recorded.
The SPEAKER pro tempore (Mr. REHBERG). The question is on the passage of the bill.
The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.
The yeas and nays were ordered.
The SPEAKER pro tempore. This will be a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 279, nays 144, not voting 10, as follows:

[Roll No. 168]
YEAS—279

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehrlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp

Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Covatta
Cox
Cramer
Crenshaw
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson

English (PA)
Etheridge
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hooley

NAYS—144

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Becerra
Berman
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cubin
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
DeLahunt
DeLauro
Dicks
Dingell
Doggett
Duncan
Ehlers
Engel
Eshoo
Farr
Fattah
Fliner
Flake
Frank (MA)
Garrett (NJ)

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hensarling
Hinchee
Hinojosa
Holt
Honda
Hostettler
Inglis (SC)
Inslee
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowe
Lynch
Maloney
Manzullo
Markey
Matsui
McCollum (MN)
McDemott
McGovern
McHenry
McKinney
McNulty

Meehan
Menendez
Michaud
Miller, George
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pitts
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shadegg
Sherman
Sherwood
Smith (WA)
Snyder
Solis
Stark
Sweeney
Tanner
Tauscher

LET US FOCUS ON THE PEOPLE'S BUSINESS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, to refute the comments of the previous speaker suggesting we are captives of special interests, that we are not doing the people's work, I will beg to differ.

I see a lot of progress here. But I also see a lot of name calling that I think is unfortunate and unnecessary. Pointing fingers, trying to catch each other in scandal does not bring honor to this House. So they can give their statements and they can give their quotes and they can make soundbytes, but the American public are worried about health insurance. They are worried about gas prices. They are worried about our soldiers in Iraq. They are worried about terrorism. And we should be working on that as Democrats and Republicans. But, instead, we sit here and make accusation, innuendo and create diatribe. We are much better than that.

We had an emergency evacuation today. We are on pins and needles based on the real terrorist threat that exists, and we are just becoming name callers.

So I urge all of us, both sides, to take a moment, pause and honestly focus on the people's business, not on trying to score cheap political points.

IN SUPPORT OF MEDICARE FOR ALL

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore (Mr. REHBERG). Without objection, the gentleman from Ohio is recognized for 1 minute.

There was no objection.

Mr. KUCINICH. Mr. Speaker, I want to agree with the gentleman from Florida that the American people are worried about many things including health care. And that is why I stand to ask the House for support on H.R. 676, a bill that will establish a U.S. national health insurance.

A Kaiser Foundation poll found that 64 percent of Americans favor expanding Medicare to all. The Deans of Harvard and Stanford Medical Schools, 13,000 doctors, including the former editor of the New England Journal of Medicine and two former Surgeons General now support Medicare for All.

By expanding Medicare to all, we will contain costs. Medicare boasts 3 percent overhead. In contrast, the Medicare HMOs, 15 to 30 percent overhead. Medicare also has a much lower rate of spending increase than private health plans.

Medicare for All will make the U.S. more competitive. GM and Ford are losing money in competitive advantage

because other developed countries have universal health care. Ontario now makes more cars than Detroit. Canadian GM, Ford and other auto manufacturers have sent a letter in support of their single-payer health care system as a result.

All over this country, Americans are looking for some help from the Congress of the United States on health care. It is time for us to come together, Democrats and Republicans alike, in defense of universal health care, Medicare for All.

HONORING MR. SANFORD WALKER, PURPLE HEART RECIPIENT

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Mr. Sanford Walke of Hernando Beach, Florida. He was the chief engineer in the army during World War II, and Mr. Walke recently was a person to whom I presented the Purple Heart for his heroic actions in battle.

On a flight over Germany on July 8, 1944, Mr. Walke's plane was shot down over France. The last one to jump out of the plane, he was forced to open his parachute over enemy territory. He was then taken as a Prisoner of War and held in a German prison camp. He was put on long and arduous marches until he was able to escape with another British soldier months later. The two soldiers were hiding in a barn in a German village when the British tanks rolled in and took over the town. Thankfully, the British took care of him until he was able to reunite with his American soldier buddies.

Mr. Speaker, true American heroes like Sanford Walke should be honored for their service to our Nation and for their commitment and sacrifices in battle.

COMMENDING CAPITOL POLICE AND OTHER PERSONNEL FOR THEIR PROFESSIONALISM IN EVACUATION

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I want to, first of all, commend the Capitol Police and all the other personnel who did such a fantastic job when we had the evacuation earlier today.

It is never good, obviously, to have this kind of evacuation. But when we were kids in school, we had fire drills and things like that, and we wanted to see how well it was done. Today, it was done in a very professional way. And, thank God, it really was not a threat, but it is nice to know, when we need to leave, we can.

So I want to just take the time to thank the Capitol Police and to all the personnel who worked with us here in

making sure the evacuation was smooth and nobody was hurt. Responding to the threat and the threat over the aerospace was swift. And I think all of us as people who work at the Capitol can sleep a little better tonight knowing that our very highly trained personnel really had things under hand. It again shows the American public why we all need to be prepared for terrorism and why this is a new world, and I think that we are meeting the task. Again, I want to thank all those concerned.

□ 1745

TIME TO PROVIDE HEALTH CARE FOR ALL AMERICANS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, the gentleman from Florida got up here and talked about the fact that we should work together as Democrats and Republicans. Let us have a little review of history, and I think the gentleman was here when it all happened.

In 1993 and 1994, President Clinton presented a health care plan for every American. The Republicans took the position that any plan run by the government was a bad one, and they took pride and bragged in the next election over the fact that they had killed the Clinton health care plan.

Now, 1994 is more than 10 years, and we have yet to see any proposal come out of the Republicans. Not a single member of the Republican caucus has been able to get a hearing or lay a bill before a committee. There are many of us who put bills before the Congress. The gentleman from Ohio (Mr. KUCINICH) put one forward, I put one forward, as did the gentleman from Michigan (Mr. CONYERS) and the gentleman from Michigan (Mr. DINGELL).

Where are the Republican proposals to do anything about the American people's health care problem? It is the number one cause of bankruptcy. It is time.

MAKING AMERICA MORE COMPETITIVE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, Yogi Berra said that predictions are hard to make, especially when they are about the future. But that does not mean we should not look ahead. In fact, if you do sit down and think about what America is going to be like 5, 10, 20 years from now and how our economy is going to be in relationship to the rest of the world, I think we should all be very concerned.

Right now, China is in the beginning stages of trying to start an Asian Union, much like the European Union,

where the yuan is the euro or the monetary means. They are trying to combine the people in Southeast Asia, which could make an economy of about 3 billion people. The European Union is now absorbing new European countries, plus they have a natural bond to the Islamic world based on their current immigration trends, and they could easily develop an economy of 1 billion people.

So if you look downstream, the very likely position for our economy could be third place, unless, unless, we change the environment here in America.

Last year we had a trade deficit of \$671 billion and a Federal deficit. If we are going to bring jobs back to America, we have to change the environment by making our country more competitive.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SEEKING JUSTICE FOR VICTIMS OF SYRIAN OPPRESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROSLEHTINEN) is recognized for 5 minutes.

Ms. ROSLEHTINEN. Mr. Speaker, today I wish to call the attention of the Members to the important cause of defending the human rights of the Syrian people and holding the Syrian regime accountable for the most deplorable actions against its citizens.

Syria is an oppressor state in every sense. It brutally stifles its political dissidents and minority groups. It denies its ordinary citizens freedom of religion, of conscience and belief. It seeks to silence its people by preventing them from exercising their right of free speech. It discriminates against women, condoning violence and sexual assault against them.

The police continue to detain people arbitrarily, placing them in prisons and torturing them, using methods that seem to herald back to the return of the Middle Ages, stretching prisoners on racks or fracturing their spines on wheels.

Since 1963, Syria has ruled under emergency law, using the hollow excuse of Israel being a threat, and using that to suppress freedom, diversity of opinion, and equality between religions and between sexes.

About 600 Lebanese detainees have been languishing in Syrian jails since

1989. Those who have managed to escape bring harrowing stories with them that they have told to the international human rights community. They must be released immediately.

In an event that defies comprehension, in 1982, Rifaat al-Assad, the brother of then dictator Hafez al-Assad, turned his Soviet-made guns against the Syrian city of Hama. When the dust settled approximately a week later, the death toll of innocent civilians had reached 30,000 people.

The perpetrators of this massacre, including Rifaat al-Assad, who resides in Marbella, Spain, have received no punishment and live amid absolute luxury. Their comfortable lifestyle is an affront to the Syrian people and to all of humanity.

Another of the perpetrators to be held accountable is Ghazi Kanaan. He headed the military intelligence unit responsible for clearing the way for the massacre at Hama. He also later became the Syrian top intelligence man in Lebanon and reportedly built all of the intelligence units responsible for killing Lebanese Christians and imprisoning many other innocent Lebanese.

Bahjat Suleiman is the head of Unit 251 in the General Directorate of the Intelligence Services. Some of the crimes against the Syrian people were detailed in H. Con. Res. 18. This resolution, which I authored, was overwhelmingly adopted by my colleagues in the House, clearly illustrating our body's commitment to holding the Syrian dictatorship accountable for the systematic attacks against the Syrian population.

Inaction on our part is not an option. The cost of failing to address this grim reality sooner can be measured by the rising number of Syrian and Lebanese men and women that the Syrian Government has killed or tortured.

Today, the Syrian people, the dissidents and the peaceful opposition leaders, are poised to act. They are demanding that the Syrian Government release all prisoners of conscience and that it allow for the winds of reform to sweep through its corrupt system. U.S. policy must support the Syrian people, its dissidents, human rights activists, and pro-democracy advocates so that they, too, could free themselves from the shackles of tyrannical rule.

In that vein, I recently introduced the Lebanon and Syria Liberation Act that contains provisions calling for the establishment of a program of assistance to pro-democracy advocates and opposition groups in Syria and Lebanon. It also establishes a program to develop independent broadcasts into Syria and Lebanon to help promote freedom and democracy in both countries.

The act sends a message to the Syrian Government that the United States will not stand for its unacceptable behavior in violation of all moral and legal standards. This legislation, with its concrete measures to punish the Syrian regime, clearly demonstrates to

the Syrian people that America stands with them in their efforts to free themselves from the shackles of tyranny and to help them build an open society based on democratic values and principles.

We must honor the brave men and women of Syria by acting to defend their right to live as free men and women. We must begin by ensuring that the Syrian regime and its leaders are made to pay for their crimes against the Syrian people. We must support efforts to seek justice for the victims of Syrian oppression.

HONORING THE LIFE OF CONGRESSMAN PETER RODINO, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, on Saturday, May 7, I lost a friend, a constituent, and an inspiration. Many of you in this Chamber knew and worked with Peter Rodino, a former Congressman from Newark, New Jersey. For those who did not know him, you undoubtedly recall his service or have read about his life and illustrious career in public service.

Congressman Rodino is most well-known for the role he played in the impeachment hearings of President Richard Nixon. He demonstrated a dignified image of Congress at a time when cynicism characterized the public's view of our government. He upheld the integrity of this institution. He was himself a person of character.

Despite the important role that he played in the glamorous hearings, Congressman Rodino's real legacy is in the work that he did to further civil rights for all Americans. As the son of an Italian immigrant who grew up on the ethnically diverse streets of Newark, Congressman Rodino understood the importance of building bridges to unite ethnic communities.

He was determined to see women and Americans of all races and religions receive equal civil rights. In his role on the House Committee on the Judiciary, Congressman Rodino was instrumental in managing the Civil Rights Act of 1964 on the House floor, where it passed and was eventually signed into law by President Lyndon Johnson.

Congressman Rodino authored the Fair Employment Practices Amendment within the historic civil rights bill. He strived to advance the rights of women, immigrants, and disenfranchised ethnicities. He never forgot his own roots.

In 1971, Congressman Rodino passed legislation making Columbus Day a national holiday, providing millions of Italian Americans with a day to celebrate our proud heritage.

To establish an Italian American presence in Washington, Congressman Rodino worked to found the National Italian American Foundation, NIAF, and the Italian American Congressional Delegation. It is my honor to

now cochair this delegation with the gentleman from Florida (Mr. MICA).

As an Italian American who also grew up in an ethnically diverse New Jersey city, I have admired Congressman Rodino's record as one who united people he represented. His career as a bridge builder has inspired a model on which I have based my actions as a representative of an ethnically diverse constituency.

This is the second time in 3 years, Mr. Speaker, that I have stood before the House of Representatives to express my condolences for the passing of a civil rights leader. In 2003, the Eighth Congressional District was unfortunate to lose the legendary Larry Doby.

I am honored to have represented these men who have molded the social milieu that America enjoys today. It is my hope that the passing of Congressman Peter Rodino will remind us of the legacy that he left behind and inspire us to apply his legacy to the legislation that we craft in this Chamber.

Mr. Speaker, next Monday we will have a mass and burial. Our condolences go to his family. He was a great, great American.

SECURING AMERICA'S BORDERS AND COMBATING ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to encourage my colleagues in this Congress to continue fighting illegal immigration in our great country.

My Republican colleagues were joined by 42 sensible Democrats to make great strides towards securing our borders by enacting the recommendations of the 9/11 Commission with the passage of the REAL ID Act. As a freshman Member of this House, I am honored to have played a role in that process.

However, Mr. Speaker, more still can and must be done to secure our borders and combat illegal immigration. The terrorist attacks on our homeland highlighted the potentially disastrous effects of porous borders and the need to bolster border security.

The problem of illegal immigration also has additional far-reaching, dangerous effects. Ultimately, it punishes all who follow the laws and processes of the United States.

Immigration affects virtually every aspect of life in America. I am happy to have supported the amendments of both the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Georgia (Mr. NORWOOD) to H.R. 1279 that just passed here today.

□ 1800

The Goodlatte amendment adds 5 years to any sentence for violent crime for drug trafficking when the offender is an illegal alien and adds 15 years to a sentence if the alien has previously

been deported for a criminal offense and subsequently committed a crime of violence or drug trafficking. The amendment also requires the Homeland Security Department to give the National Crime Information Center the names of all individuals subject to deportation orders or who have signed voluntary deportation papers.

The Norwood amendment requires the Justice and Homeland Security Departments to conduct a joint study and to report to Congress within 1 year on the connection between illegal aliens and gang membership.

I was torn on voting for H.R. 1279 because of my concern for States' rights, but I was swayed in the end to vote for it because of the number of illegal aliens involved in gangs. With more than a million legal and illegal immigrants settling in the United States each year, a level higher than at any other time in our Nation's history, immigration has an impact on education, health care, Social Security, taxes, employment, the environment, crime and countless other areas of American life.

I sympathize with those who desperately wish to live the American dream here on American soil. I understand their desire for liberty, free markets and guaranteed rights. The demand for access to America is a resounding testament to the greatness of our Nation. However, immigration laws exist to provide the necessary steps for safe and legal entry into this country. We have an immigration process in place that simply must be followed.

Illegal immigration must be stopped, but we cannot and should not close our doors to those who wish to enter the country legally. We must increase our efforts at achieving closed borders with open guarded doors.

SMART SECURITY AND IRAQ PRISONER ABUSE

The SPEAKER pro tempore (Mr. KUHLMAN of New York). Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week, the trial of low-level military officers involved in the Abu Ghraib prison scandal in Iraq reached a climactic turning point. Colonel James Pohl, the military judge trying PFC Private First Class Lyndie England declared a mistrial in the case. Now this case will have to be tried again from the very beginning.

England's case was thrown out after Private Charles Graner claimed that the photos of abuse at Abu Ghraib Prison were taken for training purposes. This claim contradicts England's guilty plea in which she accepted responsibility for her actions and admitted that she had acted outside the scope of military orders.

There is no shortage of evidence that England is guilty of having participated in the abuse of Iraqi prisoners which included subjecting the prisoners

to forced nudity, savage beatings, electric shock and harassment by dogs. Some prisoners, as a matter of fact, died as a result of the abuse. Nor is there a question that the abuse of prisoners violates our American ethical and moral code. Red, the color of blood, is the color that resulted from the beating in Abu Ghraib Prison last year. But now yellow is the color of the high-ranking military and administration officials who are cowering behind junior soldiers, hoping to duck responsibility for setting up a culture supporting the use of torture in American-run prisons in Iraq.

The question is, who is responsible for the abuses at Abu Ghraib Prison? Charles Graner's testimony suggests that the prison abuse scandal extends much higher than we have previously been told. Yet, only low-ranking soldiers have been held accountable for these abuses. Why have prosecutors investigated from the bottom-up instead of going straight to the source to find out who condoned these abuses? Why is there such a denial of culpability at the highest levels of the government?

Mr. Speaker, we must get to the bottom of this scandal because not only were the events at Abu Ghraib brutally inhuman and contrary to the democratic ideals of our open government, they also have endangered the American people. At a time when the United States is courting the support of the Arab world, the last thing we need to do is engage in the same atrocious violence as the thugs and terrorists that we are opposing. The images of American soldiers violating Iraqi prisoners is no doubt a rallying call for all those who want an excuse to hate and attack the United States.

Fortunately, there is a better way than this. I have developed a SMART Security Platform for the 21st Century. SMART is a Sensible, Multilateral American Response to Terrorism, and it will help reinvigorate America's foreign policy by focusing on conflict prevention, on international diplomacy and on multilateralism. SMART security recognizes security threats and addresses them, but instead of conducting our policies behind closed doors and through the barrels of a gun, SMART pursues open diplomacy and regional security arrangements to achieve our democratic goals.

Indiscriminate violence will not address the threats we face, because most of the post-September 11 security threats require a softer touch. That is why SMART security calls for dramatic increases in development aid and debt relief for the world's poorest countries to reduce the destitute conditions that give rise to terrorism. And they will simultaneously increase educational opportunities for the world's poorest people. These programs will also help counter the image problem that America has cultivated around the world and particularly in the Middle East.

Instead of encouraging militaristic policies that give rise to events such as

those at Abu Ghraib, SMART security encourages security through diplomacy. Perhaps, if the Bush administration had not been so keen on going into a misguided and illegal war, we could have utilized international diplomacy to encourage democracy in Iraq, instead of fighting a war that has thus far cost the lives of more than 1,600 American soldiers, at least 24,000 Iraqi civilians, and of course, there are also more than 12,000 American soldiers who have been gravely wounded as a result of war.

Let us utilize the SMART approach to address the threats we face. I encourage all of my colleagues to support this important legislation which I am reintroducing next week.

HONORING THE SERVICE OF LIEUTENANT COLONEL FAYE KNODLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, with the 60th anniversary of World War II on all our minds, I thought it important to pay tribute to the proud veterans of the 11th District of Georgia and, indeed, America for the heroism that they displayed that has made possible the unprecedented freedom that we enjoy today. They deserve our gratitude and our full support.

One such veteran from Marietta, Georgia, is Lieutenant Colonel Faye Knodle. Colonel Knodle was drafted into the Army on December 2, 1942. He attended boot camp at Camp Beale, California, and in December 1943, he was moved to Camp Bowie, Texas, for combat training in preparation for combat duty in Europe.

Like the proud stories of so many brave Americans, Colonel Knodle hit Omaha Beach on June 10, 1944, D-Day plus 4, as a platoon sergeant in Patton's Third Army. Two days later, for his exemplary service, he received a battlefield commission from General Patton himself, raising him to the officer ranks. Knodle fought his way through France and Germany into the Ruhr Pocket.

He was later transferred to the 20th Armored Division and was assigned a section to free prisoners at Dachau. There he rejoined the Third Army and was part of the drive to Bavaria and the takeover of Hitler's hometown of Branau, Austria, on May 2, 1945. He became Commandant of Branau until July of 1945 when he received orders to return to the States in preparation for the invasion of Yokohama, Japan. He landed in the United States for a 30-day leave before reporting to Camp Cook, California, but before the end of that leave, the Japanese surrender was announced.

After serving in the Reserve component for 6 years, he was again called to active duty in November of 1951 and then served in various training roles in the 129th Division until he was dis-

charged from service in 1965 as a Lieutenant Colonel, thus ending a distinguished 23-year military career.

Mr. Speaker, Colonel Knodle's story is just one of thousands that this brave generation shares. When they were young men, our Nation sent these brave soldiers off to foreign lands to battle the forces of evil, and they came back heroes, setting our Nation on a true course for greatness.

We have often heard them called the Greatest Generation, and I cannot think of a more fitting title for these brave men. By sharing their stories and remembering their sacrifices, we celebrate the freedom our country enjoys. As Ronald Reagan noted on the 40th anniversary of D-Day, "We will always remember, we will always be proud, we will always be prepared, so we may always be free."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to give my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE IRAQ WAR IS COSTING US OUR FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, this week, the Senate finally passed the latest of the Iraq war supplemental funding. The \$82 billion package brings the war's total cost to date, both in Iraq and Afghanistan, to \$300 billion. This month will be the 2-year anniversary of the President's speech on the U.S.S. *Lincoln* announcing, "mission accomplished."

So what has "mission accomplished" and \$300 billion got us so far? We have defeated Saddam Hussein's regime, yet we find ourselves marred in an endless occupation. This past January, we witnessed a successful election in Iraq, yet progress on developing a functioning government has been slow at best. Terrorism and insurgency are as strong as ever and continue to be escalating at certain times. Today, we saw that in a very serious way with more than 79 Iraqis killed in a terrorist act. Over the weekend, we lost again a number of our fellow citizens, bringing the total of U.S. soldiers killed to nearly 1,600 and 12,000 wounded. The economy in Iraq is stalled. The civil society cannot form a consensus, and millions of Iraqis re-

main without the basic services and functions of a civil society and government.

Our brave men and women are fulfilling their obligation and their duty to the United States Armed Forces and continue to fight valiantly, but the battle has taken its toll. As I said, nearly 1,600 fellow citizens have been killed. These are brothers and sisters, sons and daughters, mothers and fathers, aunts and uncles and Little League coaches and members of churches and other parts of their community who will no longer be with us. And more than 12,000 soldiers have been wounded. The strain is so great that recruiters for the Armed Forces cannot meet their enlistment goals. Last month, the Army alone missed its recruitment goal by 42 percent. The Pentagon now says they are stretched so thin, it would be difficult for the Armed Forces to meet other obligations should they need to do so.

Mr. Speaker, Operation Iraqi Freedom was a war of choice, and as President Kennedy once said, to govern is to choose. One can only hope that this choice is the right choice. In fact, while we have been fighting in Iraq, North Korea multiple times over the last 2 years has crossed red lines that have existed through Democratic and Republican administrations and has flaunted those goals. While we have been tied down in Iraq, North Korea's situation has gotten far worse.

Mr. Speaker, every other President in the history of the United States, when this Nation has gone to war, has thought about America after the war: how to build an America on the shoulders of that military victory so that victory overseas is also a victory here at home; how to build a stronger America for tomorrow.

Abraham Lincoln during the Civil War not only envisioned reconstruction but he envisioned a transcontinental railroad, envisioned land-grant colleges. President Roosevelt led the Nation through the Great Depression in World War II, and he then in the closing days thought of a GI Bill and, 11 months before the close of the war, signed a GI Bill into law, allowing millions to buy a home and receive a college education. President Eisenhower, in the days of the Korean War, envisioned an interstate highway system. President Kennedy, during the struggles of the Cold War and Vietnam, envisioned a man on the moon and saw that America could envision something greater. Every President in every Congress throughout our history during the days of a war has thought about how to bring that victory home and mean a victory for the American people, not just a military victory.

So what do we have in these days of the war in Iraq and Afghanistan? President Eisenhower envisioned an interstate highway system; we have a President who is talking about vetoing our highway bill.

□ 1815

President Roosevelt thought of a GI bill, thought how to build America after the war. This President has eliminated and canceled vocational training programs and cut Pell grants, as well as President Johnson, during the days of the Vietnam signed into law the Medicaid legislation. This President's budget cuts \$10 billion from Medicaid. All this because we are sagged down having added in the last 4½ years a little over \$2 trillion to the Nation's debt. Our dreams for America are limited now, and literally weighed down by a Nation, by a debt that has been accumulated over the years that we cannot see an America with not only an interstate highway system, but we should have a broadband system for all of America to move it electronically forward into the future. It is the debt that is weighing us down and this, unlike in past military victories, this country has not seen the victory overseas to bring it home and make sure that all of America is also victorious.

FUELS SECURITY ACT

The SPEAKER pro tempore (Mr. KUHLMANN). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I did not come here to speak about Iraq. I have been there three times and the last time was 3 weeks ago. And each time I have been very impressed by the morale and the attitude of our soldiers, and they consistently have asked me to do this. They said, you know, we see two wars. We see the one that is being fought on CNN, and that is true. That is a reality, the bombings. But we also see the war that we are fighting. Would you please occasionally go home and tell people about the good things that are happening in education and health care, economy and so on. And so it is a tough deal. It is tough. And yet there are some good things that are happening.

The reason I came over here tonight to speak was about the Fuels Security Act, which has been introduced by the gentlewoman from South Dakota (Ms. HERSETH), the gentleman from Iowa (Mr. KING), and the gentleman from Minnesota (Mr. PETERSON).

As almost everyone in our country is aware, we have really suffered from high fuel prices over the last several months. And this has probably been the greatest drag we could possibly have on our economy at the present time. We are now nearly 60 percent dependent on foreign oil. And OPEC can influence the price of fuel here dramatically by either loosening or tightening their fuel supply. We recently saw that with our negotiations with Saudi Arabia. And so this is a very uncomfortable position for this country to be in.

An alternative to foreign oil is ethanol and biodiesel. Currently, 10 per-

cent ethanol blends are roughly 10 to 15 cents a gallon cheaper at the pump than regular gasoline. We find that E 85, which is 85 percent ethanol, is 60 to 70 cents a gallon cheaper. So in my State, Nebraska, E 85 has been selling for about \$1.60 a gallon, where other fuels have been \$2.20 and \$2.30.

Currently, 20 States produce ethanol, and that would include California and Kentucky, States that at one time we assumed would never be in the ethanol business. And as many people know, ethanol can be produced from biomass, even certain types of garbage. And I think eventually all 50 States probably will have some type of ethanol production of one kind or another.

In 2004 we produced 3.6 billion gallons of ethanol. This year, 2005, we will hit roughly 4.5 billion gallons. And the reason I am here tonight is that I want to make clear that people understand that the renewable fuel standard in the energy bill passed by the House and now sent over to the other body mandates that we go to 5 billion gallons of ethanol production by the year 2012. Well, we are going to be over 5 billion gallons next year, in 2006. And that is why we have introduced the Fuels Security Act. The Fuels Security Act proposes that we raise the ethanol allotment from 5 billion gallons to 8 billion gallons by 2012.

Increasing ethanol production will have several positive consequences and effects on the economy. Number one, it will lower the price of gasoline. Currently, the ethanol industry that we have in place today lowers the average price of a gallon of gasoline by 29 cents. So if somebody has been paying \$2.20 at the pump, they would be paying about \$2.50 if we took ethanol out of the picture.

Ethanol production raises the price of a bushel of corn by about 30 to 40 cents a bushel. As corn prices increase, farm payments decline. It is a countercyclical effect. And so ethanol reduces the cost of the farm bill by an estimated \$5.9 billion over 10 years, which will certainly be a benefit to the taxpayer. It will add \$51 billion to farm income over 10 years. It will reduce the trade deficit by \$64 billion between 2005 and 2012. And everyone knows that we are suffering from a very disadvantageous trade deficit at the present time.

We will add 243,000 jobs to our economy and reduce greenhouse gases by 7 million tons a year. So we think that biodiesel and ethanol is a very viable alternative. It reduces our dependence on foreign oil. And we would hope that the other body would consider including the Fuels Security Act in conference when and if they get the energy bill passed.

ABUSES OF POWER LOBBYING REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, absolute power corrupts, and over the last decade, the cozy relationships that have been created between House Republicans and powerful corporate lobbyists have led to lobbyists controlling what happens here on the House floor.

Earlier this year, the Republican majority rammed through weaker ethics rules to protect one of their leaders who has come under scrutiny because of his relationship with a lobbyist. Fortunately, the American people were not fooled by this stunt. They saw the new rules for what they were, nothing more than an attempt to protect a powerful Republican leader. Finally, after media and public outcry became too much for the Republican majority to endure, Republicans agreed to reinstate the old bipartisan ethics rules.

However, Mr. Speaker, it is important to remember that had the public been indifferent and had the Democrats on the Ethics Committee gone ahead and allowed the committee to organize under the weakened rules, today this House would be structured under ethics rules that would allow either side, Democrat or Republican, to shield its Members from scrutiny. Mr. Speaker, the Republican ethics reversal was good for this institution and good for the American public.

I wanted to say, though, Mr. Speaker, that lobbyists still have too much power within the Republican majority here on Capitol Hill. House Republicans turned to lobbyists from the pharmaceutical industry to write a prescription drug law that does nothing to help senior citizens with the skyrocketing prices of their prescriptions drugs. Republicans turned to lobbyists from the oil and gas industry to write an energy bill that does nothing to address the rising costs Americans pay at the pump. With each of these bills rewarding lobbyists with billions of dollars in tax breaks and government handouts, Republicans did absolutely nothing to help out middle-class Americans who continue to struggle to make ends meet.

I think it is time Congress rein in the power of Washington lobbyists. Last week the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Illinois (Mr. EMANUEL) introduced legislation that would dramatically reform the way lobbyists do business in this town. The reform legislation would force lobbyists to publicly disclose who they meet, whether it is a Member of Congress or an administration official, and what issue they are lobbying about. If the news reports of the last 4 months have shown anything, it is that lobbyists work below the radar screen here in Washington, and it is time for that to change and this reform legislation to get a good start.

The gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Illinois (Mr. EMANUEL) want to bring a Republican on board to make their reform legislation bipartisan, but so far

they have no takers. In fact, when the gentleman from Texas (Mr. DELAY), the majority leader, was asked about the reform legislation last week, his first response was to simply laugh. And then the gentleman from Texas (Mr. DELAY) responded, and I am quoting, "I am not interested in the water that they are carrying for some of these leftist groups."

Now, I would maintain that lobbying reform should not be a partisan issue. The majority leader should not stand in the way of any Republican who decides to sign on to the Meehan-Emanuel bill.

And could it be that the Republican leadership has become so cozy with Washington lobbyists that they do not want to see any lobbyist reform?

Mr. Speaker, 10 years ago the gentleman from Texas (Mr. DELAY) said right here on the House floor, and I am quoting, "The time has come that the American people know exactly what their representatives are doing here in Washington . . . are they feeding at the public trough, taking lobbyist paid vacations, getting wined and dined by special interests? Or are they working hard to represent their constituents? The people, the American people have a right to know."

Now, that is what the gentleman from Texas (Mr. DELAY) said, as I said, 10 years ago. But, Mr. Speaker, what has happened to the majority leader over the last 10 years that makes him sing a different tune today?

I think it is time this House support real lobbying reform, and it is time House Republicans seriously look at the ideas that the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Illinois (Mr. EMANUEL) have put forward in their legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON) at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SCIENTIFIC MODEL FOR DECISION-MAKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity to address

the House this evening and talk about an issue that is not Republican; it is not Democrat. It is an issue that may potentially affect every single citizen in our Nation.

When I ran for office as a physician, many folks in my district and in my family and in my practice asked me why? What on Earth do you want do that for? Why would a physician run for office?

Well, in addition to the feelings that most of us had, I suspect, about making a real difference, one of the things that attracted me to being a public servant, running for office, was the opportunity to bring the scientific model to decision-making in the world of public policy. As a physician, I was trained in the scientific model.

And what is that? That means that when you have a problem before you, like a patient who has a disease that you do not know about, that you work as hard as you can to identify that problem, and then you gain as much information about that problem as possible. And then you define specific solutions for the problem, and then you enact one of those solutions. You enact one of those treatment plans, if you will, and you measure the result, see where you are; and if you are not where you need to be, then you change what you are doing and move on so that you make modifications that are necessary so that you work toward that end goal.

Now, this is a classic model for doing all that is necessary and not more. It also allows for the greatest amount of critical thinking about any issue, not just scientific issues, but any issue; and if it is followed, it will result in the best outcome.

Now, the opportunity to bring this type of decision-making, what I call solution-making, to Congress is truly a great privilege. For if we do not address problems in this manner, then we are left with political battles where the argument that carries the day goes to the group with the most and greatest number of troops on their side, or with the side that has the most passion or the most emotion in their argument.

Now, there is nothing wrong with numbers, and there is nothing wrong with passion, and there is nothing wrong with emotion. It is just that they may not get you to the right solution.

And such is the case, I believe, with the issue of stem cell research. What is the problem? What is the problem that we are trying to address with stem cell research? Well, it is diseases. Patients have diseases and stem cells may be able to cure some of those diseases.

Stem cells are cells that when they are stimulated or encouraged, they may become other kinds of cells, many of which may be beneficial in the treatment of diseases.

And there are basically three types of stem cells. There are embryonic stem cells, those cells that come from an embryo, a human before it is born. There are cord or placental cells, those

cells that are left over after the birth of a baby. And then there adult stem cells; and those cells, in spite of the fact that they are called adult, come from anybody that has been born.

Now, regardless of where you come down on this matter, which cells ought to be used, I think it can be said that no one can state that this issue is not full of ethical dilemmas. The beauty of this issue is that science, if you follow the science, we can avoid those ethical challenges. And the bonus is that they work.

If you take a peek at this poster here, what we have are adult stem cells. And there are all sorts of different adult stem cells. There are bone marrow and peripheral blood and hair and cells from your stomach or your GI tract or the placenta or the brain. All of those can result in a different kind of cell. You can get tendon from bone marrow. You can get nerves from peripheral blood cells. You can get heart cells from skeletal muscle cells. All of these kind of cells are available.

In addition to that, the adult stem cells that have been used and studied have actually shown great benefit in many different diseases, unlike embryonic cells to date. Adult stem cells have treated 43 different types of diseases from brain cancer to myasthenia gravis to stroke. So they work. A couple of examples, Parkinson's patient treated with his own adult stem cell continues to exhibit relief from 80 percent of his symptoms more than 6 years after his surgery. A phase 1 human clinical trial using this therapy is currently under way.

□ 1830

Umbilical cord cells were used to treat a South Korean woman who had been paralyzed, a spinal cord injury. She now is able to walk.

Dr. Denise Faustman, a leading diabetes researcher from Harvard has completely reversed end-stage juvenile diabetes in mice and has FDA approval to begin human clinical trials.

As we go through this discussion over the next number of weeks and months and years, frankly, I urge my colleagues to look anew, to look objectively at the issue of stem cell research. If we do, I believe that we can then all determine that we will work in a reasoned manner together to allow scientists and researchers to help the patients of our Nation.

A FREE AMERICAN

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, last night, the House passed House Resolution 193 as a suspension bill. For people who may not know, suspension bills are meant to be noncontroversial measures the House typically passes unanimously.

I voted no. Let me tell you why. Because it was a protest vote meant to encourage freedom and liberty for all Americans. Let us start with what it said.

H.R. 193 is a resolution that says in part, "expressing support to the organizers and participants of the historic meeting of the Assembly to Promote the Civil Society in Cuba on 20 May 2005 in Havana. Whereas, Fidel Castro's terrorist regime has continued to repress all attempts by Cuban people to bring democratic change to Cuba and denies universally recognized liberties, including freedom of speech, association, movement and the press."

I could go on but there is no need to. It is all right there in what I just read. We deny liberties denied Cubans while a Cuban-American in my city of Seattle is denied the right to go to Cuba to visit his son by the U.S. government.

Remember the grandstanding on Elian Gonzales? We wag our fingers at Fidel and shout about Cubans being denied liberty at every moment. Well, we are denying the right of an American to travel to Cuba for a few days to see his son. How hypocritical is that?

I am talking about the plight of Sergeant Carlos Lazo. He came to America from Cuba in the early 1990s floating on a raft in the ocean. He risked his life for a chance to come here. Talk about the quintessential story about risking everything to call America home. Carlos Lazo is the stuff of books and movies and news coverage. He wants none of it. He just wants to see his children in Cuba. And the United States government will not let him go.

Floating on the raft in the ocean, that is what Carlos Lazo did. That is about as courageous as it gets. So he arrives in America. He moves to the State of Washington. A man grateful to be alive, he determines to embrace his new country and do everything within his power to give back. He joins the Washington National Guard. Over a year ago, his unit dispatched to Iraq. Now Carlos serves his country in one of the most dangerous places in Iraq, Fallujah, as a medic. He serves on the ground in Iraq for a year.

When his duty is over, Carlos wants to go see his kids still in Cuba. Carlos goes to Miami, but he is denied the right to travel to Cuba. He is denied the right to board an airplane bound for Havana. He saw them in 2003, and he is told by the government: You cannot see them again until 2006. Three years.

Sergeant Lazo, who proudly served America, who risked his life to get here and risked his life to defend liberty, is now a man whose liberty has been denied. He cannot see his children in Cuba until the President lets him go.

When will Carlos be able to visit his children in Cuba? I ask that the Speaker, because the administration is in denial, call the White House. They want to perpetuate a bureaucracy and a failed policy, not assist an American

who wants the sum total of what every parent wants, the right to see their kids.

The government has in place a policy which denies the basic liberties of an American hero, and we have not lifted one finger in this House to help Carlos Lazo. The Secretary of Defense is not interested in him. The White House is not interested in its citizen. The White House and this House are only interested in wagging fingers at Fidel Castro.

Carlos Lazo is a man who embodies everything Americans stand for, courage, determination, quiet thanks from a man grateful to have made a new life and a new home. And now Carlos is a man who cannot be united with his family. Carlos is a man who did not want to be anything but a quiet, grateful American and is forced to become a man in the spotlight, hoping someone will pay attention, hoping someone will let him see his kids.

H. Res. 193 is a suspension bill that would have us suspend disbelief. Carlos deserves the thanks of a grateful Nation and the immediate assistance of this administration and the Congress. We ought to add his name to H. Res. 193 so he can travel. We should do that and make a resolve that the United States of America, which sees itself as a beacon of liberty in the world, extend its support to Carlos Lazo and will facilitate his immediate travel to Cuba to be reunited with his kids.

Anything less than fighting and defending the liberty of Carlos Lazo from the State of Washington is the work of a Congress long on hyperbole and short on action in defense of liberty.

Mr. Speaker, call the Secretary of Defense before the day is out. I bet he is still in his office. Send Carlos Lazo to Cuba, to his sons in his former homeland, so he can be a free American.

If you want to make a real statement about what it means to be free, let one American be free, free to travel, free to be reunited with his children, free to show the people of Cuba, firsthand, what freedom means in this country.

Free to show Cubans firsthand that America does not have to prevent its citizens from leaving the country in order to keep them.

Mr. Speaker, use your office to intercede and let this House stand as a beacon of freedom and liberty for every American, not just some Americans.

So long as Carlos Lazo is forbidden from visiting his children in Cuba, America can only be known as the land where some are truly free and others are truly denied liberty.

Send Carlos Lazo to Cuba.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes. (Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUPPORTING LT. PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I have spoken at great lengths now about Second Lieutenant Ilario Pantano, a Marine who served our Nation bravely in both Gulf Wars and who now stands accused of murder for defending himself and this country.

Lt. Pantano's article 32 hearing ended 2 weeks ago, and now the investigating officer in the case, Major Mark Winn, is set to make his recommendation on the case to the Second Marine Division Commander, General Richard Huck, by Friday.

I stand here today to represent the thousands of people who have joined in my hope and prayers that, on Friday, Major Winn will recommend that all charges be dropped against Lt. Pantano.

Based on the facts of the case, the man who brought forth the allegations, Sergeant Coburn, is someone who did not see the shooting and who waited 2½ months to report the incident. I am convinced that this lieutenant should and will be exonerated of all charges.

I know that, during the hearing, both his Marine and civilian attorneys did an excellent job of proving the innocence of Lt. Pantano, and I have the utmost confidence in the system that the truth will prevail.

Mr. Speaker, I wholeheartedly believe that Lt. Pantano was doing his job when he found himself in an unfortunate situation where he needed to defend himself and his platoon members against the enemy.

Having met and interacted with Lt. Pantano and his family over the past few months, I have had the opportunity to get to know them well. I am certain that the man I have come to know is not a murderer. He is a dedicated Marine who loves his Corps, his country and his family.

Mr. Speaker, I put in a resolution, House Resolution 167, to support Lt. Pantano as he faces trial. I continue to urge my colleagues in the House to take some time to read my resolution and look into this situation for themselves.

Lt. Pantano's mother also has a website that I encourage people to visit. The address is www.defendthedefenders.org. I would like to repeat that, www.defendthedefenders.org.

Mr. Speaker, I close once again by asking that we do not send the wrong message to our men and women in uniform and cause them to second guess their decisions. I fear that instilling doubt into the minds of our Nation's defenders places their lives and the security of our Nation in jeopardy.

Mr. Speaker, I close by asking God to please bless Lt. Pantano and his family, and hopefully, on Friday, this decision will be to exonerate this wonderful lieutenant who loves his country. I also ask God to please bless our men and women in uniform and their families. I close by asking God to please bless America.

NATIONAL COVER THE UNINSURED WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to call attention to the fact that last week was the third annual National Cover the Uninsured Week.

The purpose of National Cover the Uninsured Week is to raise awareness of the problem of the uninsured and the need for reliable and affordable health care coverage. To this end, I shall briefly discuss the problem that we face as a Nation and call attention to some proposed movement towards solutions.

The challenge that we face as a Nation is grave. According to the U.S. Census Bureau, 45 million Americans lack health coverage, a figure which includes 8 million children. In my home State of Illinois, 1,800,000 individuals lacked health coverage in 2003. This problem is not merely one of numbers, statistics, charts and figures. It impacts real live people in every State in the Nation.

Families forced to pay high medical bills out of pocket are the same families that default on loans, are unable to save for their children's education and are forced into bankruptcy. Children who lack coverage are children who are unable to get necessary preventative care or treatment. Additionally, the problem is the enormous burden on health care providers who sometimes must charge those who are covered more in order to care for those lacking coverage, as they are mandated to do in emergency situations. This situation only fuels the ever-increasing cost of health care in this country.

Sadly, I know all too well that I have not just shed light on a previously unknown problem. My colleagues in the House have surely heard this many times before. However, all of our talk has yet to provide solutions.

Fortunately, three bills have been introduced that will help to alleviate this grave and well-documented problem: the Medicare Early Access Act, the Family Care Act and the Small Business Health Insurance Promotion Act.

Together, these bills will help to expand access to Medicare to younger workers, provide incentive to States to extend the State Children's Health Insurance Program, CHIP, to working parents and eligible children, and make it easier for small businesses to cover their employees. It is quite possible that enactment of these proposals would extend coverage to 20 million more Americans.

While this is less than half of the total number of America's uninsured population, it is certainly a step in the right direction. After all, even a journey of 1,000 miles must begin with a single step. But the real deal is, Mr. Speaker, we need a national health plan, single payer, with everybody in, nobody out. Health care is indeed a

right and not a privilege. Every American should have it.

HONORING JAMES McCLAMMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to salute an almost 80-year-old veteran from my southeast Texas district. A dedicated American, a charter member of the greatest generation, Private James McClammy this weekend finally received the honors due him after 60 years.

A bit of history is in order, Mr. Speaker. Private McClammy was born in Canton, Mississippi, in the mid-1920s. James McClammy grew up during the Great Depression. Times were tight, tough and hard.

Mr. Speaker, he was a depression baby, as he calls himself. His family moved to Poke County, Texas, just outside of Livingston. That is in the Piney Woods of deep east Texas. He was the son of a State highway worker. And although he lived in a peaceful country atmosphere, the world would soon be at war again.

This teenager would be like thousands of other Americans; he, too, would go off to war. With the outbreak of World War II, Mr. McClammy was drafted right out of high school. A strapping 18-year-old, he has answered that call with abiding courage. He began his basic training in the Lone Star State at Fort Sam in San Antonio and then in Camp Walters, Texas.

It is interesting to note, Mr. Speaker, that my dad about the same time was going through basic training at Camp Walters, Texas, and he, too, served in the great World War II in Europe.

At any event, Private McClammy later was sent to Fort Benning, Georgia, for jump school to complete airborne training. Following the D-Day landings, Private McClammy was assigned to the 501st Parachute Infantry Regiment, 101st Airborne Division's Easy Company and was deployed to Holland.

Having been a member of the famous Screaming Eagles for less than 4 months, this young private was about to experience a day he would never forget. It was Sunday the 17th, Mr. Speaker, a perfect Sunday in September of 1944. Private McClammy was one of more than 30,000 Americans and allied paratroopers involved in Operation Market Garden. They were charged with the important yet extremely perilous mission of descending into German-occupied Holland. Their objective was to secure the bridges across this occupied country's rivers so the allied forces could avoid the German defense line, the Siegfried line.

□ 1845

One of these bridges was referred to in the military history as a Bridge Too Far. The 101st traveled swiftly north-

wards and into the lowlands of Germany. If their valiant jump attempts were successful, many believed the war could be over by Christmas, but this was not to be.

Private McClammy recalls the morning of the daylight jumps. He says, "My memory is not as good as it used to be, but it was a beautiful day and there was no enemy fire. Our goal was to capture and hold a bridge, a railroad bridge in Veghel, Holland, to prevent the German Army from seizing and destroying it. While the Germans were initially caught off guard by the airborne landings, they were by no stretch of the imagination defeated."

The jump into Holland was unlike any of Private McClammy's other jumps because there was no swinging around after his chute opened. Because they were so close, they jumped and almost immediately hit the ground. During the mission, Private McClammy's personal duties were clear: move forward, capture the bridge.

The Screaming Eagles 501st Regiment was led by Colonel Howard Johnson. With all of but one of his battalions descending as planned into the drop zone near Veghel, Colonel Johnson's men, including Private McClammy, marched steadfastly into the city where they successfully completed their mission and held and followed their orders: hold until relieved.

He says, "We held the bridge and then got relieved by another unit. It wasn't until later in the day that the enemy fire started." While he completed that day's work unscathed, the next week he was not as fortunate. On September 23, the Germans started shelling and they continued to shell.

Amidst an artillery barrage, a nearby shell explosion sent shrapnel flying into Private McClammy's hip. He was the sole survivor because three of his teenage friends, other members of the 101st, were killed in that attack. He was trapped for several days, and finally evacuated to a field hospital in Belgium where they operated on him.

He was then flown to a facility in England where he spent the remainder of September until early December recovering from his wound. At that point, he traveled on a crowded ship back to the United States where he boarded a train from South Carolina to Texas that stopped at various cities in the southern United States to drop off wounded veterans.

Private McClammy was discharged after the war and, like many of his band of brothers, never learned he had earned the Bronze Star for his action in World War II. It was only recently that a friend and fellow soldier from the Easy Company, Willie Ray Fox, brought this to his attention.

Mr. McClammy tried for 2 years to get his medal without success. In March, he contacted my Jefferson County office, and he was awarded those medals last week.

Mr. Speaker, I want to thank the military and members of my office for

helping to find him those medals, and they were, Mr. Speaker, the World War II Victory Medal, the Combat Infantry Badge 1st Award, the Honorable Services Lapel Button, the World War II Parachutist Badge, the Purple Heart, and the Bronze Star.

We thank Private McClammy for his service. We thank him for being a good American. We thank him for his service.

As Shakespeare wrote many years ago about the band of brothers: "From this day to the ending of the world, but we in it shall be remembered—We few, we happy few, we band of brothers."

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. TIAHRT) is recognized for 5 minutes.

(Mr. TIAHRT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNITED NATIONS REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, as we approach the 60th anniversary of the United Nations, it is appropriate that we look at its original mission and evaluate whether the United Nations has accomplished what it was set out to do.

The U.N. charter states in part that its purpose is to maintain international peace and security; to develop friendly relations among Nations; to achieve cooperation; and to promote and encourage respect for human rights. But, unfortunately, if we look at the U.N.'s record on these issues, we see that they have failed on every account.

Firstly, the U.N. has not maintained international peace and security. In fact, since 1945 there have been over 300 wars and over 22 million people have died in those wars. The only two times that the U.N. has ever supported intervening to stop hostilities was the Korean War, when the Soviet Union had boycotted the Security Council meeting, and the first Persian Gulf War.

In fact, the biggest threat to the civilized world today is terrorism, and the U.N. has failed throughout its existence to develop a clear definition of what terrorism is even.

Another main mission of the U.N. is to promote and encourage human rights and equal rights throughout the world. The U.N. Commission on Human Rights is the primary body to get that job done.

However, such countries as Cuba, Sudan and China, all of which have long histories of violating human rights, sit on that commission. In fact, several years ago, Libya, with its terrible human rights record, was selected to serve as chairman of that human rights commission.

In regards to the U.N. fulfilling its mission of solving international problems of an economic, social and cultural character, recent reports by the Heritage Foundation, the Freedom House, and The Wall Street Journal all indicated that a majority of the nations that are in the U.N. are neither politically nor economically free nations.

These general problems with the unaccountability of the U.N. lead me to one of the biggest problems and biggest scandals in the history of the U.N. and that is the Oil-for-Food scandal.

Right after the first Gulf War, this was put in place. The Oil-for-Food program was created to help those people in that country get the food and supplies that they needed. However, Saddam Hussein used the money to advance his own weapons and military programs as the poor people continued to be plagued by starvation and disease.

By allowing the corrupt Saddam Hussein regime to manipulate the Oil-for-Food program and bribe officials from other countries around the world, more than \$21 billion was stolen by Hussein at the very expense of the people that the program was designed to help, the Iraqi poor.

The U.N. has continuously denied access to the papers that would help us to get to the bottom of this. That is perhaps one of the most troubling problems with the Oil-for-Food program, the lack of cooperation by the U.N., lack of cooperation to help us all get to the bottom of what really went on. They have denied us access to papers, and they have also denied us access to the people who were involved and shielded them from responsibility.

The U.N. claims to be addressing these concerns by establishing the Volker Commission to investigate the allegations. However, it has been stated by a member that Volker has close ties to the U.N. and also to Secretary General Annan, as well as other conflicts. He has been accused of downplaying Kofi Annan's involvement in the scandal in his most recent interim report, and it was just 2 weeks ago that two of his top investigators on that very commission resigned because they felt that the report was too soft on Annan.

Volker is continuing to block congressional investigations by demanding that those committees return relevant documents and not allowing the investigators that resigned to testify before Congress.

I think that this behavior by the U.N. and its investigating committee is totally indefensible and cannot be tolerated. Kofi Annan's complete lack of hu-

mility, contrition, and acknowledgment of any wrongdoing should be disappointing to the entire world; and it is for that reason that I support suspending all U.S. funding to the U.N. until they agree to cooperate fully with the ongoing investigations into the Oil-for-Food scandal.

Another ongoing scandal at the U.N. that has not received as much press is the human rights violations in the Congo. U.N. peacekeepers in the Congo stand accused of committing 150 major human rights violations. They are accused of raping and forcing prostitution on hundreds of refugees, many of them children. These barbaric acts raise serious questions of the ability of U.N. oversight on their very own peacekeepers.

The United States has contributed over \$750 million towards that Congo peacekeeping mission since 2000. So the U.S. taxpayers at home, I believe, should know where their money is going and should know that the U.N. is doing its job to make sure that the people over there are protected.

All these problems that I have mentioned just now lead back to the very point that I am trying to make here tonight, that there is a lack of oversight and accountability by an international body that claims to represent the moral conscience of the world, and this should not be tolerated. As the largest financial contributor to the United Nations in the world, the United States is the one country in the best position to demand these reforms.

Tomorrow, we are expecting an extremely important vote to take place on the other side of the Capitol. A vote "yes" there will be a vote for U.N. reform, but a vote "no" will be a vote against U.N. reform. I certainly hope that that other body will vote in favor of U.N. reform.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

(Mr. KING of Iowa addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SOCIAL SECURITY REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Kentucky (Mrs. NORTHUP) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. NORTHUP. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kentucky?

There was no objection.

Mrs. NORTHUP. Mr. Speaker, tonight we are eager to talk about Social Security and to talk about what it means to this country, to our seniors, to those that are about to be seniors and to our younger generations, our children, our grandchildren who will support the system throughout their work years and to talk about new opportunities that exist in Social Security to make sure that Social Security is sustainable and solvent for their lives, just like it is for those who are seniors today.

I think we should start the discussion by inviting seniors today who currently receive benefits to stay tuned. There are many people that talk about Social Security, that remind seniors that whatever changes occur they are changes for those who are in the current workforce and that it will not change for today's seniors. Sometimes that sounds a little bit like saying to today's seniors that they are not needed when, in fact, they are badly needed in this discussion.

It has always been our seniors that have appreciated Social Security specifically, but also had a broad interest to reflect on what it means to them and how important it is for their children and grandchildren. Over the years, they have been the caretakers of a system to make sure that Social Security lasted beyond their generation and into the future, both for their children and grandchildren, but also for the good of this country.

We need our seniors today just like we have always needed our seniors. We need them to pay attention to this debate, to participate in it, to bring us their good ideas, and to remind us that it is just as important to them that their children and grandchildren have a secure and solvent system of Social Security available to them.

So I thank our seniors for their concern. I thank them for the fact that they raise the issue at public meetings, in letters to the editor, in the mall. All of the places that we visit, they remind us that Social Security is important and that they are listening and that they care about the issue.

I invite them to listen to the ideas about the changes, changes in this country, changes in the demographics, changes in the challenges, and to bring to us their ideas of how we can better improve Social Security, make it stronger and more secure for their children and grandchildren.

It would be hard to start such a discussion without starting with the difference in the demographics in this country and why they present to us new and different challenges than when Social Security began back in 1935 or

when it was last changed back in the early 1980s.

So let us start there. When Social Security began, there were 40 workers supporting every retiree. Forty workers are a lot of workers, and for a little bit, all of those workers could pool and support the retirees that were currently in the system.

Not so long ago when we last changed Social Security, there were 12 workers in the system that supported every retiree; and so, again, it was a program where current workers could fairly easily support the retiring community.

Today, there are only three workers in the system for every retiree, and that means that every worker has to give considerably more to the system in order to make sure that we meet the needs of our retirees; and for our children when they start to retire, there will only be two workers in the system for every retiree.

□ 1900

And so we are looking to improve the system, to strengthen the system, to make sure it is for our children, as they bear that responsibility, also an opportunity to strengthen the system itself and that it will be a system that they can then pass on to the generations behind them as a strong, solvent and sustainable program.

Mr. Speaker, my friend here, the gentleman from Minnesota (Mr. KLINE), is eager to talk about this issue and to share with me his perspective. I know he hears from his seniors. I know he hears from the young people in his district, and he understands the challenge that we face as the demographics change, and so I yield now to him.

Mr. KLINE. Mr. Speaker, I thank the gentlewoman from Kentucky (Mrs. NORTHUP) for yielding to me and I also thank her for her leadership on this issue.

I was just listening to her talk about the change in demographics, and I immediately sort of flashed back to a whole series of town hall meetings that I held in my district. I know many of my colleagues have done those, and one of the charts that I have put up in all of these town hall meetings is a graphic that shows very clearly the very issue that my friend from Kentucky was talking about. It is a chart that shows that, as late as 1950, there were 16 people working and paying social security taxes for each retiree. Sixteen for one, as late as 1950.

But, today, Mr. Speaker, as she so clearly pointed out, there are only three people working. And when my children, much less my four wonderful grandchildren, retire, there will be only two. That chart, when you put that on an easel and the folks attending the town hall meeting have a chance to look at that and absorb the impact, by the time I get to the point in the meeting where I ask all those attending how many of them think we need to do something, that we need to do something to strengthen Social Se-

curity, to fix Social Security, every hand goes up. I think it is inescapable.

It is interesting that, in my town hall meetings, most of them were designed to invite senior citizens to come into the meeting, and so the vast majority of the folks attending the meeting and engaging in the discussion were in fact seniors. Some of them had come at the urging of organizations like the AARP. But across the board, they look at the inescapable fact that we have fewer and fewer and fewer people working for each retiree, and also they realize the inescapable fact that we are just living longer.

If you look back to when Social Security started, under the urging of President Roosevelt, the average life expectancy was around 61. I know it changes if you are a man or if you are a woman and so forth, but the general life expectancy was about 61. By the way, retirement age was 65. A very interesting concept they had back then. But, today, the life expectancy is on the order of 77 years. And as we look at the retirement situation for my children and grandchildren, life expectancy is around 83 or 84 years. Clearly, we are living longer, we are having smaller families, and we are going to end up in the situation where the demographic changes in this country are going to put us in a position where there simply are not enough people working in order to provide the benefits for our retirees.

Now, in one moment, I will be happy to yield back to the gentlewoman, but it has been interesting to me as we have gone forward in the discussion in this debate how often some of us are accused of wanting to destroy Social Security or wreck Social Security or end Social Security or put something risky into the program that my mother, for example, my 84-year-old mother depends on, and that is Social Security. Now, I do not, I know the gentlewoman does not, and our colleagues do not want in any way to destroy Social Security and the very important benefits that so many of our seniors depend upon. So as we have gone forward in this discussion and certainly as we have looked at the many, many proposals, we track them in our office. And we are up to 13 identified proposals to do something about strengthening and saving Social Security. We look to make sure it is not going to do any harm and then underscore, as the gentlewoman said earlier, that all of us, I guess it is a sign of the times, all of us who were born before 1950 are not going to be affected.

The plans have been made. Folks are depending on the checks coming like this. And, frankly, we do not want to have anybody alarmed that there will be changes in the Social Security checks that they have come to expect. But in the long term, we are looking to strengthen the program, and we are just coming to grips with the demographics that she described that show we simply are not going to have enough people working and paying

taxes to provide for retirees if we do not do something to strengthen the system.

With that, I yield back to the gentlewoman.

Mrs. NORTHUP. I thank the gentleman for his comments, Mr. Speaker. And, you know, the gentleman from Minnesota brought up the changes in demographics and not only the fact that there are fewer workers for every retiree but also the fact that we are living longer, and I think we all have to really celebrate that.

It used to be that the average age of death was when you were 61; you could not retire until you were 65. So forward looking, you did not have the hope of so many years of retirement and opportunity to live and travel and live a life full of opportunities to see your grandchildren grow and graduate from high school. So the changes in demographics are really something to celebrate, to appreciate and to recognize that it is to the benefit of all of us. But we have to make sure that the Social Security System supports those changes.

I see that my friend, the gentleman from Texas (Mr. CONAWAY) is here to join us in the discussion, and I want to welcome him and thank him for joining us. I will bet he is hearing many of the same discussions in Texas these days, and I yield to him now, Mr. Speaker, to comment about that.

Mr. CONAWAY. Mr. Speaker, I appreciate the gentlewoman's yielding to me and allowing me to visit with our colleagues tonight on a very important topic of Social Security reform, and I am indeed hearing a good bit about this.

Mr. Speaker, I am a CPA, an accountant, and I address problem solving by first deciding whether or not there is a problem. My colleagues tonight have presented a very good case for the fact that we do have a problem. Now, you can call it a crisis. You can call it a problem, or you can call it challenges. I think we should not get hung up on the descriptor; let us just simply look at the math.

A lot of what we do in Congress is based on things that are not quite as verifiable as the math associated with this issue. And you do not have to be a rocket scientist to understand the math, to have gone through the number of employees working versus the number of recipients and how that ratio is closing to get to two to one and the fact that in the law today is built in a 27 percent cut in those benefits in the year 2041, 2042. It is at that point that the trust system, the trust fund will have exhausted, and there is a cut in benefits at that point in time. I have a son that will be retiring at about that point in time, and I am not interested in him having a 27 percent cut in his benefits.

The other thing that I think each of us has to tell all of the seniors, and I have a mom and dad out there who are dependent upon Social Security, that your benefits are fixed. They will con-

tinue to grow under the existing laws. And my colleagues who are in the 55-and-up bracket, the same rules apply to you. Your initial benefit, that primary insurance amount that is talked about, is in the law now, and when you turn 62 or 65, then that number will be set, as you are expecting it to be set today, and it will continue to grow over your lifetime so that your benefits are assured.

Every single plan that is being discussed does absolutely nothing, repeat nothing, to affect those promised benefits. So once you have assured the folks that have retired and are near-term retirees, those people who have the least amount of time to react to whatever changes are made, that they are not going to be affected, then they should be on the side of those of us who want to change it, who want to put security in the Social Security for our children and grandchildren.

My colleague from Minnesota mentioned his four grandchildren. You know, the first liar never stands a chance. I have six grandchildren that I am very proud of. And I believe that the lifetime benefit, the lifetime annuity that is Social Security, that this country has put in place for 75 years, that has stood us in good stead for 75 years, is important for my parents. It is going to be important for me, but more important to me as a grandfather, it ought to be in place for my grandchildren and my children. And we have the opportunity now to address that and to put the security back in Social Security for our grandkids.

Another fact that is reasonably undeniable is that, each year we delay in whatever the fix is, whatever the compromises we make, whatever the solutions are, each year we delay that, we do a couple of things: One, we add \$600 billion to the unfunded liabilities that are accumulating on the balance sheet of this country. The other thing that we do is we begin to narrow the options that we have to fix Social Security. Not only do we narrow those options, but we make whatever the fix is more extreme in those options that are available to us.

So in my mind, we do not have to argue it is a crisis or whatever. In my mind, we ought to be about fixing Social Security today, so that when we begin to face what I think is a much heavier problem and heavier lift, which is Medicare and Medicaid, we will have Social Security behind us and set for the foreseeable future, infinite horizon, whatever you want to talk about, that we have in fact put this behind us and are now working on those two very daunting challenges.

Some of the opposition that I hear, and most of that opposition until recently has been what I refer to as our outside voices; we have not had too many conversations using inside voices. Remember the kindergarten days, when you would come in off the playground, and the teacher would say, Let's begin to use our inside voices. We

listen to each other better when we are using voices than when we are screaming at each other at the top of our lungs.

Recently, I participated in a meeting with some representatives from AARP and a couple of my Democratic colleagues and some of my Republican colleagues, including the gentlewoman from Kentucky (Mrs. NORTHUP). We sat in a room for about an hour and a half using inside voices, looking each other in the eye, trying to understand what the other person's position was, trying to understand how they see the problem, how they see the solutions and at the same time trying to convey to our colleagues as well as to the leadership of AARP, our positions and why we think our solutions are the ones that ought to be a part of the ongoing situation.

As I understand it, that may have been one of the first opportunities for Members of both sides of the aisle to sit and look at each other in a quiet environment and to talk. I think the last 30 minutes of that meeting is probably one of the most productive we have had anywhere, because everybody had kind of gone through the initial party-line rhetoric and got that out of our system, and then we began to talk seriously about how we see Social Security and this need for change.

Let me give one illustration. I mentioned I have six grandchildren. I cannot find one grandparent who would gather their, my number is six, did I mention I have six, three boys and three girls, gather their grandchildren up and take them down to their local banker and say, Mr. Local Banker, I want to borrow a lot of money that I want to spend on myself, and I want you to draw up the loan papers so that my six grandkids will pay that loan off. I am talking the money, but they have to pay it off. I do not find many grandparents on an individual basis that would do that to their own grandchildren. But, somehow, we collectively, as a society, think that is okay, because that is what we are doing, that exact same thing. We are writing checks that we cannot cash, that we are going to require our children and grandchildren to pay off.

And Social Security is in that mix. And so we should be very serious about this process of reforming it. I am excited that, tomorrow, as I understand it, we will begin to have hearings in the Committee on Ways and Means to begin to look at specific things. Until this point in time, the effort has been to try to convince each other that we do in fact have a problem that needs addressing and needs addressing now.

We are coming to the end of that stage, and now is the stage we begin to look at the individual solutions, adopt the ones that ought to stick with us and cull the ones that should not. So we are in the process of gathering all those good ideas up to see which ones fit. My guess is, it will be a multifaceted fix. There is no one single

change or new policy that will fix Social Security. It is going to require a lot of pushing and shoving in a lot of different areas.

Two things, and then I will close and yield back. In my mind, personal savings accounts ought to be an integral part of whatever solutions we come up with. They are not a panacea. They do not in and of themselves fix this issue, but what they do address is a way to improve Social Security, to add an element of ownership to Social Security that we do not currently have.

If I work 40 years and die, there is a little bit of survivor benefits that go to my wife, but the bulk of what I have accumulated in terms of Social Security benefits forfeits back into the system. We can do a better system than that, and these personal savings accounts will add ownership-like issues to Social Security, which in my mind is an improvement to the overall system.

So I think that is important. And I have lost my second thought, so with that, I will yield back to my dear friend from Kentucky.

□ 1915

Mrs. NORTHUP. I am so impressed that the gentleman from Texas would tell us he has six grandchildren. My husband and I, after 36 years of marriage and six children, have one grandchild. I hope that I will catch you someday. They are the most blessed part of our lives and it is one of the things that makes us think long term as we consider public policy, what about our children, what about our grandchildren and hoping that their days are going to be as hopeful and filled with opportunity as our generations have been.

The gentleman from Georgia (Mr. GINGREY) has joined us. Welcome. Tell us what you are hearing in Georgia about Social Security.

Mr. GINGREY. I want to thank the gentlewoman from Kentucky (Mrs. NORTHUP) and, of course, the gentleman from Texas (Mr. CONAWAY) and the gentleman from Minnesota (Mr. KLINE). The gentleman from North Carolina (Mr. MCHENRY) is here, too. It is great to be here tonight to join with the team in talking about this. I did a quick count as we were talking about children and grandchildren. I think among the three of us, we have 15 children and 11 grandchildren. So it was really good particularly to hear the gentleman from Texas talking about our obligation to our children and our grandchildren. That is something that is so important, and it is an extremely important thing to mention tonight.

The problem that we have with Social Security, as has been pointed out by my colleagues, is a demographic problem. And thank God we are living longer today than folks did back in 1935 and 1936 when, as the gentlewoman from Kentucky (Mrs. NORTHUP) pointed out, the life expectancy was 61, 62 years old. You could not even get early bene-

fits at that point. You had to be 65. So Social Security for the government was a pretty good deal. They were not really worried about the trust fund.

Unfortunately, Congresses over the last 70 years have spent the trust fund money. I will not say squandered it. Certainly they have not stolen it. They have spent the money on very worthwhile endeavors, whether it is K-12 education, higher ed, Head Start, veterans benefits, agriculture, you name your favorite Federal program. But now we are in a real bind and that trust fund is not there and even if it were, even if it were and we did nothing to change Social Security as we know it, we get to the year 2042 and if we do nothing, and the other side of the aisle basically so far is saying, hey, it's not a crisis, maybe it's a nuisance and let's try to ignore it and do nothing. If you do that, across the board, Social Security beneficiaries are going to receive 73 percent of that defined benefit plan, what we promised them; they would get 73 cents back on the dollar. That is just not acceptable.

One way to fix the system, of course, and we have talked about this, would be to change the way you calculate that first check. The way it has always been done has been based on average wages, and that is what our current 45 million-or-so Social Security beneficiaries, their initial check is based on average wages. Then, of course, there is a COLA, cost-of-living adjustment, every year.

One of the ways to fix this problem, to make sure that people get, the seniors who are continuing to receive their checks, would be to change the way we calculate the initial benefit for those who are not yet at retirement age and to go from that first check based on average wages to average prices. If we do that, then we will solve the Social Security solvency problem. But people who are not yet retired, who are approaching retirement, the younger workers, their initial check will be a benefit that is probably 30, 35 percent less than our current beneficiaries are receiving. They would continue to get a cost-of-living adjustment. That would fix the system.

What the President has said and what this majority is saying is, we can combine that with the option for our younger workers to invest in an individual personal account with up to 4 percent of the 12.4 percent FICA tax. That would be their money. It would be their account. They literally would have their name on it. It would enjoy the miracle of compound interest. And for somebody 25 years old, you would get 35 or 40 years' worth of compounding. At the end of the day, that is, at the point of their retirement, whether they take the early retirement at 62 or at their age of full retirement, the benefit they would accrue, and it could be as much as a total corpus of \$250,000 in that individual personal account. That combined with their Social Security benefit check

would mitigate a lot of that loss and they would get almost as much as the current retirees are receiving, or maybe even more depending on performance.

Basically, the President has said, Mr. Speaker, very clearly that anybody 55 years and older and current retirees would be completely held harmless from any loss in their benefit. They would continue to receive what they are getting. There would be no changes. And now the President has actually, Mr. Speaker, taken it a step further. A week or so ago in a press conference, President Bush for the first time introduced the idea of progressive indexing and basically said this: those workers, those younger workers who are at the lower level of income, their initial check at retirement would continue to be based on average wages, so that they would absolutely not suffer any loss in their benefit. Yet they would have that option, if they wanted to, to take a small portion of their account, up to 4 percent initially, and put it in an individual savings account. It would be guaranteed that they would not take any loss of benefit, but there would be the distinct possibility, if you think about and look at the stock market over any 10-year period of time since its inception, that the return on that investment in that individual account would compound, would grow, would enjoy the miracle of compounding and they would have a much larger benefit at the end of the day than they would if they had not chosen that option combined with Social Security as we know it.

I think the opportunity for us to come together in these late afternoon and evening sessions and talk to our colleagues on both sides of the aisle and make sure that they understand so they can go back into their districts and explain to their constituents, we each represent 630,000-or-so great Americans, those people back home are receiving a lot of misinformation. They are getting these automated phone calls, they are getting these direct mail pieces paid for by 527s and the unions and God knows who, and the well is being poisoned. These people need to know. They need the facts. They need some honesty.

I really appreciate the gentlewoman from Kentucky for giving us this opportunity to come together this evening and talk to our colleagues and make sure that they are listening and understand because we want what is fair and balanced; we want what is good for our parents and our grandparents, but we certainly want the best possible for our children and grandchildren.

Mrs. NORTHUP. I want to thank the gentleman from Georgia for joining us. I know you have talked at great length about this. You have worked so hard on it and talked to so many of your constituents, and you bring their wisdom and insights to us today. It is important that we talk about it. It is a very

complicated issue, talk about calculation of benefits; but it is very hopeful. It is hopeful that workers who are more likely going to depend on this even more, most of all because they are maybe in the lower third of wages, that they are going to have nothing but better opportunities. They are going to get the full benefit of calculation and the possibility of a personalized account also. For those at the highest end, they will have the calculation that starts maybe less, but they will have the personalized account that can give them every bit of what they would have gotten under the old system.

So lower-income workers would have nothing but a better opportunity. Higher-income workers would be able to have about the same thing that they have under the current system. Yet there is a huge difference. The system would be sustainable and solvent for our children and grandchildren.

There are people, as you know, that keep talking about why we should not change anything, but I think the point tonight is the hope and opportunity that exists in today's proposals.

The gentleman from North Carolina (Mr. MCHENRY) has joined us. He is one of our youngest, but brightest, Members. He is a leader on this issue. He has spoken on it with such great wisdom. I thank him for joining us tonight.

Mr. MCHENRY. Mr. Speaker, I certainly appreciate the gentlewoman from Kentucky hosting this hour. It is a wonderful opportunity for us to discuss the most important issue that this Congress is bringing forward. The most lasting reform is the best reform, and that is what we need to look forward to with this challenge of reforming Social Security. The Member that preceded me speaking was the gentleman from Georgia (Mr. GINGREY) who has taken on this issue with gusto and also the gentleman from Texas (Mr. CONAWAY) who is one of the first Members of Congress that actually said, let's get all the people at the table, let's get Democrats and Republicans and let's sit down with the AARP and let's try to discuss solutions for this challenge of Social Security. It was a wonderful thing to try to get all these players at a table together to talk about this most important issue.

Social Security is a program that is in trouble. It is in trouble because of the changing demographics of our Nation. It was built upon the idea that workers working today would pay for retirees that are retired currently. It was a system where workers would be taxed to help pay the benefits of retirees. That works when you have a large number of workers and a small number of retirees, but the changing demographics of our Nation require us to act in order to sustain this program.

When Social Security was formed, there were 41 or 42 workers per one retiree. Today, there are only 3.3 workers per one retiree. Therefore, that system of taxing current workers in order to

give a benefit to current retirees does not work with those numbers. It is not sustainable. What we need to look for is permanent solvency, lasting solvency, for this program of Social Security.

It has been a vital institution for our Nation over the last 70 years. It has helped many seniors be lifted up out of poverty. It has given a strong benefit to those that maybe are not able to work anymore. And it is a commitment that we have made as a great Nation to those that have put in their fair share into the system, those that have worked their whole life, played fair, paid into the system, and done what was right. We need to maintain that obligation that we have made, that previous generations in this country have made to seniors. This Republican Congress, this Republican House, this Republican President, have taken this issue on so that we can do good things for our seniors. We do not want to break Social Security. We want to make it stronger. The key way to make it stronger, the key way to create permanent, lasting solvency is through personal retirement accounts. That is the vital component for any reform. There are a couple of options that we can look at.

First some say, well, let's just raise taxes, and we can keep those benefits going. Or let's subject new income and new forms of taxation on the American people and small businesses, and we can keep the income stream going. That may work. That may work. But in order to make that obligation, in order to meet our current obligation, taxes would have to double on Social Security. Taxes would have to keep going up in order to keep that commitment going.

Others have said, Well, let's just cut some benefits. Again, that may be an opportunity for some to consider. It is something I reject. I do not think we need to cut benefits or raise taxes. I do not think they are the right way of achieving solvency.

Mr. KINGSTON. If the gentleman will yield, I think it is important to think in terms of Social Security, there are two problems. One is of generational fairness, which we can talk about a little bit later. The other one is solvency, which you have been discussing. We have dealt with the solvency issue by cutting benefits and raising taxes many times over the years. In fact, since 1937 we have raised the taxes on Social Security 20 different times. That is the amount of your money that is taken out of your paycheck by the Federal Government, that FICA tax that all these 23-year-olds getting out of college have their first job and they discover somebody named FICA is sharing in their efforts, their sweat equity.

□ 1930

But that started out, as the gentleman knows, 1 percent and 1 percent in 1937; employer 1 percent, employee 1

percent. In 1960, it was 3 percent, 3 percent. In 1978, 5 percent, 5 percent. Today, it is over 6 percent. We have done that 20 different times.

We have also cut benefits. In 1983, we actually raised the retirement age from 65 to 67. That is a benefit cut because, over one's lifetime in receiving benefits, if they have to wait 2 more years, that is a reduction of their benefit.

So we have done that traditional solution, short-term political fix, which gets most politicians through their next term. And I am glad to hear the gentleman say that we have got to look for a different way to work on the solvency issue.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, let me just point out that as recently as 1993, many of our colleagues across the aisle participated in raising taxes on Social Security benefits. So, previously, far more of the Social Security benefits were untaxed at any level. Today, far more of them are taxed, and they are taxed at a higher level because of the tax increase in 1993. Now, the way I think about it is, if we start taxing Social Security and we tax it at a higher level, that is a reduction in benefits.

So I am shocked to hear some of our colleagues talk about criticizing anything about benefits when, in fact, there was an enormous chunk of Social Security benefits that were retaken back from seniors starting in 1993 because of the tax increase.

Mr. MCHENRY. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Speaker, this goes to the heart of the problem. As the gentleman from Georgia (Mr. KINGSTON) and the gentlewoman from Kentucky (Mrs. NORTHUP) have said, the heart of the problem is solvency. We have a system that is going progressively more insolvent each day. As the baby boomers begin to retire in 2008, 2009, we have a problem. We do. So the gentleman from Georgia (Mr. KINGSTON) mentioned solvency. The way in the past that we have achieved solvency was by raising taxes, cutting benefits. I prefer to say cutting taxes. That is just in my heart. But in terms of what we are trying to achieve, they have said we can cut some benefits, we can raise some taxes, and we can achieve solvency. The demographics of our Nation have changed so much that we have to look for the third way in order to get a better return on our Social Security investment, and the only way we can do that, the only way we can do that, is through personal retirement accounts. Much like 401(K) plans or IRAs or even the Thrift Savings Plan that current government employees, including us, have the benefit of. So it is wonderful, but that also goes to the heart. The heart of this issue is generational fairness, and I think that is an interesting point.

Mr. KINGSTON. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I just wanted to say that the plans the gentleman from North Carolina is talking about are similar to mutual funds, which they, up here, are selling. But I wanted to mention this generational fairness issue because I think that is part of the kitchen table discussion, and I always say Social Security needs a kitchen table solution because, if we are talking with other seniors, we are not moving the ball down the road. If we are talking to college students, we are not moving the ball down the road. We have got to have Mom and Dad, grandparents and grandchildren at the kitchen table and say, What is fair? And this is why it is important: If one retired in 1980, they got all their benefits back. Every nickel that they paid into the system, they got it all back within 3 years. If one retired in 2003, it will take them 17 years.

And if the gentleman does not mind my getting personal, as I recall, his magic retirement age is 2041.

Mr. MCHENRY. Absolutely.

Mr. KINGSTON. Mr. Speaker, that is the year we cut benefits 27 percent unless we do something to protect and preserve the system. So for somebody like the gentleman who retires in 2041, it is going to take them probably 30 years. I do not know the mathematics. He may have figured it out, if he knows. But I know it will take him about 20 to 25 years at minimum to get all of his investment into it, and that means he can actually have a negative return; whereas there are a lot of people who have gotten a decent return out of Social Security, 5, 10 percent. But today, it is a 1 percent return, getting worse, and that is why there is a generational fairness.

My experience has been, when we talk to seniors and seniors who might even say, let us just raise taxes like we have in the past, we say, yes, but that does not solve the problem of the gentleman from North Carolina's (Mr. MCHENRY) friends. We are not worried about the gentleman from North Carolina, but we are going to worry about his friends. And the truth of the matter is when seniors say, Well, wait a second, you mean to tell me I have already gotten all my money back, but my kids will probably never get their money back? We say yes. Then we get into a real generational fairness. And that is why it is so important to have everybody at the kitchen table when we work on it.

Mr. MCHENRY. Mr. Speaker, if the gentlewoman from Kentucky will continue to yield, I spoke with a group of seniors in Hickory, North Carolina just 2 weeks ago and discussed Social Security reform, and I said all the proposals that have been put forward in front of Congress, all the proposals, if we consider every one of them, no single proposal, none of them, will change their current benefits if they are 55 and older. So those that are retired today,

they should not allow AARP to lie to them in order to say that their benefits are going to be cut because no change to this program will allow for benefit cuts of current retirees. That is a pledge that we have all made in this Congress and our President has made as well. So I think we have to, first of all, be honest about it and tell our seniors today, this is not going to change their check. Their check is going to be there. We have made that commitment to them. They have played by the rules. They have paid into the system. They have played fair. So we are going to honor our commitment to them. However, it is important for them, if they are retired today, in order to make sure that their children and grandchildren have the same benefit that they are currently receiving. They want to leave them in a better system.

And I spoke to these retirees. I was at the seniors' games, in fact, 300 members of our seniors community, and I discussed this. And they said, Wonderful. They are actually happy that we are trying to take on this challenge for younger workers while at the same time keeping our commitment to those that are at or near retirement age.

So it is wonderful that the gentleman brings up generational fairness because, as the youngest Member of Congress and someone who is eligible to retire in 2041, that is the date that even some of the left wing Senators on the other side of the building here even admit that, in 2041, the system goes insolvent. So I think it is important that we discuss this issue of generational fairness.

I want to maintain the commitment to my grandmother, but at the same time, I want to make sure that my generation has the same benefit of a strong, vibrant Social Security system, so that when I retire, it is there, and it is affordable and reasonable.

And with that, I certainly appreciate the Secretary of our Republican Conference allowing me to have this colloquy here on the floor.

Mr. KINGSTON. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I wanted to mention, if I can, that we met with the AARP, American Association for Retired People, the largest retirement group in America, and did it on a bipartisan basis. And the gentleman mentioned that the gentleman from Texas (Mr. CONAWAY) pulled that group together. One of the things I was glad to hear AARP say is, We admit there is a problem; there is a problem with Social Security. I can tell my colleagues, in Washington, that is a huge first step because, months ago, we were hearing, No, there is no problem, that the President is exaggerating. So let us say we have got a little bipartisan glimmer of hope here that there is a problem.

The next question might be then should we address it now or wait and punt for future Congresses and elec-

tions. AARP was a little more, Hey, it is probably right to discuss it now and try to get something done. The gentleman from Louisiana (Mr. MCCREERY) of the Committee on Ways and Means is going to start having hearings on it. In fact, I think he will this week, if I am not mistaken. Lots of hearings are good. Lots of thought, because, personally speaking, and I think I speak for my two colleagues, we do want Democrats at the table. We want this idea to say, Go into the meeting, but do not say these are my lines in the sand. Let us go into the meetings open minded.

Mr. MCHENRY. Mr. Speaker, if the gentlewoman will continue to yield, I would like to add one further thing. I enjoyed the piece the gentleman put together on Social Security reform and actually outlining what we in the conservative side of the House want to do in order to achieve lasting reform, to have generational fairness, while at the same time maintaining our commitment to have a strong, vibrant Social Security system. And I certainly appreciate what he wrote in the newspaper today. It was a wonderful article, and I recommend those who are watching or hear us here today to take a look at that, to understand what we are going for here by reforming this vital system.

And I certainly appreciate the gentlewoman from Kentucky taking on this challenge and leading our public affairs team in the House on the Republican side in such a good, strong direction by getting the message out on the need for reform and the positive aspects of it as well.

So with that, I thank the gentlewoman from Kentucky (Mrs. NORTHUP) for hosting this hour.

Mrs. NORTHUP. Mr. Speaker, I share my colleagues' concern about doing something now. The importance of it is easier to do it now because we can phase things in. We have opportunity and some time that we will not have if we wait until we are truly in a crisis.

But the crisis is coming on us very soon. The fact is baby boomers are going to retire starting in 2008, and then we will have a quick increase in the number of benefits, more people retiring and getting out of the workforce and basically fewer years in which to make any transitions.

One of the things that people say all the time that are on the "we do not have to do anything now" side is that they say we need to let the trust fund pay the benefits, all the money in the trust fund can pay the benefits up until a certain number of years. And, of course, the gentleman from Georgia (Mr. KINGSTON) knows there are no dollars in the trust fund. In fact, the trust fund never was meant to hold those dollars. They were meant to take in those dollars and lend them to the government.

Now, I suppose if we could bring back the Congress of 1945 and 1950 and 1955, we could ask them what their plans were for the year 2005, 2018, 2042. I suspect they would say that, as many

times have happened, at that point, the need seemed to be to provide those additional revenues to the government. Again in 1967, when Congress changed the benefit scheme, they added increased taxes on an increased basis that they paid into Social Security. They needed it to fund the war in Vietnam and to fund the Great Society. And I guess if we could bring back those Congresses we could say, What do you mean by spending Social Security taxes on the Great Society and the war? But that has passed. And the fact is that those dollars were spent.

I will say, though, that any company that took money into some sort of trust fund where there were going to be payouts expected would have had to accrue the liabilities, and if those liabilities had been accrued, along with the dollars in the trust fund, today, we would have \$10 billion of accrued liabilities in the liability side across from the trust fund. So even if we had not spent the trust fund, not we but the Congresses of the past, before we got here, not spent the trust fund, the liabilities would swamp the dollars that are in the trust fund.

So it is important to recognize that generations before us benefitted from the dollars that came into Social Security but then were paid out for other government programs. They funded the Great Society. They funded education benefits. They funded defense. Things that those generations believed were important. Our current seniors. And now the responsibility for our children, of course, is to continue to fund investments in education, Pell grants, medical research, our defense programs and, at the same time, assume the responsibility for Social Security.

The exciting thing is, when we put our heads together, we can figure this out. The sooner we do it, the less difficult it will be so that benefits stay strong and are available to our seniors in succeeding generations, so that our children and grandchildren, as they meet the responsibility of retirees that go before them, can also grow within Social Security a solvent and sustainable system that will support their generation and the workers that are behind them in the system.

So I know that the gentleman from Georgia (Mr. KINGSTON) shares my belief that this is a time of hope and opportunity. We need to seize the moment and to really get the best ideas together to tackle the problem and set this program on a long-term course of sustainability.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

□ 1945

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for yielding.

I wanted to say I think there are some real opportunities here to address a number of the issues. The gentlewoman has mentioned the diversion of some of the Social Security surplus fund. Our Democrat colleague, the gen-

tleman from Mississippi (Mr. TAYLOR), has a bill I am interested in, and that bill has to do with a constitutional amendment that says any proceeds in the Social Security trust fund have to actually be taken completely off budget.

It does not really say where it could be held, because the problem is if the Federal Government has all that surplus, where do they put it? Do they invest it, do they buy gold with it, do they bury it in the ground, do they put it in a vault somewhere? You hate to think of billions and billions of dollars not earning interest. But I think the gentleman from Mississippi (Mr. TAYLOR) has an interesting bill. I am looking at it.

I also tried to figure out how do you do the lockbox. We have worked to try to get some sort of lockbox passed in the House in the past, and I am not sure we should reopen it. I have had some discussions about it, and it always boils down to, okay, you have a lockbox. What do you do with the money? I am a believer that if you almost did nothing with it, you would be better off than what we are doing now.

But I think that part of the Social Security solution is we should have a real discussion on what do you do with the temporary surplus. I say "temporary surplus," because it will start to be gone in the year 2018, rapidly diminishing going to 2041.

But I think all these things, if we can get some bipartisan discussions going, I believe we will find some things we agree with the other party about.

The gentlewoman from Kentucky knows that when we sat down with the AARP and they showed us their set of core principles and we showed them our core principles, there was a lot of overlap. It was not perfect, but there was plenty to stay in the room and keep talking about.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I agree that it was a very interesting discussion. I will say, and I know that our younger generation would appreciate this, that in the course of conversations, there was one person that said, Let me just ask you this for curiosity's sake: If we had to say to our children and grandchildren that because of confluence of things, the economy, America's leadership in the world, whatever, that we were able to pay better benefits to current retirees and those about to retire, but you are just unlucky and you are not going to have the same benefits and that is just going to be where you fall in history, would that be acceptable?

I think pretty much everybody in the room said that would not be acceptable, that that would not be something that any of us feel we could say to our children and grandchildren.

Now, the opportunity is that we do not have to; that at the same time we shoulder the responsibilities of those that have retired and those about to retire, and at the same time we meet

our responsibilities to domestic programs, that by investing in Social Security, and, yes, taking it off budget so we do not spend the surplus, yes, allowing personalized accounts, yes, guaranteeing those in the lower one-third of income full calculations, like they have always had, and for those in higher levels, maybe they would have a combination of personalized accounts and a different calculation, that all of that can make the system solvent, sustainable, and also maintain benefits.

For those who think raising taxes is the answer, I think it is important to recognize that everything in this country, our domestic programs, Social Security's long-term solvency, depends on a growing and vibrant economy, and without that, this country will be in dire financial straits.

When you look at a country like France that has maintained retirees' benefits, but at the same time has done it purely by taxing more and more in more and more ways and at higher and higher levels, basically what they have done is create a society that is stale, that is not growing and is not able to provide the revenues they hoped the tax increases would bring.

Mr. KINGSTON. Mr. Speaker, if the gentlewoman would yield, I am glad the gentlewoman brought that up, because one of the things that is interesting, and I have traveled in some of the Eastern Bloc countries, and one thing that really amazes me when you talk to countries like Bulgaria or Lithuania, Latvia, Estonia, the Czech Republic, these countries that only 10 to 15 years ago were freed from Soviet oppression and they are now out experimenting with democracy and the rule of law, one of the things they realize is if you have absolute security for everybody in terms of government-sustained programs, then you do not have any work base and your economy does not move forward. You have done a lot of things at the cost of opportunity.

I think France is a miserable country in terms of an economic role model. I see a lot of these other countries that are really growing and making some huge changes and taking some bold steps.

I think one of the things we have to do is realize that decisions of 1937, do you want to still be driving a car and relying on communications or medical systems from 1937? Yet when it comes to social programs, we think a 1937 social model is the best thing in the world, the best we can do.

That is what bothers me. Because we are Americans. We should not fear. We should be able to be world leaders and not have to point to other countries and say, well, you know, look, this is what we want to do. We need to be braver and stronger and not become a nanny state.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, if today Social Security was just being designed, if we knew that people who get to be 65 are probably going to live 17 more years, if

we knew that you were going to work a certain number of years and then you were going to be able to have a life expectancy that would go on for a number of years, you might have dreams of traveling, of going to visit your grandchildren, of staying in your home and being able to maintain it, all of those dreams would depend on an entirely different savings and retirement system than the system that was designed in 1945. You certainly would not design Social Security today like they designed it back in 1945.

So to just steadfastly refuse to concede that opportunities are better for Americans, there is a new paradigm in retirement that exists, there are new opportunities, and there is a new way of deriving benefits that grow the economy, that do not overencumber the workers that are still in the workforce, we would do that in a minute.

It is disappointing that we have not been able to move further in this discussion than we have. But as we all know, it takes a lot of discussion.

I am eager to hear from my seniors. I know the gentleman is. Even though things will not change for them, I think it is important that we continue to invite our seniors to the table because seniors have always not only protected Social Security for their current benefits, but been very eager to make sure that it was going to be there for their children and grandchildren.

I thank them for their continued investment in time and interest for that.

Mr. KINGSTON. If the gentlewoman will yield, I again want to say that we often get bogged down in the politics of the moment, the politics of the next election, the politics of the current 5 years or whatever; and we should be thinking in terms of the next generation rather than the next election.

But the other thing that I keep coming back to is because there are two issues, a solvency issue and a generational fairness issue, what my job assignment, my homework assignment is, when I have a town meeting I say to everybody, what I really want to ask you, sit down at the kitchen table with the parents, with the grandkids and the grandparents, and figure it out. Just see if you can find that balance.

I had one guy in a town meeting say, This is all about greed. All you have to do is increase the taxes 1 percent. He was 70 years old. He would not be paying taxes. The guy behind him was 30 years old and said, Sir, respectfully, I have to tell you that is not acceptable for me, because I am going to be the one paying.

Similarly, a lot of people think the golden arrow here is taking the cap off it. But if you take the cap off it, people get more benefits.

One thing to keep in mind, anytime you make it more expensive to hire an employee, then our folks are going to be going offshore with the jobs. We are already losing too many jobs offshore. Furthermore, there will be a lot of illegal aliens in America not paying into

the system. I think part of Social Security should be tied into illegal immigration. It is actually not immigration if it is illegal; you are here as an illegal alien.

All of this stuff, we should get the best ideas of the Democrats and Republicans, throw them on the table, get the folks back home to say this is the direction we want, and that is what we are trying to accomplish here.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I thank the gentleman for joining me tonight. The gentleman from Georgia (Mr. KINGSTON) is a leader in our conference and a leader on Social Security, and, of course, has long been appreciated for the ability to take very complicated issues and talk about them in ways that we all understand, and we can share and benefit from his insights.

I want to end tonight by saying that we are all more concerned about the next generation than the next election, and how much we appreciate our President, who from the day the last election was over did not forget that through that campaign he talked about the importance of taking on this tough issue, and did it so well and has been out talking to the American people. It is very refreshing to see somebody take on such a tough challenge and talk to the American people about it.

VOTE "NO" ON THE CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore (Mr. CONAWAY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, this evening I am joined by fellow House Members, the gentleman from Ohio (Mr. KUCINICH), the gentleman from Missouri (Mr. CARNAHAN), a freshman, and other House Members who will join us shortly as we talk a little bit about the Central American Free Trade Agreement. Some call it the Central American Free Labor Agreement, as we will soon see.

As you can see by this calendar, we are barely 2 weeks away from the deadline set by the House majority leader, the gentleman from Texas (Mr. DELAY), the most powerful Republican in the House of Representatives, for a vote. They plan a vote in this Chamber on the Central American Free Trade Agreement. This deadline coincides with the 1-year anniversary of when President Bush signed the agreement.

That does not seem like news, except for this: every trade agreement signed by the Bush administration in his 4½ years in office, every single trade agreement signed by the Bush administration has been voted on within 60 days of its signing. The President signs the agreement with Australia, with Singapore, with Chile, with Morocco; and this Congress votes on it right

away, in large part because there is not huge opposition to the trade agreements.

This time, we are now at 347 days since Congress, since the President signed the Central American Free Trade Agreement. That is how long CAFTA has languished in Congress without a vote. Why? Because Democrats and Republicans alike, people on this side of the aisle, people on that side of the aisle, understand that the Central American Free Trade Agreement is dead on arrival in the House of Representatives.

Last month, two dozen Democrats and Republicans in Congress joined more than 150 business groups and labor organizations echoing a united message: vote "no" on the Central American Free Trade Agreement. Yesterday, just outside this building across the street, more than 400 union workers and Members of Congress again gathered in front of the U.S. Capitol to deliver a united message; vote "no" on the Central American Free Trade Agreement.

So Republican leaders in this House and the Bush administration understood they had a problem. On this day it will be 12 months, 1 year, since the President sent CAFTA to Congress. There is not the support in this country or this Congress for this trade agreement because people understand what it does to our Nation, what it does to our workers, what it does to our food safety, what it does to the environment.

So what did the Republican leaders and President Bush do? They brought the six presidents of these five Central American countries and the Dominican Republic, they brought these six presidents to the United States. In fact, the six presidents are touring our Nation on a United States Chamber of Commerce junket going around the country trying to convince the American people, the press, and the American Congress to vote for the Central American Free Trade Agreement.

They traveled to Miami. They went to Los Angeles, they went to Albuquerque, they came to my State of Ohio attempting to convince Americans this is a good idea.

The Bush administration has not been able to sell it. Business in this country has not been able to sell it. The free trade ideologues in this Congress who need your vote for every trade agreement, they have not been able to sell it.

So what is next? They bring the six presidents from Central America to come in. Unfortunately, these presidents are not telling the whole story. Like our own President, they tried to convince us that CAFTA will lift up low-income workers and that CAFTA will create jobs here at home.

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First of all, there is no truth to that. We have heard that on every trade agreement. But what they do not say

about CAFTA, what they have not said is that the combined purchasing power of the CAFTA nations, the combined purchasing power is equal to that of Columbus, Ohio, or equal to that of Orlando, Florida, or equal to that of Memphis, Tennessee. They do not discuss the fact that people in Central America, the Central American Free Trade Agreement, these six countries, they do not discuss the fact that they are not making enough money to buy cars made in Ohio; they are not making enough money to buy software made in Washington State or steel made in Pennsylvania, or textiles or apparel made in North Carolina or South Carolina or Georgia, or planes made in Washington State. Why? Because look at the average wage in these countries.

The average wage in the United States is \$38,000. People who are making \$38,000, the average wage, can usually own a car, oftentimes own a small home, at least rent an apartment, sometimes own a home. People making \$38,000 a year are buying shoes. They are paying into Medicare. They are buying clothes. They are consumers. They are buying products. But look at the rest of the countries in the Central American Free Trade Agreement: Costa Rica, \$9,000; Dominican Republic, average salary \$6,000 a year; El Salvador, \$4,800; Guatemala, \$4,100; Honduras, \$2,600; Nicaragua \$2,300. They are not going to buy cars made in Ohio. They are not going to buy steel made in West Virginia. They are not going to buy software from Seattle. They are not going to buy textiles from North Carolina. What is this all about?

What this is about is for U.S. companies to offsource, outsource offshore, send offshore jobs to these low-income countries. They will set up factories in Nicaragua, so they will pay Nicaraguan pennies on the dollar to manufacture products to sell back into the United States. It will not raise their standard of living in Nicaragua; it will certainly hurt our standard of living in this country.

But let me for a moment share again, when these six presidents toured the United States, what they said and what they did not say. What they did not say, with all due respect to these Central American leaders, they did not tell us that NAFTA-CAFTA does nothing to ensure enforcement of labor provisions in their own country. They have not told reporters or the Congress or the public that more than 8,000 Guatemalan workers protested against CAFTA last month; two of them were killed by the police in Guatemala. They did not mention that tens of thousands of El Salvadorans who protested the Central American Free Trade Agreement a year-and-a-half ago. They do not mention the 18,000 letters sent last year by Honduran workers to the Honduran Congress protesting, decrying this dysfunctional cousin of NAFTA. They did not tell us about the 10,000 people who protested

CAFTA in Nicaragua in 2003. They did not tell us about the 30,000 CAFTA protestors in Costa Rica just this past fall. Hundreds of thousands of workers in these six countries have protested in 50 demonstrations in the last 3 years saying that CAFTA is not good for those countries.

Before yielding to the gentleman from Ohio (Mr. KUCINICH), I want to sort of finish this story of the six presidents. The six presidents last night assembled in Washington in the midst of their travels around the United States to sell the American people on a bad trade agreement between us and them. The U.S. Chamber of Commerce hosted a reception for these visiting dignitaries rewarding them for their lobbying efforts. You can walk around the Capitol today and the last couple of days and you would see these presidents going from office to office to office trying to convince American Members of Congress that they should pass this trade agreement. But they were rewarded for their efforts at a very lavish reception at the U.S. Chamber of Commerce last night.

You can see these presidents raise their glasses, toasting these U.S., these large corporations in the country, thanking them for this tour; you can see these corporate CEOs raising their glasses, toasting these presidents of the six countries, thanking them for fighting for this trade agreement which will, more than anything, help these large businesses. I wondered if these CEOs and I wondered if these six presidents reflected on what happens to small businesses in Ohio and Michigan, those that do not want another failed trade agreement. I wondered if they thought about the family farms in North Carolina and Louisiana holding on for dear life. I wondered if they thought about those workers in Nicaragua and Costa Rica and Guatemala and El Salvador and Honduras and the Dominican Republic. I wondered if they thought about that when they were toasting, the CEOs were toasting the six presidents and the six presidents were toasting the CEOs. My guess is they did not.

Tonight, we are here in this Special Order to talk about CAFTA facts and the fact that CAFTA is dead on arrival and the fact, as I mentioned earlier, that we are now down to 16 days. It will be 1 year, and this deadline is approaching, 16 days until CAFTA is absolutely buried.

I yield to my friend from my neighboring district in Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman. I want to say that the people of Ohio are proud of the gentleman and the work that he has done in challenging these unfair trade agreements. For me to have a chance to join the gentleman in this important challenge to CAFTA is a privilege, and I again want to commend the gentleman for the service that he has given to the people.

I want to focus for a moment on one particular impact of CAFTA, and that

is the impact on the availability of generic drugs, something that is another issue that the gentleman has worked on.

While the Bush administration says that they understand the need for lower-cost medicines in developing countries, their actions demonstrate greater concern for protecting the extremely high profitability of leading pharmaceutical companies. In the trade talks that resulted in the Central American Free Trade Agreement, CAFTA, our government pressed for tighter restrictions on generic drugs in the Central American countries. The result will be higher prices for medicines and higher profits for the pharmaceutical industry paid for by some of the poorest people on earth.

CAFTA has been one of the Bush administration's highest priorities in international trade. As we know, it extends the NAFTA agreement to all of the Central American countries that happen to be small and poor. The CAFTA countries include Guatemala, Nicaragua, El Salvador, Costa Rica, Honduras, and the Dominican Republic. It was formally signed by the administration, and it awaits congressional votes, which is why we are here to appeal to the Members of Congress to think long and hard before they would even consider supporting CAFTA.

The Central American countries that would be affected by CAFTA have significant health problems. AIDS, for instance, is more prevalent in the CAFTA countries taken as a whole than in the United States. According to Dr. Manuel Munoz, the director of Medecins Sans Frontieres's AIDS treatment program in Honduras, "HIV/AIDS kills one person in Honduras every 2 hours, because the vast majority of people with HIV/AIDS cannot afford lifesaving AIDS medicines." Malaria and tuberculosis are also prevalent. As a result, the people of these countries need greater access to essential medicines. Yet, CAFTA will make access more difficult for most residents and impossible for too many of them.

CAFTA accomplishes this by imposing new restrictions on the use of pharmaceutical regulatory data that will have the effect of limiting the availability of generic drugs.

Pharmaceutical regulatory data is the result of studies of patent medicine's efficacy and safety. These studies are performed by the companies seeking approval and are often expensive to undertake. The data are submitted to the drug regulatory agency in the company's application for approval.

When a company seeks to manufacture a generic version of a patent medicine, it must typically show that its product is the chemical equivalent of the patent medicine and that it works in the body in the same way. The generic producer relies upon the drug regulatory agency's prior approval of the patent medicine to make its case of approval of the generic version.

What CAFTA does is it gives extra patent protections to the drug regulatory data, thereby excluding any other user from relying upon them. In other words, not only might a particular medicine be protected by a patent, but, additionally, the drug regulatory data for that medicine is protected by a patent. Even if the medicine's patent expires, generic manufacture could be restricted due to the additional patent on the use of regulatory data. According to Robert Weissman, an attorney specializing in international trade and pharmaceuticals, "if the generics cannot rely on approvals granted based on the brand-name data, in most cases, they simply will not enter the market. This is especially true in small size markets, as in Central America, where prospective revenues are limited."

Now, CAFTA was formally signed on May 28, 2004. It will only become law if Congress passes it. In 2002, the pharmaceutical industry gave over \$29 million in political contributions; three-quarters of that was donated to the Republicans.

Recently, I am sure the gentleman is aware, the pharmaceutical companies have been expatriating their profits to avoid paying income taxes here in the United States. They really do not want to pay income taxes there, but they want to control the political process here and, by reference, in Central America with the help of these trade agreements. I am glad to join the gentleman from Ohio (Mr. BROWN) in urging the Members of Congress to oppose CAFTA. Not only is it bad for workers, not only is it bad for human rights, not only is it bad for the environment, but it is bad for people's health.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Ohio. Think about what he just said. This agreement has made it even harder for the poorest people in this hemisphere; again, look at the income here. The United States average income, \$38,000. The gentleman from Ohio (Mr. KUCINICH) mentioned Nicaragua, Guatemala, Honduras especially; their income is less than 10 percent of ours, literally, and they are forcing, because U.S. drug companies have convinced the United States Trade Representative's Office, appointed by the Bush administration, convinced them to squeeze the poorest people in the world even harder on paying for prescription drugs. I mean, it is just, when we talk about values, when we talk about morality, to do that to the poorest of the poor that need HIV drugs, that need malaria drugs, that need tuberculosis drugs, that need antibiotics, and they are going to end up paying more money because, in fact, the United States Trade Representative said to the government of one country, if you do not change your laws, the gentleman from Ohio (Mr. KUCINICH) talked about this and has talked about it before, if you do not change your laws, we are not going to allow you into the Central America Free Trade Agreement.

It is not like the drug industry does not have way too much power with the gentleman from Texas (Mr. DELAY) and with Republican leadership and in the White House here in this country, where people are paying two and three and four times what they ought to be paying for prescription drugs; now we are seeing that drug industry exert its power, helped by the U.S. Government, in the poorest countries in the Western Hemisphere.

Mr. KUCINICH. Mr. Speaker, when you carry this along to its conclusion, what we have is a condition where the people in the poorest countries cannot protect their health. So we are looking at their life expectancy beginning to decline, and one of the reasons is because they cannot afford the cost of the prescription drugs. And just as people here are held hostage by the pharmaceutical companies with the high cost of prescription drugs, imagine what it is like for these poor people in Central America, who are making a tenth, if that, of what we make in this country, and they are paying a high cost for prescription drugs because the pharmaceutical companies want these trade agreements which protect their patents and will not permit generics to get the help to people that need it the most.

Mr. BROWN of Ohio. Exactly right. I thank the gentleman.

As I said, Mr. Speaker, the gentleman from Missouri (Mr. CARNAHAN) has joined us. We are also joined by the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has worked on trade agreements for years; and the gentlewoman from Ohio (Ms. KAPTUR), my colleague on the other side of the State bordering my district to the west, who has been involved in trade agreements probably longer and more aggressively and more assertively than I think any Member of this body; the gentleman from Missouri (Mr. CARNAHAN), a freshman who has taken this issue and run with it. I yield to the gentleman.

Mr. CARNAHAN. Mr. Speaker, it is great to be with the gentleman from Ohio on behalf of the great people of the State of Missouri that I am fortunate to represent. I want to rise tonight to add my voice in opposition to the Central American Free Trade Agreement.

I have several concerns with the agreement in its current form, not the least of which are the effects it will have on American workers and the middle class. Trade agreements like CAFTA enable American companies employing American workers to send multiple aspects of their business overseas. This in turn allows these companies to exploit cheap labor in developing countries and import their products back into the United States. The resulting problem is really twofold.

First, there are no real protections for the workers in the Central American countries, and second, it is yet another means to put American workers out of work. CAFTA's answer to pro-

tecting low-wage workers in Central America is a self-enforcement provision.

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This really is translated into a non-enforcement provision because it will not help these workers in any way. The countries involved in this agreement do not have the necessary legal framework in place to protect the basic and fundamental rights of working people. If we are going to enter into trade agreements with other countries, it is our responsibility to ensure we protect the basic rights of working people in those countries and here at home.

Mr. Speaker, the other glaring deficiency with CAFTA is it will essentially fire American workers. Approving this agreement will be a guarantee that more jobs will leave our country at the expense of our U.S. workforce. Because there are no labor protections in place in the Central American countries to ensure adequate wages, domestic companies can simply outsource their work to these countries at a low rate and leave our workers out.

I will not support any agreement that displaces American workers and does not support basic human rights. I want to urge my colleagues to oppose CAFTA in its current form.

I want to also mention the differences between these two markets, the U.S. market and the Central American market. The U.S. economy had a \$10.5 trillion GDP in 2002. It is about 170 times the size of the economies in the Central American nations. It does not take a trade expert to see the economic mismatch between the U.S. and CAFTA nations.

The viability of Central American nations as trading partners is an important part of the administration's CAFTA sales pitch. That is why U.S. trade representatives said Central America offers "expanded markets for American producers and new opportunities for U.S. workers and manufacturers."

But take a look at the U.S. Conference of Mayors Metro Economies report released in 2003. It confirms the administration's CAFTA numbers do not add up. The combined economic output of CAFTA signatories, Costa Rica, Honduras, El Salvador, Nicaragua, Guatemala is about equal to that of Orlando, Florida, as the gentleman from Ohio (Mr. BROWN) mentioned earlier. This falls far short of what the projections are by the Bush administration.

These raw numbers are bad enough. Consider the fact that a typical Central American consumer earns only a small fraction of a typical American worker's wage, about \$191 a month. It is clear that CAFTA's true objective is not to increase U.S. exports. Central American consumers cannot afford to buy American-made goods today. And CAFTA's inadequate labor provisions ensure they will be unable to afford American-made goods tomorrow. This

agreement offers little or no economic opportunity for American workers and producers. The CAFTA model is really a recipe for disaster. Congress must devise a trade agreement to promote business development and jobs in the U.S.

CAFTA should help Central American workers earn enough to buy American-made products. It is time to rethink U.S. trade policy, to do what is right, not just for the big corporations, but what is right for workers, small business, communities, and the environment.

The President is on the wrong track. Congress must demand a smarter trade deal than the current CAFTA negotiation.

I thank the gentleman for leading this tonight, and it is good to be here with you and the other Members to speak out on this.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Missouri (Mr. CARNAHAN), for his good work and his interest, both in protecting American jobs and his interest in fair play in Central America so workers there have their living standards raised rather than continue to stagnate, which is what these trade agreements have done.

We are also joined by the gentleman from Ohio (Mr. STRICKLAND).

I yield next to the gentlewoman from Ohio (Ms. KAPTUR) who, as I said, has been working on trade issues for her entire 23 years in this Congress.

Ms. KAPTUR. Mr. Speaker, that is the way it has turned out to be, and I want to thank the gentleman from Ohio (Mr. BROWN) for his great leadership and vision and taking this CAFTA fight to the American people. It is a great privilege also to join with the gentleman from Ohio (Mr. STRICKLAND), our esteemed colleague from south and southeastern Ohio, who I know will be adding remarks and great insight as the evening proceeds; the gentlewoman from Illinois (Ms. SCHAKOWSKY); the gentleman from Missouri (Mr. CARNAHAN); and we had the gentleman from Ohio (Mr. KUCINICH) from the Cleveland area here a little bit earlier.

It is really amazing to me when you have a trade agreement like NAFTA, that is so absolutely a failure, that now there is a new trade scheme, and they have got a name that rhymes with NAFTA. I just, I cannot believe it. I cannot believe they are over there. They have got a cookie-cutter system, and they are not paying attention to results.

If we look at the recent history of our country, going back to the mid-1970s, when the first so-called free trade agreement was signed, every single year the United States has begun to develop trade deficits. That means we ship out more jobs abroad than we create jobs here at home. And we end up taking our income and paying somebody else to do the work that we used to do, and we accumulate these grow-

ing trade deficits. And they get worse with every decade.

When NAFTA passed in the early 1990s, we actually had a trade surplus with Mexico, which immediately turned into a trade deficit; and with Canada we have doubled the deficit that we already had. When we signed the agreement with China, which those of us who were here voted against, we did not get any more jobs. We did not get any more income. All we got was more trade deficit. It is so deep America has never been in this kind of deep water before. In fact, this year the trade deficit will accumulate at over half a trillion dollars. America has never faced this kind of loss. So it is amazing to me that they name an agreement to rhyme with one of the biggest failures.

And here are some charts, I think, that tell a fuller story about what has happened with the NAFTA agreement. When NAFTA was signed in 1994, we had accumulated trade deficits with Canada; but then every succeeding year, they got deeper and deeper and deeper. So, with Canada, we have not really benefited.

And with Mexico, the surplus we had turned into a gigantic and growing deficit. And now what is happening with Mexico, of course, some of those jobs are being shifted to Latin America and to China. So NAFTA has been a negative.

And what has been going on in terms of the United States, just take the auto industry which is the primary category of deficit with Mexico. We were already getting imports from Mexico prior to NAFTA's signing. Now it is just an avalanche coming the other way. And what we predicted has come true. Mexico has turned into an export platform to the United States. And what we are doing is actually creating a world system where people work for poverty wages or starvation wages. We have high-productivity poverty rather than high-productivity prosperity.

And, finally, if one looks at the China agreement which has a relationship here because this is the same cookie-cutter approach that they are giving us with China, the deficits were growing, but then when permanent normal trade relations, if you can call an abnormal trade deficit normal, I have never understood the words they use. We are just hemorrhaging with China. And just one company alone, Wal-Mart, takes 10 percent of the exports that China sends around the world.

So my basic point here this evening is, why should we have more of the same? Why should we believe them when they say it is going to be all right?

And, indeed, I would like to place in the RECORD an article that was in the New York Times this week where the President of Costa Rica actually said he wants to postpone legislative review on this so-called CAFTA, which is an expansion of NAFTA, until an inde-

pendent committee finds that it will not harm the poor. Well, it surely will harm the poor. And that is why, in nations like Mexico, we have historic demonstrations in Mexico City for example, of farmers, of peasants, of people just demonstrating and saying we cannot take it anymore; particularly in the countryside, the people are saying we cannot take it anymore.

So I want to thank my colleague for bringing this issue to light. I think we have to be careful of the administration and their efforts to try to come in here and try to buy votes and say, what kinds of transportation project do you like? Oh, how much do you want? Do you need a bridge? Which way do you want it to go, east west, up, down, you know, below the ocean floor? I mean, we will do it for you. What else do you need? Do you need a base? We are moving a few bases around. That is what happened during NAFTA at the very end. The American people would have won that debate, but it was bought. It was bought and sold. And now look at the negative yield that it has produced for the American people.

So I thank the gentleman from Ohio (Mr. BROWN) for highlighting this this evening. And it has been a pleasure to join my colleagues tonight.

[From the New York Times, May 10, 2005]

FREE TRADE PACT FACES TROUBLE IN CONGRESS

(By Elizabeth Becker)

WASHINGTON.—Social Security is not the administration's only economic initiative that is in trouble in Congress.

The current centerpiece of President Bush's trade agenda, the Central American Free Trade Agreement, is facing unusually united Democratic opposition as well as serious problems in overcoming well-entrenched special interest groups like sugar producers and much of the textile industry.

With record trade deficits, concerns about lost jobs and an overarching fear that the United States is losing out in the accelerated pace of global changes, the sentiment in Congress is shifting away from approving new free trade agreements.

"I don't like Cafta; I am not going to vote for it; and I will do whatever I can to kill it," said Senator HARRY REID of Nevada, the minority leader. "We are approaching a trillion-dollar trade deficit. We can't survive as a viable, strong country doing that."

Even more troubling to the administration, which says free trade agreements are critical components of any effort to enhance American global competitiveness, is the stance of Republicans like Senator SAXBY CHAMBLISS of Georgia, who wants to hold off on new bilateral trade agreements.

In a speech on the Senate floor and in a later opinion-page article in the newspaper The Hill, Senator CHAMBLISS said that even though his state is home to global companies like Coca-Cola, United Parcel Service and Georgia Pacific, he could no longer support bilateral trade agreements without being assured that "American industries and workers are truly benefiting from these agreements."

The trade deal, which was signed one year ago, involves a handful of tiny countries: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. But its prospects for moving forward have been soured by larger questions about China's enormous economic power and whether it is playing by the rules

of trade in protecting intellectual property rights, valuing its currency and calibrating the tide of its textile exports. Also playing into the situation are unmet expectations from the North American Free Trade Agreement.

The administration accuses the Democrats and other opponents of putting too much on the back of this trade deal, which would reduce tariffs for many American goods and, the White House says, improve the chances for democracy and free market economics in Latin America.

"Cafta can't be held captive to China or any other trade problem," said Commerce Secretary Carlos M. Gutierrez, who has been crisscrossing the country trying to sell the agreement since he took office in January.

The administration admits that even in this off-election year, when trade deals have the best chance of passage, it does not have the votes to pass this one.

With little sign of progress, both sides notched up the battle last week. President Bush announced that he would play host this week at a high-profile White House meeting. Since his first term, the Bush administration has promoted free trade agreements with Central America and throughout the Western Hemisphere as important components of its foreign policy.

"For too many decades," Secretary of State Condoleezza Rice said in a speech before the Council of the Americas, "U.S. policy toward Central America and the Dominican Republic has oscillated from engagement to disregard. With Cafta, with the permanent engagement that free trade brings, we can break this trend once and for all and we can demonstrate that the United States is committed to the success of all Latin American countries that embrace the challenge of democracy."

On the other side, centrist Democrats who normally vote for every new trade deal said they opposed Cafta. They said the administration had yet to outline a clear policy aimed at narrowing the \$617 billion trade deficit. And they challenged the White House to write trade deals that reflected what they saw as the pressing challenges of globalization in the 21st century.

The administration characterizes most of these complaints as protectionism and hopes that Rob Portman, the new United States trade representative and a popular former member of Congress, will be able to smooth the debate and win votes to its side.

But Representative Benjamin L. Cardin of Maryland, the ranking Democrat on the Subcommittee on Trade of the House Ways and Means Committee, said in an interview that Cafta was too small a treaty to warrant such attention.

"Cafta will have a minor impact on our economy; we should be spending time on the big issues like China, agricultural subsidies," Mr. Cardin said. "If I were the administration, I would not like my trade agenda to be judged on Cafta."

Despite its small weight, many interest groups are deeply divided over Cafta. The Latino groups and politicians who oppose Cafta say that Nafta, the decade-old agreement with Mexico and Canada, failed to fulfill its promise.

Representative Hilda Solis, Democrat of California, who describes herself as the only member of Congress of Central American descent, said she opposed Cafta because of Nafta's record, which she said included 750,000 jobs lost in the United States and little progress in improving workers' rights in Mexico.

By contrast, Mr. Gutierrez, the commerce secretary, said Nafta was a strong selling point for Cafta.

"I've been associated with Mexico for almost four decades and Mexico is better than

it has ever been," said Mr. Gutierrez, who started his career in that country after fleeing Cuba as a child. "It now has its lowest inflation rate, and its growth last year was 4.5 percent."

But questions about labor rights and lost jobs are staying at the forefront of the trade debate, not retreating. American labor unions say the accord demands better enforcement of existing labor laws in Central America without imposing real sanctions. The administration defends the labor provisions as groundbreaking.

Even the countries within Cafta have some noticeable divisions. The ambassadors to the United States from Cafta countries are traveling around the nation to try to persuade members of Congress to vote for the accord.

But Beatrice de Carrillo, El Salvador's human rights ombudswoman, said in an interview here that she opposed Cafta because it was not strong enough to stop the destruction of unions. And Costa Rica's president, Abel Pacheco, has said he wants to postpone legislative review until an independent committee finds that it will not harm the poor.

Mr. BROWN of Ohio. I thank my friend from Toledo, the gentlewoman from Ohio (Ms. KAPTUR). And the gentlewoman is exactly right. I have a chart just with the Mexico trade deficit. The gentlewoman talked about Canada, the U.S., all of this. And you can see, we went from a trade surplus when NAFTA was signed to this, over \$40 billion.

And I look at the year that the gentleman from Ohio (Mr. STRICKLAND) and I were elected to Congress in 1992. The United States, and I do not want to bore people with numbers, but in 1992, the year we first ran, the United States had a \$38 billion trade deficit with the world. That meant we bought \$38 billion more than we exported. Last year we had a trade deficit of \$620 billion.

Every trade agreement, as the gentlewoman from Ohio (Ms. KAPTUR) says, they promise the same thing. They say more growth in the United States, more jobs, more manufacturing, more exports to the United States if you pass this trade agreement. Every time Congress passes one, it gets worse. The trade deficit keeps growing. The job loss keeps increasing.

The definition of insanity is when you do the same thing over and over and over again and you expect a different outcome. They are asking us to do the same thing. So we can see these same numbers come with Central America by increasing, increasing, increasing, increasing deficits every year.

I would yield to my friend, the gentlewoman from Illinois (Ms. SCHAKOWSKY). I thank the gentlewoman for her leadership, especially on trade issues and jobs issues and health issues.

Ms. SCHAKOWSKY. I thank the gentleman from Ohio (Mr. BROWN), one of our best experts on trade. And in fact, the gentleman actually wrote the book, or at least a book on trade called "Myths of Free Trade," a book I am happy to have and learn a lot from. And I am pleased to join all my col-

leagues. It is interesting that, so far anyway, those of us who are here tonight are from the Midwest where we have seen so many of our manufacturing jobs lost since the passage of NAFTA over 10 years ago.

But, you know, I think as a people, as a Congress, certainly, we have to say why do we want free trade agreements? What is the purpose of trade agreements?

I think all of us here think that we know that there now is a global marketplace, that the goal of economic integration, when done in the right way, is not only inevitable but can actually be desirable. The question is who benefits from it? What are, who are the winners and who are the losers? And what is CAFTA for?

And, unfortunately, what we find is that the ordinary people of this country, and the ordinary people of the Central American countries now, the Dominican Republic and the Central American countries that are supposed to be part of CAFTA, it is the ordinary people, the everyday citizens, the hard-working people that are the losers, and the only ones who are the winners are corporations that really have no particular loyalty. They can pick up their capital, they can move their plants, as they did from Illinois. We lost about 100,000 jobs because of NAFTA. We saw a plant, a profitable plant, a Maytag plant, a nice manufacturing plant in Galesburg, Illinois, pick up and take with it over a thousand jobs. This was a plant that was actually making money. Why did it move? Because it could actually make more money by exploiting workers when they moved to Mexico.

In a trip that was in part organized by my colleague, the gentlewoman from Ohio (Ms. KAPTUR), I had the privilege of going to Ciudad Juarez last year, a town that is really in the metropolitan area of El Paso, Texas, separated by the Rio Grande River. And on one side of the river you have got workers who are looking for good jobs to support their families; and on the other side of the river, we see people who are working in the plants for American companies. And what we saw were workers who were actually, some of them, actually living in the packing crates of the products that they were manufacturing for the companies, the American companies that took those good-paying jobs and went to Mexico.

□ 2030

Mr. STRICKLAND. Mr. Speaker, I had the privilege of being there with the gentlewoman, and I think we both really felt deeply in our hearts the pain as we talked with workers.

I remember one woman that we talked with who had children, and she told us she worked 9.5 hours a day, 5 days a week. She had 30 minutes during the day as a break, and her total take-home pay was \$38 a week. And I just will never forget that woman and the fact that we have a government that

has participated in that kind of what I would consider immoral situation where a working mother would work that hard and be compensated at that level. It is just pathetic.

Ms. SCHAKOWSKY. As the gentleman remembers, that woman had children who she could not afford to send to school. It costs money to send them to school, a modest amount of money by our standards but out of reach for her because she does not make the kind of income that even would allow her children to go to school or have adequate health care.

Is that the point of a free trade agreement?

The United States should and could lead the world by example through a trade policy that improves the lives of individuals and not just adds to the profits of the major corporations. We could and should benefit workers here in the United States and create and sustain jobs that help small- and middle-sized and family-owned businesses grow. And D.R. CAFTA, Dominican Republic CAFTA, is not going to accomplish those goals for us here, for our small companies, for our workers and is simply going to increase this race to the bottom so that, how cheap can we get labor?

I wanted to make a point about, are we really looking for markets in these Central American countries? Do we really believe that we are going to find people who are going to be buying our products? The combined purchasing power of the Central American nations in CAFTA is the same as Columbus, Ohio, or New Haven, Connecticut. The average salary of a Nicaraguan worker is \$2,300 a year, \$191 a month. Are they going to buy that car that is made in Ohio or in Michigan?

Ms. KAPTUR. Mr. Speaker, very briefly, we had visitors from two nations, El Salvador and Honduras in our community. Some of our church groups brought them in. These were young women workers in some of those textile plants down there. They held up t-shirts that they made for which they received 12 cents, and then we took them to stores in our community. They found the very same t-shirts on the rack, and they were priced at \$20. And I remember the expressions on their faces. They could not believe it. And yet those that are brokering in their poverty wages and exacting high prices here, \$20 for a t-shirt, are making enormous amounts of money off of this kind of bonded labor and control of our marketplace without proper government intervention.

So I also remember the gentlewoman from Chicago, Illinois (Ms. SCHAKOWSKY) when we were down in Ciudad Juarez, I can remember the tear coming down her cheek when she saw that family living in those packing crates. I can remember that. When it pierces your heart, you never forget it.

Ms. SCHAKOWSKY. Mr. Speaker, I do not want to monopolize this conversation. I do feel so strongly that, as

the greatest country on the face of the Earth, the wealthiest country, the country that has the capacity to create jobs, to help people, to lift our own people and people around the world, to help lift them out of poverty, to set a standard that would at least work towards that goal. What a shame that we have before us a trade agreement that, as the gentlewoman said, my sister, the gentlewoman from Ohio (Ms. KAPTUR), just a repeat of NAFTA, and we know the devastating results both here in the United States and in Mexico and in Canada, that it did not do anything for us.

So I just am encouraged actually that we are seeing growing bipartisan opposition to this. Let us go back to the drawing board and come up with a real trade agreement that is going to achieve the goals that we want, that is going to be helpful to us and to our neighbors around the globe and certainly our closest neighbors here in Central America in the Dominican Republic.

Ms. KAPTUR. Mr. Speaker, if I could interject here, the company that the gentlewoman mentioned from Illinois, Galesburg, Maytag. I actually own Maytags. What happened to the workers from the Galesburg plant? Were they transferred? Did they get other jobs? Were they just without work?

Ms. SCHAKOWSKY. Mr. Speaker, you can imagine a fairly mid-sized, kind of small-town community, when a major employer like that leaves town, it does not just impact that business or those workers. It resonates throughout the community in a very negative way, and it is really hard to recover from that.

I want to say, just bringing a Wal-Mart to a community like that so you can buy really cheap products, is that our future in this country? That we will be able to buy imported goods? Flags made in China? T-shirts that are made for 12 cents? And that is not our future if we are going to continue to be a great country. So it hurt Galesburg. It is hurting communities all over our country.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentlewoman from Ohio (Ms. KAPTUR). As we continue this conversation, when I listen to the gentlewomen talk about this, we all talked about the trade deficit, that it went from \$38 billion to \$620 billion, the trade deficit with Mexico going from a trade surplus to a trade deficit. Those are just numbers, and they make sense but they are just numbers.

When you hear the gentlewoman from Ohio (Ms. KAPTUR) ask about those families in Galesburg, these are not numbers. These are families that lose their job in Lorraine, Ohio, or in Portsmouth, Ohio, or in Chicago or Toledo. They lose their jobs. What it does to their families, often they lose their pensions with some of these companies. The schools have significantly fewer

dollars to run. The police and fire departments are understaffed. All the kinds of things that are more likely, alcoholism, all that happens with the families in our country.

Then you talk about those families in, I have seen them in Mexico; I have seen them in Nicaragua; I have seen them several other places; these families that are working, often 8 to 10 hours a day, often 6 days a week making clothes for us.

I was with a family in Nicaragua. They get paid 23 cents for every pair of jeans they sew. The mother gets paid 23 cents for every jeans she sews that end up at Wal-Mart getting sold for between \$25 and \$30. I was at her home in Tipitapa, a little sprawling bedroom community as you would say in this country, but it is a series of shacks made out of packing materials form the plants they work for.

She was standing in this community home one day. I was talking to her, and she was holding her 3-year-old daughter who had hair down to about her shoulders, jet black hair, except that the bottom inch or two of her hair was sort of discolored. I asked somebody what that was about, and they said, probably this girl does not get enough protein because the parents cannot afford milk. The parents do not buy meat except for very special occasions because she is getting paid 23 cents for every pair of jeans.

So this trading system that these trade agreements bring us bring horrific poverty to the developing world where these people are working harder than maybe any of us, working 60 hours a week, not to mention how hard they have to work at home to do everything, getting to and from work on a bus that takes an hour and a half each way, and all the other things that happen to them.

Then you think of the pain it inflicts on our communities, our schools, our health care system, our police, our fire departments, the safety in our communities, on our families, on our self-respect. All of that.

We can talk numbers, and we can prove our case with these numbers, but all you have to do is look at people at both ends of the trade agreement and where they sit and how their lives go and what we are doing to them. And that is the story in so many ways.

Mr. STRICKLAND. Mr. Speaker, I want to thank the gentleman for yielding to me. It is terrific to have the gentlewoman from Illinois (Ms. SCHAKOWSKY) and my good friend and mentor, the gentlewoman from Ohio (Ms. KAPTUR) here.

I am glad this conversation is headed in the direction here this evening in which I think it is heading because we are moving away from the numbers. We are moving away from the charts, and we are starting to talk about the people. The people whose lives are affected by the decisions that are made by this administration and by those of us who serve in this body. And we hear a lot of

talk today, and I am glad we do, about the need for morality in our government.

I think it is immoral for our government to support policies which benefit the richest people on the face of this Earth, many of them Americans, many of them from other countries that own or operate, manage those large multinational companies. I think there is a moral dimension here.

The gentlewoman from Ohio (Ms. KAPTUR) mentioned some church people who were engaged and involved in this. I think the churches in the United States of America should be concerned about CAFTA. I think they should be concerned about NAFTA. They should be concerned about human exploitation.

Now, many of us in this Chamber belong to different faiths. I happen to be a part of the Christian faith. And Jesus Christ said, As oft as ye have done it unto the least of these, you have done it unto me.

I think we have an obligation, those of us who do embrace faith, to let that faith express itself in the policies that we endorse as individual Members of Congress and also have that impact, the policies that are pursued by this country.

I think it is immoral, quite frankly, for us to enter into an agreement that results in the exploitation of poor Mexicans or poor people from Costa Rica or elsewhere. I think it is immoral for a working mother to be paid 12 cents for a garment that is ultimately sold for \$20 or \$25. And I ask myself, who is benefiting from such a policy? There is money involved. Someone is getting very rich. And yet it is a form of human exploitation.

So I wish our President and I wish leaders in this House would understand that there is a moral dimension to United States trade policies.

Ms. SCHAKOWSKY. Mr. Speaker, I just want to tell the gentleman that I was visited by a group of religious leaders from CAFTA countries who said exactly what the gentleman said. They said, we know that in many cases our governments are supporting this policy, but we represent the interests of the people in our countries, our parishioners, the people who come to us every Sunday and during the week. And we know they are really suffering, and we know that this trade agreement is just going to be license to further exploit those people and their poverty, not lift them out of the poverty.

And they were asking Members of Congress like myself to consider the people; and that is, the gentleman is right, we have to think about the faces. We have to think about the mothers and the fathers and the little children that suffer because of that and in our country, too, when those jobs are lost in our community.

Mr. STRICKLAND. Mr. Speaker, well, I represent a part of the Appellations region of Ohio. Every time I go home and I think my colleagues here

have similar experiences. I talk to people who have lost their jobs. They have in many cases lost their health insurance. They have families. They may be 55, 57, 59 years of age. They have chronic health conditions.

What is happening to us as a country that we would be willing to just tolerate such conditions? It troubles me. It really troubles me. And I do believe, as I said to a reporter yesterday, he said, Congressman, tell me what is wrong with these trade agreements that you seem to be so against? And I said, They leave out the human dimension. They leave out concern for people.

Now, quite frankly, I do not believe Americans are willing to give up our middle class, to lose our standard of living, to participate in the exploitation of poor people around this world simply to get a pair of blue jeans at Wal-Mart for a couple of dollars cheaper than they may be able to get them than if they were made right here in the good old U.S. of A.

I believe the American people have different values than that. I think it is our leaders who need to question their values. I think it is the people who are benefiting, richly benefiting from these agreements, that ought to be called into question and their motives ought to be questioned.

And there is, I think, one word that pretty much summarizes what is the driving force behind NAFTA, behind the WTO, behind permanent trade relations with China and now this so-called CAFTA agreement. And it is greed. It is greed.

□ 2045

How are we going to increase our own wealth or the wealth of our investors? If that is going to result in poor Mexicans or poor Americans being exploited, then I think our government has an obligation to stand up and speak out, change course. We are on the wrong course. I would say if I could talk with him, Mr. President, we are on the wrong course. We are on the wrong track. We need to reverse. We need to go back. We need to reevaluate the results of NAFTA.

As the gentlewoman from Ohio (Ms. KAPTUR) had said earlier, why in the world, given the results of NAFTA, would we pursue CAFTA? It is almost irrational.

Mr. BROWN of Ohio. Mr. Speaker, as I hear you talk and I think about what has happened with workers around the world, one of the great things about our economy, one of the great things about our country is if you work somewhere, if you work for General Motors or if you work for the local hardware store, if you are a teacher or if you are a nurse, you create value. You create either a profit for your company, wealth for your company. You create value if you are not working for a for-profit company.

Under our system, in part because of labor unions, in part because we have a

democratic system, and in part because of our history and our traditions, you share in the wealth you create.

The lesson of these trade agreements you can go anywhere that we have these trade agreements. You can go to Mexico, Nicaragua and China, and you will notice that workers do not share in the wealth they create.

I heard the gentlewoman from Ohio (Ms. KAPTUR) talk about this years ago. The best example was you go to a General Motors plant in Mexico, and it looks just like a General Motors plant in Ohio except it is often newer. The technology is up to date. It is modern. The floors are clean. The workers are working hard. The difference between a Mexican auto plant and the American auto plant, the Mexican auto plant does not have a parking lot because the workers cannot afford to buy the cars they make.

You can go halfway around the world to Malaysia and go to a Motorola plant, and the workers cannot afford to buy the cell phones that they make. You can go back to this hemisphere, to Costa Rica, and go to a Disney plant. The workers cannot afford to buy the Disney toys for their children that they make. You can go back halfway around the world to China and go to a Nike plant, and the workers cannot afford to buy the shoes that they make.

That is what these trade agreements have failed to do. So when a Nike worker in Oregon loses her job and a Nike job in China is created, that means that Nike worker in Oregon is no longer paying into Medicare, no longer paying into Social Security, no longer able to buy Nike, no longer able to buy a car, no longer able to do whatever. So the world has one fewer consumer. The world really is poorer. Nike is a little bit richer, but the world overall is poorer.

In China there is no real wealth created because they are not able to buy anything other than subsistence living and the community in Oregon, in Medford or whatever town, has less wealth.

My definition of successful trade is when the world's poorest workers can buy American products rather than just make products for Americans. Then we will know that our trade policies finally are working.

Once this deadline has expired, the President normally takes 2 months to pass a trade agreement. This one has taken 11.5 months. Republican leadership, the gentleman from Texas (Mr. DELAY), the most powerful Republican in the House, has said that we will vote on it by May 27. That will be roughly 1 year.

We need to go back, as the gentlewoman from Illinois (Ms. SCHAKOWSKY) said, and start again. I want a great trade agreement with Central America because I think we can write one that will lift their workers up so they will want to buy our products as we buy their products. We can do that. We need to start again.

So once the CAFTA countdown, we are at 16 days, something like that

now, once that is past the end of this month, let us just go back to the drawing board and write a CAFTA that, number one, we can be proud of; number two, that will lift up workers in those countries and will help invigorate the middle class in this country. It is very possible to do that. It is just we do not have the will to do it.

Ms. SCHAKOWSKY. Mr. Speaker, if I could, it is bad enough I suppose that usually these workers are paid such low wages, but should those workers try to organize themselves into a union to try and stand up for better working conditions and better wages, we know that in those countries that human rights violations for people who want to form a union are rampant; and the problem with CAFTA is that it really does virtually nothing to protect those workers who want to organize.

We hear in CAFTA, ostensibly it requires enforcement of the local labor laws, both that may exist in the country. Of course, those could change, but even then the penalties are very, very weak. Violations of core labor standards cannot be taken to dispute resolution, and the commitment to enforce domestic labor laws is subject to remedies weaker than those available for commercial dispute.

So every time we put the rights of capital, the rights of intellectual property, the rights of the corporations up here and the rights of workers even to stand up for themselves to try and collectively bargain for better conditions or wages, and it is often at peril of their lives that they do that, not just job loss, but we find in many of those countries that it is very dangerous to be a labor organizer. You can find those people dead.

The other thing is we spend a lot of time around here talking about illegal immigration; and, again, if you think about it in human terms, people do not generally want to leave their homeland. They would prefer to stay there, the place where they are born, where their families live, where their ancestors are, where they have roots. Why do they leave those countries to come to the United States, to risk crossing that river, risk crossing that border? It is because they cannot make a living. They cannot provide any kind of a decent life for their family, and they are willing to do anything to do that and so they come here.

If we want to be able to protect our borders and to have good trade policies, then we have to look at things that will help to lift those workers in other countries so that they can prosper in their homelands.

Ms. KAPTUR. Mr. Speaker, if the gentleman would yield, I want to follow on that point because if one looks just at NAFTA and Mexico, and the inability when we were debating that to include provisions for those that were going to be displaced from their farms in Mexico, what is propelling U.S. immigration is NAFTA because every year now we have over 450,000 individ-

uals from Mexico coming over our border, the vast majority illegal.

You say, well, why would they do that? Because they are in desperate circumstances. Desperation propels them, just as the gentlewoman from Illinois (Ms. SCHAKOWSKY) says. Imagine being willing to die going across the desert in Arizona to get here, a place you do not even know, and what is at the root of it?

The root of it is that their land is no longer productive. The big corporate interests down there buy imported corn, and these people were given no way of transitioning. They had a heartless government, and I think because they did, we might see the first massive historic change in Mexico's elections next year. I hope so, and I want to say to the gentleman from Portsmouth, Ohio (Mr. STRICKLAND), when he talked about the churches and the synagogues and the temples and the mosques, they are doing some of the most important work in these trade agreements. They are trying to reach out to people, just like you said, and whether it is fair trade coffee or whether it is quilts or whatever they are buying, they are trying to bring it in and pay people a decent price for whatever that product is and to cut out these middle extortionists, I call them, people in the middle that are trading on that squalor and that exploitation.

Also to say that one of the greatest religious leaders I ever met said ultimately God's judgment would demand not just individual morality for us as persons, but in a rich and powerful Nation like America, justice of us as a Nation. So we are judged not just as persons within our own family, but the kind of society and country we create. We will be judged on many levels; and I think these trade agreements are, as you said, immoral because those who are the least among us are hurt the most.

I think of Norma McFadden from Dixon Ticonderoga in Sandusky, Ohio, who worked there her whole life and was about my age and then was told you get a pink slip, even though the company was profitable, and moved to Mexico. What happened to Norma? What happened to Norma was she could not afford health benefits because under the Federal program, COBRA, it costs about \$800 a month. Well, she lost her job. She could not afford the \$800 for COBRA. So at 55, 58 years of age, she went back to school to become a phlebotomist to learn how to take blood, and she had to drive to work in her old ramshackle car to try to go to school and ultimately tried to get a job at a hospital as a receptionist and just trying to tread water there in the years when really she should have some peace of mind because she has been a working woman her whole life, she has raised her family.

So, to me, these trade agreements are some of the most anti-life measures that I have ever seen. They hurt people all over our world, surely those in our

country who just do not have another leg to stand on; and I think God will judge America very harshly for what we have done because we are in the power position in negotiating these agreements.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Ohio (Mr. STRICKLAND), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Missouri (Mr. CARNAHAN), and the gentleman from Ohio (Mr. KUCINICH) earlier. I appreciate that human spiritual component.

I would close in an optimistic tone. The gentlewoman from Illinois (Ms. SCHAKOWSKY) talked about what happens with labor unions and human rights in Central America and in South America and in Mexico. Just hold up for a model what happened in Central and Eastern Europe in the last 20 years. The thrust of their equal rights movement came out of the labor movement, and flowing out of that labor movement came a much better way of life, came freedom, better economic security, more wealth for workers, all that we should be striving for. That is why labor standards for these workers in these trade agreements is so important.

As the CAFTA countdown comes, we are down to the last 16 days, it is pretty clear NAFTA will be dead on arrival. It is time at the end of May when we come back in June to start with a new trade agreement that will lift workers up and make us both spiritually and intellectually and in every other way proud of what we do.

ENERGY

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. EHLERS) is recognized for 60 minutes.

Mr. EHLERS. Mr. Speaker, I am pleased to rise tonight with several of my colleagues to discuss an issue of great importance to our Nation, and I know that everyone that gets up here starts the same way, but this is a particularly important issue, one that the three of us wish to discuss as scientists, or those who have a great interest in science.

Tonight's topic is going to be energy. You have heard a lot about energy recently, worried about the gas prices, worried about the energy policy bill that we have worked on in the House and the Senate is now studying. Energy is extremely important, but what is most important to me when we are talking about energy or any other issue is to talk about the long-term effects because that is what the people hire us for. They elect us to come here and discuss and debate the future of this Nation, and it is very easy to forget that because we are always caught up in the instantaneous things we do, the stuff we have to get done today; but the people of this land, struggling

every day to make a living, keep ends together, do not have the time to do the long-range thinking.

Corporate leaders are bound by their requirement to produce profits every quarter, to get the stock price up. It is up to us to really think about where this Nation is going and what is really important and what is likely to happen to it.

So I wish to approach this topic this evening to talk about our energy future, where are we now, what is energy like, what is going to happen in the future; and between the three of us discussing this this evening, I hope that we can enlighten our colleagues and others who are interested in the topic.

Let me begin by an introductory way just talking about energy and the nature of energy.

I happen to be a scientist, a physicist to be more precise; and I have been involved in energy studies for some 30 years, but also because of my background in physics, I have learned a lot about energy, and I would like to tap some of that knowledge to talk about some of the issues and point out some of the characteristics of energy.

First of all, energy is unique. Unique means there is nothing else like it. It is unique in several ways. Energy is our most basic natural resource.

□ 2100

For one simple reason: Without it, we cannot use our other natural resources.

Now, let me give an example of that and to prove my point that energy is our most basic natural resource. If you would like to build something out of iron, suppose it is a car or a can or whatever, the first thing you have to do is dig the iron ore out of the ground. That takes energy. Then you have to transport the ore to the smelting plant and recover the iron out of the ore. Transportation takes energy. Smelting it takes energy. When you are finished with that, you transport it the rolling mill. That takes energy. And you roll it out into sheet steel so it is easier to work with. That takes energy. Then you transport it to the factory. That takes energy. Finally, you fabricate a car or something else out of it, and that takes a lot of energy. Finally, you transport the finished product to the consumer, which once again takes energy.

Notice that every step of the way you were using energy in order to use other natural resources. I could have picked any other natural resource, and the same thing would be true. So energy is our most basic natural resource. You must always remember that. But secondly, and perhaps even more important, energy is a non-recyclable resource. Once you use it, it is gone. Now, if we use up our iron, we could go mine our landfills. We can recover scrap iron, as we do already to a great extent, and we can recycle it over and over and over. There is only so much iron on this planet, but we can keep using it over and over and over, and we

are not likely to run out. Its cost may go up, but it is still there.

But when you use energy, it is gone. When you fill your tank with gasoline and you drive it for a week and the tank is empty, the energy is all gone. It is used up. Where does it go? We know energy is conserved, but it can change form. All the energy from the petroleum you put in your car, from the gasoline you use, gets consumed and turned into heat energy, largely unusable heat energy. And eventually, that gets radiated out into space, and it is gone for us forever.

So these two important features define a great deal about energy and how we should treat it and how we should handle it. Finally, because of this, the price of energy affects our economy more than the price of almost any other resource, simply because when the price of energy goes up, that price gets added on to every step of the manufacturing process which I mentioned.

Let me mention some other characteristics of energy. Energy is intangible to most people. To me, as a scientist, it is very tangible. I have worked with energy so long I can almost touch it, feel it, taste it, et cetera. But to the average person, you cannot touch it. You cannot see it, unless it is light energy. You cannot feel it, unless it is heat energy. You cannot smell it, and you cannot taste it. So energy is intangible. To most people, the only tangible aspect of energy is the price at the gas pump or the utility bill at the end of the month.

Because energy is intangible, people tend not to understand it. They do not know how to use it properly. I have a saying I often use, and I even have a tie to match the color I am talking about, I wish energy were purple. Because if energy were purple and people could see it, their behavior would change. When they drive home from the store or from the church and drive up to their house in the middle of winter and see a purple haze oozing through the walls because of poor insulation, or purple rivulets around the windows or doors because they are leaking heat, they would say, Man, that is terrible; I have to insulate this house better. I have to seal up the windows and doors more. Because they do not see it, it is not purple so they cannot see it, they are not aware of this.

If you were driving down the highway and a little Toyota Prius or some other hybrid car goes by, something like the gentleman from Maryland (Mr. BARTLETT) drives, and he may discuss that a little later this evening, and this little Prius goes by, and there is just a little purple around it, because it does not use much energy; but then a Hummer or a large SUV goes by, and there is a purple cloud around it, if people could see it they would say, Hey, I am going to get a Prius or some other hybrid car and use less energy. So I wish energy was purple so it would be tangible to everyone. I think behaviors would change very quickly.

To show the importance of energy, I would like to point out that energy affects civilization in a very direct way because energy represents the ability to do work. That, in fact, is the definition of work in physics. Energy represents the ability to do work.

With the first use of nonhuman energy, in other words using animals to plow the fields and so forth, we had the agricultural revolution beginning. We talk about these big revolutions in the human history, and the agricultural revolution is a large one. There is no contention about that. But the agriculture revolution occurred only after we started using nonhuman energy, because people were not strong enough to really do a good job of pulling plows. Before they had plows that they could pull, people tried agriculture, and it never really succeeded until they discovered they could domesticate oxen or other animals and have them do their work, and then the agriculture revolution succeeded.

The next big step was again related to energy. You have heard of the industrial revolution, where we began using industry to manufacture things and to replace human labor. What did we use? Fossil fuels. Coal first and then oil and eventually natural gas. So the first use of nonanimal energy led to the industrial revolution. Once again, this indicates how important energy is to life on this planet and to civilization and to our economy.

I have drawn here on this chart a model for responsible energy use, trying to relate it to something that everyone understands. When you talk about your money, you go out and get a job because you need to eat, and you would like to have a house and a car. So you get a job, and you earn money. That is income. And most people in this country have to live within their income. That is what everyone aspires to. Sometimes, there are special needs, and you dip into your savings. And some are fortunate enough to inherit some money. So that is the model of individual use of money.

Now, you can look at energy the same way. If you look at the income of energy on our planet, most of it comes from solar energy. We talk a lot about using biomass. That is energy from the sun captured by plants, and we can try to retrieve the solar energy from that. Wind energy. Lots of efforts to build windmills and use wind energy. Once again, that energy comes from the sun because the sun differentially heats the atmosphere and that causes the wind to blow. How about hydropower? Huge dams generating lots of electricity for us. Once again, that is solar energy, because the sun evaporates the water off the oceans and the lakes, gets into the clouds and comes down as rain, collects behind the dams, and we use that energy. Waves are also related to solar energy, because that powers the wind, which generates the waves, and people have tried to extract that energy.

The only one on this list that is income energy but not from the sun is

from the moon, and that is the tidal energy. And efforts have been made to tap that, but it is pretty tough to do and you do not get a lot of energy out of it.

What about the savings? Our savings account are all the fossil fuels; coal, oil and natural gas. Those are stored solar energy. That comes from plants which grew many, many, many, many years ago. Those plants eventually got covered up and over the years decayed and turned into coal, petroleum, natural gas.

Then there is wood, which is also a short-term savings account. Again, it is plant. It really could go up in biomass here, but trees live a long time, so I put it down here in our savings account because, normally, we do not use all that energy in our lifetime.

Finally, our inheritance, that is energy we inherited with this planet. Our universe and our planet were so beautifully created, and there are energy sources within the planet. There may be more than I have listed, but certainly geothermal energy. Heat energy within the earth can be used to drive power plants and already is in certain parts of California and other parts of the world. And nuclear energy. Nuclear energy is so long term, and it is basically there from the creation of the earth, so nuclear energy I would also classify as an inheritance.

Now, I would propose that when we are using energy, we should treat it the same way we do our money; try to live within our income. In other words, try to use as much as we can of the solar energy, lunar energy and so forth. Recognize we have to dip into our savings account, and so we can use the fossil fuels and wood for that, but not to the extent we are using it now so that we use it all up, unless we use that to develop new energy resources for our children and grandchildren.

And, finally, the inheritance. That is a long-term thing, but we do not want to depend totally on it. But certainly, that is there and that is a very promising thing to pursue.

Finally, I hope as a result of the discussion we have tonight that all of us in this Congress and all the people of this country will come to appreciate energy. It is my hope that a better understanding of energy will lead to a wiser use of it by our citizens. And so that is the theme of this hour's discussion we are going to have tonight.

Mr. Speaker, I have been joined by several colleagues, and next I would like to yield to my colleague, the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. I thank the gentleman from Michigan for yielding to me, Mr. Speaker, and I want to thank the gentleman from Michigan for the fascinating discussion mixed with science, history and a little poetry there, I think. Mr. Speaker, I hope many of our constituents across the country are listening to this most important topic.

My colleague, the gentleman from Michigan (Mr. EHLERS), began to speak about energy as not something that you can see or touch, and very few people think about that or think about where energy comes from. It comes from that fuel tank that you lift to fill your car. It comes from someone delivering it to your house. But I would suspect that many Americans and many of our colleagues here in the house feel that energy is a resource that will last forever.

I would like to pose a question tonight to follow on with what my colleague from Michigan was saying, and that is: Is energy infinite? Is energy a bottomless well? And if we look at the bottom of the bottomless well, what do we see?

If we are to have a cohesive energy policy in this country and in this world, in fact, we need to know what that is at the bottomless well, because I happen to think there is no bottom to the resource of energy. But we have to know what that is. What is that resource? What energy source can we rely upon for the unforeseeable future, for generations to come?

The modern world right now is dependent, the industrialized world and the new industrializing world are enormously dependent on an energy source known as fossil fuel. That is coal, natural gas and oil. We also know that the demand is increasing as the supply is diminishing, dramatically. The U.S. oil reserves peaked in 1970.

What is at the bottom of the bottomless well? I think it is initiative. It is ingenuity. It is intellect, and it is logic. Oil, or natural gas, is not at the bottomless well. Oil or natural gas or fossil fuel are finite, and they will not last forever. So we are in a transition period, because the demand is increasing dramatically, and the supply continues to decrease.

□ 2115

The gentleman from Michigan gave us a history lesson about transitions from one energy source to another over a long period of time and showed how our cultures, our industry, our economy, and our cultures have changed. We know that coal in this country some time ago replaced wood and actually saved the forests. Coal was actually more efficient and better for burning or for heating in those earlier years because we stopped burning our forests. Our forests create habitat for wildlife; it is an environmental issue. So coal replaced wood. Oil supplemented coal and oil is more efficient than coal and it is actually cleaner burning. Natural gas supplemented oil. Natural gas is cleaner than oil.

If we looked at it a little bit closer from a chemist's perspective, we would show that there is more hydrogen in coal than there is in wood. There is more hydrogen in oil than in coal. There is more hydrogen in natural gas than there is in oil. So we are moving up the ladder of a better understanding

of what sources of energy are important. But all of them are finite. And as our demand increases, our supply diminishes, and we need to begin to rethink our energy sources.

In 1910 if we look at BTUs, British thermal units, if you buy a heater of almost any sort, it will have the number of BTUs that it puts out, the energy output. If we are to measure BTUs from the perspective of how many BTUs the United States uses, what is our energy output, it is measured in quadrillion. If we looked in the year 1910 as an example of BTUs, the United States burned 7 quadrillion BTUs. That is a 1 with 15 zeros. Seven quadrillion BTUs in 1910. If we looked at 1950, we burned 35 quadrillion BTUs. If we looked in the year 2005, it is up to 100 quadrillion BTUs.

The demand is increasing exponentially. In 1970, the year we peaked in our oil, we produced, the United States, 11 million barrels of oil a day. In 2004, we produced 5 million barrels a day. In 2005, we burn roughly 20 million barrels a day of oil. We import about two-thirds of our oil, and that will continue actually to worsen, and we have about 3 percent of the world's oil reserves, or less, and our demand is increasing while our supply is diminishing.

We are actually beginning to see the end of cheap oil in the United States. And burning this resource, burning oil, is not the best use of that resource. We use it, as the gentleman from Michigan said, for a whole range of things, for heating our homes, for air conditioning, for airplanes, for electric lights, for clothing, much of the clothing that we wear, for plastics, for fertilizers, for modern agriculture, for asphalt to maintain our roads. Can you imagine the interstate highway system if we did not have oil to make the asphalt to maintain those many millions of miles? Surgical devices, hip replacement, national defense, all of these things come from oil. It is an integral part of our economy.

Should we really be burning it as fast as we can, as if oil were at the bottom of the bottomless well? Are there other better uses for burning oil? There are. Can we improve our resources here in the United States with something other than fossil fuel? If we continue to rely on fossil fuel, we will never be energy independent and our security will be reduced because most of the oil we import right now comes from areas of the world that are not very stable.

We should begin to seriously think about three things and think of these three things in the way that we use our initiative, our ingenuity, and our intellect to understand what lies at the bottom of the bottomless well. The first thing is fuel efficiency. That is one of the first things we can actually do, tangible things we can do. We have the technology right now to double fuel efficiency. We should start immediately, because it takes about a decade before

you see any results. We could save billions of dollars, reduce our trade deficit, save oil supplies so they last longer. The American Petroleum Institute estimates that we have 25 years of oil left with present demand. That is not with any increase in demand. Is demand going down? Will we burn less than 100 quadrillion BTUs? I do not think so. What will we do about importing the millions of barrels of oil every day? So doubling our efficiency with oil and natural gas will spread these supplies longer and offer us that transition period between a new fuel economy that we desperately need.

The second thing are alternative fuels. The gentleman from Michigan (Mr. EHLERS) and I know the gentleman from Maryland (Mr. BARTLETT) will mention these. There is solar. It is a small piece, but it is a piece. There is wind. It is significant, but it is a small piece of the pie. There are biofuels, a whole range of biofuels from corn to soybeans to poplar trees, to certain grasses, to a range of things that we have already mentioned here tonight; but they are a small piece.

There is hydropower. There is hydrogen which does offer us some hope. It is not a fuel. You can produce it from solar, from wind, from nuclear, from coal. What we have here is a membrane; it excites the molecules and you produce electricity without combustion. But we do not have the technology to mass produce hydrogen to take the place of oil. There is methane from landfills and livestock. There is nuclear power, which is cleaner. The storage of fuel rods is difficult and also, even though it is nuclear, it is a finite source.

We have to start now to make the transition to a new energy source smooth and not disruptive. We must understand the dynamics of this from an economic standpoint, a geopolitical perspective, and cultural life-style.

The third thing is life-style. Our lives, our culture right now, dependent on fossil fuel, our lives are filled with things, things and more things. Look around your home. Where do these things come from? What are they made of? And how do they get delivered to us? The world is dependent on fossil fuel, mainly oil, to make those things, transport those things, and bring them to your home. We import them from all over the world. Oil is related to every aspect of production, distribution, marketing, and consumption of the products you get from megaretailers like Wal-Mart and Sears to McDonald's and Burger King. Our culture.

What will replace oil to keep this kind of economy ever expanding? We talk all the time about a growing economy. How will it expand without oil? We should start talking in terms of a dynamic, sustainable economy without oil. Without oil, our life-styles, in conclusion, our communities, are likely to be smaller and more compact. Our farms are likely to be smaller and more diverse. There will be fewer ex-

panding suburbs wholly dependent upon the automobile. Solar, wind, biofuels can accommodate smaller communities. Nuclear at least for the time will be more significant.

But if we use what is at the bottom of the bottomless well, ingenuity, initiative and intellect, we will have cleaner energy sources, more jobs, drastically reduced trade deficits, more of our own goods will be produced here, a stable economy, more security.

What does the future hold for us? Look deeply at what is or should be at the bottom of the bottomless well. We need the time to transition to this new economy.

Mr. EHLERS. I thank the gentleman from Maryland for his perceptive comments and his poetic, almost philosophical, statements. I appreciate that.

I would just like to add one quick note. When you refer to photovoltaics, I just read an article a week or two ago on this. It is just astounding to me how fast the field has developed in the last few years. Let me just give one quote: We expect that by 2015, photovoltaics will be producing electricity at the cost of 6 cents per kilowatt hour. That is generally less than people are paying for their electricity at their home. And there are no transition costs because you can keep the photovoltaic unit right in your home generating electricity for your home. A friend of mine has built a house which is totally independent of outside energy using photovoltaics and other things. He lives 5 miles from the nearest power line. It works beautifully.

But the very interesting thing is that the prediction is that half of new U.S. electricity generation by 2025 will be produced by photovoltaics, replacing a lot of power plants. I was pleased when I read this. I thought, this fellow really knows what he is talking about. I got to the end and looked at the name. It is Mr. Al Compaan, professor at the University of Toledo and a former student of mine. I did not realize until I reached the end that he was one of my students.

We have approximately 30 minutes, and I have three more speakers so if each of them could limit themselves to 10 minutes or less, I would appreciate it. Next I am pleased to recognize the gentleman from South Carolina (Mr. INGLIS) who was with the Congress for 6 years, term-limited himself, very honorably, and has now returned to us having fulfilled that commitment.

Mr. INGLIS of South Carolina. I thank the gentleman for yielding. I am excited about the work that the gentleman from Michigan (Mr. EHLERS) is doing on the Science Committee and for the innovations that I think that we can together bring about and can encourage from here in the Congress. I am happy to be part of this Special Order to talk about what could be part of our future.

In particular, the aspect that I want to focus on is cars and to have us think about what cars could be in the future.

We are bound now by burning petroleum in our cars. We are bound to lethal accidents where people traveling at a high rate of speed end up being killed because cars crash together, blowouts on tires or whatever cause them to have crashes.

What I am excited about is imagining a completely different future, one that has smart cars, has fuels of the future; smart cars that know their position relative to other cars on the road by sensors and by automatic braking systems that take over for the driver, that make it so that a computer is actually driving the car. That for many people sounds like science fiction, but it really is not that far away.

I think it is very interesting that Bill Gates was here recently and spoke with members of the Intellectual Property Caucus and opined that it is not a question of if; it is a question of when we get smart cars. He said in the future, there will be no accidents. Of course, it might not be wise to bet against Bill Gates when it comes to technology issues. While we were waiting, a colleague of ours pointed out that if you had invested \$10,000 in a company called Microsoft in 1980, it would be worth \$25 million today. So it is not a good idea to bet against Bill Gates when it comes to technology.

What we have, I think, is the opportunity to dream that big, to think of a car totally differently, that it could run itself, that you get in it and it is not so much a steering wheel as it is a computer screen. Unless we think this is far away, think of the blue screen tracker system that is right now deployed in Iraq on the vehicles that we have got over there and so that our men and women know where they are, where their unit is, relative to other units. That is updated every few seconds. The technology, in other words, is not far away. It is on the ground right now in the blue screen tracker system, and it is not far away, in my opinion, for the car.

If you think about what that means, it means compression on the highways. It means that you do not have to have the spacing that we have now, where cars in order to be safe should be driving a fair distance from each other at 60 or 70 miles an hour. As it is, we have got to have a lot of asphalt on the ground to accommodate that many cars traveling at that rate of speed. But if they are smart cars, they can be within relatively few feet of each other, traveling at significant speeds but knowing where one is relative to the other.

That seems like science fiction, but consider this: a number of auto manufacturers, including BMW which makes X5s and Z4s in Spartanburg, South Carolina, are working on braking systems that actually take over the braking decision for the driver. BMW will release a car very soon that does just that. It has a braking system that decides for you when it should apply the brake and keeps you from hitting something.

So if you think about that, the breakthroughs that we are going to get in cars, the compression on the highways, braking systems that make those decisions for you, the ability to get in a car, program it to go somewhere, say from here to Baltimore, take your hands off the wheel, read the newspaper, the productivity gains in the economy are very exciting. There are some very exciting things there now. The key to that is a new energy system, too, one that hopefully will emit only water as you travel, say, from here to Baltimore. That is what the hydrogen economy could promise for us. That is why I am very excited about producing that hydrogen and figuring out how to store it and distribute it. Those are, of course, as I understand it, the three big challenges, producing it, storing it, and distributing it.

Producing it, as one of our colleagues just mentioned, could be in various ways.

□ 2130

Perhaps by concentrating enough energy from the sun, sunlight into a spot to reach temperatures to crack water. And I heard the gentleman from Michigan's (Mr. EHLERS) Special Order a week or so ago about nuclear, and we seem to be of the same opinion that nuclear seems to be one of the more promising ways at this point to crack water. A reactor built for that purpose cannot only generate electricity but can also generate the heat necessary to crack the water. And the beauty, of course, of that is, rather than cracking natural gas, which produces CO₂, cracking water would create no CO₂, and we would have this wonderful operation that creates electricity plus heat, cracks water, creates hydrogen, and we have got a stable source of fuel.

So production is crucial in envisioning this future that I am talking about here. Second is the ability to store it, to store this hydrogen. A lot of issues there about whether to try to store it in a gaseous state or whether to cool it and try to get it to a liquid state or whether to have some breakthroughs with metal hydrides and determine a way to store it in a solid state. Those are some areas that we need work on, and the gentleman from Michigan can add to that, I think.

And then the third area where we need breakthroughs is how to distribute it, how to set up either pipelines or some other system of distributing this fuel. If we can crack those things, get at producing, storing, and distributing hydrogen, I believe that we are going to be there, not forever away. One of our colleagues who is not so inclined to believe that this is all going to happen once told me, "Yes, that will work maybe for your grandchildren." Well, I think this is going to be here before my grandchildren, and it had better be because, as we have been hearing tonight, we are running out of this stuff called petroleum, and we have got a lot better things to do than

burn it. We can make pharmaceuticals. We can make plastics. We can do a lot better things.

Mr. Speaker, I thank the gentleman for giving me the opportunity to share these dreams of the future that may seem like some watching dreamers, but that is how we got to the moon. That is how we get breakthroughs. We have got to be about it and here in the Congress fund it, fund good research on these things, spend good money to create these breakthroughs.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. EHLERS. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. And I particularly would like to emphasize a couple of things. First of all, many people tend to assume hydrogen is a new source of energy. It is not a source of energy because free hydrogen does not occur in nature. We have to produce it. And highlighting the needs, we have to develop means of production and storage and distribution, which includes transportation to the gas stations. It is going to be a real revolution. I would expect, by 2020, we will see a substantial number of those vehicles on the road. It is going to take a lot of hard work, but it will be worth it because they will be essentially pollution free, and if we produce the hydrogen using nuclear energy or solar energy, something other than petroleum, we will also be contributing to a cleaner atmosphere and get rid of the greenhouse gasses.

So I thank the gentleman very much for his contribution, and I am delighted to have him on the Committee on Science with me.

Mr. Speaker, next I yield to the gentleman from Tennessee (Mr. WAMP) who has Oakridge National Laboratories within his district and is very interested in science and particularly in energy, which is natural because the Oakridge Laboratories is a Department of Energy facility. So I am very anxious to hear what he has to add to the discussion this evening.

Mr. WAMP. Mr. Speaker, I thank the gentleman from Michigan (Mr. EHLERS) for yielding to me.

Let me say how encouraged I am that five senior Republicans would come together tonight to share different perspectives on the need to secure our energy sources in this country and to help bring the American people along to some of the reforms that are necessary, I think, to secure our future in the world and to create more opportunity. I believe that we have done a lot of good things on this side of the aisle, but I think that we have a whole lot left to be done. And before this energy bill gets back from conference, I think we all need to advocate for quite a few changes.

Let me say that energy and economic development are hand in hand. The gentleman from South Carolina invoked the name of Bill Gates. I would submit that the reason that we bal-

anced the budget a few years ago for a few years in a row was not because we cut spending. We did hold the line on spending for like 3 consecutive years and kept the growth of spending below inflation. But it was because we actually led the world in a particular area of our export economy and information technology and we created such a robust U.S. economy that revenues surpassed expenses, and we balanced the budget. And I would challenge the country that the one great area that we can do that again, as we look over the next 10 to 15 years, is in what I call "entech," energy technologies. Because there are so many energy needs around the world as the population explodes, as third-world countries become industrialized, as people are more mobile, and this global economy that we all live and operate in is increasing the demand for energy, the whole world is looking to us for leadership. And it is an export potential in manufacturing that could lead to the most robust U.S. economy that could actually increase revenues so greatly, because we are so productive, and we are solving the world problems. We could balance the budget again. I do not believe, given today's needs, we can cut spending enough to balance the budget because of homeland security, because of entitlement spending. As a matter of fact, if we eliminate all of the nondefense discretionary funding, we still would have a deficit in this current fiscal year. So we have got to grow this economy, and energy technologies are the way to do it.

Energy, as we have heard already, is a source of many of our problems. But I have get got to tell my colleagues, energy is also the source of the solutions to a lot of our problems, and I am looking forward to the development of technologies. And when we look at this continuum, I love the combination of history and knowledge on energy, but think about the next 100 years and think back on the last 100 years. Man has only been flying a little more than 100 years. That ought to blow people's minds that, in less than 100 years, we can go from Kitty Hawk to people routinely being catapulted into space with a hydrogen system, catapult them into space. They stay out there for a period of time. They reenter the earth's atmosphere in a big ball of fire, and then they safely land and walk away. And except for two great tragedies with Challenger and Columbia, this became routine in less than 100 years. Where are we going to be with technology in the next 100 years? Children ought to look forward to their future. The Jetsons, which was a cartoon we watched, could very well be a reality within the next few decades.

Transportation, though, has to be at the forefront of the energy revolution in this country because two-thirds of the petroleum is used in the transportation sector, and as the gentleman

from South Carolina so well articulated, we have got to look for solutions. I am encouraged by the development of hybrid vehicles. It is the bridge to the hydrogen economy as it develops, and right now, there are more and more automotive systems, cars and light trucks, that are moving to hybrid technologies, both foreign and domestic. And next year, the American consumer will have a host of options.

One of the things that I regretted about the energy bill, and I think several of our colleagues here on our side did not vote for the House version, and I believe we will be able to vote for the conference report when it comes back soon, because the House version did not include the tax incentives to stimulate renewables, alternative fuels, did not extend the tax credit for these hybrid vehicles. And, frankly, we have got people waiting in line, and we need to incentivize more of that so that the manufacturers will be encouraged to make them and consumers will be encouraged to buy them, and we did not do enough in that bill. As a matter of fact, here is what folks need to know, because I have met with President Bush recently and listened to him on this issue: When he sent his proposal over here, 72 percent of the tax incentives in his energy plan were for renewables and energy alternatives, and he really wanted to ratchet this up. But, by the time the House got through with it, they had lowered that 72 percent to 6 percent and replaced a lot of the renewables and alternative energy sources with oil and gas. And when they asked the President what he thought about that he said, You do not need to incentivize oil and gas; \$2.35 a gallon will incentivize oil and gas. They have got incentives. It is called the marketplace. We need to incentivize the alternatives to oil and gas.

And that is really what we are excited about here, and I believe, when the Senate finishes its work, brings this back, the Republicans in Congress and quite a few good Democrats will come together and pass an energy bill that really moves us towards these alternatives.

Let me tell my colleagues that I look to the private sector to see what they are doing because there is some division at DOE as to whether or not hydrogen is safe and if hydrogen is the solution, and there are still some question marks behind it. But GM and Shell, they do not just throw their money away. They are interested in the bottom line. And they now have 40 hydrogen fuel cell vehicles on the road, a permanent hydrogen station in New York City, a permanent hydrogen station here in Washington, D.C., to demonstrate what can be done.

The challenge, we have heard some of the challenges; another challenge is cost. These units cost \$400,000 each. We have got to find ways to bring that cost down to a \$40,000 or \$50,000 each so that it is cost-effective for the American consumers to jump across this bridge to the hydrogen economy.

I have said that I believe our tax code is the best way to encourage and incentivize manufacturers and consumers to move towards these new sources of energy. Our energy independence, though, is a homeland security issue. I co-chair the Renewable Energy Caucus here in the House, and in the last Congress, we got over half the Members. It is very bipartisan; about 60 percent Democrats, 40 percent Republicans. Many of my colleagues here, I think all of them are members of it. It is so important that we do these things, but I also serve on the Homeland Security Subcommittee of the Committee on Appropriations. Our energy security is a top homeland security issue. As a matter of fact, former national security advisers all came together last month and signed a letter to the President of the United States saying that energy security is a crisis and that it is a national security issue and that we need to address it with the highest level of priority. And there are several crises floating around. We are spending a lot of time talking about them. In my view, this energy issue is right at the end of our nose in terms of a crisis. We have got to mobilize quickly so that we can secure our independence. I do not want to be reliant on the Middle East for petroleum for two-thirds of our transportation needs. And the sooner we act, the sooner we are going to be stable and secure. It is a very important national security and homeland security issue.

We talk about natural gas. The prices have spiked so quickly that now we look at photovoltaics. We look at solar panels for home construction, and because of the rise in natural gas prices, they become cost-effective to put them on their house early. They make solar energy panels in Memphis, Tennessee. Sharp Solar does. And in a lot of places that are cold in the winter, now where natural gas has gone to \$7, I think, we can actually put in our building materials these energy-efficient technologies. Go to the National Renewable Energy Lab in Colorado and see the breakthroughs. One will be stunned as to how quickly, as the gentleman from Michigan (Mr. EHLERS) has said, these things are advancing. A host of things. Wind power, we are building more and more windmills in the Tennessee Valley. TVA has the green power switch option. More and more consumers are signing up for that. Pay a little more but know that they have got totally renewable energy coming into their home. It is a popular thing. And, frankly, Republicans leading with a national energy policy for the first time since the late 1970s are doing the right thing for the environment.

But that brings me to a problem we have, and that is in the electricity sector, the cleanest, most efficient electricity in this country is nuclear. In France, these people are very environmentally sensitive. They actually get it, and over 70 percent of the electricity in France is provided by nu-

clear, but they do prototype their design. They eliminate the margin of error, and they do the same thing over and over again. We need to do that here, and we need to go back into the nuclear business. We have the waste stream problems worked out with Yucca Mountain. We need to be bold enough to say, if we are going to secure our energy sources, and the main thing is there is absolutely no emissions with nuclear. We have clean air. We could actually participate in Kyoto if we would replace fossil with nuclear, and we are smart enough to do it. Dadgum, if the French are smart enough to do it, then we are smart enough to do it.

The House Republicans have a strong energy plan. By the time we finish, we are going to do extremely well. We have got several deliverables from renewable energy and energy efficiency, moving to the hydrogen economy, making sure that our electricity grid is reliable, expanding nuclear power and cleaning up the coal technologies in this country. I am proud to serve with these men and advocate for energy security. I believe we are going to actually send that bill to the President and do the right thing, grow the economy and hopefully ultimately have revenues pass expenses again.

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Mr. EHLERS. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments, and I appreciate his words about the Jetsons. Both previous speakers mentioned we have to be smart with the smart cars of the future. I would say if we are not smart, we may end up like the Flintstones, instead of the Jetsons. So it is very important for us to do the long-term planning we need to in this body.

Also the gentleman mentioned the document from the Energy Future Coalition, which I also have. National security is a very, very important part of this discussion, and it really irritates me that we are financing our foes in the Middle East by sending all this money over there which they are diverting into instruments of war against us.

With that, I am pleased to recognize our final speaker of the day, another scientist, the gentleman from Maryland (Mr. BARTLETT), who is an expert on what is called "peak oil." In other words, we talked about the finiteness of the oil and natural gas supplies. The gentleman from Maryland (Mr. BARTLETT) is the expert, and he will explain that to us.

Mr. BARTLETT. Mr. Speaker, I really want to thank the gentleman for organizing this hour this evening.

The gentleman from Michigan (Mr. EHLERS) mentioned the energy future, and I have a chart here which looks at the past. If you understand how we have gotten here, why, you may be able to see the future a little better.

The gentleman mentioned the wood, and that is the brown line way down here. Then the gentleman mentioned

coal. We transitioned, and the gentleman from Maryland (Mr. GILCREST) mentioned that also. We transitioned to coal. You see that we got lots more energy out of coal than we got out of wood.

Then look at the energy that we get out of oil. Of course, as we look to the future, we need to find something that will at least come close to producing the kind of energy that we get from oil.

Our next slide relates to something the gentleman said about energy represents the ability to do work. Here we have a chart which lists the energy density in a variety of things that we get energy from.

To kind of put this in perspective, I would like to note that if we come down here to crude oil, I will give you some idea of the energy density of crude oil, one barrel of crude oil, 42 gallons, represents the energy from 25,000 man-hours of labor. That is about 12 man years of labor. That is the equivalent of having 12 people that work all year for you. And what will it cost you for that? \$100 today, about \$50 for the barrel of oil and maybe \$50 to refine it and distribute it. So that is the kind of energy density that we get from fossil fuel.

Now, we are going to have to find something that comes close that that in the quantities we are using fossil fuels. We are talking about oil and gas. We use in our country 21 million barrels of oil a day. The rest of the world uses 63 million barrels of oil a day. That is 84 million barrels of oil a day total.

If you look here, you will see we did go to higher and higher energy density fuels. As we moved along, you can burn domestic refuse, and we ought to be doing that, by the way, instead of putting it in landfills. We ought to be burning that. Some are doing that. You get heat for the surrounding houses, you get electricity from it.

Brown coal, that is not very good coal. Straw, you can burn baled straw, that is called biomass. There are lots of things you can do with biomass. In some parts of the world they burn dried dung. That also has lots of energy in it, about the same as wood.

Then we move to black coal, that is what we really mean by coal. You see coal has a higher energy density than wood. And here is coke and ethanol. Notice that ethanol has a lesser energy density than crude oil and diesel and petrol, that is what you put in your car. Naptha has a higher energy density, aviation fuel a still higher energy density, and natural gas, it was mentioned, the hydrogen content goes higher and higher in these so you get more energy out of it.

The gentleman from Michigan (Mr. EHLERS) mentioned the agricultural revolution. We have a chart here that looks at the agricultural revolution. This is a very interesting chart.

The top part of the chart shows how we get energy from petroleum, and it goes from petroleum clear down to gas-

oline and all of the energy inputs in the stages that are involved in doing that. You have to recover it. Here is the energy input that you need to recover it. You have to transport it. You have got to refine it. You have got to transport it again. And this is what you get from it, 1 million Btus of gasoline at the refueling station. And what did that cost you? It cost 1.23 million Btus. So about a fifth of all the energy you started with in petroleum now is gone in getting this gallon of gasoline.

Well, on the other side here we have now energy from ethanol, from corn. If you go down, we have to farm the corn, we have to produce it, we have to transport it, we have to produce it, we have to transport it again to where you are going to use it, and we still have the 1 million Btus, a little more than a gallon here, by the way, because it does not have the energy density of gasoline. But still we are making the equivalent 1 million Btus. Notice that that took 0.74 million Btus of fossil energy. The difference, of course, was the energy we got from the sun. So here we are capturing energy from the sun to make ethanol.

The bottom of this chart is really very interesting, because this points to a big problem that we face in this country particularly, and in the world in general, as the availability of fossil fuels winds down, because this is the total energy requirement that goes into a bushel of corn.

Notice the kind of energy that goes into that bushel of corn. Nearly half of it is nitrogen. That comes from natural gas. Before we learned how to get it from natural gas, the only place we got it from was barn yard manures or plants that put it in the soil in rotation farming or guano that we mine from bath caves and tropical islands.

Notice as we go around this pie, the input of oil. Here we have input hauling, that is oil. Water, that was moved probably with energy from fossil fuels. Chemicals, a lot of host chemicals are made from fossil fuels, an enormous petrochemical industry. Custom work. The fellow came in to do custom work, he used some oil. His tractor was made with oil. Natural gas. Electricity. Natural gas goes along with oil. Electricity could have been produced with natural gas or oil. Propane, again, a product of fossil fuels. Gasoline, diesel.

So far, almost everything here is the product of oil or oil itself, is it not? And then we get to some things we mine. We can mine phosphate, lime and potash, but it takes energy to mine those and that energy probably came from oil. So the food you eat in a very real sense is oil, is it not, because that is where the energy came from to produce that food.

Then you have the very interesting chart of income savings and inheritance, and I have a chart here that looks at some of the alternatives. These have been mentioned. We will just spent a couple of moments looking at these alternatives, because we have been talking about it this evening.

We have some finite resources and we need to husband those carefully. We need to use them only as we have to. Some of them will not be very valuable. Tar sands and oil shale may cost you almost as much to get the energy as you get out of the energy after you have gotten it. Coal, and I want to put a coal chart up here in just a moment, because that is a very interesting one. And then nuclear. Several of the speakers have mentioned nuclear this evening.

There are three kinds of ways you can get power from nuclear. Fusion, I hope we get there. If we get there we are home free, are we not? I think the odds of getting there are not all that good, so you better not bank on it, the same way you better not bank on solving your personal economic problems by winning the lottery. That would be nice too, but the odds are not real high that you are going to do it. Then there is the light water reactor, which we have, and then there is the breeder reactor, which we do not have, which we are certainly going to have to look at if we are going to be serious of getting nuclear energy.

Then there is a whole list of renewables here. These are the ones we really need to be focusing on. But the big challenge here is, and I want to put the last chart up, is to move so we can make do with the energy from these alternatives, because it is not going to be as available in as large a quantity or with the energy density of the fossil fuels. So I want to put up the last chart, and that is the chart that shows the things we need to be doing.

These are the kind of things we need to be doing. The first thing we need to be doing is voluntary conservation. Let me put up very quickly the chart that shows California. This is a really interesting one.

It shows that you do not have to depreciate the quality of life to useless energy. Californians use about 60 percent as much energy per person as in the rest of the country. It would be hard to argue they do not have a good lifestyle.

Let me put this down and look at the next one. The next thing we need to do, we need to organize voluntary conservation. If we can organize, we can do a little better job. Then this is with the government cuts in now. We need to have monetary incentives, some policies for volunteer conservation. We have to conserve to buy time so we can use the fossil fuels remaining, not only total fuel our present economy, to make the investment we need to make in these renewables so we will be able to sustain ourselves for the duration.

Then we need to go to efficiency. We have done a lot with efficiency. Your present refrigerator is at least twice as good as the one 20 years ago in terms of efficiency. Then again the government is involved, we need to have monetary incentives and policies for efficient technologies.

I would say to the gentleman from Michigan (Mr. EHLERS), we should have

been moving down this path for the last 25 years, because in 1980 we knew absolutely moving down Hubbard's Peak. Tomorrow I think we have another opportunity in one of these special order hours to talk about this. We will be able to do this in more detail. I thank the gentleman for yielding to me and for organizing this hour this evening.

Mr. EHLERS. Mr. Speaker, reclaiming my time, I thank the gentleman from Maryland. The gentleman has given an excellent presentation. Unfortunately, we do not have time to go into details, but as the gentleman mentioned, I believe we have other time next week when we can do that. I look forward to hearing more from the gentleman about his field of expertise.

Mr. Speaker, I would also enter into the record a letter from the Energy Future Coalition which was sent to President George W. Bush along with some attached material which I think is very important for our colleagues to peruse and it will certainly be of interest to other people in this Nation.

I want to thank the four gentlemen who joined me here this evening, all of them are experts in different areas relating to energy. They have done an excellent job of presenting things, and I hope this clarifies the energy situation and sheds some light on our efforts to ensure that we advance energy efficiency, advance energy conservation, advance development of new sources of energy, and, in particular, in terms of the chart I used, let us get away from using our savings; let us get on to using our income and some of our inheritance so that we have a balanced economy in the future and a safer Nation.

‘SET AMERICA FREE’ A BLUEPRINT FOR U.S.
ENERGY SECURITY
INTRODUCTION

Historically, the United States has pursued a three-pronged strategy for minimizing the vulnerabilities associated with its dependency on oil from unstable and/or hostile nations: diversifying sources of oil, managing inventory in a strategic petroleum reserve and increasing the efficiency of the transportation sector's energy consumption. In recent years, the focus has been principally on finding new and larger sources of petroleum globally.

Rapidly growing worldwide demand for oil, however, has had the effect of largely neutralizing this initiative, depleting existing reserves faster than new, economically exploitable deposits are being brought on line. Under these circumstances, diversification among such sources is but a stop-gap solution that can, at best, have temporary effect on oil supply and, hence, on national security. Conservation can help, but with oil consumption expected to grow by 60 percent over the next 25 years, conservation alone will not be a sufficient solution.

THE ‘SET AMERICA FREE’ PROJECT

Long-term security and economic prosperity requires the creation of a fourth pillar—technological transportation of the transportation sector through what might be called “fuel choice.” By leading a multinational effort rooted in the following principles, the United States can immediately begin to introduce a global economy based

on next-generation fuels and vehicles that can utilize them:

Fuel diversification: Today, consumers can choose among various octanes of gasoline, which accounts for 45 percent of U.S. oil consumption, or diesel, which accounts for almost another fifth. To these choices can and should promptly be added other fuels that are domestically produced, where possible from waste products, and that are clean and affordable.

Real world solutions: We have no time to wait for commercialization of immature technologies. The United States should implement technologies that exist today and are ready for widespread use.

Using existing infrastructure: The focus should be on utilizing competitive technologies that do not require prohibitive or, if possible, even significant investment in changing our transportation sector's infrastructure. Instead, “fuel choice” should permit the maximum possible use of the existing refueling and automotive infrastructure.

Domestic resource utilization: The United States is no longer rich in oil or natural gas. It has, however, a wealth of other energy sources from which transportation fuel can be safely, affordably and cleanly generated. Among them: hundreds of years worth of coal reserves, 25 percent of the world's total (especially promising with Integrated Gasification and Combined Cycle technologies); billions of tons a year of biomass, and further billions of tons of agricultural and municipal waste. Vehicles that meet consumer needs (e.g., “plug-in” hybrids), can also tap America's electrical grid to supply energy for transportation, making more efficient use of such clean sources of electricity as solar, wind, geothermal, hydroelectric and nuclear power.

Environmentally sensible choices: The technologies adopted should improve public safety and respond to the public's environmental land health concerns.

KEY ELEMENTS OF THE ‘SET AMERICA FREE’
PROJECT

Vehicles

Hybrid electric vehicles: There are already thousands of vehicles on America's roads that combine hybrid engines powered in an integrated fashion by liquid fuel-powered motors and battery-powered ones. Such vehicles increase gas-consumption efficiency by 30-40 percent.

Ultralight materials: At least two-thirds of fuel use by a typical consumer vehicle is caused by its weight. Thanks to advances in both metals and plastics, ultralight vehicles can be affordably manufactured with today's technologies and can roughly halve fuel consumption without compromising safety, performance or cost effectiveness.

“Plug-in” hybrid electric vehicles: Plug-in hybrid electric vehicles are also powered by a combination of electricity and liquid fuel. Unlike standard hybrids, however, plug-ins draw charge not only from the engine and captured braking energy, but also directly from the electrical grid by being plugged into standard electric outlets when not in use. Plug-in hybrids have liquid fuel tanks and internal combustion engines, so they do not face the range limitation posed by electric-only cars. Since fifty-percent of cars on the road in the United States are driven 20 miles a day or less, a plug-in with a 20-mile range battery would reduce fuel consumption by, on average, 85 percent. Plug-in hybrid electric vehicles can reach fuel economy levels of 100 miles per gallon of gasoline consumed.

Flexible fuel vehicles (FFVs): FFVs are designed to burn on alcohol, gasoline, or any mixture of the two. About four million FFV's have been manufactured since 1996.

The only difference between a conventional car and a flexible fuel vehicle is that the latter is equipped with a different control chip and some different fittings in the fuel line to accommodate the characteristics of alcohol. The marginal additional cost associated with such FFV-associated changes is currently under \$100 per vehicle. That cost would be reduced further as volume of FFVs increases, particularly if flexible fuel designs were to become the industry standard.

Flexible fuel/plug-in hybrid electric vehicles: If the two technologies are combined, such vehicles can be powered by blends of alcohol fuels, gasoline, and electricity. If a plug-in vehicle is also a FFV fueled with 80 percent alcohol and 20 percent gasoline, fuel economy could reach 500 miles per gallon of gasoline.

If by 2025, all cars on the road are hybrids and half are plug-in hybrid vehicles, U.S. oil imports would drop by 8 million barrels per day (mbd). Today, the United States imports 10 mbd and it is projected to import almost 20 mbd by 2025. If all of these cars were also flexible fuel vehicles, U.S. oil imports would drop by as much as 12 mbd.

Fuels

Fuel additives: Fuel additives can enhance combustion efficiency by up to 25 percent. They can be blended into gasoline, diesel and bunker fuel.

Electricity as a fuel: Less than 2 percent of U.S. electricity is generated from oil, so using electricity as a transportation fuel would greatly reduce dependence on imported petroleum. Plug-in hybrid vehicles would be charged at night in home garages—a time-interval during which electric utilities have significant excess capacity. The Electric Power Research Institute estimates that up to 30 percent of market penetration for plug-in hybrid electric vehicles with 20-mile electric range can be achieved without a need to install additional electricity-generating capacity.

Alcohol fuels: ethanol, methanol and other blends:

Ethanol (also known as grain alcohol) is currently produced in the U.S. from corn. The industry currently has a capacity of 3.3 billion gallons a year and has increased on the average of 25 percent per year over the past three years. Upping production would be achieved by continuing to advance the corn-based ethanol industry and by commercializing the production of ethanol from biomass waste and dedicated energy crops. P-Series fuel (approved by the Department of Energy in 1999) is a more energy-efficient blend of ethanol, natural gas liquids and ether made from biomass waste.

Methanol (also known as wood alcohol) is today for the most part produced from natural gas. Expanding domestic production can be achieved by producing methanol from coal, a resource with which the U.S. is abundantly endowed. The commercial feasibility of coal-to-methanol technology was demonstrated as part of the DOE's “clean coal” technology effort. Currently, methanol is being cleanly produced from coal for under 50 cents a gallon.

It only costs about \$60,000 to add a fuel pump that serves one of the above fuels to an existing refueling station.

Non-oil based diesel: Biodiesel is commercially produced from soybean and other vegetable oils. Diesel can also be made from waste products such as tires and animal by-products, and is currently commercially produced from turkey offal. Diesel is also commercially produced from coal.

Policy Recommendations

Provide incentives to auto manufacturers to produce and consumers to purchase, hybrid vehicles, plug-in hybrid electric vehicles and FFVs across all vehicle models.

Provide incentives for auto manufacturers to increase fuel efficiency of existing, non-FFV auto models.

Conduct extensive testing of next-generation fuels across the vehicle spectrum to meet auto warranty and EPA emission standards.

Mandate substantial incorporation of plug-ins and FFVs into federal, state, municipal and covered fleets.

Provide investment tax incentives for corporate fleets and taxi fleets to switch to plug-ins, hybrids and FFVs.

Encourage gasoline distributors to blend combustion enhancers into the fuel.

Provide incentives for existing fueling stations to install pumps that serve all liquid fuels that can be used in the existing transportation infrastructure, and mandate that all new gas stations be so equipped.

Provide incentives to enable new players, such as utilities, to enter the transportation fuel market, and for the development of environmentally sound exploitation of non-traditional petroleum deposits from stable areas (such as Canadian tar sands).

Provide incentives for the construction of plants that generate liquid transportation fuels from domestic energy resources, particularly from waste, that can be used in the existing infrastructure.

Allocate funds for commercial scale demonstration plants that produce next-generation transportation fuels, particularly from waste products.

Implement federal, state, and local policies to encourage mass transit and reduce vehicle-miles traveled.

Work with other oil-consuming countries towards distribution of the above-mentioned technologies and overall reduction of reliance on petroleum, particularly from hostile and potentially unstable regions of the world.

A NEW NATIONAL PROJECT

In 1942, President Roosevelt launched the Manhattan Project to build an atomic weapon to be ready by 1945 because of threats to America and to explore the future of nuclear fission. The cost in today's prices was \$20 billion. The outcome was an end to the war with Japan, and the beginning of a wide new array of nuclear-based technologies in energy, medical treatment, and other fields.

In 1962, President Kennedy launched the Man to the Moon Project to be achieved by 1969 because of mounting threats to U.S. and international security posed by Soviet space-dominance and to explore outer space. The cost of the Apollo program in today's prices would be well over \$100 billion. The outcome was an extraordinary strategic and technological success for the United States. It engendered a wide array of spin-offs that improved virtually every aspect of modern life, including but not limited to transportation, communications, health care, medical treatment, food production and other fields.

The security of the United States, and the world, is no less threatened by oil supply disruptions, price instabilities and shortages. It is imperative that America provide needed leadership by immediately beginning to dramatically reduce its dependence on imported oil. This can be done by embracing the concepts outlined above with a focus on fuel choice, combined with concerted efforts at improving energy efficiency and the increased availability of energy from renewable sources.

The estimated cost of the "Set America Free" plan over the next 4 years is \$12 billion. This would be applied in the following way: \$2 billion for automotive manufacturers to cover one-half the costs of building FFV-capability into their new production cars (i.e., roughly 40 million cars at \$50 per unit);

\$1 billion to pay for at least one of every four existing gas stations to add at least one pump to supply alcohol fuels (an estimated incentive of \$20,000 per pump, new pumps costing approximately \$60,000 per unit); \$2 billion in consumer tax incentives to procure hybrid cars; \$2 billion for automotive manufacturers to commercialize plug-in hybrid electric vehicles; \$3 billion to construct commercial-scale demonstration plants to produce non-petroleum based liquid fuels (utilizing public-private cost-sharing partnerships to build roughly 25 plants in order to demonstrate the feasibility of various approaches to perform efficiently at full-scale production); and \$2 billion to continue work on commercializing fuel cell technology.

Since no major, new scientific advances are necessary to launch this program, such funds can be applied towards increasing the efficiencies of the involved processes. The resulting return-on-investment—in terms of enhanced energy and national security, economic growth, quality of life and environmental protection—should more than pay for the seed money required.

Gary L. Bauer, President, American Values.

Milton Copulos, National Defense Council Foundation.

Congressman Eliot Engel.
Frank Gaffney, Center for Security Policy.
Bracken Hendricks, Apollo Alliance.

Col. (ret.) Bill Holmberg, American Council on Renewable Energy.

Anne Korin, Institute for the Analysis of Global Security.

Deron Lovaas, Natural Resources Defense Council.

Gal Luft, Institute for the Analysis of Global Security.

Cliff May, Foundation for the Defense of Democracies.

Hon. Robert C. McFarlane, Former National Security Advisor.

Daniel Pipes, Middle East Forum.

Professor Richard E. Smalley, 1996 Nobel Laureate in Chemistry.

Admiral James D. Watkins, Former U.S. Secretary of Energy.

Hon. R. James Woolsey, Former director of the CIA, Co-Chairman, Committee on the Present Danger.

Meyrav Wurmser, Hudson Institute.

ENERGY FUTURE COALITION

Washington, DC, March 24, 2005.

Hon. GEORGE W. BUSH, President of the United States,

The White House,
Washington, DC.

DEAR MR. PRESIDENT: As individuals with a deep commitment to our nation's security and well-being, we share our overriding concern for the protection of the United States. That is why we have come together to urge you and your Administration to focus anew on a matter that directly affects our national security: America's growing dependence on foreign oil.

We believe that: The United States' dependence on imported petroleum poses a risk to our homeland security and economic well-being. Increasing petroleum consumption by developing economies like China and India will exacerbate this risk. Some foreign interests have used oil revenues in ways that harm our national security. With only two percent of the world's oil reserves but 25 percent of current world consumption, the United States cannot eliminate its need for imports through increased domestic production alone. An equivalent emphasis on demand-side measures—development and deployment of clean, domestic petroleum substitutes and increased efficiency in our transport system—is essential.

You have recognized the threat. As you said on the South Lawn on February 25, 2002,

dependence on foreign oil "is a challenge to our economic security, because dependence can lead to price shocks and fuel shortages. And this dependence on foreign oil is a matter of national security. To put it bluntly, sometimes we rely upon energy sources from countries that don't particularly like us."

Mr. President, we agree. We are writing today to urge that the United States respond—as it has so ably to other national security challenges—with a focused, determined effort that accepts nothing less than success. To reduce the risk of an oil shock in a global market, we must reduce our use of foreign oil. We ask that you launch a major new initiative to curtail U.S. consumption through improved efficiency and the rapid development and deployment of advanced biomass, alcohol and other available petroleum fuel alternatives.

Most importantly, we believe that, to demonstrate our seriousness and resolve, this effort must be funded at a level proportionate with other priorities for our nation's defense. An investment of no more than \$1 billion over the next five years, for example, would establish a domestic alternative fuels industry that could significantly reduce our consumption of foreign oil.

We do not know today what form a crisis over oil will take, but we know that a crisis is coming—one that could harm the United States. Action to prepare for that day will pay dividends for our national security, out international competitiveness, and our future prosperity. We respectfully urge that you call on the Congress to join you in supporting the funding and other strong measures needed to reduce our dependence on foreign oil, such as those set out in our enclosed Findings and Recommendations. As Sun Tzu wrote, "The art of war teaches us to rely not on the likelihood of the enemy's not coming, but on our own readiness to receive him."

Sincerely,

ROBERT C. MCFARLENE,
R. JAMES WOOLSEY,
FRANK J. GAFFNEY, Jr.,
C. BOYDEN GRAY,
TIMOTHY E. WIRTH.

Additional Signatories

Lt. Gen. John S. Caldwell, Jr., USA (Ret.).
Milton R. Copulos, National Defense Council Foundation.

Adm. William T. Crowe, Jr., USN (Ret.); former Chairman of the Joint Chiefs of Staff.
Hon. John H. Dalton, Former Secretary of the Navy.

Vice Adm. Robert F. Dunn, USN (Ret.).
Brig. Gen. Gordon Gayle, USMC (Ret.).
Hon. Sherri W. Goodman, Former Deputy Under Secretary of Defense.

Vice Adm. Lee Gunn, USN (Ret.); Institute for Public Research, Center for Naval Analysis.

David A. Harris, American Jewish Committee.

Hon. Gary Hart, Former U.S. Senator; Co-Chair, U.S. Commission on National Security for the 21st Century.

Rear Adm. Leland S. Kollmorgen, USN (Ret.).

Gen. Richard L. Lawson, USAF (Ret.); former President, National Mining Association.

Gal Luft, Institute for the Analysis of Global Security.

Lt. Gen. William R. Maloney, USMC (Ret.).

Clifford D. May, Foundation for the Defense of Democracies.

Vice Adm. Dennis V. McGinn, USN (Ret.).

Hon. William A. Nitze, The Gemstar Group.

John L. Peterson, The Arlington Institute.

Hon. Robert B. Pirie, Jr., Former Secretary of the Navy (acting).

Hon. John D. Podesta, Center for American Progress; former White House Chief of Staff.

The Hon. David Oliver, Jr., Former Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics.

Hon. Joe R. Reeder, Former Under Secretary of the Army.

Maj. Gen. J. Milnor Roberts, USAR (Ret.).
Vice Adm. Richard H. Truly, USN (Ret.);
former Director of the National Renewable Energy Laboratory.

Adm. James D. Watkins, USN (Ret.);
former Secretary of Energy.

ENERGY FUTURE COALITION

THE NATIONAL SECURITY AND PETROLEUM
DEPENDENCE PROJECT

Findings and Recommendations

Findings: U.S. dependence on foreign petroleum poses a serious risk to our national and homeland security as well as our economic well-being; Increasing petroleum consumption by developing economies like China and India will exacerbate this risk; Some foreign interests have used oil revenues to purchase destabilizing weapons or to support terrorism; With just 2 percent of the world's oil reserves and 25 percent of current world consumption, the U.S. cannot eliminate its need for imports through increased domestic production alone; equivalent demand-side measures are essential; Technologies exist today that can improve efficiency and produce clean, domestic petroleum substitutes; The cost of action is far smaller than the risk of inaction, and there is no excuse for further delay.

Recommendation:

1. It should be a top national security priority of the United States to significantly reduce its consumption of foreign oil through improved efficiency and the rapid substitution of advanced biomass, alcohol and other available alternative fuels, and this effort should be funded at a level proportionate with other priorities for the defense of the nation.

2. In addition to research and development, such investments should include tax credits and other incentives to encourage: (a.) Rapid production and consumer purchase of advanced vehicles like hybrids, plug-in hybrids and flexible fuel vehicles; (b.) Production of more efficient vehicles across all models; (c.) Construction of domestic facilities to produce alternative fuels from domestic resources; and (d.) Wide deployment of alternative liquid fuel options at existing fueling stations.

3. The Federal Government should consider mandating substantial incorporation of hybrids, plug-in hybrids and flexible fuel vehicles into federal, state, municipal and other government fleets.

PAYING TRIBUTE TO NATIONAL
LAW ENFORCEMENT OFFICERS
AND FIRST RESPONDERS

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes.

Mr. STUPAK. Mr. Speaker, I thank you for the opportunity to say a few words tonight. I would like to change the subject from energy to the energy we see day in and day out on our Nation's streets, towns and communities and homes, and that is that this week is National Law Enforcement Week. I rise to pay tribute to our law enforcement officers and first responders who have so bravely protected and served our Nation, often putting their own lives at risk.

Since September 11, 2001, many in this Nation and this Congress have come to recognize the importance of the sacrifices made by men and women in law enforcement. As a former police officer with the Michigan State Police and the Escanaba City Police Department, as well as the founder and co-chair of the Law Enforcement Caucus, this week has special meaning to me.

The focus of this week will take place Friday evening, when 153 law enforcement officers killed in the line of duty in 2004 as well as 262 other officers killed in prior years will be formally added to the Peace Officers Memorial at the 2005 National Candlelight Vigil at the National Law Enforcement Memorial here in Washington, D.C.

The addition of these officers' names to the memorial is one way in which our Nation can commemorate its fallen heroes who have died in the line of duty. This week allows law enforcement officers and their families to gather together in one place and honor those who have lost their lives.

According to the National Law Enforcement Officers Memorial Fund, more than 16,656 Federal, State and local law enforcement men and women in the United States have been killed in the line of duty through 2004. In 2004, of the 153 fallen officers, sadly seven of these officers are from my home State of Michigan.

That is why it is especially important during this special week that we not only recognize the dedication of these officers, but also commit to providing our law enforcement officers with the resources they need to meet the daily challenges of their jobs, particularly at a time when we place greater demands on them to fight and prevent terrorism here all across America.

We can provide these resources only by fully funding important law enforcement grant programs that allow our local agencies to buy essential protective gear, hire the officers they need and obtain all the resources they need to make themselves and our communities safe.

Congress can provide these resources through grants, especially through the Community Oriented Police Services, or COPS Program, as we know it. This COPS Program was so successful that it helped to put 100,000 police officers on the street under President Clinton. It is critical that Congress continue to fully fund this program.

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Unfortunately, the President's budget, which we really just recently passed, devastates the COPS program, requesting only \$117.8 million for this important program. That is \$381.2 million below last year's level. That is more than almost a 200, 300 percent cut in this program. The President's budget also zeroes out the Edward Byrne Memorial Justice Assistance grant program that provides funding for 19 different programs for counterdrug initia-

tives in rural communities for funding our jails, and 19 different programs to allow local law enforcement to do what is necessary in their communities to best serve and protect their people. These grants are used to administer, as I said, vital programs such as multi-jurisdictional drug enforcement teams, anti-drug education programs, treatment programs, staffing our jails, running investigative bureaus, and also all the way to alternative sentencing initiatives.

If enacted, the President's budget cuts will have far-reaching effects on our local law enforcement communities. Local drug enforcement teams are crucial to keeping our communities drug-free. If the Byrne grant programs are zeroed out, as they are required to be underneath our budget, they will be unable to hire officers needed to sustain their drug enforcement teams.

Let me tell my colleagues, when it comes to drug abuse, no community, urban or rural, is immune from this problem. To highlight how important these local teams are to our rural districts, there is a recent article in our local newspapers in my first congressional district of Michigan. On April 13, HUNT, or also known as the Huron Undercover Narcotics Teams seized 3,000 Oxycontin tablets from a home in the rural part of Presque Isle. This is just one example of the critical work these narcotic teams do day in and day out to keep drugs out of our communities and our schools.

This country's drug problems are not going to go away with this one bust. In fact, with the emergence of prescription drugs used and dealt illegally like Oxycontin, some would argue the problem is only getting worse. My question is, why are we zeroing out the funding that enables programs like HUNT, the Huron Undercover Narcotics Team, to exist and combat this problem that is only growing more severe.

Congress also needs to provide assistance to help regional law enforcement officers and first responders talk to each other in a time of emergency. It is called interoperability. My bill, H.R. 3370, the Public Safety Interoperability Act, would provide grants to local law enforcement agencies to modernize their communications systems and become interoperable. Interoperability of an officer's communications system would allow different police agencies in different jurisdictions to communicate with each other in time of crisis.

Currently, firefighters and law enforcement officials may not be able to talk to each other, even if they work in the same jurisdiction. The tragic events of September 11 only illustrates and highlights why it is so important that our law enforcement officials are fully able to talk to each other via interoperability. Mr. Speaker, 343 firefighters and 72 law enforcement officers lost their lives in the World Trade Center on September 11, and 121 of the brave firefighters lost their lives due to the fact that they were unable to talk

to each other. No one could tell them to get out of the building.

When our first responders are confronted with an emergency situation, it is absolutely necessary that they are able to communicate with each other so they can fully assess the situation and how best to handle it. These are the kinds of resources and tools our first responders need. We need to do everything possible to ensure that our law enforcement officers that play an integral role in our Nation's antiterrorism efforts are fully interoperable and able to talk to each other, whether it is State, Federal, or local law enforcement, or first responders. Without interoperability, our public safety agencies face the challenge of being able to talk to each other when the emergency crisis strikes.

My State of Michigan is one of the leaders in its mission to build a communications network that allows its entire local and State public safety agencies the ability to talk with one another by radio, regardless of agency or jurisdiction. The network has right now 400 local and State agencies on it, but there are another 1,300 agencies that need to get on the network, and the main obstacle in reaching this goal is being able to get on the same network and talk to each other via the spectrum they need and the funding they need, which is why we have heard from national police and public safety organizations about the funding levels. If we tried to fund the whole Nation, it would cost about \$10 billion, and that is what is needed to make this Nation's first responders interoperable or being able to talk to each other, regardless of the jurisdiction or agency they work for. But so far, it appears that only about \$800 million in Federal grants have been provided for interoperability. Of this \$800 million, we are not sure where the money all went to. In fact, how was it used? Was it used to buy radios? Were those radios able to talk to each other? Was it to upgrade systems, or was it just to study the problem? These are the questions we have asked on this floor of this House, because there is nothing more important to anyone in law enforcement than to be able to talk to each other to tell the situation they are in and ask for assistance if they so need it.

In fact, the independent 9/11 Commission actually held hearings in part to examine the communication gaps that actually occurred between law enforcement officers and public safety agencies and first responders during their response to the attack on the World Trade Center. What the Commission learned firsthand was that fire chiefs in the building lobbies, in the lobbies of the World Trade Center, knew little of the conditions upstairs, did not hear anything about what police officers and helicopters were seeing as they circled the World Trade Center. Earlier, Federal reports on the 9/11 emergency response concluded that the inability of these first responders to talk to each

other, these first responders from different agencies to talk to one another was a key factor in the death, as I said earlier, of at least 121 firefighters. No one could tell them it was time to get out of the buildings, as it may fall upon them.

Since then, the Federal Government has called upon our States and local law enforcement officers and first responders to be even more vigilant and be prepared for possible attacks on terrorism, yet our public safety agencies continue to lack the ability to communicate with each other, between agencies and between jurisdictions. Firefighters cannot talk to police, local police cannot talk to State police, and so on and so on.

Despite the creation of the Department of Homeland Security and grant programs for first responders, program funding for modernizing their communications systems has fallen far short of the billions of dollars we need to make our Nation's public safety agencies interoperable. As I said earlier, approximately \$800 million has been devoted to local public safety communications systems but, then, in 2004, no funding was provided at all. Again, even in the 2005 appropriations bill, not one dime went specifically to grants of interoperability. Why is it that we are always talking about the priority to make our communications system interoperable so we can talk to each other, but we are not providing the resources to get the job done?

Another question: Congress has provided more than \$4.4 billion in first responder grants and to the States, but it appears no one knows how much of this grant money has been used for communications. I even asked my home State of Michigan. They have received some \$120 million in the State formula Department of Homeland Security grants, but no one could tell me or my staff how much has been spent on communications systems and communications systems that were interoperable.

The bottom line is there is a lot of talk around here about interoperability, but no real reliable resources to help make this happen so agencies can talk to each other in times of disaster or, heaven help us, a terrorist attack.

As I said earlier, I have a bill that would help address this urgent need, and our bill, and it is a bipartisan bill, the Public Safety Interoperability Implementation Act, sets up a public safety communications trust fund in the U.S. Treasury to expeditiously move our Nation's public safety agencies into the modern day state of communications. In the short term, the trust fund will be funded by a three-year grant program funded through the traditional appropriations cycle providing up to \$500 million a year in interoperability grants. The key is it has to be interoperability grants, to make your communications system in your jurisdiction so everyone, first responders, firefighters, paramedics, police officers

can all talk to each other. In the long term, we provide a short-term and also a long-term solution; the funding for the trust fund will come from the sales of the spectrum conducted by the Federal Communications Commission. This bill dedicates 50 percent of the net revenue from future spectrum auctions to the trust fund. By dedicating funds from the sale of the spectrum, we would ensure that funding will be set aside no matter what happens in the annual appropriations process.

In a few weeks we expect a bill to come out of our Committee on Energy and Commerce for the sale of spectrum to move our televisions from the analogue system to more of a high-definition television, so we have to go to a different spectrum. That 800 megahertz spectrum is to be set aside for law enforcement. But then, they need the resources, law enforcement needs the resources to be able to put in the modern communications systems so they can all talk to each other. Whether you are in the upper or lower peninsula of Michigan, whether you are in Maryland or Washington, D.C., or Virginia, these jurisdictions, these first responders in these areas should be able to talk to each other.

Today we had an evacuation of the Capitol building and the office buildings here. I really wonder, could the Capitol Police talk to the Metropolitan Police? Could Metropolitan Police talk to subway police, could they talk to the Park Police, could they talk to the emergency people, could they talk to the ambulance drivers, could they talk to the fire department. They all responded, but could they talk to each other and communicate with each other to direct the resources, the manpower, the personnel we needed at the right time if it would have been a serious attack or threat here in our Nation's capital. I know in the Nation's capital from previous testimony, they have spent over \$300 million on interoperability in the Washington, D.C. area. I also know that it is not fully operational and not all jurisdictions talk to each other. So we have some work to do. There is new technology out there now which will bring down the cost of interoperability, but we have to put forth the resources to bring this together.

It is clear, local agencies and the States cannot afford to do this on their own. It is clear specific funding will not be set aside in our current appropriations bill for this priority. It is time that we provide our first responders with the tools they need to do the job the Federal Government has called upon them to do, especially now during National Law Enforcement Week.

Mr. Speaker, when we talk about it, firefighters and law enforcement officials may not be able to communicate with each other even if they work in the same jurisdiction. As I said, the tragic events of September 11 certainly indicated why this is so important. We talk about the events of September 11

or the 150 some law enforcement officers who will be placed on the memorial wall who died here in the past year, and we need to do everything we can to ensure programs like the Thin Blue Line are fully funded.

The Thin Blue Line is a nonprofit, volunteer organization that assists and supports the families of injured or deceased officers of law enforcement agencies. Thin Blue Line began in Michigan and is now expanding throughout this Nation. Thin Blue Line volunteers assist families with applying for benefits, counseling, and answering their questions during the most difficult of circumstances. These officers have made the ultimate sacrifice in the line of duty, and their families deserve to be honored, respected, and supported in any way we can.

I am hopeful that we can continue as a Nation, as a Congress, and as citizens of this great Nation to show our commitment to law enforcement by supporting important funding needs, including showing our full support for the National Law Enforcement Officers Memorial. It is the least we can do for those individuals who put their life on the line each and every day.

Mr. Speaker, I want to dedicate this time to law enforcement officers and Law Enforcement Week. As I said, Sunday night, they will be putting the names of the officers who have fallen, 153 in the past year, plus 262 others killed in prior years, on a Peace Officers Memorial at the National Candlelight Vigil at the National Memorial here in Washington, D.C., and I hope during this next week while we are in and out of Washington, D.C., we take a moment to reflect upon those individuals who provided so much to us, people and individuals we often take for granted, our law enforcement officials throughout this great Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MORAN of Virginia (at the request of Ms. PELOSI) for today.

Ms. WASSERMAN SCHULTZ (at the request of Ms. PELOSI) for today after noon.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PASCREL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 18.

Mr. TIAHRT, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, May 16, 17 and 18.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1268. An act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 11, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 1268. An act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, and for other purposes.

ADJOURNMENT

Mr. STUPAK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, May 12, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1938. A letter from the Inspector General, Department of Agriculture, transmitting the Department's investigative report of the Forest Service (FS) fatalities that occurred in the Cramer Fire in the Salmon-Challis National Forest in Idaho on July 22, 2003, pursuant to Public Law 107-203; to the Committee on Agriculture.

1939. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral Evan M. Chanik, Jr., United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1940. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting

authorization of Major General Claude R. Kehler, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1941. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral Barry M. Costello, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1942. A letter from the Director, Pentagon Renovation & Construction Program Office, Department of Defense, transmitting the fifteenth annual report on the Pentagon Renovation Program, pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

1943. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period October 1, 2004 through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

1944. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Risk-Based Capital Standards; Trust Preferred Securities and the Definition of Capital [Regulations H and Y; Docket No. R-1193] received March 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1945. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7563] received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1946. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1947. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7642] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1948. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1949. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7873] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1950. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7451] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1951. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1952. A letter from the General Counsel/FEMA, Department of Homeland Security,

transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7871] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1953. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Adjustable Rate Mortgages [Docket No. FR-4946-I-01; HUD 2005-0004] (RIN: 2502-AI26) received April 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1954. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable on Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumption for Valuing and Paying Benefits — received April 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1955. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Electronic Filing — Annual Financial and Actuarial Information (RIN: 1212-AB01) received April 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1956. A letter from the Secretary, Department of Energy, transmitting the fiftieth report outlining the status of Exxon and Stripper Well Oil Overcharge Funds as of September 30, 2004, satisfying the request set forth in the Conference Report accompanying the Department of Interior and Related Agencies Appropriations Act of 1988 (Public Law 100-202); to the Committee on Energy and Commerce.

1957. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, "Report to Congress on Abnormal Occurrences: Fiscal Year 2004," pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

1958. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 05-10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1959. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the United States Government departments and agencies relating to the prevention of nuclear proliferation between January 1 and December 31, 2004, pursuant to 22 U.S.C. 3281; to the Committee on International Relations.

1960. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

1961. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2004, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1962. A letter from the Director, Regulatory Management Division, Department of Homeland Security, transmitting the De-

partment's final rule — Classification of Certain Scientists of the Commonwealth of Independent States of the Former Soviet Union and the Baltic States as Employment Based Immigrants [CIS No. 2277-03; DHS-2004-0013] (RIN: 1615-AB14) received April 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1963. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2003 Annual Report of the Office of the Police Corps and Law Enforcement Education, pursuant to Public Law 103-322, section 200113 of Title XX; to the Committee on the Judiciary.

1964. A letter from the Deputy Assistant Attorney General, Department of Justice, transmitting the Department's final rule — Preservation of Biological Evidence Under 18 U.S.C. 3600A [Docket No. OAG 109; A.G. Order 2762-2005] (RIN: 1105-AB10) received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1965. A letter from the General Counsel, Office of Justice Programs, Department of Justice, transmitting the Department's final rule — Government-Wide Debarment and Suspension (Nonprocurement) and Government-Wide Requirements for Drug-Free Workplace Grants [Docket No. OJP(OJP)-1306; AG Order No. 2759-2005] (RIN: 1121-AA57) received March 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1966. A letter from the Chief Financial Officer, Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year 2004, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. DINGELL, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Ms. HERSETH, Mr. STRICKLAND, Ms. HOOLEY, Mr. REYES, Mr. UDALL of New Mexico, Mr. SHERMAN, Mr. PALLONE, Ms. CARSON, Mr. SCHIFF, Mr. HOLT, Mr. DAVIS of Florida, Mrs. MALONEY, Mr. SERRANO, Mrs. JONES of Ohio, Mr. HIGGINS, Mr. GRIJALVA, Mr. MORAN of Virginia, and Mr. CONYERS):

H.R. 2248. A bill to amend title 38, United States Code, to improve benefits under the Montgomery GI Bill by establishing an enhanced educational assistance program, by increasing the amount of basic educational assistance, by repealing the requirement for reduction in pay for participation in the program, by eliminating the time limitation for use of benefits under the program, by expanding the opportunities to transfer educational assistance benefits to dependents, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER:

H.R. 2249. A bill to amend the Internal Revenue Code of 1986 to modify and make refundable the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin:

H.R. 2250. A bill to require the Attorney General to investigate allegations of viola-

tions of Federal criminal law regarding elections not later than 30 days after receiving the allegation, to amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms and the handling of absentee ballots, to require individuals to produce photo identification as a condition of registering to vote or voting in elections for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS (for himself, Mr. POMEROY, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. LINDER, Mr. BEAUPREZ, Ms. HART, Mr. CHOCOLA, Mr. CARDIN, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. TANNER, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. TERRY, Mr. CULBERSON, Mr. GALLEGLY, Mr. DENT, and Mr. PUTNAM):

H.R. 2251. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the proceeds from certain company-owned life insurance; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 2252. A bill to suspend temporarily the duty on Permethrin; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 2253. A bill to suspend temporarily the duty on Cyazofamid; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 2254. A bill to suspend temporarily the duty on Cypermethrin; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 2255. A bill to suspend temporarily the duty on on Flonicamid; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 2256. A bill to suspend temporarily the duty on Zeta-Cypermethrin; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Ms. BERKLEY, and Mr. SAM JOHNSON of Texas):

H.R. 2257. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Alabama (for himself, Mr. COLE of Oklahoma, Mr. BACHUS, Mr. ROGERS of Alabama, and Mr. BONNER):

H.R. 2258. A bill to prevent a severe reduction in the Federal medical assistance percentage determined for a State for fiscal year 2006; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Ms. PELOSI, Mr. HOYER, Mr. BERRY, Mr. ANDREWS, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. STARK, Mr. WAXMAN, Mr. MARKEY, Mrs. CAPPS, Mr. DOYLE, Mr.

RUSH, Ms. SOLIS, Mr. DAVIS of Florida, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. STRICKLAND, Mr. PALLONE, Mr. ENGEL, Mr. BOUCHER, Ms. ESHOO, Ms. DEGETTE, Ms. MCCOLLUM of Minnesota, Mr. TIERNEY, Mr. OWENS, Mrs. MCCARTHY, Mr. HOLT, Mr. KILDEE, Mr. GRIJALVA, Ms. WOOLSEY, Mrs. DAVIS of California, Mr. NADLER, Mr. VAN HOLLEN, Mr. McNULTY, Mr. CUMMINGS, Mr. SCHIFF, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. HONDA, Mr. ABERCROMBIE, Mr. FARR, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MOORE of Kansas, Mr. DICKS, Mr. CLAY, Mr. KUCINICH, and Mr. HASTINGS of Florida):

H.R. 2259. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 2260. A bill to suspend temporarily the duty on certain adsorbent resins; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2261. A bill to extend the suspension of duty on a certain ion exchange resin; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2262. A bill to extend the suspension of duty on a certain ion exchange resin; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2263. A bill to extend the suspension of duty on 10'10' Oxybisphenoxarsine; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2264. A bill to extend the suspension of duty on Copper 8-quinolinolate; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2265. A bill to extend the suspension of duty on a certain ion exchange resin; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2266. A bill to extend the suspension of duty on a certain ion exchange resin; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2267. A bill to suspend temporarily the duty on a certain ion exchange resin powder; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2268. A bill to suspend temporarily the duty on a certain ion exchange resin powder; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2269. A bill to extend the temporary suspension of duty on helium; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2270. A bill to suspend temporarily the duty on Desmodur E 14; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2271. A bill to suspend temporarily the duty on Desmodur IL; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2272. A bill to suspend temporarily the duty on Desmodur HL; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2273. A bill to suspend temporarily the duty on Desmodur VP LS 2253; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2274. A bill to suspend temporarily the duty on Desmodur R-E; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2275. A bill to suspend temporarily the duty on Walocel MW 3000 PFV; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2276. A bill to suspend temporarily the duty on TSME; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2277. A bill to suspend temporarily the duty on Walocel VP-M 20660; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2278. A bill to suspend temporarily the duty on Citral; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2279. A bill to suspend temporarily the duty on XAMA 2; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2280. A bill to suspend temporarily the duty on XAMA 7; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2281. A bill to suspend temporarily the duty on 2-Ethylhexyl 4-methoxycinnamate; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2282. A bill to suspend temporarily the duty on 4-Methoxybenzaldehyde; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 2283. A bill to provide for the extension of the New Jersey Coastal Heritage Trail into the Township of Woodbridge, New Jersey; to the Committee on Resources.

By Mr. FLAKE:

H.R. 2284. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN:

H.R. 2285. A bill to extend the temporary suspension of duty on certain bags for toys; to the Committee on Ways and Means.

By Ms. HARMAN:

H.R. 2286. A bill to extend the temporary suspension of duty on cases for certain children's products; to the Committee on Ways and Means.

By Ms. HARMAN:

H.R. 2287. A bill to extend the temporary suspension of duty on certain children's products; to the Committee on Ways and Means.

By Ms. HARMAN:

H.R. 2288. A bill to suspend temporarily the duty on certain cases for toys; to the Committee on Ways and Means.

By Ms. HARMAN:

H.R. 2289. A bill to suspend temporarily the duty on certain cases for toys; to the Committee on Ways and Means.

By Mr. HENSARLING (for himself, Mr.

RYAN of Wisconsin, Mr. CHOCOLA, Mr. COX, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CANNON, Mr. CARTER, Mr. CHABOT, Mr. COLE of Oklahoma, Mrs. CUBIN, Mr. MARIO DIAZ-BALART of Florida, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr.

GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GUTKNECHT, Ms. HART, Mr. HERGER, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. JINDAL, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KLINE, Mr. MACK, Mr. MCHENRY, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. OTTER, Mr. PENCE, Mr. RADANOVICH, Mr. ROHRBACHER, Mr. ROYCE, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHADEGG, Mr. SOUDER, Mr. TANCREDO, Mr. TURNER, Mr. WESTMORELAND, Mr. HAYWORTH, and Mr. BACHUS):

H.R. 2290. A bill to reform Federal budget procedures, to impose spending safeguards, to combat waste, fraud, and abuse, to account for accurate Government agency costs, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Ways and Means, Appropriations, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH (for herself, Mr. JEF-

FERSON, Mr. SNYDER, Ms. BERKLEY, Mr. HIGGINS, Mr. NADLER, Mr. BOUCHER, Mr. MOORE of Kansas, Mr. ISRAEL, Mr. LEWIS of Georgia, Mr. BAIRD, Mr. ROSS, Mr. GENE GREEN of Texas, Mr. HONDA, Mr. BERRY, Mr. BOSWELL, Mr. CLAY, Mr. GONZALEZ, Ms. KAPTUR, Mr. REYES, Mr. RUPPERSBERGER, Mr. HINOJOSA, Mr. DAVIS of Alabama, Mr. THOMPSON of California, Mr. CROWLEY, Mr. MEEKS of New York, and Mr. BISHOP of New York):

H.R. 2291. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for qualified expenditures for medical professional malpractice insurance; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr.

OWENS, Mr. ENGEL, Mr. LYNCH, Mr. CROWLEY, Mr. McDERMOTT, Mr. KILDEE, Mr. NADLER, Mr. BROWN of Ohio, Mr. CONYERS, Mr. CLAY, Mr. WEXLER, Mr. BUTTERFIELD, Mr. PALLONE, Mr. CHANDLER, Mrs. MCCARTHY, Mr. McNULTY, Mr. PAYNE, Mr. BISHOP of New York, Mr. ROSS, Mr. JEFFERSON, Mr. MCGOVERN, Mr. SANDERS, Mr. TOWNS, Ms. DEGETTE, Mr. WU, Mr. RANGEL, Mr. NEAL of Massachusetts, Ms. LINDA T. SANCHEZ of California, Mr. MOORE of Kansas, Mr. RUPPERSBERGER, Mr. SNYDER, Mr. WYNN, and Mr. BOUCHER):

H.R. 2292. A bill to provide for public library construction and modernization; to the Committee on Education and the Workforce.

By Mr. HOSTETTLER (for himself and Mr. HUNTER):

H.R. 2293. A bill to provide special immigrant status for aliens serving as translators with the United States Armed Forces; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself and Ms. FOXX):

H.R. 2294. A bill to amend the Communications Act of 1934 to prohibit the use of autodialers for purposes of political solicitations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina:

H.R. 2295. A bill to prohibit a State from receiving Federal education funds unless the

State has certain policies and procedures regarding the purchase or acquisition of library and classroom-based reference, instructional, and other print materials for use in elementary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. LOWEY:

H.R. 2296. A bill to amend the Internal Revenue Code of 1986 to protect the financial stability of activated members of the Ready-Reserve and National Guard while serving abroad; to the Committee on Ways and Means.

By Ms. MCKINNEY:

H.R. 2297. A bill to establish the Arabia Mountain National Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. GEORGE MILLER of California

(for himself, Mr. OWENS, Ms. WOOLSEY, Mr. WAXMAN, Mr. HOLT, Mr. LYNCH, Mr. GRIJALVA, Mr. MICHAUD, Mr. VAN HOLLEN, Mr. KILDEE, Ms. DELAURO, Mr. MCGOVERN, Mr. DAVIS of Illinois, Mr. EVANS, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. BROWN of Ohio, Mr. PAYNE, Ms. WATSON, Mr. WEINER, Mr. BERMAN, Mr. ABERCROMBIE, Mr. McDERMOTT, Mr. STARK, and Mr. TIERNEY):

H.R. 2298. A bill to provide for labor recruiter accountability, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PALLONE:

H.R. 2299. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish therapeutic equivalence requirements for generic drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RAHALL:

H.R. 2300. A bill to amend title 38, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who served during certain periods of time in specified locations; to the Committee on Veterans' Affairs.

By Mr. RAHALL (for himself, Mr. BROWN of Ohio, and Mr. SANDERS):

H.R. 2301. A bill to amend title 38, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who received an expeditionary medal during a period of military service other than a period of war; to the Committee on Veterans' Affairs.

By Mr. RAMSTAD:

H.R. 2302. A bill to extend the suspension of duty on certain 12-volt batteries; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 2303. A bill to extend the suspension of duty on certain light absorbing photo dyes; to the Committee on Ways and Means.

By Mr. SNYDER:

H.R. 2304. A bill to provide for the payment of certain annuities under section 376 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. STRICKLAND:

H.R. 2305. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mr. STRICKLAND (for himself, Mr. DINGELL, Mr. CASE, Mr. GUTIERREZ,

Mr. FILNER, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. CARDOZA, Mr. TOWNS, Mr. SALAZAR, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. HOLDEN, Mr.

WYNN, Mr. SHERMAN, Mr. HONDA, Ms. HERSETH, and Mr. RUPPERSBERGER):

H.R. 2306. A bill to amend title 38, United States Code, to improve programs of the Department of Veterans Affairs for outreach to veterans and their family members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of New Mexico:

H.R. 2307. A bill to amend the Internal Revenue Code of 1986 to treat certain payments made to the European Union in lieu of income taxes to a member of the European Union as income taxes paid to a foreign country for purposes of the foreign tax credit; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself and Mr. DOYLE):

H.R. 2308. A bill to amend the Public Health Service Act to provide for clinical research support grants, clinical research infrastructure grants, and a demonstration program on partnerships in clinical research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H.R. 2309. A bill to suspend temporarily the duty on Aniline 2.5 Di-sulphonic Acid; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 2310. A bill to suspend temporarily the duty on 1,4-Benzenedicarboxylic Acid, Polymer With N,N-Bis(2-Aminoethyl)-1,2-Ethanediamine, Cyclized, Me Sulfates; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 2311. A bill to extend the temporary suspension of duty on certain high-performance loudspeakers; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 2312. A bill to extend the temporary suspension of duty on certain R-core transformers; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 2313. A bill to suspend temporarily the duty on Sulfur Blue 7; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 2314. A bill to extend the suspension of duty on reduced vat blue 43; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 2315. A bill to extend the suspension of duty on sulfur black 1; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 2316. A bill to suspend temporarily the duty on Diresul Brown GN Liquid Crude; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for

himself, Ms. ROS-LEHTINEN, Mr. CANTOR, Mr. PENCE, Mr. ACKERMAN, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, and Mr. LANTOS):

H. Con. Res. 149. Concurrent resolution recognizing the 57th anniversary of the independence of the State of Israel; to the Committee on International Relations.

By Mr. FERGUSON:

H. Con. Res. 150. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the USS New Jersey and all those who served aboard her; to the Committee on Government Reform.

By Mr. EDWARDS:

H. Res. 271. A resolution providing for consideration of the bill (H.R. 808) to amend title 10, United States Code, to repeal the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affairs as dependency and indemnity compensation; to the Committee on Rules.

By Ms. JACKSON-LEE of Texas (for herself, Mr. BURTON of Indiana, Mr.

LANTOS, Ms. BERKLEY, Mrs. JONES of Ohio, Mr. CLYBURN, Mr. SHIMKUS, Mr. WELDON of Florida, Mr. BARTON of Texas, Ms. NORTON, Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. WILSON of South Carolina, Ms. LEE, Mr. AL GREEN of Texas, Mr. WYNN, Mr. BISHOP of Georgia, Mr. MEEKS of New York, Mr. VAN HOLLEN, Mr. DAVIS of Illinois, Mr. STUPAK, Ms. WOOLSEY, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. SERRANO, and Mr. PAYNE):

H. Res. 272. A resolution recognizing the historic steps India and Pakistan have taken toward achieving bilateral peace; to the Committee on International Relations.

By Mr. McCOTTER (for himself, Ms.

ROS-LEHTINEN, Mr. ENGEL, Mr. COX, Mr. BURTON of Indiana, and Mr. SCHWARZ of Michigan):

H. Res. 273. A resolution urging the withdrawal of all Syrian forces from Lebanon, support for free and fair democratic elections in Lebanon, and the development of democratic institutions and safeguards to foster sovereign democratic rule in Lebanon; to the Committee on International Relations.

By Ms. LINDA T. SÁNCHEZ of California

(for herself, Ms. SOLIS, Mrs. NAPOLITANO, Mr. GRIJALVA, Ms. LORETTA SANCHEZ of California, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. HARMAN, Mr. BACA, Mr. SHERMAN, Ms. WATSON, Mr. BERMAN, Mr. HONDA, Mr. WAXMAN, Ms. ZOE LOFGREN of California, Mr. FILNER, and Mrs. CAPPUS):

H. Res. 274. A resolution recognizing Miguel Contreras, on the occasion of his death, for his tireless work on behalf of immigrants and working people; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. THOMPSON of California, Mr. WHITFIELD, and Mr. MURPHY.

H.R. 21: Mr. WYNN, Mr. FRANKS of Arizona, Mr. GIBBONS, Ms. ESHOO, Mr. WU, Mrs. CUBIN, Ms. CORRINE BROWN of Florida, Mr. HONDA, Mr. DOGGETT, Mr. HIGGINS, and Mr. LIPINSKI.

H.R. 22: Mr. BILIRAKIS and Mr. DOYLE.

H.R. 65: Mr. LANGEVIN.

H.R. 72: Mr. NEUGEBAUER and Mr. BOUSTANY.

H.R. 94: Mr. TURNER.

H.R. 97: Mr. SCHWARZ of Michigan and Mr. McCOTTER.

H.R. 98: Mrs. NAPOLITANO.

H.R. 111: Mr. SHAYS, Mr. TANNER, Ms. ROYBAL-ALLARD, Ms. WATSON, Mrs. CHRISTENSEN, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. SALAZAR, Mr. BARRETT of South Carolina, Mr. MEEK of Florida, Ms. BERKLEY, and Mr. NADLER.

H.R. 136: Mr. PRICE of Georgia.

H.R. 239: Mr. BISHOP of Utah and Mr. MANZULLO.

H.R. 303: Mr. CARTER, Mr. HOLT, Mr. RYAN of Ohio, and Mr. MCINTYRE.

H.R. 305: Mr. WALDEN of Oregon, Mr. GINGREY, and Mr. FERGUSON.

H.R. 378: Mr. LEWIS of Georgia.

H.R. 389: Mr. MURPHY.

H.R. 438: Ms. MATSUI and Mr. HONDA.

H.R. 500: Mr. BISHOP of Utah.

H.R. 530: Mr. FRANKS of Arizona.

H.R. 550: Mr. KANJORSKI.

H.R. 665: Mr. BERMAN, Mr. CARDOZA, and Mr. FILNER.

H.R. 669: Ms. MILLENDER-McDONALD, Mr. CHANDLER, and Mr. ROGERS of Kentucky.

- H.R. 670: Ms. HARRIS and Ms. MCCOLLUM of Minnesota.
- H.R. 691: Mr. UDALL of Colorado, Mr. TIBERI, Mr. STUPAK, and Mr. HASTINGS of Washington.
- H.R. 713: Mr. SCOTT of Georgia.
- H.R. 799: Mr. LIPINSKI.
- H.R. 810: Mr. OBEY.
- H.R. 819: Mr. BOEHLERT.
- H.R. 896: Mr. CAMP, Mr. COOPER, Mr. PALLONE, and Mr. BARTLETT of Maryland.
- H.R. 897: Mr. KING of New York.
- H.R. 909: Mr. GONZALEZ.
- H.R. 930: Mr. BOYD, Mr. KUHL of New York, and Mr. MCHUGH.
- H.R. 939: Mr. CLEAVER, Mr. DAVIS of Alabama, and Mr. KILDEE.
- H.R. 947: Mr. CANNON and Mr. ROGERS of Kentucky.
- H.R. 963: Mr. FARR.
- H.R. 970: Ms. SLAUGHTER.
- H.R. 983: Ms. ZOE LOFGREN of California.
- H.R. 1108: Mr. GENE GREEN of Texas, Ms. KAPTUR, Mr. STRICKLAND, Mr. BERMAN, Mr. MCCOTTER, Mr. GOODE, and Mr. WEINER.
- H.R. 1126: Mr. MILLER of North Carolina, Mrs. CAPPS, Ms. ROYBAL-ALLARD, and Mrs. KELLY.
- H.R. 1131: Mr. SAXTON, Mr. KENNEDY of Minnesota, and Mr. TURNER.
- H.R. 1132: Mr. WEXLER, Ms. DELAURO, Ms. JACKSON-LEE of Texas, and Mr. ROGERS of Michigan.
- H.R. 1146: Mr. MILLER of Florida, and Ms. FOX.
- H.R. 1198: Mr. REYES.
- H.R. 1217: Mr. SHAYS.
- H.R. 1219: Mr. SULLIVAN.
- H.R. 1227: Mr. UDALL of New Mexico, Mr. LAHOOD, Mr. DEFAZIO, Mr. MOORE of Kansas, and Ms. ROYBAL-ALLARD.
- H.R. 1241: Mr. SCHWARZ of Michigan and Mr. CHOCOLA.
- H.R. 1298: Mr. REYES, Mr. PAYNE, Ms. MCKINNEY, and Mrs. MCCARTHY.
- H.R. 1322: Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. DEFAZIO, Mr. WEXLER, Mrs. MCCARTHY, Mr. KUCINICH, Mr. HASTINGS of Florida, and Mr. WEINER.
- H.R. 1329: Mr. BLUMENAUER, Mr. GEORGE MILLER of California, and Mr. DEFAZIO.
- H.R. 1337: Mr. NUNES, Mr. HAYWORTH, Mrs. WILSON of New Mexico, and Mr. CAMP.
- H.R. 1353: Ms. NORTON.
- H.R. 1366: Mr. EDWARDS.
- H.R. 1440: Ms. ZOE LOFGREN of California.
- H.R. 1448: Mr. EHLERS, Ms. KILPATRICK of Michigan, Mr. MCCOTTER, Mr. DINGELL, Mr. KILDEE, Mr. LEVIN, Mr. UPTON, Mr. CONYERS, Mr. HOEKSTRA, Mr. ROGERS of Michigan, and Mr. KNOLLENBERG.
- H.R. 1474: Mr. CONYERS.
- H.R. 1492: Mr. SCHIFF, Mr. YOUNG of Alaska, and Ms. HERSETH.
- H.R. 1493: Mr. PORTER.
- H.R. 1498: Mr. ROGERS of Kentucky, Mr. JACKSON of Illinois, Mr. KUHL of New York, Mr. ABERCROMBIE, Mr. SODREL, and Mr. SAXTON.
- H.R. 1499: Mr. SOUDER.
- H.R. 1505: Mr. BARROW and Mr. BAKER.
- H.R. 1522: Mr. RANGEL, Mr. MCDERMOTT, and Mr. LANTOS.
- H.R. 1553: Mr. JINDAL and Mr. CARDOZA.
- H.R. 1566: Mrs. BLACKBURN.
- H.R. 1585: Mr. HOLDEN, Mr. GREEN of Wisconsin, and Mr. GOODE.
- H.R. 1589: Mr. STARK, Ms. SCHAKOWSKY, and Mr. MEEKS of New York.
- H.R. 1591: Ms. ZOE LOFGREN of California, Ms. BORDALLO, Ms. MCCOLLUM of Minnesota, Mrs. MALONEY, Mr. ENGLISH of Pennsylvania, and Mr. MCGOVERN.
- H.R. 1592: Mr. ROGERS of Michigan.
- H.R. 1607: Miss MCMORRIS and Mr. HAYWORTH.
- H.R. 1645: Mr. FATTAH and Mr. WELDON of Pennsylvania.
- H.R. 1658: Mr. PRICE of Georgia.
- H.R. 1671: Mr. SKELTON.
- H.R. 1672: Ms. SCHAKOWSKY.
- H.R. 1678: Mr. GREEN of Wisconsin.
- H.R. 1696: Mr. DAVIS of Florida, and Mr. OBEY.
- H.R. 1714: Mr. HALL.
- H.R. 1737: Mr. DELAHUNT, Ms. SCHAKOWSKY, and Ms. ROS-LEHTINEN.
- H.R. 1797: Mr. INSLEE.
- H.R. 1821: Mr. FORBES.
- H.R. 1861: Ms. SCHAKOWSKY.
- H.R. 1879: Mr. ENGLISH of Pennsylvania.
- H.R. 1954: Mr. UPTON, Mr. CUMMINGS, Mr. TOWNS, and Mr. WOLF.
- H.R. 1956: Mr. GALLEGLY and Mr. CARTER.
- H.R. 1973: Mrs. NAPOLITANO, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Mr. BURTON of Indiana, Mr. WAXMAN, and Mr. PAYNE.
- H.R. 1994: Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HASTINGS of Florida.
- H.R. 2000: Ms. ESHOO.
- H.R. 2047: Mr. FRANKS of Arizona.
- H.R. 2074: Mr. CASE.
- H.R. 2089: Mr. GERLACH.
- H.R. 2101: Mr. HASTINGS of Florida.
- H.R. 2129: Ms. SCHWARTZ of Pennsylvania.
- H.R. 2233: Ms. WASSERMAN SCHULTZ.
- H. Con. Res. 76: Mr. BILIRAKIS.
- H. Con. Res. 82: Mr. POE.
- H. Con. Res. 132: Mr. MILLER of Florida.
- H. Con. Res. 141: Mr. WOLF.
- H. Con. Res. 144: Mr. KIRK, Mr. GERLACH, Mr. NEUGEBAUER, Mr. GRAVES, and Mr. ROGERS of Michigan.
- H. Con. Res. 145: Mr. GUTIERREZ, Mr. BOEHLERT, Mr. NEAL of Massachusetts, Mr. KILDEE, Mr. DEFAZIO, Mr. GRIJALVA, Ms. WOOLSEY, Mr. MORAN of Virginia, Mr. HONDA, Ms. LEE, Mr. CHANDLER, Mr. CASE, and Mr. MICHAUD.
- H. Res. 67: Mr. MCGOVERN, Mr. TOWNS, and Mr. BLUMENAUER.
- H. Res. 155: Mr. SANDERS.
- H. Res. 175: Mr. MENENDEZ.
- H. Res. 199: Mr. MARKEY, Mr. MCINTYRE, Mr. TANCREDO, Ms. WATSON, and Ms. EDDIE BERNICE JOHNSON of Texas.
- H. Res. 220: Mr. HOLDEN, Mr. PASCRELL, Mr. REYES, Mr. BAKER, Mr. POE, and Mr. MCDERMOTT.
- H. Res. 243: Mr. SOUDER, Mr. BONNER, Mrs. MILLER of Michigan, Mr. GRIJALVA, Ms. BORDALLO, Mr. HASTINGS of Florida, Mr. MCINTYRE, Mr. ISRAEL, Mr. INSLEE, Mr. BURTON of Indiana, Mr. ROGERS of Kentucky, and Mr. UPTON.
- H. Res. 252: Mr. HOSTETTLER.
- H. Res. 266: Mr. DREIER, Mr. KING of New York, Mr. SKELTON, Mr. VAN HOLLEN, Mrs. CHRISTENSEN, Ms. KAPTUR, Mr. SHIMKUS, Mr. GREEN of Wisconsin, Mr. SALAZAR, Mr. CARDOZA, Mr. MCCAUL of Texas, Mr. COSTELLO, Mr. ROYCE, Mr. LANTOS, Mr. MCGOVERN, Ms. KILPATRICK of Michigan, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. SESSIONS, Mr. UDALL of Colorado, Ms. GRANGER, Ms. LORETTA SANCHEZ of California, Mr. TANCREDO, and Mr. SAXTON.