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2 MARKUP OF H.R. 1593, THE "SECOND
3 SECOND CHANCE ACT OF 2007," AND
4 H.R. 1281, THE "DECEPTIVE PRACTICES
5 AND VOTER INTIMIDATION PROTECTION
6 ACT OF 2007"

7 Wednesday, March 28, 2007

8 House of Representatives,

9 Committee on the Judiciary,

10 Washington, D.C.

11 The committee met, pursuant to call, at 10:25 a.m., in Room
12 2141, Rayburn House Office Building, Hon. John Conyers
13 [chairman of the committee] presiding.

14 Present: Representatives Conyers, Berman, Boucher,
15 Nadler, Scott, Watt, Lofgren, Jackson Lee, Waters, Meehan,
16 Delahunt, Wexler, Sanchez, Cohen, Johnson, Gutierrez,
17 Sherman, Weiner, Schiff, Davis, Wasserman Schultz, Ellison,
18 Smith, Coble, Gallegly, Goodlatte, Chabot, Lungren, Cannon,
19 Keller, Issa, Pence, Forbes, King, Feeney, Franks, Gohmert,
20 and Jordan.

21 Chairman Conyers. [Presiding.] Good morning. The
22 committee will come to order. Welcome.

23 Before we begin our legislative business, I note that we
24 have a working quorum. I wanted to say on behalf of all of
25 us, thank you to the longest-serving staff member, Mr. Joe
26 McDonald.

27 Joe McDonald, stand up, please, so everybody will know
28 who you are.

29 [Applause.]

30 Thank you for many, many years of service. We look at
31 your record of activity here and only myself and Jim
32 Sensenbrenner have been here longer than you, and we
33 appreciate that.

34 In a way, it is Mac, as we called him—it is his second
35 retirement. He came to the committee in 1981 on top of a
36 career in the Air Force, in which he had many challenging
37 assignments. Mainly, he was assigned to fly CODELs with the
38 Congress.

39 Mac has been with the committee and has worked with five
40 chairmen. Shortly after it became apparent that I would
41 become the next chairman, Mac announced his retirement, which
42 I presume was purely coincidental, and he has assured me of
43 that many times.

44 He has more institutional knowledge. He knows the
45 events, the incidents, the issues, what was said and what

46 happened, and he probably knows some things that we don't
47 know that he knows as well.

48 So we are panic-stricken when we first were told that he
49 was leaving, and we have convinced him to stay on for a bit
50 and to pass along some of his accumulated knowledge and
51 experience to Tim Pearson, who has stepped in to take over of
52 him.

53 Tim, would you stand just so we can know who is going to
54 be walking in these big shoes?

55 We are no longer in panic now. Mac has full confidence
56 in Tim Pearson, and so do we.

57 But we owe a debt of gratitude to you, Mr. Joe McDonald,
58 for the many, many years that you have given excellent
59 service to the Judiciary Committee in the House of
60 Representatives. Thank you very, very much.

61 [Applause.]

62 We are going to begin with the Second Chance Act.

63 And without objection, the chair is authorized to
64 declare a recess of the committee at any time.

65 Now, pursuant to notice, I call up House Resolution
66 1593, the Second Chance bill, for the purpose of markup and
67 ask the clerk to report the bill.

68 The Clerk. "H.R. 1593, a bill to reauthorize the grant
69 program for reentry of offenders into the community and the
70 Omnibus Crime Control and Safe Streets Act of 1968—"

71 [The bill follows:]

72 ***** INSERT *****

73 Chairman Conyers. Without objection, the bill will be
74 considered as read and open for amendment at any point.

75 And I would call on the chairman of the Subcommittee of
76 Crime, the distinguished gentleman from Virginia, Mr. Bobby
77 Scott, to begin the description of the bill, and I would
78 yield to him at this time.

79 Mr. Scott. Thank you. Thank you, Mr. Chairman.

80 Mr. Chairman, I guess we want to begin with, the
81 Subcommittee on Crime, Terrorism and Homeland Security
82 reports favorably the bill, H.R. 1593, and moves its
83 favorable recommendation to the full House.

84 And I would seek recognition to strike the last word.

85 Chairman Conyers. Without objection. The gentleman is
86 recognized.

87 Mr. Scott. Thank you, Mr. Chairman, for holding this
88 markup on the Second Chance Act of 2007. This is the third
89 Congress in a row that we have been working on this issue on
90 a fully bipartisan basis, and I believe we now have
91 sufficient support and strength to assure its passage into
92 law.

93 I want to acknowledge and thank the dedicated support of
94 the chief sponsors of the bill, Mr. Davis of Illinois, Mr.
95 Cannon of Utah.

96 And I also want to acknowledge you, Mr. Chairman, for
97 your long years that you have fought for prisoner reentry

98 programs, filing bills to accomplish that several years in a
99 row before this bipartisan effort even started.

100 I also want to acknowledge the support and leadership of
101 Ranking Member Smith of the full committee and Ranking Member
102 Forbes of the subcommittee and that of their staffs in moving
103 the bill expeditiously to this point.

104 And I would like to acknowledge the efforts of former
105 Chairman Sensenbrenner and former subcommittee Chairman Coble
106 for their efforts in the last Congress and their continuing
107 support for this bill.

108 Further, I want to acknowledge the support of other
109 members of the committee and in Congress and the dedication
110 and tireless efforts of our committee and members' staff and
111 that of many members of the diverse coalition of national,
112 state and local organizations and their representatives who
113 continued to work for this bill.

114 And, Mr. Chairman, while our national crime rates have
115 been falling significantly over the past decade, we have seen
116 an unprecedented explosion in our prison and jail
117 populations.

118 Now there are more than 2.2 million people incarcerated
119 in federal and state prisons and local jails, a tenfold
120 increase since just 1980.

121 Moreover, expenditures in corrections have increased
122 from about \$9 billion in 1982 to more than \$65 billion today,

123 and the figure continues to grow. These figures do not
124 include the cost of arrest and prosecution, nor do they take
125 into account the cost to victims.

126 As a result of this focus on incarceration, the United
127 States leads the world in per capita incarceration rates,
128 with 726 inmates per 100,000 population, according to 2004
129 data.

130 The average incarceration rate around the world is about
131 100 per 100,000. The closest competitor is Russia, with 532,
132 and we have 726 per 100,000.

133 This year, more than 650,000 people will be released
134 from state and federal prisons to communities nationwide,
135 along with more than nine million people leaving local jails.

136 According to the Department of Justice, some 67 percent
137 of offenders leaving state and federal prisons will be
138 rearrested within 3 years.

139 And so there is a pressing need to provide our ex-
140 offenders with the education and training necessary to obtain
141 and hold steady jobs, undergo drug treatment and get mental
142 and medical health care services.

143 The statistics underlying the needs of our prison
144 population are staggering. For example, 57 percent of
145 federal and 70 percent of state inmates regularly used drugs
146 before prison, with some estimates involving drug or alcohol
147 use at the time of arrest as high as 84 percent.

148 One-third of jail inmates have some physical or mental
149 disability. Twenty-five percent have been treated at some
150 time for mental or emotional problems.

151 As detailed by many researchers, these deficiencies
152 include limited education, few job skills or experience,
153 substance and alcohol dependency, and other health problems
154 including mental health.

155 Evidence from the Department of Justice indicates that
156 the needs of the prison population are not being met under
157 the current system.

158 And if we allow them to return to our communities with
159 few economic opportunities, where their families and friends
160 are often involved in crime and substance abuse, we can only
161 expect a continued cycle of recidivism.

162 With this bipartisan legislation, we are set to take the
163 next important step in building a web of programs that will
164 help break the cycle of recidivism lying at the heart of our
165 prison population explosion.

166 The Second Chance Act provides a host of evidence-based
167 approaches designed to reduce the high rate of recidivism now
168 occurring.

169 If we are going to continue to send more and more people
170 to prison with longer and longer sentences, we should do as
171 much as we can to reasonably assure that when they return
172 they don't go back to prison due to new crimes.

173 The primary reason to do so is not just to benefit the
174 offenders, although it does. The primary reason for doing so
175 is because it better assures all of us and other members of
176 the public that we will not be victims of crime due to
177 recidivism and we will save the taxpayers more future money
178 than we spend on this bill.

179 Mr. Chairman, I would hope it would be the pleasure of
180 the committee to report the bill. I yield back the balance
181 of my time.

182 Chairman Conyers. Well, I thank you so much.

183 The chair now turns to the ranking member, the gentleman
184 from Texas, Mr. Lamar Smith, for his opening statement.

185 Mr. Smith. Thank you, Mr. Chairman.

186 I support this legislation and commend you, Mr.
187 Chairman, and Crime Subcommittee Chairman Scott, Ranking
188 Member Forbes, along with Representatives Chris Cannon, Danny
189 Davis, Howard Coble and Stephanie Tubbs Jones for their
190 commitment to the issue of prisoner reentry.

191 This bill represents a common-sense approach to the
192 problem of prisoner reentry.

193 President Bush stated in his 2004 State of the Union
194 address, "We know from long experience that if former
195 prisoners can't find work or a home or help, they are much
196 more likely to commit more crimes and return to prison.
197 America is the land of the second chance. And then the gates

198 of the prison open, the path ahead should lead to a better
199 life."

200 The Second Chance Act of 2007 implements the president's
201 initiative.

202 Mr. Chairman, I yield the balance of my time to the
203 ranking member of the Crime Subcommittee, Randy Forbes.

204 Mr. Forbes. Thank you, Ranking Member Smith.

205 Let me also offer my thanks to Chairman Conyers,
206 Subcommittee Chairman Scott and other original co-sponsors of
207 the Second Chance Act of 2007. We have a strong common
208 ground on this important issue of prisoner reentry.

209 I believe also in tough enforcement of our criminal
210 laws. Public safety is essential to a free society. And
211 criminals must be aggressively prosecuted and incarcerated to
212 protect our communities.

213 Once criminals are incarcerated, we have an obligation
214 to make sure they are rehabilitated and treated humanely.
215 The Second Chance Act creates a framework of strategic policy
216 innovations to provide effective reentry services.

217 The demand for innovative solutions is obvious. It is
218 conservatively estimated that approximately 650,000 inmates
219 will be released from state prisons in the next year.

220 In the absence of actions to address this issue, 67
221 percent of these individuals will be rearrested, and over
222 half will return to prison in the 3 years following their

223 release from prison.

224 States are being crushed by an overwhelming financial
225 burden for correctional costs. We need to ensure that
226 governments have in place appropriate programs to ease the
227 transition for offenders, to bring families together once
228 again, and to make sure that offenders get the necessary
229 support so they truly can have a second chance to live a law-
230 abiding life.

231 Successful reentry protects those who might otherwise be
232 crime victims. It also improve the likelihood that
233 individuals released from prison, jail or juvenile detention
234 facilities can pay fines, fees, restitution and provide
235 family support.

236 The Second Chance Act expands existing demonstration
237 programs to improve coordination among service providers,
238 supervision services and reentry task force, and between
239 state substance abuse agencies and criminal justice agencies.

240 The act also strengthens reentry services and authorizes
241 grants to operate state and local reentry courts and to
242 establish local reentry task force to develop comprehensive
243 reentry plans during each phase of transition, from
244 incarceration to transitional housing to release in the
245 community.

246 I urge my colleagues to support this important piece of
247 legislation.

248 And I yield back.

249 Chairman Conyers. I thank the gentleman.

250 The chair sees Steve Chabot, who seeks recognition. I
251 recognize the gentleman from Ohio.

252 Mr. Chabot. Thank you, Mr. Chairman. I have an
253 amendment at the desk.

254 Chairman Conyers. The clerk will report the amendment.

255 The Clerk. "Amendment to H.R. 1593 offered by Mr.
256 Chabot of Ohio. At the end of the bill—"

257 [The amendment by Mr. Chabot follows:]

258 ***** INSERT *****

259 Mr. Chabot. Mr. Chairman, I ask consent that the
260 amendment be considered as read.

261 Chairman Conyers. Without objection. The gentleman is
262 recognized for 5 minutes.

263 Mr. Chabot. Thank you, Mr. Chairman.

264 First of all, I would like to introduce a document that
265 shows what groups are supportive of this particular
266 amendment, various victims' rights groups, and several
267 letters from them.

268 Some of the groups, not to name them all, are the
269 National Center for Victims of Crime; Parents of Murdered
270 Children Inc; the Rape, Abuse and Incest National Network;
271 Mothers Against Drunk Driving; the National Alliance to End
272 Sexual Violence; the National Coalition Against Domestic
273 Violence, just to name a few.

274 I would ask that it be included in the record.

275 Chairman Conyers. Without objection.

276 [The information follows:]

277 ***** INSERT *****

278 Mr. Chabot. Thank you, Mr. Chairman.

279 And I would like to say just a few minutes about the
280 importance of this amendment.

281 As we sit here today reauthorizing \$360 million for
282 reentry programs, I can't help but feel that we are leaving
283 out a key component, at least without this amendment, that
284 would make this bill stronger, and that is the payment of
285 restitution to the victims of these offenses.

286 A second chance for offenders should also mean a second
287 chance for the victims of these crimes. I believe that the
288 payment of restitution plays a critical role in reentry for
289 both victims and offenders, giving offenders not only a
290 second chance to rehabilitate themselves but also giving them
291 a second chance to make their victims whole, or at least as
292 whole as possible under the circumstances.

293 For example, according to the Federal Prison Industries,
294 the government corporation that employs inmates as part of a
295 reentry program, participating inmates were 24 percent less
296 likely to recommit crimes and 14 percent more likely to be
297 employed upon release from prison.

298 Most importantly, these inmates were able to pay more
299 than \$3 million in restitution to crime victims last year.

300 Mr. Chairman, with seven million inmates incarcerated in
301 federal, state and local prisons, and with more than 10
302 million prisoners expected to be released back into our

303 communities over the next several years, public safety and
304 the economic viability of our communities demands that we
305 make every resource available to help make the transition
306 more successful.

307 That is why I am a co-sponsor of H.R. 1593, which is
308 also essentially this amendment.

309 However, fairness also demands that the victims of these
310 crimes be made whole. According to the Justice Department,
311 87 percent of the criminal debt at this point remains
312 uncollected. Think of that: 87 percent of restitution now
313 goes unpaid.

314 Chairman Conyers. Could the gentleman wind down? You
315 have gone—

316 Mr. Chabot. I have used 5 minutes already?

317 Chairman Conyers. I think you have gone more than a
318 minute over time.

319 Mr. Chabot. I am surprised I have, but if I have, I
320 will yield back at this point. But I would encourage my
321 colleagues to support this amendment. Thank you.

322 Chairman Conyers. I thank the gentleman from Ohio.

323 And I rise to strike the requisite number of words to
324 describe a problem that I see in the amendment, because we
325 gather here today to build a better support system for ex-
326 offenders to help them stay out of trouble once they are
327 released.

328 As I understand this provision, we would add an
329 additional burden that on top of all their other difficulties
330 in reestablishing themselves, we could send them straight
331 from prison into bankruptcy.

332 And so the question of restitution shouldn't be imposed
333 as a mandatory, one-size-fits-all solution but to be left to
334 the sound judgment of the court in each particular case.

335 And it is my continuing belief that courts are in a
336 better position to determine the appropriateness of the
337 restitution in conjunction with the totality of the
338 punishment and obligations imposed on the offender.

339 And so I must resist the Chabot amendment to this Second
340 Chance bill.

341 And I yield back the balance of my time and recognize
342 the gentleman from Texas, Mr. Smith.

343 Mr. Smith. Mr. Chairman, I move to strike the last
344 word.

345 Chairman Conyers. Recognized.

346 Mr. Smith. Mr. Chairman, in my judgment, this amendment
347 is a good amendment. It contains the bill H.R. 845, the
348 Criminal Restitution Improvement Act, to improve the
349 collection and enforcement of restitution. And that bill was
350 introduced earlier this year by Mr. Chabot, the mover of this
351 amendment.

352 Restitution is intended to hold offenders accountable to

353 their victims and make the victims whole again by
354 compensating them for their financial losses.

355 Unfortunately, annual losses for crime victims are
356 estimated at \$105 billion. And there are little to no
357 consequences for offenders who do not pay their restitution
358 debts.

359 The underlying bill provides effective reentry services
360 to help criminal offenders become law-abiding citizens. This
361 includes paying restitution to their victims.

362 The Chabot amendment provides much-needed tools and
363 resources to address the large amount of uncollected
364 restitution. I support this amendment and urge my colleagues
365 to support it as well.

366 Mr. Chairman, I will yield the balance of my time to the
367 gentleman from Ohio.

368 Mr. Chabot. I thank the gentleman for yielding.

369 And the amendment, in short, would create a new Title 3
370 under which restitution would become mandatory in federal
371 offenses for all monetary losses in which the victims are
372 identifiable.

373 The amendment, however, takes into account a defendant's
374 economic circumstances. And I want to emphasize that,
375 because the chairman talked about bankrupting some of the
376 criminals.

377 It takes into account the defendant's economic

378 circumstances and those that depend on a defendant when
379 restitution decisions are made.

380 This amendment takes another step in ensuring that
381 victims of crime—and those are the folks that are too often
382 forgotten—are not forgotten in our justice system.

383 Indeed, in enacting the Justice For All Act of 2004,
384 Congress recognized that the justice system was failing both
385 victims and defendants.

386 As part of a comprehensive set of rights for crime
387 victims, Congress authorized the full and timely payment of
388 restitution to victims of crime. However, as the statistics
389 that I mentioned before reveal, this has been an empty
390 promise.

391 As we go forward to reauthorize federal funding in the
392 amount of \$360 million for reentry programs to make offenders
393 more productive members of society, I don't think it is too
394 much to ask that we improve our system to ensure that
395 offenders repay their debt or repay those folks that they
396 victimized in the first place. And often times, these are
397 families and individuals that have been devastated.

398 Furthermore, I believe that compliance with restitution
399 orders is a strong measure of a prisoner's willingness to
400 successfully reenter our communities.

401 In other words, if you have a person that is willing to
402 make restitution and makes a good faith effort to restore the

403 victim to wholeness, I think that defendant is sending a
404 message that yes, he or she really is making an effort and is
405 somebody that should be accepted back into our communities,
406 where we are, after all, raising our families and want them
407 to be safe.

408 So I urge my colleagues to support this amendment. I
409 want to conclude by pointing out a specific quote from a
410 judge, Judge Paul Cassell, who I understand is highly
411 respected by many of my Democratic colleagues both on this
412 committee and elsewhere.

413 And his quote, when he talks about restitution awards,
414 is this. He says, "The point is that without authority to
415 make restitution awards, judges are often unable to comply
416 with the congressional mandate for restitution to restore the
417 victim to his or her prior state of well-being to the highest
418 degree possible. As the case law makes clear, the primary
419 and overarching goal of a restitution order is to make
420 victims of crime whole, to fully compensate these victims for
421 their losses and to restore these victims to their original
422 state of well-being. Yet the current statutes do not enable
423 courts to make victims whole. To the contrary, federal crime
424 victims can receive court-ordered restitution only for losses
425 that happen to fall within the particular categories covered
426 by the statute."

427 So I think this is a very good amendment to the extent

428 that it will make a good bill a much better bill. And let's
429 not leave out the victims in this whole process. These are
430 the people that have been harmed due to the defendants' right
431 that we are now trying to help.

432 And we should help them, but we should not forget the
433 victims. And that is why all these groups that I mentioned
434 before, like Parents of Murdered Children, Mothers Against
435 Drunk Driving, the National Coalition for Domestic Violence,
436 and many other groups I know many of my Democratic colleagues
437 feel are good groups are supportive of this legislation and
438 are urging us to support it.

439 So I thank the gentleman from Texas for yielding, and I
440 yield back to him.

441 Mr. Smith. And, Mr. Chairman, I will yield back as
442 well.

443 Chairman Conyers. Thank you.

444 I am going to recognize Mr. Scott, the chairman of the
445 committee, and then come back to you, Mr. Johnson.

446 Mr. Scott is recognized.

447 Mr. Scott. Thank you, Mr. Chairman.

448 Mr. Chairman, while the amendment's purpose is to
449 provide more restitution to victims, I do not believe that
450 this amendment will accomplish that and frankly fear that it
451 will be counterproductive to the underlying purpose of the
452 bill.

453 Restitution is already mandated in most instances—the
454 victim loss in federal criminal cases—and a judge is
455 authorized to order it in appropriate cases even if it is not
456 mandated.

457 Yet the GAO reported in its 2001 study of the Mandatory
458 Victims Restitution Act of 1996, "Requiring a court to order
459 full restitution to each victim in the full amount of each
460 victim's losses, without regard of the offender's economic
461 situation," has not resulted in significantly more
462 restitution being collected but only in a dramatic increase
463 in the balance of uncollected criminal debt.

464 And at the same time, the GAO report indicated that even
465 in the few cases where the defendant does have money or
466 assets, it is difficult to collect restitution, noting that
467 criminal defendants may be incarcerated or deported with
468 little earning capacity.

469 They often spend money on attorneys who are paid up
470 front. Their assets acquired through criminal activity may
471 be seized by the government prior to conviction. Thus, by
472 the time fines or restitution are assessed, offenders may
473 have no assets left for making payments on restitution.

474 The vast majority of federal criminal defendants are
475 indigent, requiring the appointment of a public defender to
476 represent them, because they have no assets or income.

477 If they are broke when they come to prison, going out

478 and trying to find a job with a felony record is not likely
479 to improve their ability to have money to meet their own
480 needs and those of their dependents and pay restitution.

481 So we must also assess whether the cost of attempting to
482 collect restitution on the part of probation and parole
483 officers may actually cost more money than is collected.

484 Moreover, it could take them away from their duties that
485 might ensure the success of the offender or to protect the
486 public where the offender is returning to crime.

487 Everybody is in favor of more victim restitution.

488 However, tying it to the false hope of squeezing more
489 restitution out of a destitute prisoner is not likely to
490 result in the collection of more restitution but only in
491 increasing the frustration of victims, offenders and the
492 criminal justice system in general.

493 Moreover, placing more emphasis on mandating restitution
494 even when it makes no sense may actually result in more
495 failures of offenders to succeed upon their return, which
496 will only result in more victimizations.

497 It has been my observation that restitution works best
498 when it is an alternative to incarceration, given the
499 inevitable loss or absence of employment and assets that
500 accompany incarceration.

501 Moreover, rightly or wrongly, properly or improperly,
502 inmates see the period of incarceration as their punishment

503 and payment for their crime.

504 Finally, it is unfair and unseemly that we would
505 apportion victim restitution on the fate of whether their
506 particular offender has assets or can pay restitution.

507 If we want victims to receive restitution, we should
508 bite the bullet and establish a fully funded victim
509 restitution fund and make awards based on the need and some
510 criteria fairer than the vagrancies of whether—the financial
511 assets or earning capabilities of the particular victim's
512 offender.

513 One way to do that is to consider victims' awards to be
514 made from the Criminal Asset Forfeiture Fund. This does not
515 mean that we should not pursue victim restitution amounts
516 from offenders where he has assets.

517 Indeed, we should focus federal victim restitution
518 collection efforts on areas where they may have more impact,
519 such as going after the assets of white-collar offenders who
520 profit handsomely from their crimes and have a means of
521 paying.

522 Let's face it. Not all victims are of equal standing.
523 The victim of an illegal scheme who is participating in a
524 scheme trying to enrich himself or herself through the
525 knowing pursuit of illegal activities should not be held to
526 the same par for restitution as an innocent victim of a
527 serious injury or robbery or other crime.

528 This is too complex and controversial an issue to simply
529 slap it onto another bill, especially one which is likely to
530 be counterproductive.

531 If we are going to pass an amendment like this, it
532 should be done through the process of full and mature
533 consideration, where we can hear from those opposed as well
534 as those who are supportive.

535 Accordingly, Mr. Chairman, I urge my colleagues to
536 defeat the amendment.

537 Chairman Conyers. Would the gentleman yield to me
538 before he—

539 Mr. Scott. I yield.

540 Chairman Conyers. The question that concerns me—and I
541 concede that Mr. Chabot's amendment is important—has there
542 been discussion on this subject in the subcommittee before
543 this morning?

544 Mr. Scott. Mr. Chairman, the only study of mandatory
545 restitution has come in the study by the GAO a few years ago
546 that suggested that mandatory restitution would be
547 counterproductive.

548 Chairman Conyers. Well, I would like the Judiciary
549 Committee—

550 Mr. Scott. Mr. Chairman, I have been corrected. We did
551 have a hearing in the last Congress, but not on this
552 particular issue.

553 Chairman Conyers. All right.

554 Mr. Chabot. Mr. Chairman, I would ask that the
555 gentleman be granted an additional minute so I could respond.

556 Chairman Conyers. Without objection.

557 Mr. Scott. I yield.

558 Mr. Chabot. Would the gentleman yield? Thank you very
559 much.

560 Just very briefly, first of all, as the gentleman
561 indicated, we did have a hearing on this last year, and we
562 have actually introduced a bill on this about a month ago.

563 But this is the bill that is before us. And restitution
564 is clearly relevant when we are talking about doing things
565 which are going to benefit the defendant or the criminal, and
566 we are talking about the person that was most directly
567 affected by them, and that is the victim.

568 And relative to the burden that it might be on the
569 defendant how much he or she may have financially, let me
570 point out that it allows the court the opportunity to direct
571 defendant to make nominal payments, periodic-type payments,
572 nominal payments if the economic circumstances of the
573 defendant don't allow him to pay it in one lump sum or in
574 significant payments.

575 In other words, the court can determine what reasonable
576 payments are, what is in the best circumstances for both the
577 victim and the defendant.

578 And after all, that is what we are trying to do here, is
579 look out for the victims, who is far too often in legislation
580 like this—we look at it just—what are we doing to benefit the
581 criminal or the defendant.

582 And we ought to look for them, because they are going to
583 be back in society. But there were people that were injured,
584 and those are the victims. And that is what we are trying to
585 do, is look out for them.

586 Chairman Conyers. I thank the gentleman.

587 Who seeks recognition?

588 Yes, the gentleman is recognized for 5 minutes.

589 Mr. King. I thank you, Mr. Chairman. And I think this
590 is a crucial and critical debate.

591 And as I was listening to the discussion, particularly
592 by the gentleman from Virginia—I would go back to the
593 statement that he made in the beginning that U.S.
594 incarceration rates are about 726 per 100,000. I believe it
595 was 532 per 100,000 in Russia, 100 per 100,000 the world
596 average.

597 And I am very interested in his restitution argument.
598 The position that criminal restitution is counterproductive,
599 and yet to advocate for a taxpayer-funded or else a crime
600 recovery funded budget that would fund victims of crimes
601 takes me back to the British common law, where it was the
602 state that was made whole if the offense was against the

603 crown, as today the offense is against the state.

604 When the state gets their punishment, they call
605 themselves whole, and the victim of this crime is cut out of
606 that.

607 And if you have ever sat in a courtroom as a victim of a
608 crime and listening to them say this is a case of the state
609 versus whomever their criminal is, and realize you are there
610 as a victim but you are not really in the equation—and I have
611 processed this through my own mind, and I have wondered if we
612 would make the taxpayers—the state—accountable to provide the
613 restitution for the victims of crime, the taxpayers would
614 revolt at that. And the numbers of our incarceration rates
615 would go up, not go down.

616 And I would submit also that the question of the
617 gentleman from Virginia—if he would, I will yield to this
618 question—and that is have you indexed the rates of
619 incarceration with the crime rates or the violent death rates
620 in these countries, and do you consider that to be a relevant
621 point.

622 And I yield to the gentleman from Virginia.

623 Mr. Scott. I thank the gentleman for yielding.

624 The 726—when you compare everybody else in the world at
625 around 100, nobody else above the 500, everybody has got
626 different rates, but nothing can describe the difference,
627 particularly when our rate has gone up so significantly since

628 the 1980s. The crime rate hadn't been affected.

629 But when I suggested that this bill could be
630 counterproductive, restitution is not always
631 counterproductive. It may be counterproductive. And when it
632 is not counterproductive, present law allows you to do it.

633 Mr. King. In reclaiming my time, and I thank the
634 gentleman from Virginia, I would point out that our violent
635 crime rate here in the United States is 4.28 per 100,000. It
636 is nine times that in Honduras. It is 15.4 times that in
637 Colombia.

638 We have a relatively low crime rate here in the United
639 States compared to a lot of the other countries, at least in
640 the Western Hemisphere, and I think the incarceration rates
641 are relevant if compared to the crime rates.

642 But I support the gentleman from Ohio's amendment, and I
643 would yield back the balance of my time.

644 Chairman Conyers. Mr. King, would you yield to me
645 before you return your time?

646 Mr. King. Of course I would, Mr. Chairman.

647 Chairman Conyers. The problem that we are presented
648 with in the Chabot amendment is this. We are talking about
649 taking judicial discretion away, taking discretion away from
650 the court.

651 And I think that that deserves the kind of hearing that
652 we would get on the Chabot bill that is introduced and

653 pending in this committee right now.

654 And although, you know, we are in a hurry, slapping it
655 on a Second Chance bill I think sends us off in both
656 directions. And that is the point I wanted the members to
657 bear.

658 And I thank the gentleman for yielding.

659 Mr. King. Reclaiming my time, I would yield to the
660 gentleman from California.

661 Mr. Lungren. If I just might mention, I realize some
662 people think we are just putting this on at this point in
663 time.

664 But I would remind the chairman of the committee that it
665 was in 1979 that I joined with Ab Mikva, who was a member of
666 this committee at that time, to introduce the idea of
667 restitution into the federal justice system for perhaps the
668 first time.

669 We have been working on it since 1979. In many of the
670 felonies in the federal system, restitution is already
671 mandatory. This would apply it to all of that. And I
672 support this overall bill, but as I recall, one of the
673 purposes of this bill is restorative justice.

674 Restitution is the essence of restorative justice, at
675 least to the individual who has been victimized in our
676 society. And all too often, we forget the victims.

677 I am not supporting this amendment to slow this bill up

678 or to upset this bill. I support this bill, as I did last
679 year.

680 But I do believe that since we have been looking at this
681 and trying to put this into the system since 1979, it is
682 difficult for me to sit here and say it is just creeping up
683 on us now and we haven't had enough time to discuss it.

684 Mr. Scott. Will the gentleman yield?

685 Mr. Lungren. We just had a hearing on this last year.

686 Mr. Scott. Will the gentleman yield?

687 Mr. Lungren. I would be happy to yield.

688 Mr. Scott. Well, I mean, we have been handed an unseen
689 26-page amendment, and all we are voting on right now is the
690 title and slogan.

691 It seems to me that we can do a lot better than that.
692 We ought to have hearings on the various provisions. You
693 have got one provision on probable cause, rebuttal
694 presumptions, burden of proof. Nobody has read this.

695 I yield back. I believe it is my time. Or it is the
696 gentleman from Iowa's time.

697 Mr. Lungren. If the gentleman would let me respond to
698 that—

699 Mr. King. I continue to yield to the gentleman from
700 California.

701 Mr. Lungren. —I am sorry that we don't all have more
702 time on this. I have been informed that staff on both sides

703 has had it for at least a week in its entirety.

704 I understand the gentleman's concern. I share his
705 concern. My problem is I have been waiting from 1979 to
706 actually get this to fruition, and this is a bill I think
707 that stands a very good chance of passing.

708 Chairman Conyers. The gentleman's time has expired.

709 Mr. Nadler. Will the gentleman yield?

710 Chairman Conyers. The gentleman's time has expired.

711 The chair recognizes the gentleman from New York, Mr.
712 Nadler.

713 Mr. Nadler. I was just going to say, as I understand
714 it, I don't see any necessity for this amendment, since under
715 current law restitution is always in order if the
716 circumstances warrant it in the opinion of the judge, number
717 one.

718 And number two, for most defendants, we are told the
719 great majority of defendants are indigent, and this
720 amendment, as I understand it, although having not had an
721 opportunity to read it—I am going on hearsay at this point,
722 which is never a good idea

723 But as I understand the amendment, it would require, as
724 Mr. Chabot said, at least nominal payments for life, which
725 means that for someone who has no—first of all, what is
726 nominal? What does that mean?

727 Mr. Chabot. Would the gentleman yield?

728 Mr. Nadler. But second of all--no, not at the moment.

729 But for someone who has no ability to make any
730 substantial payments, to waste the time of a probation
731 officer for that person's lifetime, to keep the case open to
732 get \$1 a week or something, or whatever nominal is, makes no
733 sense at all, especially in terms of resources of the system.

734 Let me just add one other thing, and then I will yield
735 to Mr. Chabot. I want to suggest, in half seriousness, to
736 the chairman that we ought to consider amending the rules of
737 the committee to say that no amendment shall be considered
738 unless distributed--no amendment of longer than, say, four
739 pages shall be considered unless distributed to the members
740 at least a day or two in advance, because no one has had any
741 opportunity to read this yet.

742 Mr. Chabot. Would the gentleman yield?

743 Mr. Nadler. Yes, I will yield.

744 Mr. Chabot. Can we make that retroactive over the last
745 12 years when long amendments often times in this committee
746 were offered by the--

747 Mr. Nadler. Well, just reclaiming my time for a second,
748 I don't think you can make good ideas retroactive, nor should
749 you not consider good ideas because you didn't think of them
750 earlier.

751 Mr. Chabot. Okay. Would the gentleman yield?

752 Mr. Nadler. Yes.

753 Mr. Chabot. Let me just comment, first of all, this
754 idea that these payments go on for life—there is nothing in
755 here that says life. What the language says is the court may
756 adjust the payment schedule or require immediate payment in
757 full as the interest of justice requires.

758 Mr. Nadler. Well, reclaiming my time—and let me ask you
759 a question. As I would interpret "adjust the payment
760 schedule" that implies there is still a schedule.

761 It implies that adjusting it down to zero and forgetting
762 about it is not an option. Am I correct?

763 Mr. Chabot. I didn't quite catch what the gentleman
764 said at the end. It doesn't say anything about life.

765 Mr. Nadler. Well, what I am saying is if you read that
766 phrase, "the court may adjust the payment schedule"—that is
767 the phrase—that implies that there is a payment schedule,
768 that the payment schedule isn't zero, and that you can't just
769 say, "All right, forget it for the rest of your life, it is
770 zero now, and don't bother us anymore."

771 It implies that you still have to come to the parole
772 officer every so often and say, "Should it be a dime a week
773 or \$1 a week?"

774 Mr. Lungren. Would the gentleman yield?

775 Mr. Nadler. Sure.

776 Mr. Lungren. There is another section on page 11 which
777 talks about in-kind payments, and it says that if the victim

778 agrees, services rendered to the victim or to a person or
779 organization other than the victim can take the place of—

780 Mr. Nadler. Well, reclaiming my time, I hardly think
781 that it is a good idea or, for that matter, a small enough
782 idea that it doesn't deserve its own extended discussion to
783 impose lifetime peonage on someone because they don't have
784 the money to continue making payments.

785 I hope that is not the intent of this amendment that
786 someone who owes restitution, has been in jail X number of
787 years, comes out of jail, has no money and no hopes of making
788 enough money to pay any substantial restitution, should now
789 be in a position of, in effect, indentured servitude for
790 life, for a certain period of time.

791 I don't think that that is a good idea either. But it
792 comes down to—what you are pointing out does seem to say that
793 you have still got to have some sort of payment schedule,
794 whether it is services, whether it is \$1 a week or whatever,
795 for life.

796 And I don't think that that is a very good idea, if
797 only—well, it is not a good idea, period, because people
798 should be able to get beyond their crimes at some point and
799 forget it. You know, and if they have paid their debt to
800 society, lived their life—and not be hounded by it forever.

801 But secondly, because wasting the time of a probation
802 officer on a case of de minimis payments is absurd.

803 Mr. Lungren. Would the gentleman yield?

804 Mr. Nadler. Yes.

805 Mr. Lungren. As I understand it, this repeats what is
806 already current law, and I am unaware of a single instance of
807 lifetime servitude in any way incorporated in any decision
808 made by the courts where restitution already is required.

809 Mr. Nadler. Well, reclaiming my time, as I understand
810 it, the big difference between this amendment and current law
811 is that this amendment makes things mandatory.

812 And current judges under current law may say, "Okay, we
813 don't need any more restitution at \$1 a week because it is
814 absurd," but once you make it mandatory, that changes the
815 situation.

816 Chairman Conyers. The time of the gentleman has
817 expired. The chair is urging that we move to a vote on this.
818 The question—

819 Mr. Chabot. Mr. Chairman, I would be happy to call the
820 question. As the promoter of the amendment, I would be happy
821 to call the question.

822 Chairman Conyers. All right.

823 Mr. Watt. Mr. Chairman?

824 Chairman Conyers. Yes.

825 Mr. Watt. Before he does that, could I ask the
826 gentleman to withhold calling the question just long enough
827 to say to him that it seems to me that this—

828 Chairman Conyers. The gentleman is recognized.

829 Mr. Watt. —this discussion illustrates the very point
830 that the chairman was trying to make. You have people
831 arguing about what the content of the amendment is. A bill
832 has been dropped.

833 If we have a vote on this amendment, I presume that will
834 put an end to the discussion about the value of restitution,
835 because there will have been a decision made by this
836 committee on the amendment, on the bill itself.

837 It seems to me that a more productive route than to
838 force a vote on this amendment at this point would be to
839 proceed in the regular order so that a hearing could be held
840 on this without the backdrop of the committee already having
841 voted on it one way or another.

842 And so I guess I am suggesting to the gentleman that the
843 process of trying to do this in this context may be
844 counterproductive to the longer-term objective of getting a
845 thoughtful hearing, discussion and markup of the bill, which
846 I think there would be some sentiment for supporting, if we
847 understood it better.

848 I didn't see it until this morning, so I am hoping that
849 the gentleman will take—

850 Mr. Chabot. Will the gentleman yield?

851 Mr. Watt. —my suggestion that that might be a much more
852 productive course to follow than pushing a vote at this

853 point.

854 I will yield to the gentleman.

855 Mr. Chabot. Will the gentleman yield? Thank you. And
856 I thank the gentleman for his helpful advice on this issue.

857 Just a couple of points. First of all, we did have a
858 hearing. You know, we keep talking about, "Well, this is the
859 first time we have seen this." We had a hearing on almost
860 the identical language last year about this issue.

861 This amendment has been available for some time for
862 staffs to discuss with the members. It is understood that
863 the members come to this hearings ready for amendments that
864 they have been made aware of ahead of time.

865 Now, if we are unsuccessful on this amendment, I can
866 assure you that we will push forward with a bill like this at
867 the appropriate time in the future and hope that the chairman
868 will let us do that.

869 However, this is the issue that we have before us, where
870 it is germane. It is the appropriate time to bring up the
871 issue. We are moving the ball forward. And just one—

872 Mr. Watt. Reclaiming my time, if the gentleman wants to
873 push this to a vote, that is fine. I think he is pursuing a
874 course that is counterproductive to his ultimate objective.

875 There are concerns about the retroactivity, the ex post
876 facto part. There are all kinds of concerns that might be
877 able to be addressed if there were a hearing and markup on

878 his bill.

879 Chairman Conyers. Does the gentleman yield back his
880 time?

881 Mr. Watt. I am happy to yield back my time.

882 Chairman Conyers. The question occurs on the amendment
883 offered by the gentleman from Ohio, Mr. Chabot.

884 All in favor will signify by saying, "Aye."

885 Those opposed, signify by saying, "No."

886 In the opinion—well, the chair is certain that the noes
887 have it.

888 Mr. Chabot. Mr. Chairman?

889 Chairman Conyers. Yes.

890 Mr. Chabot. I ask for a recorded vote, please.

891 Chairman Conyers. A recorded vote is requested. The
892 clerk will call the roll.

893 The Clerk. Mr. Chairman?

894 Chairman Conyers. No.

895 The Clerk. Mr. Chairman votes no.

896 Mr. Berman?

897 Mr. Berman. No.

898 The Clerk. Mr. Berman votes no.

899 Mr. Boucher?

900 [No response.]

901 Mr. Nadler?

902 Mr. Nadler. No.

903 The Clerk. Mr. Nadler votes no.
904 Mr. Scott?
905 Mr. Scott. No.
906 The Clerk. Mr. Scott votes no.
907 Mr. Watt?
908 Mr. Watt. No.
909 The Clerk. Mr. Watt votes no.
910 Ms. Lofgren?
911 Ms. Lofgren. No.
912 The Clerk. Ms. Lofgren votes no.
913 Ms. Jackson Lee?
914 Ms. Jackson Lee. No.
915 The Clerk. Ms. Jackson Lee votes no.
916 Ms. Waters?
917 Ms. Waters. No.
918 The Clerk. Ms. Waters votes no.
919 Mr. Meehan?
920 [No response.]
921 Mr. Delahunt?
922 Mr. Delahunt. No.
923 The Clerk. Mr. Delahunt votes no.
924 Mr. Wexler?
925 Mr. Wexler. No.
926 The Clerk. Mr. Wexler votes no.
927 Ms. Sanchez?

928 Ms. Sanchez. No.

929 The Clerk. Ms. Sanchez votes no.

930 Mr. Cohen?

931 Mr. Cohen. No.

932 The Clerk. Mr. Cohen votes no.

933 Mr. Johnson?

934 Mr. Johnson. No.

935 The Clerk. Mr. Johnson votes no.

936 Mr. Gutierrez?

937 [No response.]

938 Mr. Sherman?

939 [No response.]

940 Mr. Weiner?

941 Mr. Weiner. No.

942 The Clerk. Mr. Weiner votes no.

943 Mr. Schiff?

944 Mr. Schiff. No.

945 The Clerk. Mr. Schiff votes no.

946 Mr. Davis?

947 Mr. Davis. No.

948 The Clerk. Mr. Davis votes no.

949 Ms. Wasserman Schultz?

950 Ms. Wasserman Schultz. No.

951 The Clerk. Ms. Wasserman Schultz votes no.

952 Mr. Ellison?

953 Mr. Ellison. No.

954 The Clerk. Mr. Ellison votes no.

955 Mr. Smith?

956 Mr. Smith. Aye.

957 The Clerk. Mr. Smith votes aye.

958 Mr. Sensenbrenner?

959 [No response.]

960 Mr. Coble?

961 Mr. Coble. Aye.

962 The Clerk. Mr. Coble votes aye.

963 Mr. Gallegly?

964 Mr. Gallegly. Aye.

965 The Clerk. Mr. Gallegly votes aye.

966 Mr. Goodlatte?

967 Mr. Goodlatte. Aye.

968 The Clerk. Mr. Goodlatte votes aye.

969 Mr. Chabot?

970 Mr. Chabot. Aye.

971 The Clerk. Mr. Chabot votes aye.

972 Mr. Lungren?

973 Mr. Lungren. Aye.

974 The Clerk. Mr. Lungren votes aye.

975 Mr. Cannon?

976 Mr. Cannon. Aye.

977 The Clerk. Mr. Cannon votes aye.

978 Mr. Keller?
979 Mr. Keller. Aye.
980 The Clerk. Mr. Keller votes aye.
981 Mr. Issa?
982 Mr. Issa. Aye.
983 The Clerk. Mr. Issa votes aye.
984 Mr. Pence?
985 Mr. Pence. Aye.
986 The Clerk. Mr. Pence votes aye.
987 Mr. Forbes?
988 Mr. Forbes. Aye.
989 The Clerk. Mr. Forbes votes aye.
990 Mr. King?
991 Mr. King. Aye.
992 The Clerk. Mr. King votes aye.
993 Mr. Feeney?
994 Mr. Feeney. Aye.
995 The Clerk. Mr. Feeney votes aye.
996 Mr. Franks?
997 Mr. Franks. Aye.
998 The Clerk. Mr. Franks votes aye.
999 Mr. Gohmert?
1000 Mr. Gohmert. Aye.
1001 The Clerk. Mr. Gohmert votes aye.
1002 Mr. Jordan?

1003 Mr. Jordan. Yes.

1004 The Clerk. Mr. Jordan votes yes.

1005 Chairman Conyers. Any members not recorded?

1006 Mr. Meehan?

1007 The Clerk. Mr. Meehan?

1008 Mr. Meehan. No.

1009 The Clerk. Mr. Meehan votes no.

1010 Chairman Conyers. Mr. Sherman?

1011 Any other members?

1012 The clerk will report.

1013 The Clerk. Mr. Chairman, 16 members voted aye, 20
1014 members voted nay.

1015 Chairman Conyers. The majority having voted against the
1016 amendment, it is not agreed to.

1017 The chair recognizes the gentleman from North Carolina,
1018 Mel Watt.

1019 Mr. Watt. Mr. Chairman, I have an amendment at the
1020 desk.

1021 Chairman Conyers. The clerk will report.

1022 The Clerk. "Amendment to H.R. 1593 offered by Mr. Watt
1023 of North Carolina—"

1024 [The amendment by Mr. Watt follows:]

1025 ***** INSERT *****

1026 Mr. Watt. Mr. Chairman, I ask unanimous consent that
1027 the amendment be considered as read.

1028 Chairman Conyers. The gentleman is recognized for 5
1029 minutes.

1030 Mr. Watt. Thank you, Mr. Chairman.

1031 And let me start by saying that I am putting this out
1032 for discussion so that nobody will think that it has not been
1033 dealt with before we get to the floor. But it is my
1034 intention to withdraw the amendment, hoping to have the
1035 assurance that it can be looked at more closely and perhaps
1036 included as part of the manager's amendment as we go to the
1037 floor.

1038 Second, I want to apologize to Mr. Scott and Mr. Forbes
1039 for coming forward with the amendment so late in the process.
1040 I do not serve on the Crime Subcommittee and really didn't
1041 focus on this bill until last evening.

1042 And it appeared to me that there was one oversight that
1043 needed to be taken care of, and I believe this amendment will
1044 do it.

1045 If you look at page 47 of the bill, there is an
1046 authorization for an appropriation that would fund state-run
1047 programs.

1048 If you look at page 98 of the bill, there is an
1049 authorization to appropriate monies to the federal Bureau of
1050 Prisons to implement some things that are done through the

1051 prison system itself.

1052 But there is also an existing program that several
1053 localities have implemented in the federal probation and
1054 parole office, which is under the office of the
1055 Administrative Office of the United States Courts.

1056 And there is not in the bill currently an authorization
1057 of funding or authorization of an appropriation level for
1058 that particular program, and it is that toward which we are
1059 trying to—I think it is just an oversight, because the
1060 provision related to the Administrative Office of the Courts
1061 was put in right at the end of the bill, and I just think
1062 there was an oversight about it.

1063 But just to tell you that there are, I think, 26
1064 existing programs that are being run—reentry programs that
1065 are being run with various levels of intensity through the
1066 probation office which is under the Administrative Office of
1067 the Courts.

1068 About eight of those are being run very effectively and
1069 aggressively, and in one where you normally have a 67 percent
1070 recidivism rate, the recidivism rate has been reduced to
1071 approximately 15 percent to 16 percent. That is the program
1072 in Missouri.

1073 There is also a program that is being run kind of
1074 cutting and pasting funding in the Western District of North
1075 Carolina, which is how I became aware of this kind of as a

1076 separate entity, which has been very effective in reducing
1077 recidivism by seeking meaningful employment opportunities for
1078 people who are coming out of the prison system.

1079 And perhaps the highest correlation between those people
1080 who don't go through the revolving door right back into the
1081 prison system is the ability to find a meaningful job and
1082 keep that meaningful job.

1083 So we want to incentivize these kinds of programs, and
1084 this language would allow that to happen. And I think there
1085 is not an alternative source other than by taking it from
1086 some other sources now, and that is the point that I hope we
1087 will look at closely between now and the floor.

1088 With that, I will yield either to the chairman of the
1089 subcommittee or the chairman of the full committee.

1090 Chairman Conyers. Well, I think you have made a very
1091 important contribution here. Is it your intention at this
1092 point to withdraw this amendment?

1093 Mr. Watt. It is my intention to withdraw it, unless you
1094 all want me to pursue it at this point, just for the purpose
1095 of making sure that we are not duplicating something
1096 someplace else, and hopefully with the understanding that you
1097 all will look at this more intensively and perhaps put it in
1098 the manager's amendment if, in fact, it was an oversight as I
1099 think it might have been.

1100 Chairman Conyers. If the gentleman will yield, I can

1101 give him that assurance.

1102 Mr. Watt. I am happy to yield to the gentleman for that
1103 purpose. And with that, unless somebody else wants to be
1104 heard, I will withdraw the amendment.

1105 Chairman Conyers. All right. The amendment is
1106 withdrawn.

1107 Does the gentlelady from Texas seek recognition or not?

1108 Ms. Jackson Lee. I have an amendment at the desk, Mr.
1109 Chairman.

1110 Chairman Conyers. The clerk will report the amendment.

1111 The Clerk. "Amendment #2B to H.R. 1593, offered by Ms.
1112 Jackson Lee of Texas. At the end of section 237, add the
1113 following new section: "Sec. 238, Family Reunification for
1114 Certain Non-Violent Offenders—"

1115 [The amendment by Ms. Jackson Lee follows:]

1116 ***** INSERT *****

1117 Chairman Conyers. I ask unanimous consent the amendment
1118 be considered as read.

1119 I recognize the gentlelady from Texas for 5 minutes.

1120 Ms. Jackson Lee. I thank the distinguished gentleman.

1121 If we are recounting committee history, I want to remind
1122 my colleagues that language like this under the past
1123 Congresses offered by myself in this committee was admitted
1124 into the Department of Justice authorization bill and signed
1125 by the president of the United States. So it has a very
1126 positive history.

1127 But as it relates to this bill, the focus is to ensure
1128 that individuals who are non-violent, with no infraction
1129 while incarcerated, having spent half of their time, have the
1130 opportunity to spend time in a halfway house and then be
1131 reunited with their family members.

1132 Usually, individuals of the age of 45, approximately,
1133 have teenaged children, and mostly what you see in our
1134 communities are families without parents because they are
1135 incarcerated.

1136 This is a background and lays a criteria for those who
1137 might be able to be reunited with their families through a
1138 halfway house and in participation in this excellent road map
1139 that has now been established for Second Chance.

1140 It is well noted of the extensive incarceration numbers
1141 that we have in the United States, and it is also is well

1142 noted of the recidivism. I am delighted that the prison
1143 ministries supports this legislation.

1144 And frankly, the opportunity for individuals to be
1145 reunited with families and then, of course, spend time in a
1146 transitional halfway house and then be part of the second
1147 chance again provides opportunities for, one, reinvestment
1148 back in the community; ability at a time in life to secure
1149 employment, therefore eliminating large numbers of families
1150 on welfare because there is only a single parent and no
1151 resources; again, role models for children who are lacking in
1152 a two-parent situation.

1153 And so it has, I believe, great merit, and it, of
1154 course, tracks the question of the purpose of a second
1155 chance, which is to live a second chance, to be able, if you
1156 will, to carry on what the purpose of the bill is, because
1157 you are now at an age where you can benefit from this.

1158 The recidivism that we are frustrated with, that this
1159 bill attempts to respond to—clearly, this amendment would
1160 allow these individuals to be rehabilitated and to serve back
1161 into their community.

1162 Let me yield to the distinguished chairman. I wanted to
1163 yield to him.

1164 Chairman Conyers. Well, I thank the gentlelady for
1165 yielding.

1166 This is an important section. I am sorry that it had

1167 not been given the attention that it deserves during the
1168 subcommittee hearings. I see some very important merit here.
1169 But you know, now that I am thinking about it, this should-
1170 like the previous amendment, it should be examined more
1171 carefully in the committee.

1172 What we are doing here we don't know—we are going to
1173 overflow halfway houses as we reduce prisons—not that that is
1174 a bad idea. It is a good idea. But I would really like to
1175 examine it a lot more, Ms. Lee. And I am sorry that this did
1176 not come up.

1177 Can I ask the chairman of the subcommittee how this has
1178 developed in the course of the Crime Subcommittee's hearings?

1179 Mr. Scott. Well, I would say that we have on our agenda
1180 the LERA Act, Literacy, Education and Rehabilitation Act,
1181 which would increase good time.

1182 And I believe there is a bill to just simply reinstate
1183 parole, period, which I think—this could easily fall into
1184 that purview for hearings in the future, if that is your
1185 question.

1186 Ms. Jackson Lee. Well, reclaiming my time, let me
1187 indicate that it is an amendment language that we have had
1188 over a period of time in this particular Judiciary Committee
1189 over the years that I have been on the committee.

1190 I have offered it repeatedly, and what I would like to
1191 do is to continue to work with the chairperson on this

1192 matter, as important as it is. I happen to think that it is
1193 timely. I think that there is broad support.

1194 There is support in the Senate. We have discussed it
1195 with a number of colleagues in the Senate. And so I think
1196 that it does have the ability to move as we are moving this
1197 bill, and I would like to work with the committee to ensure
1198 that that happens.

1199 For that reason, I am going to ask that this amendment
1200 be withdrawn at this time.

1201 Chairman Conyers. Before the gentlelady does that,
1202 would she yield to the gentleman from Tennessee?

1203 Ms. Jackson Lee. I would be happy to yield to the
1204 gentleman from Tennessee.

1205 Mr. Cohen. Thank you, Mr. Chairman.

1206 And thank you, Representative Lee, for bringing this.

1207 I would like to ask the gentlelady from Texas if, when
1208 she works with the subcommittee chairman—

1209 Chairman Conyers. The chair grants the gentlelady an
1210 additional minute.

1211 Ms. Jackson Lee. I thank the gentleman, and I yield to
1212 the distinguished gentleman from Tennessee.

1213 Mr. Cohen. If you all would look at defining an escape
1214 from the Bureau of Prisons as being something other than and
1215 not including somebody who elopes or escapes from a halfway
1216 house—right now, as I understand the law—I had a case like

1217 this—that if somebody leaves the halfway house, it is
1218 considered an escape from a federal institution, and they
1219 have to serve their full term.

1220 And this gentleman was out. He had 2 months to go. He
1221 drove off somewhere to visit somebody. He just shouldn't
1222 have done it, but he just drove away—nothing violent. He was
1223 put back in the federal system for another 4 years. We
1224 shouldn't be paying for that person for 4 years.

1225 So if you could just exercise and eliminate from that
1226 definition of halfway houses so that those folks wouldn't
1227 come under this Draconian provision—

1228 Chairman Conyers. The gentlelady's time has almost
1229 expired.

1230 Ms. Jackson Lee. Let me thank the gentleman for his
1231 instructive insight.

1232 Mr. Chairman, I look forward to working with the
1233 committee. And I hope we will move this as we move the
1234 underlying legislation.

1235 I yield back and ask unanimous consent to withdraw this
1236 amendment at this time.

1237 Chairman Conyers. The chair thanks the gentlelady and
1238 grants her request.

1239 Now that we have no—

1240 Mr. Gohmert. Mr. Chairman?

1241 Chairman Conyers. —that 40 amendments have been lost en

1242 route here, we have no more—there are no more amendments
1243 before us.

1244 Mr. Gohmert. Mr. Chairman?

1245 Chairman Conyers. Oh, Mr. Gohmert of Texas.

1246 [Laughter.]

1247 The gentleman is recognized. For what purpose?

1248 Mr. Gohmert. Mr. Chairman, I have Gohmert's Amendment A
1249 being provided at the desk.

1250 Mr. Weiner. Mr. Chairman, may I be recognized for a
1251 unanimous consent request?

1252 Chairman Conyers. Yes.

1253 Mr. Weiner. Mr. Chairman, I ask unanimous consent that
1254 Gohmert's amendments be considered en bloc.

1255 Mr. Gohmert. Well, I object, because—

1256 Chairman Conyers. Without objection—

1257 Mr. Gohmert. I object.

1258 Chairman Conyers. Objection is heard.

1259 Mr. Scott. Mr. Chairman? Mr. Chairman?

1260 Chairman Conyers. The chairman of the subcommittee?

1261 Mr. Scott. I reserve a point of order.

1262 Chairman Conyers. All right.

1263 The clerk will report.

1264 The Clerk. "Amendment to H.R. 1593, the Second Chance
1265 Act of 2007, offered by Mr. Gohmert of Texas #A. After
1266 section 4 of the act, insert the following new section: Sec.

1267 5, Rule of Construction. Nothing in this act shall be
1268 construed to permit discrimination against any organization,
1269 entity or institution because it is faith-based or affiliated
1270 with a faith-based organization."

1271 [The amendment by Mr. Gohmert follows:]

1272 ***** INSERT *****

1273 Chairman Conyers. The gentleman from Texas is
1274 recognized in the pursuit of his amendment.

1275 Mr. Gohmert. Thank you, Mr. Chairman.

1276 And I know there is a lot of jovial nature around here
1277 wanting to take up all the amendments at the same time, but
1278 the fact is there are a number of things about this bill that
1279 create concerns.

1280 One thing is sure, we have got to do a better job in
1281 this country of retraining and, in some cases, training and
1282 educating people while they are incarcerated.

1283 That has not been effectively done in this country, and
1284 it needs to be. And the recidivism rates reflect that we
1285 have not done a good job of that.

1286 Though I have many other concerns about the bill, in
1287 some cases just throwing money after programs that may be
1288 down a hole, this amendment just simply says that—and I think
1289 properly invoking the First Amendment—that groups that are
1290 faith-based should not be discriminated against in this bill.

1291 There is over \$356 million being appropriated over a 2-
1292 year period. I say more than because there is one provision
1293 that just says such sums as is necessary. Who knows how much
1294 that is?

1295 But over and over, from my personal experience with the
1296 Texas prisons, Texas has not done a good job of training and
1297 educating.

1298 But dramatic drops in recidivism rates have occurred by
1299 faith-based groups that have gone in—most of whom get no
1300 funding, but they have gone in. They assist in educating,
1301 training, and then mentoring after incarceration, and these
1302 truly dramatic drops in recidivism by the work of faith-based
1303 groups should not be left in limbo.

1304 Now, I understand that there are some faith-based groups
1305 who have been convinced or concerned that if this language of
1306 my amendment is in the bill, it won't clear the Senate. And
1307 this is simply a prohibition against discrimination against
1308 faith-based groups.

1309 But I have reason to believe if this language isn't on
1310 there, it may likewise be held and not get through the
1311 Senate. So I would humbly submit this is important language.

1312 These groups have done great work. And because of the
1313 fear of some lawsuits that some threaten, if this language is
1314 not in there, different entities—prisons, wardens, sheriffs,
1315 confining facilities—will be concerned about allowing faith-
1316 based groups to do the work that has shown such dramatic
1317 results.

1318 So for that reason—and let me add, too, this isn't just
1319 my concern. I was approached by some of the staff of the
1320 faith-based initiative that work at the Department of Labor,
1321 and they had the same concerns, because they have seen
1322 legislation that did not provide this kind of language.

1323 There were four bills that President Clinton had seen
1324 through and passed that did include this type of language
1325 that did allow for faith-based groups to not be discriminated
1326 against. And they are working great.

1327 In programs where the language is not included, they
1328 have seen some discrimination. So I think it makes the bill
1329 a better bill, far more palatable, if this language is there—
1330 easily to be upheld if there were a court challenge.

1331 And with that, Mr. Chairman, I would yield back.

1332 Chairman Conyers. I thank the gentleman.

1333 I recognize the gentleman from Virginia, the chairman of
1334 the Subcommittee on Crime.

1335 Mr. Scott. Mr. Chairman, I have an amendment in the
1336 second degree to the Gohmert amendment at the desk.

1337 Chairman Conyers. The clerk will report the second-
1338 degree amendment.

1339 The Clerk. "Amendment in the second degree to the
1340 Gohmert amendment to H.R. 1593, offered by Mr. Scott. After
1341 'faith-based organization' insert, ', nor shall any
1342 discrimination be permitted based on race, color, creed,
1343 religion, national origin or sex, with any funds authorized
1344 by this act.'"

1345 [The amendment by Mr. Scott follows:]

1346 ***** INSERT *****

1347 Chairman Conyers. Would the gentleman withdraw his
1348 reservation of a point of order against the Gohmert
1349 amendment?

1350 Mr. Scott. Yes.

1351 Chairman Conyers. All right. And then the gentleman is
1352 recognized for 5 minutes.

1353 Mr. Scott. Mr. Chairman, yesterday at the markup the
1354 gentleman from Texas accepted this amendment, and I was
1355 wondering if he was going to accept it this time, too.

1356 Mr. Gohmert. Mr. Chairman?

1357 Mr. Scott. And I yield to the gentleman from Texas.

1358 Mr. Gohmert. I thank the gentleman for yielding.

1359 Yesterday, it did not include the term "religion." It
1360 did include the word "creed." And on looking last night at
1361 creed, that is basically religion. And so because of that
1362 earth-shattering, ground-breaking amendment that this would
1363 create, I cannot accept the amendment.

1364 Mr. Scott. Thank you, Mr. Chairman.

1365 Mr. Chairman, if we can avoid-reclaiming my time, but if
1366 we can avoid discrimination, we ought to avoid
1367 discrimination. Injecting this debate in this bill would do
1368 harm to the fragile coalition that is supporting the bill.

1369 But if we are going to discuss this, and discuss
1370 discrimination, we ought to prohibit discrimination of the
1371 use of funds authorized for this act based on race.

1372 No organization ought to be able to say that with the
1373 federal funds in the bill we are not going to hire African-
1374 Americans—or color, creed, national origin—we are not going
1375 to hire people from certain countries.

1376 And so I would hope that we would adopt this amendment
1377 to the amendment and then consider the amendment at that
1378 time.

1379 Frankly, I think it would be my preference to have this
1380 amendment—if we are going to consider the Gohmert amendment,
1381 it ought to be with a non-discrimination clause.

1382 It would be my hope that if my amendment is successful
1383 that we still defeat the Gohmert amendment as amended,
1384 because this very controversial debate will easily and more
1385 constructively be taken somewhere else other than at this
1386 time.

1387 We have a very important piece of legislation that has a
1388 broad cross-section of support. Frankly, many of those
1389 supporting the underlying bill will support Mr. Gohmert.
1390 Some will support me.

1391 But the overwhelming portion have taken the position
1392 that that debate can more constructively be taken somewhere
1393 else. And I would—

1394 Chairman Conyers. Would the gentleman yield?

1395 Mr. Scott. I yield.

1396 Chairman Conyers. I thank the gentleman for yielding,

1397 because I am surprised that this second-degree amendment was
1398 not accepted.

1399 But even though I have strong reservations against the
1400 principal amendment by the gentleman from Texas, I think it
1401 is important that we add the balance that your second-degree
1402 amendment brings to it.

1403 It is true that the grants in this bill should be
1404 administered in a non-discriminatory fashion. I think I can
1405 safely say every member of the committee agrees to that
1406 principle.

1407 It is important that we do not permit anyone,
1408 particularly including the grant recipients, to discriminate
1409 in their use of the funds they receive. So I believe that
1410 the perfecting amendment by Mr. Scott is very important.

1411 If it is adopted, I also agree with him that the
1412 amendment should still be ultimately rejected, for there is a
1413 careful balance in this bill on this issue arrived at in a
1414 bipartisan fashion and supported by leading faith-based
1415 institutions, as reflected in mail we have received from 16
1416 of these organizations, urging that we not amend the bill.

1417 And so I believe we should preserve that balance by
1418 opposing the amendment but agreeing to the Scott amendment.

1419 Mr. Coble. Mr. Chairman?

1420 Chairman Conyers. Yes, Mr. Coble?

1421 Mr. Coble. Move to strike the last word.

1422 Chairman Conyers. The gentleman is recognized.

1423 Mr. Coble. And, Mr. Chairman, I yield to the gentleman
1424 from Texas.

1425 Mr. Gohmert. I thank my friend for yielding.

1426 Mr. Chairman, you are right. There is part, though, of
1427 Mr. Scott's amendment that is completely acceptable, but as I
1428 understand the parliamentary rules, I am not allowed to
1429 amend an amendment to my amendment.

1430 So otherwise, I would move to strike the word "creed"
1431 and "religion" and would accept Mr. Scott's proposed
1432 amendment to the amendment.

1433 But because there is no problem—no group should
1434 discriminate based on race, color, national origin or sex,
1435 but to include the terms "creed" and "religion," the
1436 gentleman from Virginia knows well that that would be a
1437 poison pill to my amendment. That is why he is putting it
1438 out there.

1439 He knows that that would be a poison pill that faith-
1440 based groups could not accept this because this is earth-
1441 shattering law.

1442 And let me make clear to anybody on both sides of the
1443 aisle that would think about supporting Mr. Scott's
1444 amendment. This is earth-shattering stuff.

1445 This is the kind of stuff that will rise up to bite you
1446 in the future when it is made known, if you support this

1447 amendment, that you have chosen to vote for legislation that
1448 would force a Christian group to hire atheists, a Muslim
1449 group to hire Jews, a Jewish group to hire Muslims.

1450 This has never been required. The civil rights
1451 amendment and all the great civil rights legislation that has
1452 made such a difference—

1453 Mr. Weiner. Will the gentleman yield?

1454 Mr. Gohmert. No—that has made such a difference in this
1455 country has carved out this exception for religious or creed
1456 to be considered by religious groups, so like-minded people—
1457 and in 1987, the U.S. Supreme Court unanimously—not 5-4, 6-3,
1458 7-2; unanimously—upheld this kind of special protection for
1459 religion or creed and said that—Justice Brennan wrote
1460 determining certain activities are in furtherance of an
1461 organization's religious mission and that only those
1462 committed to that mission should conduct them is a means by
1463 which a religious community defines itself.

1464 This would destroy that protection that was unanimously
1465 upheld by the Supreme Court, that has repeatedly been
1466 protected in civil rights legislation, because religion is
1467 different from race, creed—I mean, race, color, national
1468 origin or gender.

1469 And it needs to be protected. And that is why this
1470 poison pill is being attempted to be inserted in my
1471 amendment.

1472 Mr. Weiner. Would the gentleman yield now?

1473 Mr. Gohmert. I have to yield back to my friend—

1474 Mr. Coble. I yield back my time, Mr. Chairman.

1475 Chairman Conyers. The gentleman from New York, Mr.
1476 Weiner, is recognized.

1477 Mr. Weiner. Mr. Chairman, I move to strike the last
1478 word.

1479 Chairman Conyers. Without objection.

1480 Mr. Weiner. You know, I think there is some good,
1481 healthy debate to be had around this issue of what the
1482 different elements in this Congress are trying to accomplish
1483 when we advocate for funds for faith-based organizations.

1484 There are many people, like myself, who believe that so
1485 much of the good works being done in the country today, in
1486 our cities, all over the country, is not being done by
1487 government.

1488 The people that are running the soup kitchens, the
1489 people that are running the job training programs, the drug
1490 treatment programs are not government agencies. They are
1491 being done by organizations of faith acting on their
1492 teachings, acting on their best interest, acting on their
1493 better angel.

1494 But there are some who I believe in this Congress see
1495 their advocacy for faith-based organizations as a way of
1496 trying to provide wedges between us, not really trying to

1497 provide the additional services, but trying to use it as a
1498 wedge.

1499 And I think that Mr. Gohmert's previous comments lay a
1500 certain light on this issue. I don't understand when you are
1501 teaching someone typing skills why it matters what your
1502 religion is, why you would want to discriminate based on
1503 religion.

1504 I don't know, when you are giving someone job training
1505 of any sort, or drug treatment of any sort—what difference
1506 does it make what your religious affiliation is?

1507 What is the Christian way to teach typing? What is the
1508 Muslim way to ladle soup? What is the Jewish way to try to
1509 cure someone of the scourge of drugs? Not why you would not
1510 want—not what the law says. Why would you want to?

1511 I have been into dozens of soup kitchens in New York
1512 City, a lot of them, most of them in church basements—not in
1513 government edifices, in church basements. I have never seen
1514 anyone who saw their mission to serve the soup and then to
1515 proselytize. They are trying to help people.

1516 And so the question has to be why is it that the
1517 gentleman from Texas and so many of his ilk are so opposed to
1518 this. Could it be they want the funds to proselytize, they
1519 want the funds to advance their political mission perhaps?

1520 If that is the case, then no one is going to be able to
1521 expand these programs. But I believe the overwhelming

1522 majority in Congress and of the American people reject the
1523 gentleman from Texas's argument, that they want to
1524 discriminate.

1525 You know, this notion that it is ground-breaking or
1526 earth-shattering—I forget the metaphor that was used by the
1527 gentleman from Texas—is just wrong.

1528 I think most Americans who would watch this debate would
1529 say, "You know what? I don't really care what the national
1530 origin is or what the creed is of the person who is providing
1531 the service. I honor them for providing the service."

1532 I want to do nothing to get them in the way. We as
1533 Democrats, I believe, are the true party of faith because we
1534 say, "Let's get out of the way of these organizations of
1535 faith doing their business."

1536 And if we are going to pass something here that doesn't
1537 have Mr. Scott's language in it, then it makes you wonder why
1538 don't you want it.

1539 What is it that you are going to try to achieve with
1540 these programs that you can't do if you simply say, "When we
1541 hire you to teach reading to someone who is illiterate, we
1542 are not going to give you a religious litmus test?"

1543 What is it you are trying to achieve? I can only assume
1544 that the gentleman from Texas believes they should do that.
1545 And then I say why.

1546 Why would you want to take someone who just got out of

1547 prison, who perhaps believes devoutly in Islam, that we are
1548 not going to give you a job, even though you might be a real
1549 inspirational figure to these other people who are coming
1550 out, simply because of your beliefs?

1551 We are not asking them to teach religion. We are not
1552 asking them to do—we are asking them to help make the
1553 transition from someone that was formerly incarcerated and be
1554 a productive member of society.

1555 And I think that we have to get out from our constant
1556 sense of trying to provide ideological wedges between us and
1557 understand that all of us have the shared desire in this
1558 legislation.

1559 Mr. Scott. Will the gentleman yield?

1560 Mr. Weiner. I will be glad to yield.

1561 Mr. Scott. Thank you. I thank the gentleman for
1562 yielding.

1563 Let me just briefly say—and I thank the gentleman's
1564 comments—when the gentleman from Texas says earth-shattering
1565 and shocked—we had that shock in 1965 when we decided that
1566 discrimination in employment was so reprehensible that we
1567 made it illegal for a business man with his own money to
1568 discriminate based on religion.

1569 The 1987 case said that if it is the church's own money,
1570 they can discriminate for the church mission, not for a—a
1571 federal program is not a church mission.

1572 And as for the idea that you can discriminate based on
1573 religion but not everything else, church groups tend to be
1574 racially polarized, so if you are discriminating based on
1575 religion, you are in effect discriminating based on race.

1576 In fact, I have talked to many civil rights lawyers who
1577 have indicated that they are unaware of any racial
1578 discrimination case made ever since 1965 against a religious
1579 organization. Thank you.

1580 And I thank the gentleman for yielding.

1581 Chairman Conyers. The gentleman's time has expired.

1582 The chair recognizes the gentleman from Texas, Mr. Lamar
1583 Smith.

1584 Mr. Smith. Thank you, Mr. Chairman. I move to strike
1585 the last word.

1586 Mr. Chairman, I want to explain why I oppose Mr. Scott's
1587 second-degree amendment. It would restrict the ability of
1588 religious organizations to maintain their religious
1589 character, including through their staffing practices, when
1590 they participate in Second Chance Act programs.

1591 The landmark federal law prohibiting religious
1592 discrimination in employment includes an explicit exemption
1593 for religious employers in Section 702(a) of Title 7 of the
1594 Civil Rights Act of 1964.

1595 Any federal legislation governing federal social service
1596 funds should continue to protect the rights of religious

1597 organizations to hire and staff on a religious basis when
1598 they take part in federal social service efforts.

1599 Four laws supported by President Clinton explicitly
1600 allow religious organizations to retain their right to staff
1601 on a religious basis when they receive federal funds.

1602 Those laws are the Substance Abuse and Mental Health
1603 Services Administration, the Community Services Block Grant
1604 Act of 1998, the Welfare Reform Act of 1996, and the
1605 Community Renewal Tax Relief Act of 2000.

1606 Members of faith-based organizations should enjoy the
1607 same right to associate with others sharing their unique
1608 vision as other non-religious groups currently enjoy.

1609 To deny them that right is to discriminate against
1610 people simply because they are religious and have a religious
1611 rather than a purely secular way of looking at the world.

1612 Faith-based organizations cannot be expected to sustain
1613 their religious drive without the ability to employ
1614 individuals who share the tenets and practices of their
1615 faith, because it is that faith that motivates them to serve
1616 their neighbors in trouble.

1617 In *Bowen v. Kendrick*, the United States Supreme Court
1618 upheld a program allowing federal funds to be given to faith-
1619 based organizations for family counseling, including faith-
1620 based organizations who required their employees to follow
1621 religious directives.

1622 Mr. Chairman, for these reasons I urge my colleagues to
1623 oppose Mr. Scott's amendment.

1624 And, Mr. Chairman, I have to say that if it passes, I
1625 would also urge my colleagues to vote no on the underlying
1626 amendment—

1627 Mr. Weiner. Would the gentleman yield for a question?

1628 Mr. Gohmert. Would the gentleman yield?

1629 Mr. Smith. I am going to yield to Mr. Gohmert, the
1630 gentleman from Texas.

1631 Mr. Gohmert. Thank you for yielding, Mr. Smith.

1632 The gentleman from New York is misrepresenting—I have no
1633 problem including an amendment to mine that prohibits
1634 discrimination based on race, color, national origin or sex.

1635 It is the creed, religion that I have a problem with.
1636 That is ground-breaking. That is earth-shattering. And
1637 right now, for example, the federal government has many
1638 faith-based organizations with whom it has partnerships,
1639 including Lutheran Social Services, Catholic Charities,
1640 Salvation Army and Jewish federations.

1641 If this underlying amendment of Mr. Scott were adopted,
1642 it could require Jewish groups like the Jewish Federation to
1643 hire Nazis, because they could not discriminate against them.

1644 It is ground-breaking and it is inappropriate.

1645 Mr. Weiner. Would the gentleman yield?

1646 Mr. Gohmert. No. The gentleman mischaracterized my

1647 words, and so I am not prepared to.

1648 Another point is—and this was prepared by the faith-
1649 based initiative group—and by the way, comment has been made
1650 that this won't affect—or that no groups are known that would
1651 oppose this underlying amendment to my amendment.

1652 Well, the faith-based groups I have been advised—
1653 including Prison Fellowship, if this were attached to the
1654 overall bill would have to oppose it.

1655 Mr. Weiner. Would the gentleman from Texas yield?

1656 Mr. Gohmert. My time is running out. A faith-based
1657 organization—

1658 Mr. Weiner. Would the gentleman from Texas yield?

1659 Mr. Gohmert. —that receives federal funds to house the
1660 homeless—and this is an example from the faith-based
1661 initiative group from the—could help the homeless, help them
1662 find work, provide them with drug treatment and counseling,
1663 and could be subject to different federal, state or local
1664 rules and regulation on whether it can hire according to its
1665 religious beliefs.

1666 In other words, the organization might be permitted to
1667 take up religion into account in hiring employees that
1668 provide the drug treatment parts of this program but not
1669 permitted to take religion into account for those employees
1670 that help someone find work.

1671 That makes no sense. It would start the process of

1672 destroying religious groups in America. It is a dangerous
1673 door to open, and it should not be.

1674 And at this time, I will yield to the gentleman from New
1675 York.

1676 Mr. Weiner. Would the gentleman yield?

1677 Mr. Smith. The gentleman yields to me, and I will be
1678 happy—

1679 Chairman Conyers. Mr. Smith has the time, but there are
1680 only 14 seconds remaining.

1681 Mr. Smith. The 14 seconds I will yield to Mr. Weiner,
1682 the gentleman from New York.

1683 Mr. Weiner. You know, Mr. Smith, I appreciate your
1684 remarks.

1685 And Mr. Gohmert, I appreciate yours, but you have yet to
1686 explain to me why you would want to discriminate in job
1687 training, in drug treatment. Why would you want to? That is
1688 what—

1689 Mr. Gohmert. That is a mischaracterization of my words.

1690 Mr. Weiner. No, you just said those words.

1691 Mr. Smith. Mr. Chairman, I would ask for an additional
1692 1 minute that I will yield to the gentleman from Texas, Mr.
1693 Gohmert.

1694 Mr. Weiner. The question is why you would want to, not—
1695 Chairman Conyers. Without objection, so ordered.

1696 The gentleman from Texas has been yielded to.

1697 Mr. Gohmert. I do not want discrimination with regard
1698 to hiring or anything like that other than by religious
1699 groups.

1700 Mr. Weiner. Why?

1701 Mr. Gohmert. And as I just explained, if the gentleman
1702 had listened, once you force a religious group to hire
1703 atheists or to hire—a Jewish group to hire Nazis in this one
1704 little area over here, you have opened the door and begun to
1705 force them to hire in all areas, because—just as I pointed
1706 out.

1707 So you are opening the dangerous door here that has
1708 never been opened before, and if those who vote to do this—

1709 Mr. Weiner. Would the gentleman yield?

1710 Mr. Gohmert. —and vote for the Mr. Scott amendment will
1711 be voting to force groups to hire people they have never been
1712 forced to hire before.

1713 Mr. Weiner. Would the gentleman yield?

1714 Mr. Smith. Mr. Chairman, I will yield back the balance
1715 of my time.

1716 Chairman Conyers. The gentleman from Minnesota is
1717 recognized.

1718 Mr. Ellison. Mr. Chair, I want to associate myself with
1719 the remarks of Mr. Weiner from New York. And I just want to
1720 say that I certainly hope that religion is not the last
1721 refuge for discrimination and bigotry. It shouldn't be.

1722 The fact is that in Minnesota we had a Christian-based
1723 organization that was servicing community, and we had a large
1724 number of Somali residents who live right near there.

1725 And in the beginning, there was some resistance and
1726 tension because of the religious differences, but over time
1727 what happened is that nobody gave up their religion, but
1728 everybody had a greater understanding of the other person's
1729 religion and therefore a greater understanding of the
1730 community and humanity at large.

1731 This policy of non-discrimination on the basis of
1732 religion that Mr. Scott advocates and Mr. Weiner has been
1733 speaking on is actually a very good thing if we have a public
1734 policy of trying to bring Americans together around religion.

1735 You know what? Today, we have fought the battle on Jim
1736 Crow. We are fighting it still, to try to make our country
1737 one where people don't discriminate on the basis of race.

1738 But it seems as though there has been a resurgence of
1739 discriminatory attitudes around religion. Let me tell you, I
1740 know. And the fact is that it is not good for our country,
1741 and we should be as—we have as strong a purpose as we have
1742 ever had to try to bring people together around religion.

1743 This is a good amendment that Mr. Scott has proposed.
1744 It will knock down barriers. And I guarantee you, what you
1745 fear and what you are afraid of is really kind of a phantom.

1746 You will find over time that, yes, if Muslims have an

1747 organization where they hire people who are Jewish, it will
1748 bring people together. If Christians hire people who, in
1749 fact, may be atheists, it will bring people together.

1750 This is good for our country. And I want to say that I
1751 hope all of our—

1752 Mr. Weiner. Will the gentleman yield for a question?

1753 Mr. Ellison. I certainly will.

1754 Mr. Weiner. You know, you are a Muslim. I am Jewish.
1755 So forgive me if these questions—

1756 Mr. Ellison. And you could have a job at my place any
1757 time.

1758 Mr. Weiner. You know, Mr. Gohmert and Mr. Smith didn't
1759 answer this question. Perhaps you can draw something.

1760 Is there a particular Islamic way to ladle soup?

1761 Mr. Ellison. No, there is just one way.

1762 Mr. Weiner. Is there a particular Islamic way to teach
1763 a skill, to teach, say, how to repair a car once you have
1764 gotten out of prison?

1765 Mr. Ellison. No.

1766 Mr. Weiner. Is there a particular Islamic way to
1767 counsel someone on the best ways to resist the temptations of
1768 drugs?

1769 Mr. Ellison. No. No.

1770 Mr. Weiner. Wouldn't you want to, if you were creating
1771 a program in your institution of faith, to get the best

1772 possible people to do the work?

1773 Mr. Ellison. Not only would you want to get the best
1774 possible people to do the work, you would want to demonstrate
1775 your faith by helping all of humanity regardless of what
1776 their beliefs are, because the faith is within the person who
1777 is giving the service. It doesn't matter who is receiving
1778 it.

1779 Mr. Weiner. And can I just ask one further question on
1780 your time? To your understanding of things—and it is odd for
1781 me, perhaps, that I would have to pose this question, but Mr.
1782 Gohmert makes it necessary—is Fascism a religion?

1783 Mr. Ellison. That was a new one on me, Mr. Weinert. I
1784 am not familiar with Nazism or Fascism being a religious
1785 belief.

1786 Mr. Weiner. If the gentleman would further yield, you
1787 know, there are moments on this committee you will learn that
1788 things are said and you wonder.

1789 You say should you bother responding to it, because it
1790 is so utterly—you know, frankly incomprehensible to most of
1791 us who deal with these issues, or do you have to clarify the
1792 record once they are said. That was one of those moments for
1793 me.

1794 And I appreciate your letting me do it on your time.

1795 Mr. Ellison. Well, you know, Mr. Weiner, this is a
1796 moment where I think there is no comment to say mis-or

1797 uninformed that—to avoid correcting it, and I am glad that
1798 you brought those points out.

1799 I yield back.

1800 Mr. Lungren. Mr. Chairman?

1801 Chairman Conyers. The chair recognizes the gentleman
1802 from California, Mr. Lungren.

1803 Mr. Lungren. Thank you very much, Mr. Chairman.

1804 I hope we aren't trivializing concerns raised by the
1805 gentleman from Texas by suggesting that there is a Christian
1806 or a Muslim or a Jewish way of ladling soup. That is really
1807 not the issue.

1808 If you listen to some of what was said recently in this
1809 committee, it almost sounds like multiculturalism gone riot.

1810 The idea that people don't have a right to somehow
1811 freely associate within a religious grouping such that they
1812 reinforce their faith by working side by side, that they do
1813 good works as an expression of their religious faith, is
1814 either a lack of appreciation for the understanding of how
1815 some people view their faith, or it is a mocking of that
1816 understanding.

1817 The fact of the matter is that the protections have been
1818 allowed under the law such that people of certain religions—
1819 of religious groups can hire those within their religious
1820 organization precisely because it reinforces the
1821 constitutional right of freedom of association.

1822 The notion that in order to be allowed to cooperate with
1823 the government in doing good to help others you must somehow
1824 break the unity of experiences and religious faith commitment
1825 would ultimately mean that those people who are most
1826 dedicated to their religions are the only ones not allowed to
1827 participate in that kind of social work.

1828 Now, if that is the position that some take, I can
1829 understand it. They have taken the idea of the separation of
1830 church and state to a new level, that in order to practice
1831 your religion you have to give up the freedom of association
1832 implicit in the Constitution and the Bill of Rights.

1833 But if, on the other hand, you believe that the common
1834 good is enhanced by the cooperation of as many different
1835 people of faith as possible, you try and reach an
1836 accommodation. And that is what the gentleman from Texas is
1837 attempting to do, I believe.

1838 It is not the idea of discriminating. It is the idea of
1839 allowing people freely associating as a result of their
1840 religious beliefs but attempting to work out those religious
1841 beliefs in practical social ways that benefit all of society.

1842 And I don't know, I guess we have forgotten the
1843 principle of subsidiarity, which was referred to by many
1844 people, including Abraham Lincoln, but also de Tocqueville,
1845 when he talked about the greatness of America as contrasted
1846 with that of Europe was that we had so many different

1847 voluntary associations and organizations, including those
1848 based on a common belief—that is, to the organization—of
1849 faith.

1850 And so rather than suggesting that Mr. Gohmert's
1851 amendment would divide us further, it in essence allows for a
1852 flowering of participation by a number of different religious
1853 groups.

1854 Now, some may think it is a good thing that religious
1855 groups would be ultimately required to be so open that they
1856 were not distinguishable from any other religious group. I
1857 have never thought that as the essence of the freedom of
1858 association.

1859 Now, some say, "Well, you have the right to freely
1860 associate, but then you don't have the right to participate
1861 in the federal government because we have that divide." It
1862 is certainly a responsible reading, but I hope that that is
1863 not the dominant reading of our Constitution in the sense of
1864 the separation of church and state.

1865 Chairman Conyers. The gentleman's time has expired.

1866 Mr. Lungren. So I hope people would appreciate the
1867 gentleman from Texas's amendment.

1868 Chairman Conyers. And the chair is now going to call
1869 for a vote on the second-degree amendment of—well, no, let's
1870 call the question.

1871 All those in favor of the Scott second-degree amendment,

1872 indicate by saying, "Aye."

1873 All those opposed, indicate by saying, "No."

1874 The chair is in doubt, but the chair believes that the
1875 noes have it.

1876 Mr. Scott. Recorded vote, Mr. Chairman?

1877 Chairman Conyers. A recorded vote is called for, and
1878 the clerk will call the roll.

1879 The Clerk. Mr. Chairman?

1880 Chairman Conyers. Aye.

1881 The Clerk. Mr. Chairman votes aye.

1882 Mr. Berman?

1883 Mr. Berman. Aye.

1884 The Clerk. Mr. Berman votes aye.

1885 Mr. Boucher?

1886 [No response.]

1887 Mr. Nadler?

1888 Mr. Nadler. Aye.

1889 The Clerk. Mr. Nadler votes aye.

1890 Mr. Scott?

1891 Mr. Scott. Aye.

1892 The Clerk. Mr. Scott votes aye.

1893 Mr. Watt?

1894 [No response.]

1895 Ms. Lofgren?

1896 [No response.]

1897 Ms. Jackson Lee?
1898 Ms. Jackson Lee. Aye.
1899 The Clerk. Ms. Jackson Lee votes aye.
1900 Ms. Waters?
1901 [No response.]
1902 Mr. Meehan?
1903 [No response.]
1904 Mr. Delahunt?
1905 [No response.]
1906 Mr. Wexler?
1907 Mr. Wexler. Aye.
1908 The Clerk. Mr. Wexler votes aye.
1909 Ms. Sanchez?
1910 Ms. Sanchez. Aye.
1911 The Clerk. Ms. Sanchez votes aye.
1912 Mr. Cohen?
1913 Mr. Cohen. Aye.
1914 The Clerk. Mr. Cohen votes aye.
1915 Mr. Johnson?
1916 Mr. Johnson. Aye.
1917 The Clerk. Mr. Johnson votes aye.
1918 Mr. Gutierrez?
1919 [No response.]
1920 Mr. Sherman?
1921 [No response.]

1922 Mr. Weiner?

1923 Mr. Weiner. Pass.

1924 The Clerk. Mr. Weiner passes.

1925 Mr. Schiff?

1926 [No response.]

1927 Mr. Davis?

1928 [No response.]

1929 Ms. Wasserman Schultz?

1930 [No response.]

1931 Mr. Ellison?

1932 Mr. Ellison. Aye.

1933 The Clerk. Mr. Ellison votes aye.

1934 Mr. Smith?

1935 [No response.]

1936 Mr. Sensenbrenner?

1937 [No response.]

1938 Mr. Coble?

1939 Mr. Coble. No.

1940 The Clerk. Mr. Coble votes no.

1941 Mr. Gallegly?

1942 Mr. Gallegly. No.

1943 The Clerk. Mr. Gallegly votes no.

1944 Mr. Goodlatte?

1945 Mr. Goodlatte. No.

1946 The Clerk. Mr. Goodlatte votes no.

1947 Mr. Chabot?

1948 Mr. Chabot. No.

1949 The Clerk. Mr. Chabot votes no.

1950 Mr. Lungren?

1951 Mr. Lungren. No.

1952 The Clerk. Mr. Lungren votes no.

1953 Mr. Cannon?

1954 Mr. Cannon. No.

1955 The Clerk. Mr. Cannon votes no.

1956 Mr. Keller?

1957 Mr. Keller. No.

1958 The Clerk. Mr. Keller votes no.

1959 Mr. Issa?

1960 [No response.]

1961 Mr. Pence?

1962 [No response.]

1963 Mr. Forbes?

1964 [No response.]

1965 Mr. King?

1966 Mr. King. No.

1967 The Clerk. Mr. King votes no.

1968 Mr. Feeney?

1969 Mr. Feeney. No.

1970 The Clerk. Mr. Feeney votes no.

1971 Mr. Franks?

1972 Mr. Franks. No.

1973 The Clerk. Mr. Franks votes no.

1974 Mr. Gohmert?

1975 Mr. Gohmert. No.

1976 The Clerk. Mr. Gohmert votes no.

1977 Mr. Jordan?

1978 Chairman Conyers. Additional members?

1979 Mr. Schiff?

1980 Mr. Schiff. Aye.

1981 The Clerk. Mr. Schiff votes aye.

1982 Chairman Conyers. Ms. Lofgren?

1983 Ms. Lofgren. Aye.

1984 The Clerk. Ms. Lofgren votes aye.

1985 Chairman Conyers. Ms. Waters?

1986 Ms. Waters. Aye.

1987 The Clerk. Ms. Waters votes aye.

1988 Chairman Conyers. Mr. Meehan?

1989 Mr. Meehan. Aye.

1990 The Clerk. Mr. Meehan votes aye.

1991 Chairman Conyers. Mr. Delahunt?

1992 Mr. Delahunt. Aye.

1993 Chairman Conyers. Mr. Goodlatte?

1994 Mr. Watt?

1995 Mr. Watt. Aye.

1996 The Clerk. Mr. Watt votes aye.

1997 Chairman Conyers. We don't have any indication of your
1998 being recorded.

1999 The Clerk. Mr. Weiner passed.

2000 Mr. Weiner. Right. Aye.

2001 The Clerk. Mr. Weiner votes aye.

2002 Chairman Conyers. The clerk will report.

2003 The Clerk. Mr. Chairman, 17 members voted aye, 11
2004 members voted nay.

2005 Chairman Conyers. The ayes have it. The second-degree
2006 amendment is agreed to.

2007 The clerk will now call a vote on-

2008 Mr. Nadler. Mr. Chairman? Mr. Chairman?

2009 Chairman Conyers. For what reason does the gentleman
2010 seek recognition?

2011 Mr. Nadler. Strike the last word on the amendment as
2012 amended.

2013 Chairman Conyers. All right. The gentleman is
2014 recognized.

2015 Mr. Nadler. Thank you, Mr. Chairman.

2016 Mr. Chairman, I listened very carefully to Mr. Lungren
2017 and Mr. Gohmert and a few others before, and there is a
2018 fundamental confusion either deliberate or indeliberate in
2019 this debate.

2020 Religious-affiliated organizations such as Catholic
2021 Charities, Lutheran Social Services, Jewish Federation are

2022 501(c)(3) non-profits. They are not allowed to discriminate—
2023 they never have been allowed to discriminate—in hiring on the
2024 basis of religion.

2025 The church, the synagogue can discriminate on religion.
2026 They are exempt from Section 7 of the Civil Rights Act. But
2027 they don't get federal funds.

2028 The religiously affiliated independent organization that
2029 gets federal funds is prohibited under current law from
2030 discriminating on the basis of religion and ought to continue
2031 to be prohibited from discriminating on the basis of religion
2032 in hiring.

2033 The perniciousness of the amendment that Mr. Gohmert
2034 wants and the whole debate on so-called faith-based hiring is
2035 to allow discrimination on the basis of religion in hiring
2036 with federal money.

2037 That has never been allowed. It should not be allowed.
2038 And it has not been allowed since the Civil Rights Act of
2039 1965.

2040 And it does not detract from maintaining the character
2041 of a church to tell that church you may discriminate in who
2042 you hire as a priest. For that matter, you may discriminate
2043 on the basis of religion in who you hire as a janitor in the
2044 church.

2045 But if you take federal money to run a soup kitchen or
2046 to run a prison rehabilitation agency, you may not

2047 discriminate on the basis of who you hire in that agency with
2048 federal money.

2049 That is the principle we are trying to maintain. That
2050 is why this amendment is so pernicious.

2051 And there is a very great difference between allowing
2052 religions to function without federal interference in their
2053 religious vocation as we do, and saying that that religion or
2054 that religious agency, with federal funds, can put out a sign
2055 saying, "No Jews, No Catholics May Apply," for federally
2056 funded jobs in ladling out soups or giving treatment for drug
2057 addiction or whatever.

2058 And it is wrong, with federal money, to use religion in
2059 doing so. So if the methodology of giving drug-based
2060 treatment to the prisoner is a lecture on how to not use
2061 drugs, that is fine with federal funds.

2062 If it is a lecture on how to not use drugs because of
2063 your belief in God or in Jesus or whatever—not with federal
2064 funds. And that is the clear distinction we have always made
2065 and should continue to make.

2066 Chairman Conyers. I thank the gentleman.

2067 Mr. Nadler. I thank you, and I yield back.

2068 Chairman Conyers. Does he return his time?

2069 The question occurs on the amendment as amended.

2070 Mr. Gohmert. Mr. Chairman?

2071 Chairman Conyers. All those in favor—

2072 Mr. Gohmert. Mr. Chairman, I would ask unanimous
2073 consent to withdraw—

2074 Chairman Conyers. I would yield to the gentleman—

2075 Mr. Gohmert. I would ask unanimous consent to withdraw
2076 my current amendment.

2077 Chairman Conyers. Without objection, so ordered. And I
2078 thank the gentleman.

2079 Mr. Gohmert. All right. Mr. Chairman, I do have
2080 another amendment at the desk, #3.

2081 Chairman Conyers. Let's report amendment #3.

2082 Mr. Scott. Mr. Chairman, I just want to reserve a point
2083 of order.

2084 Chairman Conyers. A point of order is reserved by Mr.
2085 Scott.

2086 The Clerk. "Amendment to H.R. 1593, offered by Mr.
2087 Gohmert #3. Amendments to Sec. 101: Page 10, line 7, after
2088 the word 'entities,' insert 'including faith-based'—"

2089 [The amendment by Mr. Gohmert follows:]

2090 ***** INSERT *****

2091 Chairman Conyers. We ask unanimous consent that the
2092 amendment be considered as read.

2093 The gentleman from Texas is recognized.

2094 Mr. Gohmert. Thank you, Mr. Chairman.

2095 We have already had a good bit of discussion. This
2096 amendment number three would insert language in particularly
2097 important parts of the bill where I believe it would be
2098 important not to discriminate against faith-based groups or
2099 those affiliated with faith-based groups.

2100 And that is what this would seek to do on particular
2101 parts. And you will note that there are many places provided
2102 in this one amendment.

2103 I am not trying to stack—if I were trying to do as many
2104 amendments as I could, each one of these would have been
2105 separate. That is not the case. I am trying to bring as
2106 many of these important aspects together.

2107 But there are some things that have been raised and
2108 mischaracterized in the preceding debate. For one thing, my
2109 friend from New York had indicated that he has now learned
2110 through this debate that Fascism is a religion.

2111 And actually, what it is—it is anti-religion. It is
2112 anti-Semitic. It is anti-race. It is anti-religion. And it
2113 is not something that any Jewish or Christian group should be
2114 forced to hire someone who harbored those feelings.

2115 Chairman Conyers. Would the gentleman yield to me,

2116 please?

2117 Mr. Gohmert. Yes, Mr. Chairman.

2118 Chairman Conyers. I wanted to thank the gentleman for
2119 what appears to be an attempt to package or combine some of
2120 his amendments, which would be expeditious to the committee,
2121 since lunch time approaches and also our responsibilities on
2122 the floor. I thank the gentleman.

2123 Mr. Gohmert. Well, thank you, Mr. Chairman.

2124 If I might add, there is not a Christian way to ladle
2125 soup. There is not a Christian way to teach typing. But
2126 there is a motivation in the hearts and minds of people with
2127 religious convictions.

2128 And as a Christian, when I ladle soup for free for
2129 people less fortunate, it has been the motivation and the
2130 caring that goes into that, not that there is a better way or
2131 a less sloppy way or anything like that. It goes to the
2132 motivation.

2133 And any religious group, whether it is the Jewish
2134 Federation, with whom the federal government already has
2135 partnerships, the Catholic groups that they have got
2136 partnerships with, the Lutheran groups—they ought to be able
2137 to hire people with the same motivation religiously that they
2138 have.

2139 They should never be allowed to discriminate based on
2140 race, color, national origin, gender, and they shouldn't be

2141 allowed to do that. And as far as I know, that has never
2142 been allowed.

2143 But they should be able—religious groups in furtherance
2144 of the First Amendment should be able to hire individuals who
2145 have the same motivation out of the same religious
2146 convictions because it can make a difference.

2147 And one of the concerns I have is that this bill has not
2148 been adequately studied in the different ways in which it
2149 attempts to reach out to people, but that if an adequate
2150 study were done, you would find that faith-based groups have
2151 a lower degree of recidivism among those they have helped
2152 than those who are simply paid, and it is a job, and so they
2153 do it.

2154 Chairman Conyers. Does the gentleman return his time?

2155 Mr. Gohmert. I would at this time, Mr. Chairman. I
2156 thank the chairman and I yield back.

2157 Chairman Conyers. I thank the gentleman from Texas.

2158 I recognize the gentleman from Virginia.

2159 Mr. Scott. Mr. Chairman, I think we can incorporate by
2160 reference what has been said for the last hour. And rather
2161 than go through the amendment process, I would hope that it
2162 would just defeat the amendment rather than go through
2163 everything that has been said in the last hour.

2164 I yield back.

2165 Chairman Conyers. Would the gentleman yield briefly to

2166 Mr. Cohen?

2167 Mr. Scott. I yield.

2168 Mr. Cohen. Thank you, Mr. Chairman.

2169 I served 24 years in the Tennessee state senate. And
2170 while there, I was the only Jewish member of that body. It
2171 is good to be in Congress and have some fellow Jewish members
2172 and people who understand the First Amendment to work with.

2173 So I appreciate Mr. Weiner and Mr. Nadler's comments,
2174 and they incorporate what I was thinking.

2175 And I know there was no disrespect meant by the
2176 gentleman from Texas, but to talk about Jews and compare it
2177 with Jewish people hiring Nazis is offensive to me.

2178 Nazis predominantly were Christians. And the Holocaust
2179 was a Christian tragedy. The acts were perpetrated by people
2180 who claimed to be Christian.

2181 Nazism is a form of government and has nothing to do
2182 with religion, and those people claim they had religion,
2183 mostly Lutheran, but different religions. And it is
2184 offensive to me to have such a comparison made in the United
2185 States Congress.

2186 And to start a debate by talking about the First
2187 Amendment, and then to go to the second degree and let groups
2188 discriminate based on religion, which is where I have
2189 encountered discrimination in my life, is also offensive.

2190 If it is done by the second degree, it is as offensive

2191 as the first degree, and the first degree is government. And
2192 if you don't want government—you want to discriminate, don't
2193 take government money.

2194 The social mission should be first, and they should be
2195 able to do their social mission without the money. But if
2196 you get the money, you don't discriminate.

2197 Chairman Conyers. Does the gentleman from—
2198 Mr. Scott. I yield back.

2199 Chairman Conyers. Okay. The gentleman from Virginia
2200 yields back.

2201 The question occurs on the amendment—
2202 Mr. King. Mr. Chairman?

2203 Chairman Conyers. How many minutes do you want?

2204 Mr. King. If I could have 1 minute, Mr. Chairman.

2205 Chairman Conyers. The gentleman is recognized.

2206 Mr. King. Thank you, Mr. Chairman. I just think it
2207 needs to be addressed here that it is offensive to Christians
2208 to be compared to Nazis. There is no basis in the Christian
2209 religion for genocide. There may be a basis in other
2210 religions, but not in the Christian religion.

2211 That was not a Christian movement. That was a national
2212 socialist movement. And the utilization of the term Nazi
2213 that has been spread across the spectrum of conservatives and
2214 Christians and people that are trying to adhere to and
2215 protect and defend this Constitution is offensive to me.

2216 And we will have many debates in this Judiciary
2217 Committee if that kind of language persists.

2218 And I would yield back to the chairman.

2219 Chairman Conyers. Ladies and gentlemen, I ask you to
2220 keep the tone of this discussion as much under control as is
2221 humanly possible.

2222 The question occurs on the amendment of the gentleman
2223 from Texas.

2224 All of those in favor, signify by saying, "Aye."

2225 All those opposed, signify by saying, "No."

2226 The noes clearly have it.

2227 Mr. Gohmert. Mr. Chairman, I would ask for a recorded
2228 vote.

2229 Chairman Conyers. And a recorded vote is called for.

2230 The Clerk. Mr. Chairman?

2231 Chairman Conyers. No.

2232 The Clerk. Mr. Chairman votes no.

2233 Mr. Berman?

2234 [No response.]

2235 Mr. Boucher?

2236 [No response.]

2237 Mr. Nadler?

2238 Mr. Nadler. No.

2239 The Clerk. Mr. Nadler votes no.

2240 Mr. Scott?

2241 Mr. Scott. No.

2242 The Clerk. Mr. Scott votes no.

2243 Mr. Watt?

2244 [No response.]

2245 Ms. Lofgren?

2246 [No response.]

2247 Ms. Jackson Lee?

2248 [No response.]

2249 Ms. Waters?

2250 [No response.]

2251 Mr. Meehan?

2252 [No response.]

2253 Mr. Delahunt?

2254 [No response.]

2255 Mr. Wexler?

2256 [No response.]

2257 Ms. Sanchez?

2258 Ms. Sanchez. No.

2259 The Clerk. Ms. Sanchez votes no.

2260 Mr. Cohen?

2261 Mr. Cohen. No.

2262 The Clerk. Mr. Cohen votes no.

2263 Mr. Johnson?

2264 Mr. Johnson. No.

2265 The Clerk. Mr. Johnson votes no.

2266 Mr. Gutierrez?

2267 Mr. Gutierrez. No.

2268 The Clerk. Mr. Gutierrez votes no.

2269 Mr. Sherman?

2270 [No response.]

2271 Mr. Weiner?

2272 Mr. Weiner. Pass.

2273 Mr. Sherman. Mr. Sherman votes no.

2274 The Clerk. Mr. Sherman votes no.

2275 Mr. Weiner passes.

2276 Mr. Schiff?

2277 Mr. Schiff. No.

2278 The Clerk. Mr. Schiff votes no.

2279 Mr. Davis?

2280 [No response.]

2281 Ms. Wasserman Schultz?

2282 Ms. Wasserman Schultz. No.

2283 The Clerk. Ms. Wasserman Schultz votes no.

2284 Mr. Ellison?

2285 Mr. Ellison. No.

2286 The Clerk. Mr. Ellison votes no.

2287 Mr. Smith?

2288 Mr. Smith. Aye.

2289 The Clerk. Mr. Smith votes aye.

2290 Mr. Sensenbrenner?

2291 [No response.]

2292 Mr. Coble?

2293 Mr. Coble. Aye.

2294 The Clerk. Mr. Coble votes aye.

2295 Mr. Gallegly?

2296 Mr. Gallegly. Aye.

2297 The Clerk. Mr. Gallegly votes aye.

2298 Mr. Goodlatte?

2299 Mr. Goodlatte. Aye.

2300 The Clerk. Mr. Goodlatte votes aye.

2301 Mr. Chabot?

2302 Mr. Chabot. Aye.

2303 The Clerk. Mr. Chabot votes aye.

2304 Mr. Lungren?

2305 [No response.]

2306 Mr. Cannon?

2307 Mr. Cannon. Aye.

2308 The Clerk. Mr. Cannon votes aye.

2309 Mr. Keller?

2310 Mr. Keller. Aye.

2311 The Clerk. Mr. Keller votes aye.

2312 Mr. Issa?

2313 Mr. Issa. Aye.

2314 The Clerk. Mr. Issa votes aye.

2315 Mr. Pence?

2316 [No response.]

2317 Mr. Forbes?

2318 [No response.]

2319 Mr. King?

2320 Mr. King. Aye.

2321 The Clerk. Mr. King votes aye.

2322 Mr. Feeney?

2323 Mr. Feeney. Aye.

2324 The Clerk. Mr. Feeney votes aye.

2325 Mr. Franks?

2326 Mr. Franks. Aye.

2327 The Clerk. Mr. Franks votes aye.

2328 Mr. Gohmert?

2329 Mr. Gohmert. Aye.

2330 The Clerk. Mr. Gohmert votes aye.

2331 Mr. Jordan?

2332 Chairman Conyers. Are there any other members required

2333 to vote?

2334 Mr. Meehan?

2335 Mr. Meehan. No.

2336 The Clerk. Mr. Meehan votes no.

2337 Chairman Conyers. Mr. Watt?

2338 Mr. Watt. No.

2339 The Clerk. Mr. Watt votes no.

2340 Chairman Conyers. Ms. Waters?

2341 Ms. Waters. No.

2342 The Clerk. Ms. Waters votes no.

2343 Chairman Conyers. Mr. Berman?

2344 Mr. Berman. No.

2345 The Clerk. Mr. Berman votes no.

2346 Chairman Conyers. Mr. Wexler?

2347 Mr. Wexler. No.

2348 The Clerk. Mr. Wexler votes no.

2349 Chairman Conyers. Mr. Weiner?

2350 Mr. Weiner. Aye.

2351 The Clerk. Mr. Weiner votes aye.

2352 Chairman Conyers. The clerk will report.

2353 The Clerk. Mr. Chairman, 13 members voted aye, 16

2354 members voted nay.

2355 Chairman Conyers. The amendment fails.

2356 And before we retire for lunch, I would like to ask if

2357 the gentleman from Texas would like to present to the

2358 committee another and possibly the final amendment that

2359 encompasses some of the other issues that he would raise.

2360 Mr. Gohmert. Well, Mr. Chairman, I have quite a few

2361 amendments. I could have lived with—well, let me just say,

2362 there is a lot of things in here that shouldn't be in here,

2363 and I think when people see them and actually take a look

2364 that haven't actually read all 112 pages, they are going to

2365 want to strike some of the things or substitute some of the

2366 things.

2367 Chairman Conyers. Well, is there any way that we could
2368 incorporate any of your amendments and perhaps see if we can
2369 get these into some manageable order?

2370 Mr. Gohmert. Well, they are manageable to me the way
2371 they are right now. I have got them numbered and stacked up
2372 here. And some, I think, have a good shot at passing once
2373 people hear what is involved and what is in the bill.

2374 Chairman Conyers. Well, then the committee will stand
2375 in recess, but I am hoping that the gentleman and his staff
2376 will try to do something between now and the time that we
2377 come back at 1:30. Thank you.

2378 Mr. Gohmert. Mr. Chairman, you may be glad to know I
2379 have already pulled seven of them so far.

2380 Chairman Conyers. Thank you. All right. And, Mr.
2381 Gohmert, if there is any way we can see any of these
2382 amendments, maybe we can all work together in this process.

2383 The committee stands in recess.

2384 [Recess.]

2385 Chairman Conyers. The committee will come to order,
2386 please. Take your seats.

2387 Members, while we were voting and while others were
2388 taking lunch, there has been a great deal of work on both
2389 sides of the committee. Our staffs have been working hard
2390 with our colleague from Texas, Mr. Gohmert, and I am very

2391 encouraged about the progress that has been made.

2392 And I would be willing to, before we commence, ask the
2393 gentleman if he would like to strike the last word to
2394 indicate where we are and how much progress has been made in
2395 terms of examining some of the questions that have been
2396 raised by him.

2397 The gentleman is recognized.

2398 Mr. Gohmert. Thank you, Mr. Chairman. And your staff
2399 has been extremely helpful and most gracious, and I really
2400 appreciate that.

2401 I have numerous amendments, but I am advised that some
2402 of them are in areas that are going to be reworked for the
2403 manager's amendment, and others that, you know, we just have
2404 a disagreement on. And so I think we will be able to move
2405 through rather quickly. Some have been combined into one
2406 amendment.

2407 But at this point—and actually, Mr. Chairman, I think
2408 our agreement was that as we get to an amendment that I have
2409 that is something that is going to be reworked anyway and
2410 your staff had agreed that, you know, we would get input and
2411 I would be worked with on these before it is presented on the
2412 floor, once that announcement is made, then I wouldn't have a
2413 problem withdrawing those as we get to them.

2414 At this time, whenever the chairman is ready, I would be
2415 prepared to move through these.

2416 Chairman Conyers. Are there any amendments?

2417 Mr. Gohmert. Mr. Chairman, I do have—

2418 Chairman Conyers. The gentleman is recognized.

2419 Mr. Gohmert. Mr. Chairman, this is amendment #4.

2420 Chairman Conyers. The clerk will report the amendment.

2421 The Clerk. "Amendment to H.R. 1593, the Second Chance

2422 Act of 2007, offered by Mr. Gohmert of Texas #4. Page 15,

2423 line 10, strike everything beginning with (15) through page

2424 16, line 24."

2425 [The amendment by Mr. Gohmert follows:]

2426 ***** INSERT *****

2427 Chairman Conyers. The gentleman is recognized.

2428 Mr. Gohmert. Thank you, Mr. Chairman. And I won't be
2429 using all my 5 minutes on these.

2430 This is part that—and just to express my concern,
2431 sometimes things are done in Congress that have the very best
2432 of intentions, where we all agree on what we hope is the
2433 outcome, and yet with best intentions do not always come
2434 effective results.

2435 And it seems at times we provide money for things to try
2436 to help when what happens is we end up providing incentives
2437 for conduct that we do not want to encourage.

2438 And so in looking through this, everyone cares deeply
2439 about children, whether it is our own or those in this
2440 country, and we should do all that we can to assist them.

2441 But this bill goes into, in these areas that I have
2442 asked to strike, implementing programs that may very well
2443 conflict and work at cross purposes with other child
2444 protection efforts.

2445 There are provisions in this 112-page bill that require
2446 coordination, but those are in different grants.

2447 This, for example, on page 16, will provide grants that
2448 include developing programs and activities that support
2449 parent-child relationships, which sounds nice, and I am sure
2450 we all would support, except that it goes on to say
2451 including—and it can be for the well-being of the family—

2452 including technology to promote parent-child relationship and
2453 facilitate participation in parent-teacher conferences,
2454 books-on-tape program, family days, visitation areas for
2455 children while visiting incarcerated parents.

2456 I mean, some of this is so broad, including technology
2457 to promote the well-being of the family. That could even be
2458 included to provide BlackBerries for children so they can
2459 communicate with the family, or somebody incarcerated—give
2460 them one.

2461 That is so broad, and it just seems like you are going
2462 to end up providing things in this bill for the family of
2463 criminals that the rank-and-file law-abiding citizen may not
2464 have the money to support.

2465 And I would hate for us to create a G.I. bill for
2466 criminals that goes beyond what even our service members'
2467 families are provided.

2468 And having seen service members' families on welfare and
2469 trying to make things meet during my time in the military, I
2470 just hate to promote too much for families of criminals that
2471 is not readily available to other people. And I am afraid
2472 this part that I move to strike does that.

2473 With that, I yield back.

2474 Chairman Conyers. Thank you.

2475 Mr. Scott. Mr. Chairman?

2476 Chairman Conyers. Mr. Scott?

2477 Mr. Scott. I move to strike the last word. I move to
2478 strike the last word.

2479 Chairman Conyers. Without objection.

2480 Mr. Scott. Mr. Chairman, when the gentleman talks about
2481 family of criminals, the fact is the Second Chance bill deals
2482 with prisoners to try to reduce the recidivism rate.

2483 I mean, it helps the prisoner. That is fine. But the
2484 point of all of this is that it reduces recidivism and
2485 reduces the chance that law-abiding citizens will be victims
2486 of crime in the future and reduces the chance that the
2487 taxpayer will have to pay for the reincarceration.

2488 In fact, most of these programs save more money than
2489 they cost by reducing recidivism.

2490 Unfortunately, what we have found is that the children
2491 of prisoners are one of the highest-risk groups in terms of
2492 criminal justice of any group there is.

2493 So to the extent that we can help families of
2494 incarcerated individuals deal with family problems and bring
2495 their children up the best they can, the less chance there
2496 will be for us to be victims of crime and have to pay for it.

2497 Now, a significant portion of the prisoners have
2498 children. And these are the ones that are at high risk. And
2499 if we delete this area, we are missing an opportunity to
2500 reduce crime.

2501 Now, we can subject that to all kinds of rhetoric and

2502 sound bites, and call them families of criminals, and all
2503 this—BlackBerries and everything. You can ridicule it, but
2504 the fact of the matter is we are addressing a problem.

2505 If we do this properly, we will reduce crime and reduce
2506 money.

2507 I yield back.

2508 Mr. Weiner. Will the gentleman yield before he yields
2509 back?

2510 Mr. Scott. Yes, sorry. I yield to the gentleman from
2511 New York.

2512 Mr. Weiner. Well, thank you. And I just think it is
2513 worth us refocusing a little bit on what we are doing here.
2514 The section that the gentleman seeks to strike is the section
2515 that describes what types of things can be paid for with the
2516 federal grants.

2517 It doesn't guarantee that if you have a proposal to
2518 provide BlackBerries to people it is going to necessarily be
2519 a grant that is chosen. There is a whole bunch of other
2520 criteria that are focused on trying to prevent recidivism.

2521 And we have to be careful to say, "Well, they are going
2522 to get things that other citizens aren't getting." Well,
2523 that is our hope.

2524 Our hope is that we have a recidivism rate that goes
2525 down and down, there are fewer and fewer ex-offenders, and
2526 therefore fewer and fewer costs to society and the like.

2527 But I frequently hear my colleagues on the other side
2528 accuse Democrats of trying to micro-manage things. I think
2529 what we are trying to do here is craft a bill that allows
2530 these organizations to come up with programs that work.

2531 And if they work, frankly, the amount that will be paid
2532 to have someone connected to the Internet so they can help
2533 their children study after hours is going to be well worth it
2534 to even those people who we are not giving the Internet to,
2535 because they are going to benefit from the lower cost to
2536 society and less crime, which is the goal of this bill, which
2537 is why it has such broad bipartisan support, including people
2538 like Mr. Cannon and Mr. Coble and Mr. Sensenbrenner and the
2539 like, because it is something that I think unifies us here,
2540 is that the way we are dealing with former offenders is
2541 largely broken.

2542 And we the federal government have to get off the
2543 sidelines and help some of these organizations do the work
2544 that they do so well.

2545 And I thank the chairman for yielding.

2546 Mr. Scott. Thank you.

2547 In summary, Mr. Chairman, the kinds of programs that we
2548 are dealing with—the drug rehabilitation and those kinds of
2549 things—can significantly help the parent-child relationship.
2550 The last thing you need is a drug-addicted parent not dealt
2551 with when they have to go back and try to raise their

2552 children.

2553 Mr. Gohmert. If the gentleman will yield—

2554 Mr. Scott. I yield.

2555 Mr. Gohmert. —the parts that I am asking to be stricken
2556 don't have anything providing drug treatment. I think we are
2557 in agreement on the need for that.

2558 I yield back.

2559 Mr. Scott. Reclaiming my time, the part that was, I
2560 guess, disparaged was technology to promote the parent-child
2561 relationship and facilitate participation in parent-teacher
2562 conferences, books-on-tape programs, family—and help the
2563 education of both the prisoner and the child—I think can go a
2564 long way in trying to enhance or reduce the chance of the
2565 children we will be seeing in the criminal justice system.

2566 And if the parents have been empowered to raise their
2567 children, they are probably more likely to pay more attention
2568 to the children and less attention to criminal activities.

2569 I yield back.

2570 Chairman Conyers. I thank the gentlemen, all of them,
2571 for their discussion on this particular amendment.

2572 The question occurs on the amendment.

2573 All those in favor, say, "Aye."

2574 All those opposed, say, "No."

2575 The noes have it, and the amendment fails.

2576 Is there any other amendment that anyone would like to

2577 offer?

2578 Mr. Gohmert. Mr. Chairman?

2579 Chairman Conyers. Yes. The gentleman from Texas?

2580 Mr. Gohmert. I would offer amendment #6.

2581 Chairman Conyers. The clerk will report amendment 6.

2582 The Clerk. "Amendment to H.R. 1593, the Second Chance
2583 Act of 2007, offered by Mr. Gohmert of Texas #6. Page 17,
2584 lines 18 and 19, strike all text. Page 18, lines 5 and 6,
2585 strike all text."

2586 [The amendment by Mr. Gohmert follows:]

2587 ***** INSERT *****

2588 Chairman Conyers. The gentleman is recognized in
2589 support of his amendment.

2590 Mr. Gohmert. Thank you, Mr. Chairman. And I will be
2591 brief.

2592 One of the things that this overall bill deals with is
2593 establishment of grants—well, grants to establish reentry
2594 courts.

2595 And you know, the gentleman, my friend from Virginia,
2596 Mr. Scott, had mentioned drug and alcohol testing. I would
2597 note that this is also not some of the language that is
2598 sought to be struck by this amendment.

2599 But it is attempting to combine the reentry courts to
2600 those things that are most important, and that would include
2601 drug and alcohol testing and treatment, restorative justice
2602 practices, convening family or community impact panels,
2603 family impact educational classes, victim impact panels—that
2604 would all remain.

2605 Employment training is still included. But it does seek
2606 with regard to education and housing assistance after—and you
2607 may not like the term, but criminals or offenders, whatever
2608 you want to call them, those who have broken the law and been
2609 sent to incarceration—providing them education and housing
2610 assistance after they have gotten out of jail.

2611 Again, we are trying to not go overboard in providing
2612 what could even be deemed incentives. It was done in the

2613 1960s in some of the legislation, and I am trying to avoid
2614 creating any additional dollars from taxpayers to people that
2615 the normal law-abiding citizen would not be entitled to.

2616 So we ought to be educating and training within the
2617 prisons, while they are incarcerated, but once they are out,
2618 to be providing them education and housing assistance and
2619 medical care, with no end in sight at this point—that is what
2620 is sought—that I am seeking to strike.

2621 Chairman Conyers. Thank you.

2622 The chair recognizes the gentleman from Minnesota.

2623 Mr. Ellison. I move to strike the last word.

2624 Mr. Chair, I would oppose the amendment. I think that
2625 any health care professional could tell you that the reason
2626 people often find themselves using drugs is because they are
2627 trying to medicate mental illnesses.

2628 And I think that mental illness treatment is critical in
2629 order to help people properly reenter society. And you know,
2630 the fact is we have to bear in mind here that what we are
2631 trying to do is to take a population that has violated the
2632 law and have them not do that anymore.

2633 And so if we want to achieve that goal, it is important
2634 to address the things that led them into conflict with the
2635 law in the first place, and that is very likely to be mental
2636 health issues, which should well be treated.

2637 And again, as I said, you know, you can't say I am for

2638 drug treatment and then say I am opposed to mental health
2639 treatment, because these two things often are related. In
2640 fact, one of the common diagnoses is CDMI, chemically
2641 dependent, mentally ill.

2642 And so it is just poor public policy, and it sort of
2643 demonstrates a lack of understanding as to how people end up
2644 in need of drug treatment in the first place.

2645 Let me also say that, you know, again, this bill is
2646 about public safety. It is about protecting the public. And
2647 I think that one of the underlying arguments I continue to
2648 hear is somehow we should inflict pain on these people
2649 because they violated the law.

2650 Well, this is reentry. This is after they have served
2651 the sentence. The most aggressive, the strongest pro-law
2652 enforcement person in the land would stand in favor of people
2653 not offending the law once they have completed their
2654 sentence.

2655 And it is clear that if you don't have anywhere to live,
2656 and you don't have any skills, the likelihood that you will
2657 be going back to the same lifestyle is very high.

2658 So on behalf of neighbors who want to live in peace,
2659 want to live in security, want to live in a safe
2660 neighborhood, I urge—

2661 Mr. Weiner. Would the gentleman yield? Would the
2662 gentleman yield?

2663 Mr. Ellison. Yes.

2664 Mr. Weiner. You know, I think that I would also ask—
2665 perhaps in the next amendment the gentleman from Texas can
2666 address this—it seems to me in the amendments that you are
2667 striking the different tools that these grants can be used to
2668 pay for as a general description of it.

2669 Perhaps you can offer your view of what should be used
2670 to try to stop recidivism.

2671 It seems like what you are doing in this series of
2672 amendments is picking the things out the authors of the bill
2673 think are useful, the advocates who are providing these
2674 services think are useful, and substituting your own wisdom
2675 about whether you should have BlackBerries, or have mental
2676 health services.

2677 It might be helpful, unless you believe that this whole
2678 thrust is wrong—and look, I honor that position. I disagree
2679 with it, but I honor it. In that case, you should just vote
2680 against the bill.

2681 It is not my time, but I will be glad to yield.

2682 Mr. Gohmert. Well, that is not my position. And I
2683 thought I had made that clear.

2684 Mr. Ellison. Reclaiming my time, yielding it to—

2685 Mr. Weiner. Well, I thank the gentleman from Minnesota.

2686 In that case, it seems to me that what these amendments
2687 are doing are not substituting—I don't believe that mental

2688 health services should be used; I believe instead we should
2689 do A, B, or C.

2690 That would be a constructive movement on this bill, I
2691 think, because then we could have a discussion about our
2692 positions on what we—I think we leave it to the groups that
2693 know what they are doing and the groups that provide these
2694 services every day.

2695 And I think that unless you believe philosophically we
2696 should not be in this business, like I said, which is, I
2697 mean, an intellectually honest position if you can hold it—I
2698 disagree with it.

2699 But these amendments—strike this element, strike this
2700 element, strike this element—are not terribly healthy, unless
2701 you believe that the bill would be more perfect if you had
2702 nothing funded with these funds.

2703 And so I would yield back.

2704 And perhaps you can offer that in the next amendment,
2705 not just to remove something that you in your expertise
2706 believe isn't valuable, but substitute something else that
2707 you think is, so we can kind of get a sense for what you
2708 think these bills should look like.

2709 I yield back.

2710 Mr. Ellison. Reclaiming my time, I yield to Mr. Scott
2711 of Virginia.

2712 Mr. Scott. Well, thank you. And I thank the gentleman

2713 for yielding.

2714 I think you made an excellent point on mental health.

2715 And just to remind people, the point of the—on line 11, we

2716 are talking about reentry courts.

2717 The point of those courts is to reduce recidivism,

2718 reduce the number of victims in the future, reduce the amount

2719 of money we are going to have to pay as taxpayers.

2720 And the things that we know will do that are education

2721 and housing, two of the things in addition to the mental

2722 health that are struck by this amendment. I would hope that

2723 we would reject the amendment and get back to the point of

2724 the bill, to reduce recidivism.

2725 Mr. Ellison. Reclaiming my time, I will just say that,

2726 you know, the things that are enumerated in this bill are

2727 designed to protect the public. Stripping them out, as this

2728 amendment does, in my opinion is likely to increase crime.

2729 And it is sort of ironic.

2730 I think it is important to note that there is not just—

2731 that inflicting punitive measures on people who have violated

2732 the law is not the only way to get pro-social law-abiding

2733 behavior.

2734 There is a lot of other ways that a lot of professionals

2735 know about that are set forth in this bill.

2736 Chairman Conyers. The gentleman's time has expired.

2737 I thank those who have discussed this matter with the

2738 author.

2739 The question now occurs on amendment 6.

2740 All those in favor, signify by saying, "Aye."

2741 All those opposed, signify by saying, "No."

2742 The noes have it. The amendment is not successful.

2743 Mr. Gohmert. Mr. Chairman, I would ask for a recorded

2744 vote on this.

2745 Chairman Conyers. A recorded vote is requested. When

2746 your name is called, indicate either an aye or a no.

2747 The Clerk. Mr. Chairman?

2748 Chairman Conyers. No.

2749 The Clerk. Mr. Chairman votes no.

2750 Mr. Berman?

2751 [No response.]

2752 Mr. Boucher?

2753 [No response.]

2754 Mr. Nadler?

2755 Mr. Nadler. No.

2756 The Clerk. Mr. Nadler votes no.

2757 Mr. Scott?

2758 Mr. Scott. No.

2759 The Clerk. Mr. Scott votes no.

2760 Mr. Watt?

2761 [No response.]

2762 Ms. Lofgren?

2763 [No response.]

2764 Ms. Jackson Lee?

2765 [No response.]

2766 Ms. Waters?

2767 [No response.]

2768 Mr. Meehan?

2769 [No response.]

2770 Mr. Delahunt?

2771 [No response.]

2772 Mr. Wexler?

2773 [No response.]

2774 Ms. Sanchez?

2775 Ms. Sanchez. No.

2776 The Clerk. Ms. Sanchez votes no.

2777 Mr. Cohen?

2778 Mr. Cohen. No.

2779 The Clerk. Mr. Cohen votes no.

2780 Mr. Johnson?

2781 Mr. Johnson. No.

2782 The Clerk. Mr. Johnson votes no.

2783 Mr. Gutierrez?

2784 Mr. Gutierrez. No.

2785 The Clerk. Mr. Gutierrez votes no.

2786 Mr. Sherman?

2787 Mr. Sherman. No.

2788 The Clerk. Mr. Sherman votes no.
2789 Mr. Weiner?
2790 Mr. Weiner. No.
2791 The Clerk. Mr. Weiner votes no.
2792 Mr. Schiff?
2793 Mr. Schiff. No.
2794 The Clerk. Mr. Schiff votes no.
2795 Mr. Davis?
2796 [No response.]
2797 Ms. Wasserman Schultz?
2798 [No response.]
2799 Mr. Ellison?
2800 Mr. Ellison. No.
2801 The Clerk. Mr. Ellison votes no.
2802 Mr. Smith?
2803 Mr. Smith. Aye.
2804 The Clerk. Mr. Smith votes aye.
2805 Mr. Sensenbrenner?
2806 [No response.]
2807 Mr. Coble?
2808 Mr. Coble. Aye.
2809 The Clerk. Mr. Coble votes aye.
2810 Mr. Gallegly?
2811 [No response.]
2812 Mr. Goodlatte?

2813 Mr. Goodlatte. Aye.

2814 The Clerk. Mr. Goodlatte votes aye.

2815 Mr. Chabot?

2816 Mr. Chabot. Aye.

2817 The Clerk. Mr. Chabot votes aye.

2818 Mr. Lungren?

2819 [No response.]

2820 Mr. Cannon?

2821 Mr. Cannon. Aye.

2822 The Clerk. Mr. Cannon votes aye.

2823 Mr. Keller?

2824 Mr. Keller. Aye.

2825 The Clerk. Mr. Keller votes aye.

2826 Mr. Issa?

2827 Mr. Issa. Aye.

2828 The Clerk. Mr. Issa votes aye.

2829 Mr. Pence?

2830 Mr. Pence. Aye.

2831 The Clerk. Mr. Pence votes aye.

2832 Mr. Forbes?

2833 Mr. Forbes. Aye.

2834 The Clerk. Mr. Forbes votes aye.

2835 Mr. King?

2836 Mr. King. Aye.

2837 The Clerk. Mr. King votes aye.

2838 Mr. Feeney?

2839 [No response.]

2840 Mr. Franks?

2841 Mr. Franks. Aye.

2842 The Clerk. Mr. Franks votes aye.

2843 Mr. Gohmert?

2844 Mr. Gohmert. Aye.

2845 The Clerk. Mr. Gohmert votes aye.

2846 Mr. Jordan?

2847 Mr. Jordan. Aye.

2848 The Clerk. Mr. Jordan votes aye.

2849 Chairman Conyers. Are there other members that choose

2850 to vote?

2851 Mr. Watt?

2852 Mr. Watt. No.

2853 The Clerk. Mr. Watt votes no.

2854 Chairman Conyers. Mr. Berman?

2855 Mr. Berman. No.

2856 The Clerk. Mr. Berman votes no.

2857 Chairman Conyers. Mr. Scott?

2858 How is Mr. Schiff recorded?

2859 The Clerk. Mr. Schiff votes no.

2860 Chairman Conyers. Ms. Waters is not recorded.

2861 Ms. Waters?

2862 Ms. Waters. No.

2863 The Clerk. Ms. Waters votes no.
2864 Chairman Conyers. The clerk will report.
2865 The Clerk. Mr. Chairman, I have 13 ayes and 14 nays.
2866 Chairman Conyers. The amendment fails.
2867 Are there any other amendments to the bill H.R. 1593?
2868 Mr. Gohmert. Mr. Chairman, I have another amendment at
2869 the desk.

2870 Chairman Conyers. The clerk will report the—

2871 Mr. Gohmert. This is #7.

2872 The Clerk. "Amendment to H.R. 1593, the Second Chance
2873 Act of 2007, offered by Mr. Gohmert of Texas #7. Page 19,
2874 line 25, insert the following new subsection: (22) None of
2875 the services provided under this subsection (a) such as those
2876 mandated in subsections (6) through (20) shall continue
2877 beyond six months from the date of the offender's release."

2878 [The amendment by Mr. Gohmert follows:]

2879 ***** INSERT *****

2880 Chairman Conyers. The gentleman is recognized in
2881 support of his amendment.

2882 Mr. Gohmert. Thank you, Mr. Chairman.

2883 This very simply goes to the heart of some of the things
2884 that my colleagues across the aisle were talking about. I
2885 understand spending money to try to avoid people going out
2886 and hurting law-abiding innocent people.

2887 But there is too much in here that is—the effect of
2888 which is unknown. We are throwing money at a problem,
2889 saying, "Hey, wouldn't you rather spend money for something
2890 if it avoids future crimes?"

2891 This is providing health care, and the way it is worded,
2892 it could be indefinitely. All this amendment does is seek to
2893 say, "Look, let's at least limit it to 6 months after you are
2894 released from incarceration."

2895 Now, I had a gentleman a moment ago challenge with a
2896 question about am I wanting to substitute my wisdom for the
2897 wisdom in this bill.

2898 And I would remind this committee that we had a hearing
2899 on the Second Chance Act, and four of the five witnesses said
2900 they had never read this bill.

2901 So when you come in here and start telling me, "Oh, you
2902 just want to substitute your wisdom for that in the bill," I
2903 am not sure who all's wisdom this is, and neither could any
2904 of the witnesses that came in here to testify.

2905 But I can say that I, unlike many in here, have read
2906 every word of this bill, and so I am trying to fix things
2907 that appear to be throwing money, good money, after what may
2908 be bad money.

2909 Nobody wants recidivism. We need to work to try to stop
2910 it. But just throwing money at a problem does not solve it.

2911 And here, if we are going to provide unlimited health
2912 care after a criminal is released from prison, with no end in
2913 sight, then, gee, maybe we ought to do a better job of that
2914 for the rest of the general public before we go do it for
2915 just the criminals released from prison.

2916 So this just seeks to at least say, "Come on, people,
2917 let's be reasonable, let's at least limit the health care
2918 provided free for 6 months."

2919 I yield back.

2920 Chairman Conyers. Mr. Scott is recognized.

2921 Mr. Scott. Thank you, Mr. Chairman.

2922 I am delighted to see that the gentleman from Texas is
2923 now going with the information we got at the committee. All
2924 five said no to his language on the faith-based initiative.
2925 No one that came to the hearing supported him on that.

2926 But on this amendment, Mr. Chairman, first of all, I
2927 would like to ask unanimous consent that the 198
2928 organizations who are supporting the Second Chance Act, that
2929 this list be submitted for the record.

2930 Chairman Conyers. Without objection.

2931 [The information follows:]

2932 ***** INSERT *****

2933 Mr. Scott. And, Mr. Chairman, on this amendment, if we
2934 find that there is great value to a program that lasts more
2935 than 6 months, we will be prohibited by this amendment from
2936 providing those services.

2937 If mental health services, for example, are needed after
2938 6 months to keep somebody out of jail, based on evidence-
2939 based studies that the provision of the services is extremely
2940 cost-effective, we won't be able to provide those cost-
2941 effective proven services if this amendment is adopted.

2942 For those reasons, Mr. Chairman, I would hope we would
2943 defeat the amendment. And I would yield to the gentleman
2944 from New York.

2945 Mr. Weiner. I thank the gentleman for yielding.

2946 And perhaps I missed something. There seemed to be
2947 nothing in the gentleman's explanation why 6 months was
2948 chosen. Is there any authority that he is looking at that
2949 says that 6 months is the appropriate amount of time to
2950 provide these things?

2951 I mean, I think the gentleman misunderstood the point I
2952 was making earlier. It is not that you don't have a right to
2953 mark up the bill. That is what we are doing here. We are
2954 doing a markup.

2955 But so far, your efforts to change the bill have been to
2956 remove certain services and limit certain services that
2957 others have deemed to be appropriate, meaning mostly those in

2958 the advocacy community, many of your colleagues on that side
2959 of the aisle.

2960 What I was suggesting is in one of these amendments I
2961 would be interested in hearing what your view of what should
2962 be done. You are saying that we should not provide health
2963 care beyond 6 months. Apparently you think it is efficacious
2964 to do it for 6 months, not 6 months and a day.

2965 Apparently you don't believe that BlackBerries, to use
2966 your example, are efficacious, so you sought to strike that
2967 out. You didn't believe that mental health counseling is
2968 effective. You sought to strike that out.

2969 Unless you are—

2970 Mr. Gohmert. Would the gentleman yield? I never said
2971 mental health wasn't helpful.

2972 Mr. Weiner. No, but you sought to strike the section of
2973 the bill that would have allowed that to be offered under the
2974 bill.

2975 And I guess the point that I am making is that this is
2976 several different ways—every one of your explanations, if I
2977 can paraphrase it, comes down to, "I don't believe we should
2978 be providing things services to this population."

2979 That is fine. In that case, I would suggest that you
2980 are probably going to vote against the bill. But if you do
2981 believe that something should be offered to this population,
2982 I am interested to hear what you think it is, because we did

2983 hear testimony.

2984 We do have advocates who helped address this. And we do
2985 have many on your side of the aisle who believe that a good
2986 product has been crafted. If your view is that we should not
2987 be in this business, like I said, I honor the gentleman for
2988 that. I disagree with it, but that is a reasonable position.

2989 In that case, you should not be offering an amendment—
2990 strike, strike, strike, strike, strike. You should be
2991 saying, "Here is what my vision is of how we reduce
2992 recidivism, and this is what I think should be substituted in
2993 the bill."

2994 That would be something that I think would legitimately
2995 add to this debate, rather than just picking page by page of
2996 what others thought was a good idea and saying, "No, no, no."
2997 I don't think that is a very helpful process. That is what I
2998 was suggesting in my remarks earlier.

2999 And I yield back to the gentleman.

3000 Mr. Scott. Reclaiming my time, if I could, just for—Mr.
3001 Chairman, the purpose of this bill is to reduce victims and
3002 save money. This amendment is inconsistent with that
3003 purpose, and I hope we defeat it.

3004 I yield back.

3005 Chairman Conyers. The question occurs on the amendment.

3006 All those in favor will signify by saying, "Aye."

3007 Those opposed by saying, "No."

3008 The noes have it, and the amendment is not agreed to.

3009 Mr. Gohmert. Mr. Chairman, I have another amendment at
3010 the desk, #11. You will note we jumped from 8 to 11.

3011 Chairman Conyers. But it is such a small difference, my
3012 friend.

3013 The clerk will report.

3014 The Clerk. "Amendment to H.R. 1593, the Second Chance
3015 Act of 2007, offered by Mr. Gohmert of Texas #11. Page 36,
3016 strike all text in lines 11 through 23. Page 37, line 5,
3017 strike 'a period of at least; and insert 'not more than.'"

3018 [The amendment by Mr. Gohmert follows:]

3019 ***** INSERT *****

3020 Chairman Conyers. The gentleman is again recognized.

3021 Mr. Gohmert. Thank you, Mr. Chairman.

3022 And the chairman may have taken note that I didn't ask
3023 for a recorded vote last time.

3024 Here again, there is a question of how long are we going
3025 to provide services for criminals after they have been
3026 released from prison once they have paid their debt to
3027 society, as is often said.

3028 This amendment seeks to put a limit at 6 months. The
3029 gentleman from New York asked what is magic about 6 months.
3030 And apparently, he would submit that once somebody has
3031 committed a crime and has been so egregious about it that he
3032 has to go to prison and be locked up, that we at that point
3033 owe it to him or her to provide medical care for the rest of
3034 their lives with no limit.

3035 And I respect that, and I understand that feeling. But
3036 here again, there is nothing magic about 6 months, but it is
3037 at least trying to put a limit on unlimited care that this
3038 bill seeks to provide people just by virtue of the fact that
3039 they committed a crime heinous enough to be incarcerated.

3040 And so once again, this seeks to limit the treatment to
3041 6 months. By that time, hopefully, the majority on the
3042 committee would not feel inclined that we still need to take
3043 these people on to raise for the rest of their lives, but
3044 that within 6 months they would have gotten enough help that

3045 they should be on the right track and should be moving down
3046 the road toward taking care of themselves.

3047 There is nothing magic about 6 months, except that in
3048 here, a period lasting of at least 6 months was inserted, so
3049 somebody thinks it is magic. But this is simply an attempt
3050 to limit it to 6 months rather than unlimited, requiring a
3051 minimum 6 months.

3052 Chairman Conyers. If there is no discussion on
3053 amendment #11, the question occurs on the amendment.

3054 All those in favor, say, "Aye."

3055 All those opposed, say, "No."

3056 The noes have it. The amendment is not successful.

3057 Mr. Gohmert. Mr. Chairman?

3058 Chairman Conyers. The gentleman from Texas?

3059 Mr. Gohmert. Mr. Chairman, I have amendment #12 at the
3060 desk.

3061 Chairman Conyers. Could I get an indication from our
3062 colleague from Texas how many more amendments are—under the
3063 agreement and the work that occurred during lunch are
3064 remaining now?

3065 Mr. Gohmert. Mr. Chairman, I think after this one, I
3066 believe we hit a few that we may be able to work out, and I
3067 just need to hear that from the committee. And then,
3068 frankly, I am not sure, because of all those we have already
3069 pulled.

3070 Chairman Conyers. Well, I thank the gentleman. My
3071 staff advises me that there are some left now that are going
3072 to be worked out subsequently to today's activity and be
3073 considered, which parts can be put into a manager's
3074 amendment.

3075 Is that about the same recollection of the gentleman
3076 from Texas?

3077 Mr. Gohmert. I think that is correct, but there may be
3078 about seven that we will need to offer.

3079 Chairman Conyers. Well, the gentleman is recognized to
3080 offer an amendment.

3081 Mr. Gohmert. Thank you, Mr. Chairman. And the chairman
3082 will note I am not taking all of my 5 minutes, and I am
3083 trying to be judicious in requesting recorded votes, and we
3084 can move through.

3085 But I do have concerns about some of the lack of limits
3086 into what is being provided for people once they have
3087 committed a crime serious enough to be placed in prison.

3088 Chairman Conyers. Well, could I ask my colleague this,
3089 then? Seeing what the results are happening here, could the
3090 gentleman be yielded time to make a description of the
3091 collection of matters that concern him deeply, and that we
3092 get them into the record, rather than doing this seriatim,
3093 which is counterproductive to the time and responsibilities
3094 of dozens of members on the committee?

3095 I want the gentleman's objections put into the record
3096 and where there is a vote necessary, but I think we may be
3097 using the wrong structure here to get the gentleman's
3098 reservations and disagreements with the bill as it has come
3099 out of the subcommittee.

3100 Could there be fashioned some way that we could hear
3101 about these half dozen or seven remaining, and we will know
3102 about it, and we will know what to do about it?

3103 This way, I think it operates to the detriment of the
3104 gentleman from Texas to do it in this procedural manner.

3105 Mr. Gohmert. Well, Mr. Chairman, I guess we would just
3106 disagree on that. I guess I am more inclined to feel as some
3107 of those the other side of the aisle did last year, when we
3108 were here for hour after hour after hour of amendments that
3109 had no chance of being passed.

3110 My hope also is even though most of these may fail that
3111 by pointing out individual problems within this bill that it
3112 points people's attention to those problems so that later
3113 when the big picture is taken they can see there are many
3114 problems in this bill.

3115 And like I said, I am trying to move through these as
3116 quickly as I can, Mr. Chairman, but I am going to ask to have
3117 the same rights that the Democratic members of this party had
3118 last time, except they would usually use their time, and we
3119 went on for hours.

3120 Chairman Conyers. Well, I would urge the gentleman not
3121 to reflect on what happened in other Congresses under other
3122 chairmen. I am trying to accommodate the gentleman to
3123 effectuate the best impression on the points that he is
3124 making.

3125 I am not copying what happened in this committee
3126 earlier. I am trying to advantage the gentleman's arguments,
3127 not disadvantage them.

3128 So I will recognize the gentleman for his amendment.
3129 Does he have another amendment?

3130 Mr. Gohmert. Mr. Chairman, could I just ask a quick
3131 question?

3132 Chairman Conyers. Surely.

3133 Mr. Gohmert. Are you intimating that the former
3134 chairman was overly gratuitous?

3135 [Laughter.]

3136 Chairman Conyers. There were those days.

3137 [Laughter.]

3138 Not an awful lot of them.

3139 Mr. Gohmert?

3140 Mr. Gohmert. Thank you, Mr. Chairman. This is
3141 amendment 12, and we could waive the reading if we could have
3142 unanimous consent and have it considered as read, and I can
3143 tell you quite briefly what it does.

3144 Chairman Conyers. The clerk will report.

3145 The Clerk. "Amendment to H.R. 1593, the Second Chance
3146 Act of 2007, offered by Mr. Gohmert of Texas #12. Page 39,
3147 strike lines 8 through 25. Page 40, strike lines 1 through
3148 4."

3149 [The amendment by Mr. Gohmert follows:]

3150 ***** INSERT *****

3151 Chairman Conyers. The gentleman is recognized in
3152 support of his amendment.

3153 Mr. Gohmert. And I will be as quick as I can. This
3154 strikes out some provisions providing housing assistance,
3155 education, appropriate social services—that is awfully vague
3156 and leaves the door wide open.

3157 And then the last line includes that grant money could
3158 go for incentives, so apparently under this, whoever's wisdom
3159 this is, we might get into the business of paying people not
3160 to commit crimes to hurt the rest of us, and I think it is
3161 well-intentioned but misguided.

3162 And I yield back the balance of my time.

3163 Chairman Conyers. Is there any further discussion on
3164 the measure?

3165 Mr. Scott?

3166 Mr. Scott. Mr. Chairman, to save time, let me just make
3167 a statement that may apply to most of them. As I have said
3168 before, the purpose of the bill is to reduce the number of
3169 victims in the future and to save money.

3170 The things that are struck—health care, after care and
3171 case management, housing assistance, education, employment
3172 training, conflict resolution training, batterer intervention
3173 programs and other appropriate services—are all inconsistent
3174 with that purpose, and I would hope we would defeat the
3175 amendment.

3176 Chairman Conyers. The question occurs on the amendment.

3177 All those in favor, say, "Aye."

3178 All those opposed, say, "No."

3179 The noes have it. The amendment is not successful.

3180 Should I recognize the gentleman from Texas before he

3181 seeks recognition?

3182 Mr. Gohmert. Mr. Chairman, I appreciate being

3183 recognized, and I think the next amendment, 13, is one that

3184 your staff had been very gracious in discussing with me,

3185 that—

3186 Chairman Conyers. The gentleman is recognized.

3187 Mr. Gohmert. Thank you, Mr. Chairman. This is

3188 amendment 13 at the desk. If I could get clarification from

3189 the chairman on the intentions in this regard.

3190 Chairman Conyers. The clerk will report the amendment.

3191 The Clerk. "Amendment to H.R. 1593, the Second Chance

3192 Act of 2007, offered by Mr. Gohmert of Texas #13. Page 63,

3193 line 9, strike 'provide' and insert 'identify.' Page 46,

3194 line 10, strike—"

3195 [The amendment by Mr. Gohmert follows:]

3196 ***** INSERT *****

3197 Chairman Conyers. The amendment is considered as read,
3198 and the gentleman is recognized. Will he yield to me to
3199 indicate—

3200 Mr. Gohmert. Yes, Mr. Chairman.

3201 Chairman Conyers. —that the staff cooperation that you
3202 have alluded to is correct, and that we are working to see
3203 that there is some—that the substance of this measure be
3204 incorporated into a manager's amendment.

3205 Mr. Gohmert. All right. With that representation,
3206 thank you, Mr. Chairman, I would ask to withdraw amendment
3207 13.

3208 Chairman Conyers. All right. Does the gentleman have
3209 another amendment at the desk?

3210 Mr. Gohmert. Let's see. Based on my discussions with
3211 your staff, I will not be offering 14, but we have 15 at the
3212 desk at this time.

3213 Chairman Conyers. The clerk will report.

3214 Mr. Gohmert. I am sorry, and this is also one—yes, I
3215 believe we had discussed and—

3216 The Clerk. "Amendment to H.R. 1593, the Second Chance
3217 Act of 2007, offered by Mr. Gohmert of Texas #15. Page 54,
3218 after line 2—"

3219 [The amendment by Mr. Gohmert follows:]

3220 ***** INSERT *****

3221 Chairman Conyers. The amendment will be considered as
3222 read without objection.

3223 Mr. Gohmert. Mr. Chairman?

3224 Chairman Conyers. Yes, sir. The gentleman is
3225 recognized.

3226 Mr. Gohmert. Thank you, Mr. Chairman.

3227 On this amendment, I understood all of us discussing
3228 this during the lunch period, I believe, had the same
3229 concern. And the indication was—my concern was that simply
3230 saying someone who had been involved in a crime of violence
3231 would not be eligible.

3232 I wanted to add, to make sure that there was not a crime
3233 against a child which did not necessarily include violence,
3234 and your staff and others involved had the same concerns.

3235 And so it was my understanding this was going to be
3236 worked out in the manager's amendment, to make sure that even
3237 though it were not a crime of violence, that those about whom
3238 we would have concerns that might harm children without
3239 violence, whether pornography or otherwise, would not be
3240 included, if I understood correctly.

3241 Chairman Conyers. All right. Mr. Gohmert, staff tells
3242 me that they are going to rewrite the provisions, but there
3243 is agreement as to the substance.

3244 Mr. Gohmert. Thank you, Mr. Chairman. And I would
3245 withdraw amendment 15.

3246 Chairman Conyers. Can the gentleman facilitate our
3247 procedure here by indicating which amendments we have agreed
3248 upon or that there is some staff work going on that might
3249 result in some of these going into a manager's amendment, and
3250 offering them, you know, en bloc?

3251 Mr. Gohmert. I don't have the numbers down of the
3252 remaining ones that were discussed together. As I
3253 understand, we had the same discussion about amendment #20,
3254 that that would be—all were concerned about an offender's
3255 access to the Internet.

3256 There have been occasions when people being incarcerated
3257 have gotten access to Internet and have wreaked havoc, even
3258 committing other crimes or intimidating or causing problems
3259 for others, creating other victims.

3260 Your staff and I all have the same problems. I am sure
3261 you share in that concern. As I understand, #20 is going to
3262 be addressed in the manager's amendment as well.

3263 Chairman Conyers. Are there others, so that we can put
3264 these all together?

3265 Mr. Gohmert. Mr. Chairman, as I understand it, that is—
3266 we did have an agreement at a number of procedures that were
3267 going to be excluded from being covered by people who are
3268 incarcerated under their medical care, and we elected to
3269 combine all of those into what is now amendment 30, which is
3270 basically to prevent offenders from receiving forms of

3271 elective plastic surgery with funds authorized by this act.

3272 But that was part of our agreement. I agreed to combine
3273 a number of them I had to just that one.

3274 Chairman Conyers. Well, we want to take all of the
3275 matters that have been discussed between our staffs and
3276 without guaranteeing you that we can put all of this in the
3277 manager's amendment, which would be self-defeating and would
3278 be going in exactly the wrong direction, but we can agree to
3279 continue this discussion on them, Mr. Gohmert.

3280 Mr. Gohmert. Well, I do have some more, and I am asking
3281 for a vote on them.

3282 Chairman Conyers. All right. Would you bring one of
3283 those forward at this point?

3284 Mr. Gohmert. The desk should have #30.

3285 Chairman Conyers. All right. The clerk will report
3286 #30.

3287 The Clerk. "Amendment to H.R. 1593, the Second Chance
3288 Act of 2007, offered by Mr. Gohmert of Texas #30. After
3289 Section 4, insert the following new section: Sec. 5. Rule
3290 of Construction. None of the references in this act to
3291 health services, health care services, medical services,
3292 medical treatment or medical care shall be construed to allow
3293 offenders to receive any form of elective plastic surgery
3294 with funds authorized by this act."

3295 [The amendment by Mr. Gohmert follows:]

3296 ***** INSERT *****

3297 Chairman Conyers. The gentleman is recognized in
3298 support of his amendment.

3299 Mr. Gohmert. Thank you, Mr. Chairman.

3300 Here, again, it just seems that we shouldn't incentivize
3301 people by giving them things for committing a crime that law-
3302 abiding people do not have access to.

3303 And so it seems to be a rather reasonable thing to ask
3304 that funds from this act not be utilized to be used for
3305 elective plastic surgery when they could be better used for
3306 drug treatment, training, education, things of that nature.

3307 And with that, I will yield back.

3308 Chairman Conyers. The question occurs on the amendment
3309 offered by the gentleman from Texas, Mr. Gohmert.

3310 Those in support of the amendment will signify by
3311 saying, "Aye."

3312 Those opposed, by saying, "No."

3313 The noes have it.

3314 Mr. Gohmert. Mr. Chairman, I would ask for a recorded
3315 vote on this.

3316 Chairman Conyers. A recorded vote has been requested.

3317 The Clerk. Mr. Chairman?

3318 Chairman Conyers. No.

3319 The Clerk. Mr. Chairman votes no.

3320 Mr. Berman?

3321 [No response.]

3322 Mr. Boucher?
3323 [No response.]
3324 Mr. Nadler?
3325 [No response.]
3326 Mr. Scott?
3327 Mr. Scott. No.
3328 The Clerk. Mr. Scott votes no.
3329 Mr. Watt?
3330 [No response.]
3331 Ms. Lofgren?
3332 [No response.]
3333 Ms. Jackson Lee?
3334 [No response.]
3335 Ms. Waters?
3336 [No response.]
3337 Mr. Meehan?
3338 [No response.]
3339 Mr. Delahunt?
3340 [No response.]
3341 Mr. Wexler?
3342 [No response.]
3343 Ms. Sanchez?
3344 Ms. Sanchez. No.
3345 The Clerk. Ms. Sanchez votes no.
3346 Mr. Cohen?

3347 [No response.]

3348 Mr. Johnson?

3349 Mr. Johnson. No.

3350 The Clerk. Mr. Johnson votes no.

3351 Mr. Gutierrez?

3352 [No response.]

3353 Mr. Sherman?

3354 [No response.]

3355 Mr. Weiner?

3356 Mr. Weiner. Pass.

3357 The Clerk. Mr. Weiner passes.

3358 Mr. Schiff?

3359 [No response.]

3360 Mr. Davis?

3361 [No response.]

3362 Ms. Wasserman Schultz?

3363 Ms. Wasserman Schultz. Pass.

3364 The Clerk. Ms. Wasserman Schultz passes.

3365 Mr. Ellison?

3366 Mr. Ellison. No.

3367 The Clerk. Mr. Ellison votes no.

3368 Mr. Smith?

3369 Mr. Smith. Aye.

3370 The Clerk. Mr. Smith votes aye.

3371 Mr. Sensenbrenner?

3372 [No response.]

3373 Mr. Coble?

3374 Mr. Coble. Aye.

3375 The Clerk. Mr. Coble votes aye.

3376 Mr. Gallegly?

3377 [No response.]

3378 Mr. Goodlatte?

3379 Mr. Goodlatte. Aye.

3380 The Clerk. Mr. Goodlatte votes aye.

3381 Mr. Chabot?

3382 Mr. Chabot. Aye.

3383 The Clerk. Mr. Chabot votes aye.

3384 Mr. Lungren?

3385 [No response.]

3386 Mr. Cannon?

3387 Mr. Cannon. Aye.

3388 The Clerk. Mr. Cannon votes aye.

3389 Mr. Keller?

3390 [No response.]

3391 Mr. Issa?

3392 Mr. Issa. Aye.

3393 The Clerk. Mr. Issa votes aye.

3394 Mr. Pence?

3395 [No response.]

3396 Mr. Forbes?

3397 Mr. Forbes. Aye.

3398 The Clerk. Mr. Forbes votes aye.

3399 Mr. King?

3400 Mr. King. Aye.

3401 The Clerk. Mr. King votes aye.

3402 Mr. Feeney?

3403 Mr. Feeney. Aye.

3404 The Clerk. Mr. Feeney votes aye.

3405 Mr. Franks?

3406 Mr. Franks. Aye.

3407 The Clerk. Mr. Franks votes aye.

3408 Mr. Gohmert?

3409 Mr. Gohmert. Aye.

3410 The Clerk. Mr. Gohmert votes aye.

3411 Mr. Jordan?

3412 Mr. Jordan. Aye.

3413 The Clerk. Mr. Jordan votes aye.

3414 Chairman Conyers. Are there any other members who have

3415 not voted?

3416 Mr. Watt?

3417 Mr. Watt. No.

3418 The Clerk. Mr. Watt votes no.

3419 Chairman Conyers. Mr. Cohen?

3420 Mr. Cohen. No.

3421 The Clerk. Mr. Cohen votes no.

3422 Chairman Conyers. Ms. Waters?

3423 Ms. Waters. No.

3424 The Clerk. Ms. Waters votes no.

3425 Chairman Conyers. Mr. Berman?

3426 Mr. Berman. No.

3427 The Clerk. Mr. Berman votes no.

3428 Chairman Conyers. Mr. Schiff?

3429 Mr. Wexler?

3430 Mr. Wexler. No.

3431 The Clerk. Mr. Wexler votes no.

3432 Chairman Conyers. Mr. Sherman?

3433 Mr. Sherman. No.

3434 The Clerk. Mr. Sherman votes no.

3435 Chairman Conyers. Mr. Boucher?

3436 Mr. Boucher. No.

3437 The Clerk. Mr. Boucher votes no.

3438 Chairman Conyers. Mr. Keller?

3439 Mr. Keller. Yes.

3440 The Clerk. Mr. Keller votes aye.

3441 Chairman Conyers. Mr. Weiner?

3442 Mr. Weiner. No.

3443 The Clerk. Mr. Weiner passed.

3444 Chairman Conyers. Mr. Weiner votes no.

3445 The Clerk. Mr. Weiner votes no.

3446 Chairman Conyers. Ms. Jackson Lee?

3447 The Clerk. Ms. Jackson Lee, you are not recorded.
3448 Ms. Jackson Lee. No.
3449 The Clerk. Ms. Jackson Lee votes no.
3450 Chairman Conyers. Ms. Wasserman Schultz?
3451 Ms. Wasserman Schultz. No.
3452 The Clerk. Ms. Wasserman Schultz votes no.
3453 Chairman Conyers. Mr. Nadler?
3454 Mr. Nadler. No.
3455 The Clerk. Mr. Nadler votes no.
3456 Mr. Chairman, I need to hear the vote for Mr. Schiff.
3457 Mr. Schiff. No.
3458 The Clerk. Mr. Schiff votes no.
3459 Chairman Conyers. If all members have voted, the clerk
3460 will tally the votes.
3461 Mr. Gutierrez is recognized.
3462 Mr. Gutierrez. No.
3463 The Clerk. Mr. Gutierrez votes no.
3464 Mr. Sherman?
3465 Mr. Sherman. No.
3466 Chairman Conyers. Mr. Sherman voted no.
3467 The Clerk. Okay. Mr. Chairman, I have 13 members
3468 voting aye and 18 members voting no.
3469 Chairman Conyers. The amendment is not agreed to.
3470 Ms. Waters? Yes, the gentlelady will state her inquiry.
3471 Ms. Waters. I am splitting my time between here and

3472 Financial Services, and I would just like to inquire of the
3473 chair, how many more amendments do you have for the rest of
3474 the afternoon?

3475 Mr. Gohmert. Mr. Chairman, if I could be recognized—
3476 Chairman Conyers. I yield to the gentleman from Texas
3477 to answer the question.

3478 Mr. Gohmert. And I appreciate the gentlelady from
3479 California's question.

3480 And as I understand it, considering the ones that we
3481 dropped out, amendment #21—I was advised by your staff, Mr.
3482 Chairman, that that is one that is being reworked to
3483 incorporate the current Bureau of Prisons currently used
3484 standards—

3485 Chairman Conyers. But the answer is you have two
3486 amendments left that will require recorded votes.

3487 Mr. Gohmert. Actually, no, Mr. Chairman, 21, if I am
3488 correct and that is one that is being reworked, and I will be
3489 in the loop on that rewriting, then I just have one left that
3490 would probably be a recorded vote.

3491 Chairman Conyers. Well, let's do that right now. Which
3492 one is it that you would like to bring forward?

3493 Mr. Gohmert. And could I get a response, though, Mr.
3494 Chairman, whether or not 21 is being reworked at this time?
3495 Is that correct?

3496 Chairman Conyers. Yes, the answer is yes, we are

3497 reworking it.

3498 Mr. Gohmert. All right. Then my last amendment is #17
3499 at the desk.

3500 Chairman Conyers. The clerk will report the amendment.

3501 The Clerk. "Amendment to H.R. 1593, the Second Chance
3502 Act of 2007, offered by Mr. Gohmert of Texas #17. Page 61,
3503 line 21, strike everything starting with 'child' through 're-
3504 '. Page 62, strike all text in lines 1 and 2."

3505 [The amendment by Mr. Gohmert follows:]

3506 ***** INSERT *****

3507 Chairman Conyers. The gentleman from Texas is
3508 recognized.

3509 Mr. Gohmert. Thank you, Mr. Chairman.

3510 The gentleman from New York had earlier asked about the
3511 wisdom of who is—am I trying to substitute my wisdom for that
3512 of whoever wrote this, and in this I am hoping that the
3513 collective wisdom of this committee will be that some of this
3514 language needs to come out, that which we have moved to
3515 strike.

3516 This, under the guise of prison-based family treatment
3517 program—it provides child early intervention services. Well,
3518 that is a bit unnecessary at this point, because intervention
3519 will have already occurred. They are in prison.

3520 But family counseling—it will allow for legal services.
3521 So now this grant is going to get into the business of
3522 providing legal services for people that are incarcerated
3523 above and beyond that which the states or federal government
3524 are already required to provide.

3525 They will provide also further medical care, mental
3526 health services, nursery and preschool. We are now, through
3527 this grant, going to get into the business of providing
3528 nursery and preschool for prisons. It just seems a bit
3529 problematic.

3530 Parenting skills training, pediatric care, physical
3531 therapy. I was advised by a medical doctor, an M.D., earlier

3532 today that that could include massage therapy.

3533 We don't need to be spending federal money of hard-
3534 working taxpayers to provide physical therapy that may
3535 include massage therapy for people in prison.

3536 Prenatal care, sexual abuse therapy, lapse prevention,
3537 transportation—we are also going to get into the business of
3538 running people's families around the country as part of this
3539 program.

3540 Now, I realize it is good to have contact with families
3541 in some cases. In some cases, it is not.

3542 But in view of the already-being-spent nearly \$360
3543 million over 2 years in this program, surely we don't need to
3544 provide even the opportunity or possibility for massage
3545 therapy or some of these other provisions, when they are
3546 already covered in other provisions.

3547 They are already hundreds of millions of dollars that
3548 will be spent. We can surely avoid this overlap by striking
3549 these provisions.

3550 I yield back.

3551 Mr. Weiner. Mr. Chairman?

3552 Chairman Conyers. I recognize the gentleman from New
3553 York.

3554 Mr. Weiner. Mr. Chairman, I have got to tell you, you
3555 know, the author of this amendment is the one that said in
3556 the debate on the previous amendment he had no problem with

3557 mental health services. Now he is striking out mental health
3558 services.

3559 This is an amendment that would strike prenatal care.
3560 This is an amendment that would strike sexual abuse therapy
3561 for children who have been the subject of sexual abuse.

3562 Could it possibly be that the gentleman can think of
3563 nothing that he actually thinks we should do in this area at
3564 all? He won't even support—pediatric care he wants to strike
3565 out with this amendment.

3566 Mr. Gohmert. Will the gentleman yield and let me
3567 answer?

3568 Mr. Weiner. Sir, I haven't asked a question yet. And
3569 the ones that I have posed throughout the 5 minutes have been
3570 systematically not answered, because the gentleman is
3571 bankrupt for really having an answer to these questions.

3572 Mr. Gohmert. Mr. Chairman, Mr. Chairman—

3573 Mr. Weiner. The gentleman does not control the time.

3574 Mr. Gohmert. —he has just violated the rules of
3575 propriety—

3576 Mr. Weiner. The gentleman does not control the time.

3577 Mr. Gohmert. —in this body, and if he does not withdraw
3578 them I will ask that they be taken down. He said I was
3579 bankrupt.

3580 Mr. Weiner. That is a point of order. Go ahead and
3581 make it.

3582 Chairman Conyers. Would the gentleman suspend?

3583 And could I ask the gentleman from Texas to allow him to
3584 finish his comment before I recognize the gentleman if he
3585 wishes to—

3586 Mr. Gohmert. In view of what he has already said, Mr.
3587 Chairman, then I guess I am left with asking that his words
3588 be taken down.

3589 Mr. Weiner. Mr. Chairman?

3590 Chairman Conyers. The gentleman from New York.

3591 Mr. Weiner. It is not clear to me what word it is, but
3592 if it is bankrupt I withdraw that word and am prepared to
3593 substitute many others.

3594 Is bankrupt the word?

3595 Chairman Conyers. The chair cannot tell you what that
3596 word is.

3597 Mr. Weiner. Well, the gentleman from New York is
3598 prepared to make an ask-consent request to have the offending
3599 words withdrawn so long as he knows which ones they are so he
3600 can substitute ones that perhaps have less syllables.

3601 Mr. Gohmert. I would ask that those words be taken
3602 down. That is clearly an insult to say—as I understood the
3603 gentleman to say bankrupt of ideas—

3604 Mr. Weiner. Point of order. Point of order, Mr.
3605 Chairman.

3606 Mr. Gohmert. If I could finish my point—

3607 Mr. Weiner. Point of order. The gentleman is speaking
3608 out of order.

3609 Chairman Conyers. And so is the gentleman from New
3610 York.

3611 Can we try to bring this matter—

3612 Mr. Weiner. Mr. Chairman?

3613 Chairman Conyers. —to a reasonable conclusion?

3614 Mr. Weiner. Mr. Chairman, can I be recognized for a
3615 unanimous consent request? I request unanimous consent that
3616 all the words spoken up to this point be withdrawn.

3617 Chairman Conyers. Of Mr. Weiner's?

3618 Mr. Weiner. Yes. I wish I had the option for them,
3619 too, but I will just take mine.

3620 Chairman Conyers. All right.

3621 Mr. Weiner. Mr. Chairman?

3622 Chairman Conyers. Without objection, so ordered.

3623 Mr. Weiner. Mr. Chairman, could I continue under my
3624 time?

3625 Chairman Conyers. First of all, I will recognize you,
3626 but right now we want to take a vote on the measure that is
3627 before us.

3628 The question is on the amendment offered by the
3629 gentleman from Texas.

3630 All those in favor, say, "Aye."

3631 All those opposed, say, "No."

3632 The noes have it. The amendment fails.

3633 Mr. Gohmert. I would ask for a recorded vote, Mr.

3634 Chairman.

3635 Chairman Conyers. A recorded vote is requested. The

3636 clerk will call the roll.

3637 The Clerk. Mr. Chairman?

3638 Chairman Conyers. No.

3639 The Clerk. Mr. Chairman votes no.

3640 Mr. Berman?

3641 Mr. Berman. No.

3642 The Clerk. Mr. Berman votes no.

3643 Mr. Boucher?

3644 [No response.]

3645 Mr. Nadler?

3646 Mr. Nadler. No.

3647 The Clerk. Mr. Nadler votes no.

3648 Mr. Scott?

3649 Mr. Scott. No.

3650 The Clerk. Mr. Scott votes no.

3651 Mr. Watt?

3652 Mr. Watt. No.

3653 The Clerk. Mr. Watt votes no.

3654 Ms. Lofgren?

3655 [No response.]

3656 Ms. Jackson Lee?

3657 Ms. Jackson Lee. No.

3658 The Clerk. Ms. Jackson Lee votes no.

3659 Ms. Waters?

3660 Ms. Waters. No.

3661 The Clerk. Ms. Waters votes no.

3662 Mr. Meehan?

3663 [No response.]

3664 Mr. Delahunt?

3665 [No response.]

3666 Mr. Wexler?

3667 [No response.]

3668 Ms. Sanchez?

3669 Ms. Sanchez. No.

3670 The Clerk. Ms. Sanchez votes no.

3671 Mr. Cohen?

3672 Mr. Cohen. No.

3673 The Clerk. Mr. Cohen votes no.

3674 Mr. Johnson?

3675 Mr. Johnson. No.

3676 The Clerk. Mr. Johnson votes no.

3677 Mr. Gutierrez?

3678 Mr. Gutierrez. No.

3679 The Clerk. Mr. Gutierrez votes no.

3680 Mr. Sherman?

3681 [No response.]

3682 Mr. Weiner?

3683 Mr. Weiner. No.

3684 The Clerk. Mr. Weiner votes no.

3685 Mr. Schiff?

3686 Mr. Schiff. No.

3687 The Clerk. Mr. Schiff votes no.

3688 Mr. Davis?

3689 [No response.]

3690 Ms. Wasserman Schultz?

3691 Ms. Wasserman Schultz. No.

3692 The Clerk. Ms. Wasserman Schultz votes no.

3693 Mr. Ellison?

3694 Mr. Ellison. No.

3695 The Clerk. Mr. Ellison votes no.

3696 Mr. Smith?

3697 Mr. Smith. Aye.

3698 The Clerk. Mr. Smith votes aye.

3699 Mr. Sensenbrenner?

3700 [No response.]

3701 Mr. Coble?

3702 Mr. Coble. No.

3703 The Clerk. Mr. Coble votes no.

3704 Mr. Gallegly?

3705 [No response.]

3706 Mr. Goodlatte?

3707 Mr. Goodlatte. Aye.

3708 The Clerk. Mr. Goodlatte votes aye.

3709 Mr. Chabot?

3710 Mr. Chabot. Aye.

3711 The Clerk. Mr. Chabot votes aye.

3712 Mr. Lungren?

3713 [No response.]

3714 Mr. Cannon?

3715 Mr. Cannon. No.

3716 The Clerk. Mr. Cannon votes no.

3717 Mr. Keller?

3718 Mr. Keller. Pass.

3719 The Clerk. Mr. Keller passes.

3720 Mr. Issa?

3721 Mr. Issa. Aye.

3722 The Clerk. Mr. Issa votes aye.

3723 Mr. Pence?

3724 Mr. Pence. Aye.

3725 The Clerk. Mr. Pence votes aye.

3726 Mr. Forbes?

3727 Mr. Forbes. Yes.

3728 The Clerk. Mr. Forbes votes yes.

3729 Mr. King?

3730 Mr. King. Aye.

3731 The Clerk. Mr. King votes aye.

3732 Mr. Feeney?

3733 Mr. Feeney. Aye.

3734 The Clerk. Mr. Feeney votes aye.

3735 Mr. Franks?

3736 Mr. Franks. Aye.

3737 The Clerk. Mr. Franks votes aye.

3738 Mr. Gohmert?

3739 Mr. Gohmert. Aye.

3740 The Clerk. Mr. Gohmert votes aye.

3741 Mr. Jordan?

3742 Mr. Jordan. Yes.

3743 The Clerk. Mr. Jordan votes yes.

3744 Chairman Conyers. Are there other members who have not
3745 cast their votes?

3746 Mr. Sherman?

3747 Mr. Sherman. No.

3748 The Clerk. Mr. Sherman votes no.

3749 Chairman Conyers. Mr. Keller?

3750 Mr. Keller. I would like to change my vote to aye,
3751 please.

3752 The Clerk. Mr. Keller votes aye.

3753 Chairman Conyers. The clerk will report.

3754 The Clerk. Mr. Chairman, I have 12 ayes and 18 nays.

3755 Chairman Conyers. The amendment, therefore, fails.

3756 And the vote to report H.R. 1593 is now before the

3757 committee, a reporting quorum being present.

3758 All those in favor will signify by saying, "Aye."

3759 All those opposed, "No."

3760 The ayes have it. The bill, H.R. 1593, is ordered
3761 reported favorably to the House.

3762 And all members will be given 2 days, as provided by the
3763 House rules, in which to submit additional dissenting views.

3764 And the chair wishes to announce that, with agreement
3765 with the ranking member, the committee will stand in recess.

3766 And we will resume tomorrow at 10:30 a.m., where we will take
3767 up the remaining legislative business, H.R. 1281, the
3768 Deceptive Practices and Voter Intimidation Act.

3769 Ms. Jackson Lee. Mr. Chairman?

3770 Chairman Conyers. And pursuant to Committee Rule 2J,
3771 the chair is authorized to offer such motions as may be
3772 necessary in the House to go to conference with the Senate on
3773 the bill.

3774 Ms. Jackson Lee. Mr. Chairman?

3775 Chairman Conyers. For what purpose does the gentlelady
3776 seek recognition?

3777 Ms. Jackson Lee. May I ask unanimous consent to speak
3778 out of order for—

3779 Chairman Conyers. I would ask the gentlelady to please
3780 let us adjourn this meeting at this point.

3781 Ms. Jackson Lee. Will I then be allowed to speak on

3782 this bill tomorrow on a moment of privilege, please, before
3783 we start?

3784 Chairman Conyers. I can recommend strongly the
3785 gentlelady submits her statement for the record.

3786 Ms. Jackson Lee. Thank you, Mr. Chairman.

3787 Chairman Conyers. The committee stands adjourned.

3788 [Whereupon, at 3:13 p.m., the committee was adjourned.]