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3 MARKUP OF H.R. 1064, THE "YOUTH PRISON

4 REDUCTION THROUGH OPPORTUNITIES, MENTORING,

5 INTERVENTION, SUPPORT, AND EDUCATION ACT

6 Wednesday, December 2, 2009

7 House of Representatives,

8 Committee on the Judiciary,

9 Washington, D.C.

10 The committee met, pursuant to call, at 10:18 a.m., in Room

11 2141, Rayburn House Office Building, Hon. John Conyers

12 [chairman of the committee] presiding.

13 Present: Representatives Conyers, Berman, Nadler,

14 Scott, Watt, Jackson Lee, Cohen, Johnson, Pierluisi, Quigley,
15 Chu, Gutierrez, Baldwin, Weiner, Schiff, Sanchez, Wasserman
16 Schultz, Maffei, Smith, Coble, Gallegly, Goodlatte, Lungren,
17 Issa, Forbes, King, Franks, Gohmert, Jordan, Poe, Chaffetz,
18 Rooney, and Harper.

19 Staff present: Perry Apelbaum, Staff Director/Chief
20 Counsel; Ted Kalo, General Counsel/Deputy Staff Director;
21 George Slover, Legislative Counsel/Parliamentarian; Sean
22 McLaughlin, Minority Chief of Staff/General Counsel; Allison
23 Halataei, Minority Deputy Chief of Staff/Parliamentarian; and
24 Anita L. Johnson, Clerk.

25 Chairman Conyers. [Presiding.] Committee will come to
26 order. Clerk will call the roll.

27 The Clerk. Mr. Conyers?

28 Chairman Conyers. Present.

29 The Clerk. Mr. Berman?

30 Mr. Boucher?

31 [No response.]

32 Mr. Nadler?

33 [No response.]

34 Mr. Scott?

35 Mr. Scott. Present.

36 The Clerk. Mr. Watt?

37 [No response.]

38 Ms. Lofgren?

39 [No response.]

40 Ms. Jackson Lee?

41 [No response.]

42 Ms. Waters?

43 [No response.]

44 Mr. Delahunt?

45 [No response.]

46 Mr. Wexler?

47 [No response.]

48 Mr. Cohen?

49 [No response.]

50 Mr. Johnson?
51 [No response.]
52 Mr. Pierluisi?
53 [No response.]
54 Ms. Chu?
55 [No response.]
56 Mr. Quigley?
57 [No response.]
58 Mr. Gutierrez?
59 [No response.]
60 Ms. Baldwin?
61 [No response.]
62 Mr. Gonzalez?
63 [No response.]
64 Mr. Weiner?
65 [No response.]
66 Mr. Schiff?
67 [No response.]
68 Ms. Sanchez?
69 [No response.]
70 Ms. Wasserman Schultz?
71 [No response.]
72 Mr. Maffei?
73 [No response.]
74 Mr. Smith?

75 Mr. Smith. Present.

76 The Clerk. Mr. Goodlatte?

77 [No response.]

78 Mr. Sensenbrenner?

79 [No response.]

80 Mr. Coble?

81 [No response.]

82 Mr. Gallegly?

83 [No response.]

84 Mr. Lungren?

85 [No response.]

86 Mr. Issa?

87 [No response.]

88 Mr. Forbes? Mr. Forbes?

89 [No response.]

90 Mr. King?

91 [No response.]

92 Mr. Franks?

93 Mr. Franks. Here.

94 The Clerk. Mr. Gohmert?

95 [No response.]

96 Mr. Jordan?

97 [No response.]

98 Mr. Poe?

99 [No response.]

100 Mr. Chaffetz?
101 [No response.]
102 Mr. Rooney?
103 [No response.]
104 Mr. Harper?
105 [No response.]
106 Mr. Rooney?
107 [No response.]
108 Mr. Gohmert?
109 [No response.]
110 Mr. Quigley?
111 [No response.]
112 Mr. Schiff?
113 [No response.]
114 Ms. Chu?
115 [No response.]
116 Mr. Coble?
117 [No response.]
118 Mr. Jordan?
119 [No response.]
120 Voice. That is 14, right?
121 The Clerk. Mr. Nadler?
122 [No response.]
123 Ms. Wasserman Schultz?
124 [No response.]

125 Mr. Chaffetz?

126 [No response.]

127 Chairman Conyers. Quorum being present, committee will
128 come to order. Welcome back, all.

129 I ask the clerk, pursuant to notice, to call up H.R.
130 1064, the Youth PROMISE Act. Clerk will report the bill.

131 The Clerk. H.R. 1064, a bill to provide for evidence-
132 based and promising practices related to juvenile delinquency
133 and criminal street gang activity prevention and intervention
134 to help build individual, family, and community strength and
135 resiliency to ensure that youth lead productive, safe,
136 healthy, gang-free, and law-abiding lives.

137 [The bill follows:]

138 ***** INSERT *****

139 Chairman Conyers. Without objection, the bill is
140 considered as read and open for amendment at any point.

141 I would like to invite the chair of the Crime
142 Subcommittee, Bobby Scott, to make a description of this
143 legislation, since it has come through his subcommittee. The
144 gentleman is recognized.

145 Mr. Scott. Thank you, Mr. Chairman.

146 The Subcommittee on Crime, Terrorism and Homeland
147 Security has had under consideration the bill, H.R. 1064, the
148 Youth Prison Reduction Opportunities, Mentoring, Incentives,
149 Support, and Education, or the Youth PROMISE Act. The bill
150 was reported favorably to the full Judiciary Committee on
151 July 15, 2009, and now I move that it be favorably reported
152 by this committee to the House floor.

153 During my more than 30 years of public service, I have
154 learned that, when it comes to crime policy, we have a
155 choice. We can reduce crime, or we can play politics. For
156 too long, the Congress has chosen to play politics by
157 enacting so-called tough on crime slogans and sound bites.
158 And as catchy as some of these policies may have sounded at
159 the time, evidence has revealed that the tough on crime does
160 not translate into smart on crime.

161 To the contrary, the impact of tough on crime policies
162 have ranged to a costly, but negligible reduction in crime
163 to, even more insulting, actually costly increase in crime.

164 Despite the lack of return on investment and
165 incarceration over the past 3 decades, we have continued to
166 enact slogan-based criminal justice policies.

167 As a result, the United States now has the highest
168 incarceration rate of any nation on Earth, with 2.3 million
169 people behind bars. Indeed, with over 700 people
170 incarcerated for every 100,000 population, the United States
171 far exceeds the world average incarceration of about 100 per
172 100,000. And the chart before us shows most of the countries
173 that you could name and their incarceration rate, between 50
174 to 200. Russia is the only thing that rivals the United
175 States, with about 600 and some per 100,000. The United
176 States over 700 per 100,000.

177 The impact of the focus on tough on crime law
178 enforcement approach falls disproportionately on minorities,
179 particularly blacks and Hispanics. While the average
180 incarceration rate in the United States is seven times
181 international average, for blacks, the rate is 2,200 per
182 100,000. And in 10 states, the rate exceeds 4,000 per
183 100,000, a rate 40 times international average. And placed
184 on a chart, you see that the incarceration rate for African-
185 Americans is really off the chart.

186 These statistics are even more egregious in light of
187 what the Pew Foundation found in its recent study: 1 in 31
188 incarceration—when they found that incarceration rates higher

189 than the range of 350 to 500 per 100,000 have been found to
190 be counterproductive when it comes to addressing and reducing
191 crime.

192 In addition to being racially discriminatory and
193 counterproductive, the increase in incarceration is exceeding
194 expensive. Since 1982, the cost of incarceration in this
195 country has risen from \$9 billion annually to over \$60
196 billion.

197 For black boys born today, the Sentencing Project
198 estimated that 1 in every 3 will end up incarcerated in
199 prison during their lifetime without appropriate
200 intervention. The problem is so bad that the Children's
201 Defense Fund has launched a campaign to address what they
202 call the cradle-to-prison pipeline.

203 Despite all of our focus over the years on being tough
204 on crime, the problems of youth and gang violence and crime
205 persist, and the reports suggest that the problem is growing
206 in some jurisdictions. And that is the bad news.

207 But the good news is now we have overwhelming evidence
208 indicating that it is entirely feasible to move children from
209 the cradle-to-prison pipeline to a cradle-to-college or
210 cradle-to-jobs pipeline. The abundance of scientific
211 research reveals that a continuum of evidence-based promising
212 prevention and intervention programs for youth who are
213 involved in or at risk of becoming involved in gangs, crime

214 and delinquency can serve to greatly prevent and reduce
215 crime.

216 Significantly, these programs save much more money than
217 they cost, when you account for the reduced incarceration,
218 law enforcement, and social welfare expenditures. Based on
219 scientific research from experts around the country, the
220 Youth PROMISE Act addresses the problem of youth violence,
221 gangs, crime and delinquency in a way that is truly smart and
222 a smart way to address crime, and that is by preventing it
223 before it occurs.

224 Under the Youth PROMISE Act, communities facing the
225 greatest gang and crime challenges will come together to
226 create a local PROMISE council. This council includes all of
227 the stakeholders in the juvenile and criminal justice system,
228 including law enforcement, representatives from the school
229 system, court services, social services, health and mental
230 health providers, foster care providers, business leaders,
231 community-based organizations, including faith-based
232 organizations, prosecutors, defense attorneys, judges,
233 parents, families, and youth.

234 The council will assess the strengths and needs of the
235 community in connection with youth and gang violence. And
236 the assessment will include an evaluation of how much money
237 is currently being spent on incarceration and related
238 criminal justice costs and social problems that can be

239 reduced with good prevention programs.

240 The council then develops a comprehensive plan to
241 implement evidence-based and promising prevention—for
242 promising prevention and intervention strategies to prevent
243 and intervene in crime. These strategies will be targeted at
244 young people who are involved in or at risk of becoming
245 involve in gangs or juvenile criminal justice system to
246 redirect them towards productive and law-abiding
247 alternatives.

248 The Youth PROMISE Act will enhance state and law
249 enforcement efforts regarding youth and gang violence. But
250 while nothing in the Youth PROMISE Act eliminates any of the
251 tough on crime laws, it is understood that, while law
252 enforcement will—it is understood that law enforcement will
253 still continue to enforce the laws in effect, but laws—but
254 research and analysis, as well as commonsense, tells us that
255 no matter how tough we are on people we prosecute today and
256 as important as it is to appropriately respond to crime,
257 unless we address the underlying reasons for the developing
258 into similar criminals, the crime rate will not go down.

259 The comprehensive research shows that comprehensive
260 prevention programs work. The research has shown in Boston a
261 program reduced 12 juvenile murders a month to 3 consecutive
262 years without a juvenile murder. A program in Richmond
263 reduced the murders from 19 to 2 in one community.

264 But aside from reducing crime and making communities
265 safer, creating greater decency and hope for our youth, many
266 of the programs funded under the Youth PROMISE Act will
267 actually save more money than they cost.

268 The state of Pennsylvania implemented 100 programs
269 across the state. They spent \$60 million and estimated that,
270 within a few years during the study period, they had saved
271 over \$300 million, saving \$5 for every \$1 spent.

272 So now what we are talking about with the Youth PROMISE
273 Act is not spending more money, but rather the Youth PROMISE
274 Act would yield cost savings from reduced incarceration rates
275 and criminal justice costs, as well as reduced collateral
276 costs, such as uncompensated care for gunshot wounds.

277 This chart that we have before us now shows what would
278 happen if we reduced the average incarceration rate for
279 African-Americans from 2,200 down to 500. You would reduce—
280 you would have 17—for a community of 100,000, you would have
281 1,700 fewer incarcerated at approximately \$29,000 a year.
282 That is almost \$50 million that would be saved. In 100,000
283 population, you probably have somewhere in the vicinity of
284 30,000 children, and you do the arithmetic. That is over
285 \$1,600 per child per year that we are wasting on
286 counterproductive incarceration.

287 You target it to the one-third of the children that
288 actually need it, that is almost \$5,000 per child, per year

289 that we are wasting on counterproductive incarceration. If
290 we reduced in 10 states the rate from 4,000 to 10,000—from
291 4,000 to the 500, we would find that we would save on a
292 targeted basis as much as \$10,000 per child per year.

293 So the Youth PROMISE Act will respond by investing a
294 significant portion of the savings back into the Youth
295 PROMISE programs. Over time, the bill will save more money
296 than it spends.

297 And so we have to ask, what kind of country would refuse
298 to spend money on programs that we will know that will keep
299 our kids on the right track, save more money than they spend—
300 save more money than we spend, but instead wait until they
301 fall off the right track, join a gang, commit crimes, and
302 then get into a bidding war as to see how much time we will
303 spend on incarceration and end up spending much more in the
304 end.

305 We have been in that country for far too long. It is
306 time to do something, and we have an alternative. The Youth
307 PROMISE Act has 233 bipartisan supporters in the House. We
308 have built a coalition of 240 national, state and local
309 organizations, including the U.S. Conference of Mayors.

310 I will be making—introducing a manager's amendment to
311 make a few slight technical amendments. And I hope that we
312 will adopt that amendment and pass the bill.

313 Mr. Chairman, thank you for your indulgence on time, and

314 I hope the—and I yield back the balance of my time.

315 Chairman Conyers. Well, Chairman Scott, that was a very
316 thorough exposition of the problem. We are grateful to you
317 for it.

318 I now turn to my friend, Lamar Smith, the ranking member
319 of Judiciary, of Texas, for any announcement he—and comments
320 he would choose to make.

321 Mr. Smith. Thank you, Mr. Chairman.

322 Mr. Chairman, I agree with my colleagues in the majority
323 that crime prevention programs can play a useful role in
324 deterring our youth from committing crimes and joining gangs.
325 However, I don't feel that H.R. 1064, the Youth PROMISE Act,
326 is the best approach to crime prevention among America's
327 youth.

328 An abundance of federal grant programs targeted
329 specifically at youth crime and gang prevention already
330 exist. The Justice Department's Office of Juvenile Justice
331 and Delinquency Prevention operates the Gang Reduction
332 Program, the Gang-Free Schools and Communities Program, and
333 the Tribal Youth Program, all of which are demonstrating
334 success.

335 The bill approaches youth crime and gang prevention as
336 if no local prevention programs on this subject exist. To
337 the contrary, numerous local government and nonprofit
338 programs across the country are reaching youth every day.

339 Under the Youth PROMISE Act, the local government
340 programs will have to be set aside or scrapped and replaced
341 with the Youth PROMISE program in order to receive the
342 authorized funding. And the nonprofit community-based
343 programs are all but left out of this legislation. Of the 11
344 new grant programs created by this bill, only one can be
345 awarded to private organizations.

346 I know the sponsors of this legislation are well
347 intentioned. However, I have serious concerns about the
348 effectiveness of the new federal grants and bureaucracies
349 created by the legislation.

350 Further, considering the dire state of our economy, now
351 is not the time to create more federal programs. At the very
352 least, Congress should avoid creating redundant programs that
353 authorize over \$1 billion in new spending.

354 If the programs proposed in this bill are, in fact,
355 necessary, then we need to make choices. We should cut
356 existing and effective programs to pay for the new ones. But
357 the bill cuts nothing; it simply adds new spending.

358 One of the biggest problems that minority youth face in
359 this country is a lack of jobs, especially entry-level jobs.
360 According to a recent Washington Post article, for example,
361 unemployment for 16-to 24-year-old black men has reached
362 Great Depression proportions.

363 In October, the joblessness rate for young black men was

364 34.5 percent, more than three times the rate for the general
365 U.S. population. This chronic joblessness, in turn, can
366 breed a lack of hope and turn young men and women away from
367 productive lives and towards gangs, drug-dealing, and
368 criminal behavior.

369 We don't need to resort to this costly legislation to
370 address this problem. Instead, we need to focus on
371 legislation and policies that create jobs for all Americans,
372 including young black men. Although this bill has a laudable
373 purpose, I cannot support the increase in spending and the
374 redundant programs created by this legislation.

375 I urge my colleagues to oppose the bill and yield back
376 the balance of my time.

377 Chairman Conyers. Thank you, Mr. Smith, for your
378 comments and observations.

379 All other statements will be entered into the record.

380 And I recognize Chairman Scott for a manager's
381 amendment.

382 Mr. Scott. Thank you, Mr. Chairman. I have an
383 amendment at the desk.

384 Chairman Conyers. The clerk will report, read the
385 amendment.

386 The Clerk. Amendment to H.R. 1064, offered by Mr. Scott
387 of Virginia, manager's amendment—

388 [The amendment by Mr. Scott follows:]

389 ***** INSERT *****

390 Mr. Scott. Mr. Chairman, I move that the amendment be
391 considered as read.

392 Chairman Conyers. Without objection, so ordered.

393 Gentleman is recognized.

394 Mr. Scott. Mr. Chairman, this amendment has been passed
395 out—has been—okay. Mr. Chairman, this amendment defines
396 state to ensure that no state, territory, island or
397 possession of the United States is inadvertently left out of
398 the bill. It is at the recommendation of the gentleman from
399 Puerto Rico to make sure that Puerto Rico would qualify for
400 funding.

401 It ensures that crime prevention and intervention
402 strategies in the bill include those responsive to gender-
403 specific needs at the request of the gentlewoman from
404 Wisconsin and gentlelady from Florida.

405 And it recognizes the restorative justice program as a
406 strategy that has been studied to prevent violence and gang
407 involvement, includes additional technical assistance, and
408 suggestions to facilitate easier implementation of the bill.

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

410 Chairman Conyers. Before the gentleman yields back,
411 what are the three points here in the manager's amendment?

412 Mr. Scott. It ensures that—one, is it ensures that
413 Puerto Rico, as I indicated, in Virgin Islands, Guam, and
414 other territories are included. It includes a definition of

415 a couple of programs, restorative justice and Weed & Seed.
416 That was at the Department of Justice request. It adds
417 technical amendment—it adds rules to regulations, so it would
418 make the grants in accordance with not just regulations, but
419 also rules and regulations.

420 It adds specific reference to gender at the request of
421 advocates, the girls groups, and the gentlelady from Florida
422 and Wisconsin to desegregate data by race, ethnicity and
423 gender, to make sure that we are covering girls, as well.

424 Chairman Conyers. Well, that is great. That is four
425 things, instead of three. I am grateful to you.

426 Let me recognize Lamar Smith.

427 Mr. Smith. Okay. Thank you, Mr. Chairman.

428 Very briefly, as the gentleman from Virginia says, these
429 are technical changes. I don't think they necessarily
430 substantively improve the bill, but they are not
431 objectionable, and I support the amendment.

432 Chairman Conyers. Chair recognizes the gentleman from
433 California, Mr. Schiff.

434 Mr. Schiff. Thank you, Mr. Chairman. I move to strike
435 the last word.

436 Chairman Conyers. Without objections, the gentleman is
437 recognized.

438 Mr. Schiff. Since my days as a prosecutor, I have been
439 concerned with the threat posed by gangs. I have seen the

440 destructive impact that gangs have on families, youth and
441 entire communities. Thankfully, I also know that the
442 situation is not hopeless. There are programs, many of which
443 are supported in this bill, that have demonstrated that they
444 can help undue the damages that gangs cause.

445 Programs to provide real alternatives to criminality and
446 gang affiliation for young people have a proven track record
447 of success. Programs that provide a path towards education
448 and a job, things that can seem out of reach for a child
449 growing up in some of the tougher neighborhoods of this
450 nation, are particularly important.

451 In the city of Los Angeles, we have had some success in
452 reducing gang violence through a combination of policing and
453 community activism. According to the LAPD, since 2002, gang-
454 related shootings are down over 60 percent, and gang crime
455 generally is down over 30 percent. This is not to say,
456 however, there is not still a huge public safety problem.

457 The LAPD also reports that half of the murders committed
458 in the city this year were gang-related. And approximately
459 40,000 individuals, primarily young men and boys, are gang-
460 affiliated. Los Angeles is now home to 12 gang reduction
461 youth development zones, areas of high gang activity that are
462 targeted with a variety of programs to prevent violence and
463 provide constructive alternatives to at-risk youth. It is an
464 approach that is taken in concert with the police department

465 and stakeholders around the city and has shown that it can
466 work.

467 Mr. Chairman, I believe the Youth PROMISE Act is a
468 thoughtful and well-intentioned approach to the prevention of
469 youth delinquency. Congressman Scott's commitment to this
470 issue is inspiring, and he deserves a tremendous amount of
471 credit for the excellent work he has done.

472 While this legislation makes real strides in providing
473 new resources for prevention, my belief is we have a better
474 chance of success if we pair prevention with enforcement. I
475 have had that approach in mind since serving in the State
476 Senate in California, where I jointly authored the Schiff-
477 Cardenas Crime Prevention Act that provided funds on a 1-to-1
478 ratio for proven prevention programs and law enforcement to
479 work in a coordinated effort to address the causes of crime
480 and find solutions.

481 It is an approach that I have been working on in
482 Congress along with Senator Feinstein, and it is a formula
483 that I think could work.

484 So while I support the legislation before us today, I
485 hope that going forward we can combine our efforts with that,
486 that Senator Feinstein and I have undertaken, to come up with
487 a broader approach to the gang problem in America.

488 Thank you, Mr. Chairman.

489 Chairman Conyers. Would the gentleman yield to me

490 briefly?

491 Mr. Schiff. Yes.

492 Chairman Conyers. Is it—I appreciate the experience you
493 bring to this subject, not only in the Congress and in the
494 U.S. attorney's office, but even before that. Can I read
495 into your comments that you think we need more enforcement or
496 that there is adequate enforcement or—or what? You like the
497 bill, but there is something else there—out there that I
498 would like to get the benefit of.

499 Mr. Schiff. Thank you, Mr. Chairman. I do like the
500 bill, and I like the emphasis the bill places on prevention.
501 I think that there are additional resources and tools that we
502 can provide law enforcement and prosecutors that will
503 complement this approach and provide a more comprehensive
504 effort.

505 Part of what I have in mind is adopting a statute like
506 RICO that we use successfully against the mafia and organized
507 crime, tailor make it to dealing with the gang problem. I
508 think that can be an important tool for prosecutors.

509 So what I am recommending is certainly support for the
510 prevention that Mr. Scott has introduced in this bill, but
511 pairing it with some other reforms to give prosecutors and
512 law enforcement additional tools and resources.

513 Chairman Conyers. Well, I would like to meet with the
514 gentleman about some of his ideas. And I welcome the

515 experience that he brings to this subject.

516 Mr. Schiff. Thank you, Mr. Chairman. And, again, I am
517 supportive of the bill, and I appreciate the chairman's
518 yielding to me.

519 Chairman Conyers. The gentlelady from Florida is
520 recognized.

521 Ms. Wasserman Schultz. Thank you, Mr. Chairman.

522 Mr. Chairman, I am also supportive of the bill and the
523 manager's amendment and wanted to just take this opportunity
524 to thank the gentleman from Virginia, Mr. Scott, the chairman
525 of the Crime Subcommittee, on which I sit, for his
526 willingness to include language related to the detention of
527 girls.

528 This prevention focus is extremely important, in terms
529 of the overall bill, but making sure that we have some
530 wonderful programs across the country, one of which is in
531 Florida, called the Florida PACE program for girls that
532 ensures that we don't automatically place girls when they get
533 into trouble in detention by default and that we have an
534 opportunity for diversionary programs like the PACE Center
535 for Girls to work and turn girls' lives around who are
536 absolutely reachable. And they have been proven incredibly
537 successful in my home state and states across the country,
538 and I appreciate his willingness to work with us and include
539 that language.

540 I yield back.

541 Chairman Conyers. Thank you.

542 Randy Forbes, of Virginia?

543 Mr. Forbes. Mr. Chairman, I have an amendment at the
544 desk whenever it is appropriate, if—

545 Chairman Conyers. Anyone else? Oh, we have got the
546 manager's amendment right now, Randy.

547 Yes, Steve Cohen?

548 Mr. Cohen. Thank you, Mr. Chairman. I move to strike
549 the last word.

550 Chairman Conyers. Gentleman is recognized.

551 Mr. Cohen. Thank you, sir.

552 I want to thank the gentleman from Virginia for bringing
553 this bill forward and the gentleman from Michigan, as well,
554 all the hard work they have done in drafting this important
555 legislation. I think it does move juvenile justice and crime
556 prevention policy in a very positive direction, especially
557 through its focus on community involvement.

558 And I thank particularly Chairman Scott for working with
559 me on this manager's amendment and allowing the restorative
560 justice programs to be eligible to receive funds through the
561 gang prevention grants in the bill.

562 Restorative justice is an innovative approach to
563 conflict resolution that is showing promising results
564 throughout the country and abroad. It focuses on repairing

565 the harm by crime rather than simply punishing the offender.
566 Too often, we rely simply on harsh punishments,
567 incarceration, which are expensive and counterproductive in
568 the long range with youth, because they get into the criminal
569 justice system and sometimes they don't get out.

570 Where appropriate, restorative justice can serve as a
571 cost-effective and useful alternative. It establishes a non-
572 adversarial process that brings together the offender, the
573 victim, and other parties to ask three major questions: What
574 is the nature of the harm from the crime? How can this be
575 repaired? And who is responsible for the repair?

576 I had that happen in my own personal life, and it
577 worked. Somebody in the neighborhood went through 1 day with
578 an axe or some kind of instrument and cut down all the trees
579 in front of my house in the median.

580 Through some detective work in the neighborhood, we
581 found out the type of child that would be likely to do such a
582 thing. We brought them forward and required them to plant
583 new trees and to take care of them for a year. And they did
584 that. And to the best of my knowledge, the rest of the
585 forests in Memphis are in good shape and not being threatened
586 by these young people. They learned a lesson, and they
587 restored what they had done. I think that was a better way
588 to do it than to take them to juvenile court.

589 So restorative justice invites offenders to take

590 responsibility and create plans to make restitution. The
591 process holds juvenile offenders accountable for their
592 victims—to their victims and the community and understand the
593 impact of their actions.

594 I told the young people—I said, you can look at these
595 trees the rest of your life and realize they are your trees
596 and value trees and what they can do. And I think they
597 learned from that. And it was—I am still kind of upset that
598 my trees aren't taller, but that is what happened.

599 Restorative justice can provide a learning opportunity
600 for these people, et cetera, et cetera.

601 So I appreciate the opportunity to put this in the bill
602 and to work with us. I appreciate and very much value the
603 work and the intellect of the ranking member. But I read the
604 same story the ranking member read about minority employment
605 and the difficulties in this era for minorities, particularly
606 African-Americans, to get jobs.

607 What I think the ranking member didn't mention is what
608 the story kind of said is that the highest level of failure
609 to employ African-Americans was the most educated and that
610 they were having a more difficult time, ratio-wise, than any
611 other group in getting jobs.

612 And most of that was because of the clubby atmosphere of
613 the higher-income college-educated jobs that they never
614 really get listed and people who are of color don't get a

615 chance to apply because the others, the Caucasians, learn
616 about them through family, friends, and club memberships or
617 whatever, and they never get that opportunity.

618 Those are things beyond African-Americans, and it is not
619 necessarily—these people aren't looking toward a life of
620 drugs and crime and gangs, et cetera. There are a lot of
621 things happening and have always happened in our society that
622 are institutional racism that can't be dealt with simply on
623 the idea of saying, "Go get a job," because jobs aren't
624 necessarily available because certain people have better
625 access to jobs and opportunities. And so the government has
626 to step in and find ways to lead people to patterns and
627 courses in life where they won't get into crime and they can
628 get a job, because they won't have a criminal record behind
629 them that forbids them from getting a job later on.

630 So I would just differ with my friend, the ranking
631 member, on his analysis of that story.

632 Thank you, Mr. Chairman, and I appreciate the time.

633 Chairman Conyers. Thank you for your contribution.

634 The chair is pleased to recognize the distinguished
635 gentleman from Virginia, Randy Forbes.

636 Mr. Forbes. Thank you, Mr. Chairman.

637 Mr. Chairman, I, first of all, want to applaud the
638 efforts of my friend and colleague from Virginia, Congressman
639 Scott. He has worked on this area for a long time. I know

640 his heart is in the right place. I know he is intellectually
641 pursued this matter. And when he mentioned the 233 co-
642 sponsors, I was 1 of those 233 co-sponsors.

643 But I did that in the hopes—because hope does spring
644 eternal here—that we could truly have a bipartisan approach
645 that would deal with this problem. And unfortunately, this
646 bill does not bring forward that bipartisan approach.

647 The ranking member mentioned spending. He mentioned
648 additional bureaucracies. That is not why I am against this
649 bill. I am against this bill because, bottom line, it is not
650 going to work. It is not enough.

651 My good friend from Virginia raised an issue where he
652 said, "We need to decide if we are going to reduce crime or
653 play politics." I agree with him. But reducing crime would
654 mean that we would come, as the gentleman from California
655 said, with a bipartisan approach that would combine
656 enforcement with prevention if we truly want to reduce gang
657 violence in the United States.

658 That is not what this bill does. And in point of fact,
659 make no bones about it: The manager's amendment actually is
660 there because it makes it almost impossible to bring forward
661 an amendment that would allow any enforcement provisions in
662 here.

663 My good friend—and he is my good friend—also mentioned
664 the fact about getting tough on crime, but he didn't say the

665 full issue. Our choice is not whether we just get tough on
666 crime or just walk down the hallway and have lunch in the
667 cafeteria. The question is whether we get tough on these
668 gang members or we step back and let them get tough on
669 innocent victims, because that is what happens when we pull
670 back and we let them do what they do with these gangs around
671 the country.

672 And we talk about the fact that the criminals have a
673 disproportionate number of minorities. But what we didn't
674 point out is that the victims have a disproportionate number
675 in minorities, too. And one of the witnesses that we brought
676 in here was an African-American woman who had her husband
677 murdered by a gang member because he just needed to do that
678 to get initiated into a gang.

679 And she wasn't talking about racism. She wasn't talking
680 about disproportionate people in minorities. What she was
681 concerned about is the impact of not getting tough on that
682 gang member and what it did to her children who weren't going
683 to have a father to grow up in because we let that gang
684 member come in and walk away from that crime.

685 And, Mr. Chairman, I will say this: When you look at
686 spending the money that we are going to spend for these
687 prevention bills and ask, who is lining up for this? Who is
688 lining up for this? The people who are going to get the
689 money.

690 But if you ask who is against it, I have a letter that I
691 would ask unanimous consent to be put in the record from the
692 National Alliance of Gang Investigators Association, 20,000
693 members across the country. These are the people who
694 investigate the gang problems, and they are opposed to this
695 bill. They don't think it goes far enough and it does what
696 we need to do to stop the gangs.

697 Chairman Conyers. Without objection, the letter is
698 entered into the record.

699 [The information follows:]

700 ***** INSERT *****

701 Mr. Forbes. Thank you, Mr. Chairman.

702 Mr. Chairman, in addition to that, I heard the argument
703 on the other side, this is really not spending more money, it
704 is saving money. That is what we heard on the stimulus bill.
705 And we still are asking, where are those jobs? And I
706 guarantee you, what we will hear on this is we are going to
707 come back and we are going to see all the crimes, and we are
708 going to say, "My gosh, we spent all this money. Why isn't
709 it working?"

710 Let me tell you why it is not working: We have had
711 testimony in here over and over again about the gang
712 situation, where if you look at the toughest gang in America,
713 it was MS-13. And the attorney general testified that over
714 85 percent of the members of MS-13 were coming in here
715 illegally. They don't stop at the border and say, "Where's
716 my prevention programs?" We would be bypassing them
717 completely with many of these programs.

718 If you look at one of the big problems we have now, it
719 is the recruitment of gang members in Canada and in Mexico.
720 They are not going to be reaching over, Mr. Chairman, and
721 getting these prevention programs.

722 And to argue that we have all of these high
723 incarceration numbers, we ought to be ashamed of that. But
724 maybe we should be focusing on why we don't have enough
725 fathers in families. Maybe we ought to be focusing on why we

726 have too many teenage pregnancies. Maybe we ought to be
727 focusing on why we don't have enough jobs. Maybe we ought to
728 be focusing on why there is too much violence on TV and
729 movies, maybe on why we have limited faith-based
730 organizations from doing what they do well.

731 But to suggest that we are not going to be involved in
732 enforcement because there is so much crime out there is
733 analogous to this. It is like saying we are having a rash of
734 home fires in our neighborhood, but what we are going to do
735 is shift our money to the prevention of fires and we are not
736 going to put out the fires when they actually take place in
737 our homes.

738 And if we want to really deal with this problem, Mr.
739 Chairman, we have got to do both. And I am just sorry that,
740 once again, we have missed the opportunity to combine
741 prevention with enforcement to do what we really need to do
742 and get a handle on the gang problem. And for that reason,
743 Mr. Chairman, I am not going to be able to support this
744 legislation, and I yield back the balance of my time.

745 Chairman Conyers. I will grant the gentleman an extra
746 couple of minutes, because I was anxious to find out what has
747 changed his mind from co-sponsorship that he entered into in
748 June.

749 Mr. Forbes. And could I respond, Mr. Chairman?

750 Mr. Chairman, I will tell you two things. First of all,

751 as you remember, I have been working on this program for
752 decades. In fact, when I first brought my gang bill, if you
753 remember, your question to me was, do we really have a gang
754 problem in the country? And I think the good news is now
755 everybody realizes we have got a gang problem.

756 But through listening to the testimony and listening to
757 people across the country, I realize that we can't do it just
758 with prevention programs. We have got to have an enforcement
759 mechanism that pulls out the gang leaders and tear down these
760 gang networks, because they are going to be a recruiting
761 machine, regardless of what prevention programs we have.

762 And, Mr. Chairman, the reason I co-sponsored the
763 legislation initially was, as I mentioned at the outset of my
764 remarks, one, my high respect for Congressman Scott, but,
765 secondly, my hope that we would be able to come with this
766 legislation and work on a compromise that would end up with a
767 bipartisan solution that would truly deal with the problem.
768 That is not what we have before us today. There aren't the
769 increases in enforcement that we need.

770 And for that reason, I can't simply rubber-stamp this
771 and say I could support it.

772 Chairman Conyers. The chair is prepared to call for the
773 question.

774 Ms. Jackson Lee. Mr. Chairman? Mr. Chairman?

775 Chairman Conyers. All in favor of the manager's

776 amendment, say "aye."

777 [A chorus of ayes.]

778 Chairman Conyers. All those opposed, say "no."

779 [A chorus of noes.]

780 Chairman Conyers. Ayes have it.

781 Who has an amendment?

782 The amendment carries.

783 Mr. Forbes. Mr. Chairman?

784 Chairman Conyers. Yes, sir?

785 Mr. Forbes. I have an amendment at the desk.

786 Chairman Conyers. Randy Scott's [sic] recognized for
787 his amendment. Clerk will report the amendment.

788 Mr. Forbes. Mr. Chairman, that is true bipartisanship,
789 and—

790 Chairman Conyers. I mean, Randy—Randy Forbes, I am
791 sorry.

792 Mr. Forbes. I would be proud to have that amendment.

793 Chairman Conyers. You guys work so closely together in
794 Virginia, I get you mixed up all the time.

795 Mr. Forbes. And, Mr. Chairman, I appreciate—if I have
796 to get mixed up with anybody, I couldn't think of a better
797 person to get mixed up with.

798 Mr. Scott. Mr. Chairman? Mr. Chairman?

799 Chairman Conyers. Clerk will report the amendment.

800 The Clerk. Amendment to H.R. 1064, offered by Mr.

801 Forbes of Virginia.

802 [The amendment by Mr. Forbes follows:]

803 ***** INSERT *****

804 Chairman Conyers. Mr. Scott? The real Mr. Scott?

805 Mr. Scott. I will reserve a point of order.

806 Chairman Conyers. Gentleman reserves a point of order.

807 Clerk will continue.

808 Mr. Forbes. Mr. Chairman, I request unanimous consent
809 to waive the reading of the bill.

810 Chairman Conyers. Without objection, so ordered.

811 Gentleman is recognized in support of his bill.

812 Mr. Forbes. Thank you, Mr. Chairman.

813 And, Mr. Chairman, I understand the reservation of the
814 point of order, but let me tell you what this amendment would
815 do. This amendment would just bring a little bit of
816 enforcement to this package by simply recognizing that the
817 number-one problem we have with gang activities today is how
818 they are funding the gang activities that are taking place
819 and also the recruitment that they are doing.

820 And this would simply go to creating a crime that we
821 could get at and further enforcement of the activities of
822 criminal gang members in furtherance of their criminal
823 activities and also in activities that they are doing to seek
824 to gain entrance to those gangs.

825 And with that, Mr. Chairman, I hope that we will adopt
826 the amendment and add just a touch of bipartisanship to this
827 bill.

828 Chairman Conyers. Would the gentleman yield?

829 Mr. Forbes. I would be happy to yield.

830 Chairman Conyers. You are putting the death penalty
831 into this bill, through this amendment, right?

832 Mr. Forbes. Yes, sir.

833 Chairman Conyers. You are. Did you mention that?

834 Mr. Forbes. Mr. Chairman, I am happy to mention that.

835 Chairman Conyers. Well, I know you are happy to mention
836 it, but you didn't mention it when you were describing the
837 bill.

838 Mr. Forbes. Well, I didn't read all the provisions, but
839 I am happy to go through each of them line by line, Mr.
840 Chairman, if you want to take that—

841 Chairman Conyers. Well, that may—

842 Mr. Forbes. I think, very clearly, the argument is
843 going to be that it is not in order. And that was the
844 reservation. But if it is ruled in order, I am happy to go
845 through each particular piece of it.

846 Chairman Conyers. Well, maybe that is an insignificant
847 provision to you, sir, but to me, it is a pretty large one.
848 But, anyway, now that we know that is in there, that is all I
849 wanted to know.

850 Does Mr. Scott still reserve his point of order?

851 Mr. Scott. Mr. Chairman, I would like to strike the
852 last word.

853 Chairman Conyers. The answer is yes. And the gentleman

854 is recognized in—

855 Mr. Scott. Mr. Chairman, I am reserving a point of
856 order.

857 Chairman Conyers. But you don't want to be heard on it
858 yet?

859 Mr. Scott. No.

860 Chairman Conyers. Oh, okay. All right.

861 Mr. Scott. I would like to move to strike the last
862 word.

863 Chairman Conyers. Oh. Oh, all right. The gentleman is
864 recognized to—for any discussion that he has.

865 Mr. Scott. Thank you. Thank you.

866 Mr. Chairman, the—my friend from Virginia has talked
867 about bipartisan and balance. The gentleman from Los Angeles
868 has pointed out that we need in balance in prevention and
869 prosecution. My understanding from a member of the state
870 board of corrections in Los Angeles is that Los Angeles
871 County spends about \$5 billion a year locking people up, \$5
872 billion.

873 I mean, it is already to the point where we showed a chart
874 where the incarceration rate is already counterproductive,
875 and there is nothing in this bill, underlying bill, to change
876 that.

877 The gentleman—my colleague from Virginia has indicated
878 the trauma that is inflicted on families when someone is

879 murdered. We know how to reduce murder. Waiting for murders
880 to occur and then cracking down on the murders does not
881 reduce the murder rate. What will reduce the murder rate are
882 programs like the one that was implemented in Richmond,
883 Virginia, where the murders went down from 19 to 2, and we
884 saved—the savings in gunshot wounds and uncompensated care at
885 the Medical College of Virginia was probably more than the
886 \$2.9 million that it cost.

887 In Boston, there were 12 juvenile murders a year, about
888 1 a month. After they put down—put together a comprehensive
889 plan, they went 3 consecutive years without a single murder.

890 So if you are talking about the trauma and tragedy about
891 murders, then let's talk about how to actually reduce murder.
892 If you talk to people in the system who have done research,
893 if you want to reduce the murders, the Youth PROMISE Act is
894 the way to do it.

895 One way not to do it is some of the provisions in this
896 amendment. You have penalties that go way above and beyond
897 what is necessary. You have got mandatory minimums in this
898 amendment. Mandatory minimums have been studied over and
899 over again. The Sentencing Commission and the Judicial
900 Conference keeps writing us letters saying they violate
901 common sense.

902 And you have a case for a violent crime that is not
903 serious, that does not inflict serious bodily harm, you have

904 a 10-year mandatory minimum or up to life, but a mandatory
905 minimum of 10 years. You have more juveniles being treated
906 as adults. Treating more juveniles as adults has been
907 studied.

908 Every study that has been done, trying more juveniles as
909 adults, without exception, concludes that, one, the juvenile
910 is likely to get less time in the—likely to get less time in
911 adult court, but certainly every study that has been done has
912 concluded that the crime rate will go up, that the crimes
913 will be committed sooner, the crimes are more likely to be
914 violent if you try more juveniles as adults, every study
915 without exception. And you have in this amendment the—trying
916 more juveniles as adults.

917 The death penalty has been—as the gentleman has
918 indicated, have brought the attention to the death penalty.
919 The death penalty has not been shown to reduce crime.

920 You have got the juvenile life without parole. We are
921 the only country on Earth that locks up juveniles life
922 without parole. As a matter of fact, you have got Supreme
923 Court case being considered today, as we speak, about
924 juveniles being treated as adults.

925 So, Mr. Chairman, if you look at the provisions in the
926 bill, there is no reason—the whole point of the bill is to
927 get to research and evidence-based. There is no evidence
928 that would suggest that this amendment, if you ask experts,

929 they will tell you that there is nothing in this amendment
930 that will actually reduce the crime rate.

931 And so I would hope that the amendment would be—the
932 amendment would be rejected.

933 Chairman Conyers. Gentleman's time has expired.

934 Mr. Chaffetz. Mr. Chairman?

935 Chairman Conyers. Does the—

936 Mr. Chaffetz. Mr. Chair?

937 Mr. Lungren. Mr. Chairman?

938 Chairman Conyers. Does—

939 Mr. Chaffetz. Mr. Chair?

940 Mr. Lungren. Mr. Chairman?

941 Chairman Conyers. Who seeks?

942 Mr. Lungren. Mr. Chairman? Mr. Chairman?

943 Chairman Conyers. Yes? Two—wait a minute. Who is—

944 Lungren has more seniority than you.

945 Mr. Chaffetz. That is why I know you are going to call
946 on me. I appreciate it.

947 Chairman Conyers. Well, no, that is why I am going to
948 call on Lungren. I hope you appreciate that.

949 The gentleman from California is recognized.

950 Mr. Lungren. Thank you, Mr. Chairman. I move to strike
951 the requisite number of words in favor of this amendment.

952 Chairman Conyers. Gentleman is—

953 Mr. Lungren. Excuse me. I rise in support of the

954 amendment.

955 Chairman Conyers. The gentleman is recognized.

956 Mr. Lungren. Mr. Chairman, I appreciate my friend, the
957 gentleman from Virginia, telling us that no experts believe
958 that enhanced penalties, including the death penalty, bring
959 down the crime rate. I would just beg to differ with you.

960 If you want a laboratory of experience, you can use the
961 state of California, where we reinstated the death penalty
962 and we moved towards stronger penalties, including those
963 dealing with juveniles, and we brought the crime rate down by
964 30 percent. We brought the homicide rate down by 50 percent
965 over an 8-year period of time.

966 You could have filled up the Rose Bowl that seats
967 100,000 people nine times with the victims in California who
968 are not victimized that otherwise would have been if the
969 crime rate had prevailed before we made those changes in the
970 law.

971 So I might sound like I get exercised over this, but to
972 hear this comment that no experts tell us that enhanced
973 penalties, including the death penalty, bring the crime rate
974 down is just not true. It happened in my home state of
975 California. I was part of that. And I went through this
976 debate time, and time, and time again.

977 One of my good friends, an African-American police
978 officer with Los Angeles, had his daughter murdered by a

979 member of a gang because it was initiation. That is how he
980 got in the gang, by killing the daughter of a law enforcement
981 officer.

982 I remember going down to a high school in Los Angeles
983 and having a young girl who happened to be African-American
984 come to me after the conference was over and saying, "Why is
985 it you folks don't do anything until someone in our community
986 has been killed?"

987 She was not asking for after school programs. She was
988 asking for stronger enforcement. And to bring a bill here
989 that does one thing alone on one side and not the other, I
990 think, is unfortunate and is self-defeating.

991 The other thing I would say is, I have just come back
992 from my district. I was in my district. I was in Palo Alto.
993 I was in San Francisco. And I was in Southern California.
994 At every single place I was, people came to me and said,
995 "When are you folks going to get some idea about reality?
996 You are spending too dog-gone much money. You are putting my
997 children and my grandchildren in debt," every single place I
998 went.

999 And this bill is, what, \$1 billion? I guess that is an
1000 improvement, because the previous iteration of this bill, it
1001 was \$2 billion for just one section in the 110th Congress. I
1002 mean, it is almost like we here are—we think we are the
1003 genies and we can solve every problem because we have got

1004 this money that doesn't exist any place else.

1005 So we have got a billion here, a billion there. Now we
1006 have got trillions here, a trillion there. And you ask, how
1007 do we build this up? Because we have all the great ideas
1008 here, and we are going to solve all the problems.

1009 You know, local government, state government have a
1010 responsibility in this area. But all of a sudden, we are
1011 going to come in with a magic wand and we are going to solve
1012 the problem because we know better and we are going to have
1013 all of these alternatives and we are going to make sure that
1014 penalties have nothing to do with it.

1015 And then we are going to say, you are eligible for the
1016 program so long as you don't have any increase in
1017 incarceration rates. Well, it may be that incarceration
1018 rates need to go up in a particular community. They needed
1019 to go up in some areas of California in order to bring some
1020 sense of justice on the streets so that people could walk out
1021 in their streets.

1022 I find it fundamentally unfair that when the people
1023 behind bars are senior citizens and law-abiding citizens who
1024 are afraid to go out on their streets because those who
1025 should be behind bars are on the streets. Now, that may be
1026 old-fashioned in this committee—and I know what the numbers
1027 are on this committee—but I also know what people are telling
1028 me when I go home and I have—and this idea that incarceration

1029 in every—in each instance is somehow wrong and that when
1030 rates go up that must mean that something is wrong with your
1031 system, as opposed to maybe something is wrong with society,
1032 I mean, we sit here and we say we are going to do this.

1033 And this same time, we in this Congress are going to
1034 make sure that kids in the inner city in D.C. don't have a
1035 chance to go to better schools, because we are going to
1036 genuflect to the teachers union to make sure we don't have
1037 vouchers to allow kids to go to good schools, because, by
1038 God, we can't allow that to happen.

1039 When you want to look at evidence, sending kids to good
1040 schools is much better than a lot of stuff that is in here.
1041 But we won't do that, because we have got the public employee
1042 unions who say, "Don't dare let kids in the inner city go to
1043 schools of their choice and their parents' choice," because
1044 somehow that is going to violate some interest out there.

1045 I mean, let's get a break. If we truly believe we want
1046 to improve kids, we ought to be setting the standard for the
1047 rest of the country and allow vouchers so kids in tough areas
1048 who go to lousy schools now will have a better chance to
1049 improve their lives. That will do more to stop crime than
1050 anything in this bill, but we don't have the guts to do it.

1051 I can't support a bill here that promises something that
1052 is not going to come out, that somehow says that if you have
1053 enforcement, that is a bad thing, and then be in the same

1054 Congress which says we are not going to give kids the break
1055 they deserve by going to school.

1056 The president can send his kids to particular schools in
1057 D.C., but we are going to stop kids from going to that
1058 school. In fact, there are some already there, but under the
1059 original proposal by this administration and this Congress,
1060 would have those kids leave that same school the president is
1061 sending his kids to.

1062 I mean, when are we going to be honest with ourselves
1063 and say, "You know something? We are condemning so many kids
1064 in our society to a bad outcome and the temptation of crime
1065 and the victimization of crime because we won't have the guts
1066 to give them good schools to go to, because somehow we are
1067 going to offend a special interest."

1068 Until we do that, these kind of programs are going to be
1069 just this, paper. It is not going to help those kids. We
1070 can sit up here and pontificate all we want, and those kids
1071 are still going to be condemned to a terrible educational
1072 experience. They are going to be condemned to a terrible
1073 environment. They are going to be victimized by crime.

1074 We ought to be concerned about the disproportionate
1075 impact of crime on minorities in this country. We see that
1076 time and time again. It has happened for the last 30 years
1077 that I have been a part of this Congress, at least 16 of
1078 those years.

1079 And I know my time is up, but some time, let's do
1080 something for the kids instead of just waving paper.

1081 Mr. Watt. Mr. Chairman?

1082 Chairman Conyers. I want to thank the gentleman for his
1083 very eloquent defense of his position and support of the
1084 amendment.

1085 Mr. Watt. Thank you, Mr. Chairman. I move to strike
1086 the last word.

1087 Chairman Conyers. Without objection, the gentleman is
1088 recognized.

1089 Mr. Watt. I think I will resist the temptation to
1090 respond to each of the sound bites that my colleague from
1091 California has made. I would just generally say that it
1092 sounds like pretty much the same statements that we heard in
1093 support of mandatory minimums, in support of the crack-powder
1094 disparity, in support of criminalizing more young people, and
1095 putting more and more and more of them in jail, and exposing
1096 them to bad influences inside the jail so that it makes their
1097 life worse, all of which resulted in disproportionate parts
1098 of minority, poor and other communities being in jail while
1099 we don't even have enough space for the people who have the
1100 real serious crimes being committed.

1101 I have heard that speech before. And what we passed in
1102 response to that speech didn't work and was counterproductive
1103 to young people and to our communities.

1104 Having said that, I will yield the balance of my time to
1105 the chair of the subcommittee.

1106 Mr. Scott. Thank you, Mr. Chairman.

1107 Mr. Chairman, first of all, you just can't make stuff up
1108 and say it like it is true. When it is said that we are
1109 backing off enforcement, there is nothing in this bill that
1110 backs off enforcement. And to suggest that you had a policy—
1111 and this is—the whole point of this is to get to some
1112 research-based.

1113 I forget what the Latin is, something like post hoc,
1114 propter hoc or something, just because something follows
1115 doesn't mean it was caused by. We have had—I have seen
1116 reports that Project Exile in Richmond reduced crime 25
1117 percent. The crime rate went down 25 percent after they put
1118 in Project Exile.

1119 What they don't say is that in Norfolk it went down—
1120 without Project Exile, it went down 30-something percent. In
1121 Chesapeake, it went down more than that without Project
1122 Exile, that the whole—the crime rate was going down all over
1123 the country whatever you were doing because the employment
1124 rate was much better.

1125 But I think if you are going to talk about what is going
1126 on, come forth with some studies. Just don't blurt out
1127 something as this is what you think. Let's have—where are
1128 the peer-reviewed studies?

1129 Pew Research Forum said that any incarceration rate over
1130 500 was counterproductive. We are in some communities on—we
1131 are on an average in the United States, we are over 700
1132 already. In some communities, you are up to 4,000. Over 500
1133 is counterproductive, which means you are wasting, as I
1134 pointed out, in those communities, \$10,000 per child per year
1135 that you could spend getting them on the right track, but you
1136 are wasting it on counterproductive incarceration.

1137 Now, you are talking about the tragedy about murders.
1138 What will reduce murder—you have programs in Boston, the
1139 prevention approach, reduced juvenile murders from 1 a month
1140 to 3 years without a murder. If you are concerned about
1141 murders, it seems to me that that is the kind of initiative
1142 you would want. In Richmond, Virginia, we went from 19 to 2.

1143 If you are going to talk about murders, talk about
1144 something that worked. Now, we—if you are going to do
1145 studies, talk about mandatory minimums. Every time they are
1146 studied, they violate common sense, waste the taxpayers'
1147 money, do nothing about reducing crime. We know every study
1148 that has been done, you try more juveniles as adults, you
1149 will increase the crime rate.

1150 You can say what—what you want, but where are the—come
1151 up with the studies so that people can compare what you are
1152 saying to what is actually true. If you listen to the
1153 research, you are going to find that trying more juveniles as

1154 adults is counterproductive, mandatory minimums are a waste
1155 of money, and if you want to really do something about
1156 getting young people out of gangs, you have got to get them
1157 out of gangs by giving them some alternatives that the
1158 localities will decide based on this.

1159 If we can—I guess the bottom line is that the bill, by
1160 all research and analysis, will reduce crime and save money,
1161 and I guess that just offends people.

1162 Mr. Lungren. Would the gentleman yield?

1163 Mr. Watt. I am happy to yield to the gentleman if he is
1164 going to talk about this amendment rather than charter
1165 schools. I mean, you know, we can have this debate, but we
1166 ought to have it, as Mr. Scott said, on—based on facts, not
1167 just emotion.

1168 I am happy to yield to the gentleman.

1169 Mr. Lungren. Well, if the gentleman would yield, I hope
1170 he will allow me to say this. The facts of the studies as
1171 indicated most recently by an editorial in the Washington
1172 Post referencing those studies is that the voucher school
1173 program in D.C. has worked—

1174 Mr. Watt. Is there something in this amendment about
1175 voucher schools? You know, I—if there were something in this
1176 amendment about it, maybe it would be a germane debate for us
1177 to have. This is neither the Education Committee nor—you
1178 know, nor is there anything in the amendment about it. That

1179 is the only point I am making.

1180 Mr. Lungren. The reference I was making was to
1181 evidence-based discussion. And if the gentleman believes
1182 that is important, we ought to look at the evidence-based
1183 results of the voucher school project here in D.C., which
1184 gives young people an alternative to a non-education-based
1185 future, which would—I believe we would all agree—help in
1186 reducing crime.

1187 Mr. Watt. Okay. I will reclaim my time. The gentleman
1188 has made that point. I don't know what it has to do with
1189 what we are debating, but I appreciate him making the point.

1190 I yield to Mr. Scott.

1191 Mr. Scott. And I would just—thank you for yielding. I
1192 would say that, to the point it is relevant, if a community
1193 can find evidence that it will, in fact, reduce crime under
1194 the Youth PROMISE Act, they can fund it under the Youth
1195 PROMISE Act. That is the whole point of going to evidence-
1196 based policies, locally controlled, locally tailored.

1197 And so to the extent that what you are saying is true,
1198 it would be an eligible program under the Youth PROMISE Act.

1199 I yield back.

1200 Mr. Watt. I yield back the balance of my time.

1201 Mr. Chaffetz. Mr. Chairman?

1202 Mr. Lungren. Mr. Chairman?

1203 Mr. Chaffetz. Mr. Chairman?

1204 Chairman Conyers. Just a minute, gentlemen and ladies.
1205 I am going to recognize Mr. Chaffetz, and then I am going to
1206 inquire whether or not the person that reserved a point of
1207 order insists upon it.

1208 The gentleman from Utah?

1209 Mr. Chaffetz. Thank you, Mr. Chairman. I move to
1210 strike the last word.

1211 Chairman Conyers. Without objection. And the gentleman
1212 is recognized.

1213 Mr. Chaffetz. And I appreciate it. And I appreciate
1214 this discussion. I would like to yield my time to Mr. Forbes
1215 please.

1216 Mr. Forbes. Mr. Chairman, we have heard a lot on the
1217 other side about let's having research and let's having
1218 facts, and you can't just make a statement and say that is
1219 not true. You can't just make a statement that says all the
1220 experts agree when that is not true.

1221 We have had people sit right at that table who weren't
1222 people who just put a pen to a paper. They were the people
1223 in the field dealing with these gangs, and they have come in
1224 and they have told us what does work. And when you say it is
1225 not counterproductive to lock somebody up, ask the four
1226 police officers' families in Washington whether it makes a
1227 difference if somebody is locked up in jail or if they are
1228 out on the street where they can commit a crime.

1229 If you look in a situation here and you ask those people
1230 who have dealt with these problems whether it makes a
1231 difference when they can bring those people in and threaten
1232 to lock them up under mandatory sentences as whether they can
1233 pull down gang networks, they will tell you unequivocally it
1234 works.

1235 The other thing I want to make clear of is this. Look
1236 at the nomenclature. Mr. Chairman, I want to come back to
1237 what you raised, because I want to make no bones about it.
1238 Let this be the place we put both of our flags, we draw a
1239 line in the sand. I want to make sure that we know what the
1240 bill says.

1241 I wasn't trying to hide it, because I am proud of the
1242 difference. We hear on the other side things like a child,
1243 children. I sat here almost biting my lip when I heard about
1244 trees being cut down and how we were going to bring people
1245 out and hug the trees and make them not want to cut the trees
1246 down anymore a while ago.

1247 This is not what we are talking about. What we are
1248 talking about here is in-if you look at the language, it
1249 says, if a gang crime results in the death of any person,
1250 there can be sentenced to either death or life imprisonment.
1251 It doesn't matter if it is a child, doesn't matter what it
1252 is. If they take somebody's life, I think it is appropriate
1253 that they have penalty of death.

1254 Chairman Conyers. Could the gentleman yield for-
1255 briefly?

1256 Mr. Forbes. As long as you are not going to take my
1257 time away, Mr. Chairman. Yes, sir.

1258 Chairman Conyers. All I-I was wondering is that-that
1259 you would restore capital punishment for people of what age?

1260 Mr. Forbes. On this, it doesn't change the age on this,
1261 Mr. Chairman.

1262 Chairman Conyers. It doesn't matter?

1263 Mr. Forbes. No.

1264 Chairman Conyers. It doesn't matter-

1265 Mr. Forbes. It doesn't change what the law is.

1266 Chairman Conyers. Does it-

1267 Mr. Forbes. This just simply says if they committed
1268 this crime. And, Mr. Chairman, it also says in here, if you
1269 will look, it says kidnapping, aggravated sexual abuse or
1270 maiming, that is not cutting down somebody's tree in their
1271 yard, and that is not just a child.

1272 It also says in here assault resulting in serious bodily
1273 injury. These are the crimes that are set out in this
1274 amendment. And what we have to understand is this: There
1275 are situations where prevention works. We have laid that out
1276 on the table. And we have said we need to work on those, and
1277 that is why we need a compromise that has both.

1278 But there are situations where people are going out

1279 there, and they are having teenagers who they know can go out
1280 there and commit their crimes, many of which are shooting
1281 people and killing people, because they are not going to be
1282 tried as adults, Mr. Chairman, in those situations.

1283 And all of the investigators and the law enforcement
1284 people—I won't say all of them, but majority of them that we
1285 have brought in and listened to them testify—have said it
1286 makes a difference because some of these people are going in
1287 and committing these crimes, they think they are going to get
1288 sentenced to 2 or 3 years in state jail. They go in like a
1289 badge of courage. It is when they go in there and this badge
1290 of honor that they are protected in the jails, and they come
1291 out almost like it is some kind of honor that they have had.

1292 But when they go in with mandatory sentences, it makes a
1293 difference. So, Mr. Chairman, I am just going to close on
1294 this amendment by simply saying, there are experts out there
1295 who will tell us we need both. We need to have prevention
1296 programs. They do work in many situations. But we also need
1297 to have, as the gentleman from California put out, we need to
1298 have some tough mandatory enforcement provisions if we are
1299 going to make some of these gang—

1300 Ms. Wasserman Schultz. Would the gentleman yield for a
1301 question?

1302 Mr. Forbes. I am happy to yield, yes.

1303 Ms. Wasserman Schultz. Thank you. If that is okay, Mr.

1304 Chairman.

1305 I am just wondering if the gentleman—so I can clarify,
1306 because I didn't—I don't think I understood your answer. In
1307 your amendment, are you re-establishing the death penalty for
1308 children?

1309 Mr. Forbes. We do not change the age in this at all.
1310 What this simply—

1311 Ms. Wasserman Schultz. No, I know. If you would—

1312 Mr. Forbes. The answer is no.

1313 Ms. Wasserman Schultz. You are not re-establishing the
1314 death penalty for children? The death penalty, as I
1315 understand it, was—there was a Supreme Court ruling recently
1316 that determined that children could not be put to death for
1317 any crime.

1318 Mr. Forbes. This is—just responding to the—

1319 Ms. Wasserman Schultz. No, it is your time.

1320 Mr. Forbes. This is not a juvenile-specific provision.
1321 This is a provision that is gang-related. It does nothing at
1322 all to deal with the Supreme Court decisions or anything else
1323 in the current statute. What this says very specifically, it
1324 simply says, if the crime results in the death of any person.
1325 It doesn't change the age requirements—

1326 Ms. Wasserman Schultz. So if the gentleman would yield
1327 to an additional question—

1328 Mr. Forbes. I would be happy to yield.

1329 Ms. Wasserman Schultz. -thank you-if a juvenile-if a
1330 person below the age of 18 committed a crime that resulted in
1331 the death of a person, could they be subject to the death
1332 penalty under your amendment?

1333 Mr. Forbes. This does not change that current law at
1334 all.

1335 Ms. Wasserman Schultz. So they could not be subject to
1336 the death penalty under your amendment?

1337 Mr. Forbes. Not if they are not currently subject to
1338 it. It doesn't change-

1339 Chairman Conyers. Would the gentleman yield to me?

1340 Mr. Forbes. I would be happy to.

1341 Chairman Conyers. I think what the gentlelady is trying
1342 to point out is that there is a Supreme Court case that says
1343 that anyone below the age of 18 cannot be executed, whether
1344 they are in a gang or not.

1345 Mr. Forbes. Mr. Chairman, this does not change that
1346 Supreme Court case.

1347 Chairman Conyers. Well, then that means they can't be
1348 executed.

1349 Mr. Forbes. That is exactly right.

1350 Chairman Conyers. Well, I am glad I said that for you.
1351 You yield your time?

1352 Mr. Forbes. Yes, sir.

1353 Chairman Conyers. All right. Thank you very much.

1354 The chair is now prepared to—the chair would like to
1355 inquire of the gentleman from Virginia if he insists upon his
1356 point of order.

1357 Mr. Scott. Yes, Mr. Chairman. The bill is a grant
1358 program for—yes, Mr. Chairman, I do yield.

1359 Chairman Conyers. All right. The member will state the
1360 point of order.

1361 Mr. Scott. The bill is a grant program. It is not one
1362 that deals with the criminal justice system. And I would
1363 hope that the criminal justice provisions would be taken in
1364 another bill, because they are not relevant to this one.
1365 There is nothing in the bill that deals with penalties.

1366 Ms. Jackson Lee. Would the gentleman yield?

1367 Mr. Scott. And this has penalties, including penalties
1368 for—apparently, just simple possession of a controlled
1369 substance will get you a 10-year mandatory minimum if the
1370 crime involving manufacturing, importing, distributing,
1371 possessing, or otherwise dealing with—dealing in a controlled
1372 substance—I am not sure what dealing in a controlled
1373 substance means, but if that means otherwise dealing in a
1374 controlled substance means possession, but whatever you do,
1375 you get a 10-year mandatory minimum if you are a gang member.

1376 Chairman Conyers. Is there someone that would like to—
1377 Mr. Forbes?

1378 Mr. Forbes. Thank you. Mr. Chairman, I believe there

1379 is a strong argument to be made that this amendment is
1380 germane to H.R. 1064. While rule 16, clause 7 prohibits
1381 amendments that are of a subject different from that under
1382 consideration, my amendment does deal with the same subject
1383 matter as this bill.

1384 My amendment improves penalties for criminal gang
1385 activity. And the purpose of this bill, as stated at the
1386 outset, is to provide for evidence-based and promising
1387 practices related to juvenile delinquency and criminal street
1388 gang activity prevention and intervention to help build
1389 individual, family and community strength and resiliency to
1390 ensure that youth lead productive, safe, healthy, gang-free,
1391 and law-abiding lives.

1392 Furthermore, title V addresses comprehensive gang
1393 prevention and relief. I am not sure how we can have a
1394 comprehensive approach unless we have tough laws on the books
1395 regarding gang activity along with enforcement of those laws.

1396 I believe that the amendment I have offered is
1397 completely consistent with the purpose and subject matter of
1398 the act before us. Furthermore, this bill deals with
1399 everything from educational programs and grants to criminal
1400 justice.

1401 I believe that the expansive nature of this bill allows
1402 for every broad germaneness test. In sum, I believe that
1403 this amendment is not only germane, but appropriate, given

1404 that this bill seeks to address the scourge of gang activity
1405 in this country, and I hope the chairman will rule this
1406 amendment germane and allow this committee to at least take a
1407 vote on this important issue.

1408 And I yield back my time.

1409 Chairman Conyers. I thank the gentleman for his
1410 argument. And after due reflection with the parliamentarian
1411 of the committee, I am prepared to rule on this point of
1412 order that has been asserted.

1413 And the bottom line is that, in my view as chair, the
1414 sponsor has not met the burden of establishing that the
1415 amendment is in order.

1416 Mr. Forbes. Mr. Chairman?

1417 Chairman Conyers. Wait a minute.

1418 The bill deals with the subject of devotion of putting
1419 federal monetary resources to the prevention of youth
1420 violence, delinquency, and gang activity. The amendment
1421 deals with a different subject matter and purpose and would
1422 broaden the underlying bill beyond its current scope.

1423 And the parliamentarian has referred me to House rule
1424 16, clause 7, and related precedence that, pursuant to it,
1425 leads me to rule that the amendment is not in order.

1426 Mr. Forbes. And, Mr. Chairman, with that, I
1427 respectfully appeal the ruling of the chair.

1428 Mr. Scott. Mr. Chairman?

1429 Chairman Conyers. Of course.

1430 Mr. Scott. Mr. Chairman, I move to table the challenge
1431 of the ruling of the chair.

1432 Chairman Conyers. Motion to table has been made—

1433 Mr. Forbes. Mr. Chairman? Mr. Chairman, can we have a
1434 recorded vote?

1435 Chairman Conyers. It is not debatable.

1436 Mr. Forbes. I am just requesting a recording vote. I
1437 am not debating, Mr. Chairman.

1438 Chairman Conyers. All right. The question is on
1439 tabling the appeal of the chair. And the clerk will call the
1440 roll.

1441 The Clerk. Mr. Conyers?

1442 Chairman Conyers. Aye.

1443 The Clerk. Mr. Conyers votes aye.

1444 Mr. Berman?

1445 [No response.]

1446 Mr. Boucher?

1447 [No response.]

1448 Mr. Nadler?

1449 [No response.]

1450 Mr. Scott?

1451 Mr. Scott. Aye.

1452 The Clerk. Mr. Scott votes aye.

1453 Mr. Watt?

1454 Mr. Watt. Aye.

1455 The Clerk. Mr. Watt votes aye.

1456 Ms. Lofgren?

1457 [No response.]

1458 Ms. Jackson Lee?

1459 Ms. Jackson Lee. Aye.

1460 The Clerk. Ms. Jackson Lee votes aye.

1461 Ms. Waters?

1462 [No response.]

1463 Mr. Delahunt?

1464 [No response.]

1465 Mr. Wexler?

1466 [No response.]

1467 Mr. Cohen?

1468 Mr. Cohen. Aye.

1469 The Clerk. Mr. Cohen votes aye.

1470 Mr. Johnson?

1471 Mr. Johnson. Aye.

1472 The Clerk. Mr. Johnson votes aye.

1473 Mr. Pierluisi?

1474 Mr. Pierluisi. Aye.

1475 The Clerk. Mr. Pierluisi votes aye.

1476 Mr. Quigley?

1477 [No response.]

1478 Ms. Chu?

1479 [No response.]
1480 Mr. Gutierrez?
1481 [No response.]
1482 Ms. Baldwin?
1483 [No response.]
1484 Mr. Gonzalez?
1485 [No response.]
1486 Mr. Weiner?
1487 [No response.]
1488 Mr. Schiff?
1489 Mr. Schiff. Aye.
1490 The Clerk. Mr. Schiff votes aye.
1491 Ms. Sanchez?
1492 Ms. Sanchez. Aye.
1493 The Clerk. Ms. Sanchez votes aye.
1494 Ms. Wasserman Schultz?
1495 Ms. Wasserman Schultz. Aye.
1496 The Clerk. Ms. Wasserman Schultz votes aye.
1497 Mr. Maffei?
1498 [No response.]
1499 Mr. Smith?
1500 Mr. Smith. No.
1501 The Clerk. Mr. Smith votes no.
1502 Mr. Goodlatte?
1503 Mr. Goodlatte. No.

1504 The Clerk. Mr. Goodlatte votes no.
1505 Mr. Sensenbrenner?
1506 [No response.]
1507 Mr. Coble?
1508 Mr. Coble. No.
1509 The Clerk. Mr. Coble votes no.
1510 Mr. Gallegly?
1511 Mr. Gallegly. No.
1512 The Clerk. Mr. Gallegly votes no.
1513 Mr. Lungren?
1514 [No response.]
1515 Mr. Issa?
1516 [No response.]
1517 Mr. Forbes?
1518 Mr. Forbes. No.
1519 The Clerk. Mr. Forbes votes no.
1520 Mr. King?
1521 Mr. King. No.
1522 The Clerk. Mr. King votes no.
1523 Mr. Franks?
1524 Mr. Franks. No.
1525 The Clerk. Mr. Franks votes no.
1526 Mr. Gohmert?
1527 Mr. Gohmert. No.
1528 The Clerk. Mr. Gohmert votes no.

1529 Mr. Jordan?
1530 [No response.]
1531 Mr. Poe?
1532 Mr. Poe. No.
1533 The Clerk. Mr. Poe votes no.
1534 Mr. Chaffetz?
1535 Mr. Chaffetz. No.
1536 The Clerk. Mr. Chaffetz votes no.
1537 Mr. Rooney?
1538 Mr. Rooney. No.
1539 The Clerk. Mr. Rooney votes no.
1540 Mr. Harper?
1541 Mr. Harper. No.
1542 The Clerk. Mr. Harper votes no.
1543 Mr. Lungren?
1544 Mr. Lungren. No.
1545 The Clerk. Mr. Lungren votes no.
1546 Mr. Issa?
1547 Mr. Issa. No.
1548 The Clerk. Mr. Issa votes no.
1549 Mr. Quigley?
1550 Mr. Quigley. Aye.
1551 The Clerk. Mr. Quigley votes aye.
1552 Mr. Nadler?
1553 Mr. Nadler. Aye.

1554 The Clerk. Mr. Nadler votes aye.
1555 Ms. Baldwin?
1556 Ms. Baldwin. Aye.
1557 The Clerk. Ms. Baldwin votes aye.
1558 Mr. Weiner?
1559 Mr. Weiner. Aye.
1560 The Clerk. Mr. Weiner votes aye.
1561 Mr. Berman?
1562 Mr. Berman. Aye.
1563 The Clerk. Mr. Berman votes aye.
1564 Mr. Maffei?
1565 Mr. Maffei. Aye.
1566 The Clerk. Mr. Maffei votes aye.
1567 Chairman Conyers. Clerk will report.
1568 The Clerk. Mr. Chairman, 16 members voted aye, 14
1569 members voted nay.
1570 Chairman Conyers. The motion to table succeeds.
1571 And the chair will recognize now the gentlelady from
1572 Texas, Sheila Jackson Lee.
1573 Ms. Jackson Lee. Thank you, Mr. Chairman.
1574 Mr. Chairman, I am drawing up amendment number 001.
1575 Chairman Conyers. Can you combine them all?
1576 Ms. Jackson Lee. Yes, sir, and amendment number 01B.
1577 And we have an edit, so we are making the copies as we speak,
1578 Mr. Chairman. I can speak to them both. I would like to

1579 bring them up en banc.

1580 Mr. Scott. Mr. Chairman?

1581 Chairman Conyers. Without objection, so ordered.

1582 Mr. Scott. Mr. Chairman?

1583 Chairman Conyers. Who seeks—Mr. Scott?

1584 Mr. Scott. I can be brought—I have no objection to

1585 being brought up together, but I would seek a separate vote

1586 on the amendments.

1587 Chairman Conyers. Yes, well, that is okay.

1588 All right. The clerk will report the amendments en

1589 banc.

1590 The Clerk. Amendment to H.R. 1064, offered by Ms.

1591 Jackson Lee of Texas. Page 44, line—

1592 [The amendments by Ms. Jackson Lee follow:]

1593 ***** COMMITTEE INSERT *****

1594 Ms. Jackson Lee. I would ask unanimous consent that the
1595 amendment be considered as read. That is correct. And then
1596 the second one is what you have. It is edited, so it is
1597 coming to you, so you can begin giving out the 001. The
1598 other one is being copied.

1599 Chairman Conyers. All right.

1600 Ms. Jackson Lee. Thank you. I can continue, Mr.
1601 Chairman, or may I?

1602 Chairman Conyers. Well, without objection, the
1603 amendments will be considered as read. And the gentlelady
1604 from Texas is recognized in support of her amendments.

1605 Ms. Jackson Lee. You have—

1606 Mr. Watt. Mr. Chairman, could we see the amendments?

1607 Ms. Jackson Lee. They are coming.

1608 Chairman Conyers. They are en route.

1609 Ms. Jackson Lee. The second one is being edited. If
1610 you have the 01B, we just had—okay.

1611 Mr. Chairman, let me, first of all, thank Mr. Scott for—
1612 and the advocates who have worked without ceasing on I think
1613 a very effective approach to intervention, which is the crux
1614 of his message, particularly as it relates to the death
1615 penalty.

1616 I always think that when you have a death penalty, you
1617 have a murder, a sexual assault, you have a victim. This
1618 legislation over the years of compiling data from juvenile

1619 systems around the country have suggested that the aftermath
1620 of an action by a juvenile and the reaction to that does not
1621 cut juvenile crime.

1622 This does not speak to a crime dealing with adults. We
1623 are dealing with juveniles.

1624 My first amendment deals with the culture of snitching,
1625 and it is very direct. It provides for the opportunity to
1626 study the stop snitching culture. And this is something, Mr.
1627 Chairman, that has been spoken about in this committee by my
1628 good friend, Conservative Elijah Cummings.

1629 This will allow us to study the tactics or to develop
1630 tactics to counter such culture and provide the opportunity
1631 for young people to be protected or encouraged to tell the
1632 truth.

1633 The second amendment that is now being developed is an
1634 amendment that would include the opportunity for
1635 organizations to work with the attorney general to develop
1636 direct partnerships on the issue of crime. This does not
1637 speak to mentoring. This does not speak to education. It
1638 speaks to crime. And I believe the more partners that we can
1639 have on this matter, the more effective our approach will be.

1640 The second amendment, 001B, does not encourage grants.
1641 It is a partnership that can be acted upon by the attorney
1642 general. It is permissive.

1643 And I would ask my colleagues to consider both

1644 amendments, one to develop an answer to the anti-or an answer
1645 to the snitching culture and develop anti-and develop the
1646 response to the stop-snitching culture and be able to work
1647 with young people to know it is okay.

1648 And my final one deals with expanded partnerships to
1649 stop youth crime now. I think we can develop all of the
1650 necessary efforts that we need to develop. And I would ask
1651 my colleagues to support these two amendments.

1652 Chairman Conyers. The chair recognizes the
1653 distinguished gentleman from Texas.

1654 Mr. Smith. Thank you, Mr. Chairman. I appreciate the
1655 amendment offered by my colleague from Texas and especially
1656 appreciate her working with us to make some changes that make
1657 it acceptable, as well.

1658 I want to re-emphasize that her amendment is not a new
1659 grant program. In fact, it is a very discretionary program
1660 and leaves it up to the Department of Justice to decide what
1661 initiatives to take in conjunction with professional sports
1662 leagues in creating programs that will lead to the prevention
1663 of youth crime.

1664 So, Mr. Chairman, I think it is a positive amendment,
1665 and I can support it.

1666 Chairman Conyers. I thank the gentleman.

1667 If I may call for the question on-

1668 Mr. Scott. Mr. Chairman?

1669 Chairman Conyers. Who seeks—oh, Bobby Scott?

1670 Mr. Scott. To speak to—move to strike the last word.

1671 And I can speak to both of them to begin with.

1672 Mr. Chairman, the first amendment, 001 on snitching, I
1673 think fits nicely into the bill. It requires the youth-
1674 oriented police to deal with the despicable problem of stop-
1675 snitching campaigns that are pervasive in some communities
1676 and helps the police deal with that.

1677 If people are not willing to testify in court, the
1678 criminal justice system cannot work. And I think this fits
1679 nicely into the way the bill works.

1680 The other amendment, I don't see how it fits in. It is
1681 limited to professional athletic leagues, which would limit
1682 the participation in this just to sports, not science and
1683 other programs. And it is unclear to me how you would
1684 actually get the program into a Youth PROMISE council
1685 consideration. It would have to be a program to be
1686 considered for funding—would have to be a program for which
1687 there is evidence that it works. We are trying to get away
1688 from programs that people kind of think might work, but might
1689 not, but get into evidence-based peer review and analyze
1690 programs.

1691 A new program, therefore, would not qualify for such
1692 funding. So I am not sure how it would work out. So I would
1693 support the first amendment—

1694 Chairman Conyers. Well, let me—would the gentleman
1695 yield?

1696 Mr. Scott. I yield.

1697 Chairman Conyers. Trust me. Let's get through these
1698 amendments so we can get to final passage.

1699 Mr. Scott. I am finished.

1700 Chairman Conyers. All right.

1701 Mr. Scott. I yield back.

1702 Chairman Conyers. Thank you.

1703 All in favor of the amendments offered by the gentlelady
1704 from Texas, say "aye."

1705 [A chorus of ayes.]

1706 Chairman Conyers. All those opposed, say "no."

1707 [A chorus of noes.]

1708 Chairman Conyers. Ayes have it, and so ordered.

1709 A reporting quorum being present, the question is on
1710 reporting—the question is on reporting the bill as amended
1711 favorably to the House.

1712 Those in favor, say "aye."

1713 [A chorus of ayes.]

1714 Chairman Conyers. Those opposed, say "no."

1715 [A chorus of noes.]

1716 Mr. Forbes. Mr. Chairman?

1717 Chairman Conyers. The ayes seem to have it, but let's
1718 have a recorded vote.

1719 Mr. Forbes. Thank you, Mr. Chairman.
1720 Chairman Conyers. Thank you, Mr. Forbes.
1721 Clerk will call the roll.
1722 The Clerk. Mr. Conyers?
1723 Chairman Conyers. Aye.
1724 The Clerk. Mr. Conyers votes aye.
1725 Mr. Berman?
1726 Mr. Berman. Aye.
1727 The Clerk. Mr. Berman votes aye.
1728 Mr. Boucher?
1729 [No response.]
1730 Mr. Nadler?
1731 Mr. Nadler. Aye.
1732 The Clerk. Mr. Nadler votes aye.
1733 Mr. Scott?
1734 Mr. Scott. Aye.
1735 The Clerk. Mr. Scott votes aye.
1736 Mr. Watt?
1737 Mr. Watt. Aye.
1738 The Clerk. Mr. Watt votes aye.
1739 Ms. Lofgren?
1740 [No response.]
1741 Ms. Jackson Lee?
1742 Ms. Jackson Lee. Aye.
1743 The Clerk. Ms. Jackson Lee votes aye.

1744 Ms. Waters?
1745 [No response.]
1746 Mr. Delahunt?
1747 Mr. Delahunt. Aye.
1748 The Clerk. Mr. Delahunt votes aye.
1749 Mr. Wexler?
1750 [No response.]
1751 Mr. Cohen?
1752 Mr. Cohen. Aye.
1753 The Clerk. Mr. Cohen votes aye.
1754 Mr. Johnson?
1755 Mr. Johnson. Aye.
1756 The Clerk. Mr. Johnson votes aye.
1757 Mr. Pierluisi?
1758 Mr. Pierluisi. Aye.
1759 The Clerk. Mr. Pierluisi votes aye.
1760 Mr. Quigley? Mr. Quigley?
1761 Mr. Quigley. Aye.
1762 The Clerk. Mr. Quigley votes aye.
1763 Ms. Chu?
1764 Ms. Chu. Aye.
1765 The Clerk. Ms. Chu votes aye.
1766 Mr. Gutierrez?
1767 [No response.]
1768 Ms. Baldwin?

1769 [No response.]
1770 Mr. Gonzalez?
1771 [No response.]
1772 Mr. Weiner?
1773 Mr. Weiner. Aye.
1774 The Clerk. Mr. Weiner votes aye.
1775 Mr. Schiff?
1776 Mr. Schiff. Aye.
1777 The Clerk. Mr. Schiff votes aye.
1778 Ms. Sanchez?
1779 Ms. Sanchez. Aye.
1780 The Clerk. Ms. Sanchez votes aye.
1781 Ms. Wasserman Schultz?
1782 Ms. Wasserman Schultz. Aye.
1783 The Clerk. Ms. Wasserman Schultz votes aye.
1784 Mr. Maffei?
1785 [No response.]
1786 Mr. Smith?
1787 Mr. Smith. No.
1788 The Clerk. Mr. Smith votes no.
1789 Mr. Goodlatte?
1790 [No response.]
1791 Mr. Sensenbrenner?
1792 [No response.]
1793 Mr. Coble?

1794 Mr. Coble. No.
1795 The Clerk. Mr. Coble votes no.
1796 Mr. Gallegly?
1797 Mr. Gallegly. Aye.
1798 The Clerk. Mr. Gallegly votes aye.
1799 Mr. Lungren?
1800 Mr. Lungren. No.
1801 The Clerk. Mr. Lungren votes no.
1802 Mr. Issa?
1803 Mr. Issa. No.
1804 The Clerk. Mr. Issa votes no.
1805 Mr. Forbes?
1806 Mr. Forbes. No.
1807 The Clerk. Mr. Forbes votes no.
1808 Mr. King?
1809 Mr. King. No.
1810 The Clerk. Mr. King votes no.
1811 Mr. Franks?
1812 Mr. Franks. No.
1813 The Clerk. Mr. Franks votes no.
1814 Mr. Gohmert?
1815 Mr. Gohmert. No.
1816 The Clerk. Mr. Gohmert votes no.
1817 Mr. Jordan?
1818 Mr. Jordan. No.

- 1819 The Clerk. Mr. Jordan votes no.
- 1820 Mr. Poe?
- 1821 Mr. Poe. No.
- 1822 The Clerk. Mr. Poe votes no.
- 1823 Mr. Chaffetz?
- 1824 Mr. Chaffetz. No.
- 1825 The Clerk. Mr. Chaffetz votes no.
- 1826 Mr. Rooney?
- 1827 Mr. Rooney. No.
- 1828 The Clerk. Mr. Rooney votes no.
- 1829 Mr. Harper?
- 1830 Mr. Harper. No.
- 1831 The Clerk. Mr. Harper votes no.
- 1832 Mr. Chairman, I have a question. On the vote by Mr.
- 1833 Lungren, I have Mr. Lungren voting no. I wanted to make sure
- 1834 I heard him from the back.
- 1835 Mr. Lungren. No.
- 1836 The Clerk. Thank you.
- 1837 Chairman Conyers. Any other that wish to be recorded?
- 1838 The Clerk. Ms. Baldwin?
- 1839 Ms. Baldwin. Aye.
- 1840 The Clerk. Ms. Baldwin votes aye.
- 1841 Mr. Gallegly. How am I recorded?
- 1842 The Clerk. Mr. Gallegly voted aye.
- 1843 Mr. Gallegly. I want to be recorded as no, please.

1844 The Clerk. Mr. Gallegly votes no.

1845 Chairman Conyers. The clerk will report.

1846 The Clerk. Mr. Chairman, 17 members voted aye, 14

1847 members voted any.

1848 Chairman Conyers. The ayes have it, and the bill as

1849 amended is passed.

1850 Without objection, the bill will be reported as a single

1851 amendment in the nature of a substitute incorporating the

1852 amendments adopted. Staff is authorized to make technical

1853 changes. Members have 2 days to submit their views.

1854 I thank the committee profusely—

1855 Ms. Jackson Lee. Mr. Chairman?

1856 Chairman Conyers. —and the committee stands adjourned.

1857 [Whereupon, at 11:46 a.m., the committee was adjourned.]