

serve to strengthen it and make it better. The amendment language was intended to gather information on adults that solicit and use youth in the commission of hate crimes. This issue arises with respect to hate groups such as the Skinheads, Neo-Nazis, KKK, and other similar type groups.

The Rule is aimed at combating hate crimes. Because the rule addresses hate crimes, it is necessary to define the criminal actions that constitute a hate crime in the first instance. The definition is straightforward. Hate crimes involve the purposeful selection of victims for violence and intimidation based upon their perceived attributes. Such targeting for violence removes these actions from the protected area of free expression of belief and speech as enshrined in the First Amendment to the United States Constitution. The crimes are investigated and prosecuted at both the Federal and State and local level, depending upon the facts of the case and the needs of the investigation.

Opponents will argue that this bill abrogates constitutional rights of Freedom of Speech or other First Amendment guarantees under the Constitution. These arguments have no merit.

First, all speech is not protected speech. For example, one does not have the right to scream "Fire!" in a crowded movies theatre.

Second, nothing in this bill prevents a person from exercising their fundamental rights or their First Amendment right to free speech. The actionable crime here is crimes that cause bodily injury.

Third, the rule clarifies that neither this Act, nor the amendments made by it may be construed to prohibit any expressive conduct protected from legal prohibition, or any activities protected by the free speech or free exercise clauses of, the First Amendment of the United States Constitution. The legislation does not punish, nor prohibit in any way, name-calling, verbal abuse, or even expressions of hatred toward any group, even if such statements amount to hate speech. Because it covers only violent actions that result in death or bodily injury nothing in this legislation prohibits lawful expression of deeply held religious beliefs. Thus, clergy and other religious persons are not prohibited from decrying any acts, lifestyles, or characteristics that they deem repugnant or contrary to their beliefs. This speech is not actionable under this bill and is in no way proscribed.

The rule specifically provides at Section 8, in its Rule of Construction, that "Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the Constitution." Thus, the plain language of the rule makes clear that clergy or others exercising their First Amendment right to speech or expression will not be penalized by this law. Words or conduct that does not result in bodily injury is not actionable under this bill.

The Rule will address two serious deficiencies in the Federal civil rights crimes, in which a limited set of hate crimes committed on the basis of race, color, religion, or national origin are prohibited. The principal federal hate crimes statutes are 18 U.S.C. sec. 245 and 42 U.S.C. sec. 3631, this bill expands the application of hate crimes legislation.

In the last forty years, limitations in section 245 have become apparent and needed to be addressed. For example, the existing statute requires the government not only to prove that the defendant committed an offense because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of sex narrowly defined protected activities. These activities related to enrolling/attending schools, participating in or enjoying a service, program, facility, or activity administered or provided by a state or local government, applying for or enjoying employment, serving in a state court as a juror, travelling in or using a facility of interstate commerce, and enjoying the goods or services of certain places of public accommodation. This bill extends the application of hate crimes beyond these narrow and limited situations.

The Rule extends hate crimes in another important manner. The existing statute provides no coverage for violent hate crimes committed because of the victim's perceived sexual orientation, gender, gender identity or disability. The Rule covers these statuses.

When federal jurisdiction has existed in the limited hate crime contexts authorized under 18 U.S.C. sec. 245(b), the federal government's resources, forensic expertise, and experience in the identification and proof of hate-based motivations has provided an invaluable investigative complement to the familiarity of investigators with the local community, people and customs. The limitations of section 245 have limited the opportunity for such collaboration in many incidents of violence.

As I mentioned out the outset, I understand the urgency and importance of passing this bill. I would however like to address two issues that I would like considered, and that I would like to work with leadership to ensure is included, in conference.

First, the rule adds a certification requirement that is not currently found in section. Specifically, it requires a written certification from the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General that the person has reason to believe that a hate crime has occurred and the person has consulted with local and state law enforcement.

This imposes yet another burden upon the Department of Justice and might infringe upon its right to bring and try hate crimes. I do not see any compelling reason for changing the existing law and adding this additional burden.

Similarly, with respect to the Rule of Evidence in section 7(d) of this legislation, it provides the following:

"In a prosecution for an offense under this section, evidence of expression or associa-

tions of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness."

Thus, this new rule of evidence alters the relevance standard that already exists under the Federal Rules of Evidence. It would seem appropriate to use evidence, albeit circumstantial insofar as it is relevant. For example, consider the following hypothetical that a hate crime is perpetrated but under the current construction of section 7(d), it would be inadmissible to proffer evidence that the defendant collected racist magazine or paraphernalia unless such paraphernalia was directly used in the crime or is entered for purposes of impeachment. It defies reason that the existence of such paraphernalia is relevant and should be admissible to prove that a crime was racially motivated. Therefore, I would excise the language in section 7(d).

Hate crimes are real. The bodily injury, loss of life, and havoc that their perpetration wreaks on an individual, a family, community, and the country is wholly unacceptable. I urge my colleagues to support an end to such hate crimes and support this rule. Its passage would make America a fuller, freer and more equal society that ensures that all accorded equal protection under the laws of the United States.

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ADRIANNE LOZANO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Adrienne Lozano who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Adrienne Lozano is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Adrienne Lozano is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Adrienne Lozano for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 30, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 5

- 9:30 a.m. Armed Services To hold hearings to examine ongoing efforts to combat piracy on the high seas. SR-325
9:45 a.m. Energy and Natural Resources To hold hearings to examine the nominations of Daniel B. Poneman, to be Deputy Secretary, David B. Sandalow, to be Assistant Secretary for International Affairs and Domestic Policy, both of the Department of Energy, and Rhea S. Suh, to be Assistant Secretary, and Michael L. Connor, to be Commissioner of Reclamation, both of the Department of the Interior. SD-366
10 a.m. Finance To hold hearings to examine expanding health care coverage. SD-106
Joint Economic Committee To hold hearings to examine the economic outlook. SH-216
2:15 p.m. Foreign Relations Business meeting to consider pending calendar business. S-116, Capitol
2:30 p.m. Intelligence To hold closed hearings to examine certain intelligence matters. S-407, Capitol

- 3 p.m. Commerce, Science, and Transportation Surface Transportation and Merchant Marine Subcommittee To hold hearings to examine piracy on the high seas, focusing on protecting our ships, crews, and passengers. SR-253

MAY 6

- 9:30 a.m. Banking, Housing, and Urban Affairs To hold hearings to examine regulating and resolving institutions considered to be too big to fail. SD-538
Veterans' Affairs To hold hearings to examine the nominations of Roger W. Baker, of Virginia, to be Assistant Secretary for Information and Technology, William A. Gunn, of Virginia, to be General Counsel, Jose D. Riojas, of Texas, to be Assistant Secretary for Operations, Security, and Preparedness, and John U. Sepulveda, of Virginia, to be Assistant Secretary for Human Resources, all of the Department of Veterans Affairs. SR-418
10 a.m. Judiciary To hold an oversight hearing to examine the Department of Homeland Security. SD-106
2 p.m. Aging To hold hearings to examine solutions to stop Medicare and Medicaid fraud from hurting seniors and taxpayers. SH-216
2:15 p.m. Armed Services Strategic Forces Subcommittee To receive a closed briefing to examine space issues. SVC-217
2:30 p.m. Commerce, Science, and Transportation Communications and Technology Subcommittee To hold hearings to examine the future of journalism. SR-253
Judiciary Terrorism and Homeland Security Subcommittee To hold hearings to examine the passport insurance process, focusing on ending fraud. SD-226

MAY 7

- 9:30 a.m. Armed Services To hold hearings to examine the report of the Congressional Commission on the Strategic Posture of the United States. SH-216

- 10 a.m. Health, Education, Labor, and Pensions To hold hearings to examine pending nominations. SD-430
Judiciary Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 327, to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections. SD-226
Commerce, Science, and Transportation Science and Space Subcommittee To hold hearings to examine the consequences of a gap in human space flight. SR-253
10:30 a.m. Agriculture, Nutrition, and Forestry To hold hearings to examine the nominations of Krysta Harden, of Virginia, to be Assistant Secretary, Rajiv J. Shah, of Washington, to be Under Secretary for Research, Education, and Economics, and Dallas P. Tonsager, of South Dakota, to be Under Secretary for Rural Development, all of the Department of Agriculture. SR-328A
2:30 p.m. Appropriations Legislative Branch Subcommittee To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Office of the Architect of the Capitol, and the Office of Compliance. SD-138

MAY 13

- 10 a.m. Commerce, Science, and Transportation Competitiveness, Innovation, and Export Promotion Subcommittee To hold hearings to examine tourism in troubled times. SR-253

MAY 21

- 9:30 a.m. Veterans' Affairs Business meeting to markup pending legislation. SR-418