The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. BOCCIERI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 10, as follows:

[Roll No. 218]

AYES—422

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Boehner
Burgess
Butterfield
Granger
Hinojosa
Jackson (IL)
Kilpatrick (MI)
Kirk
Perriello
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1205

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted "aye" on rollcall Nos. 216, 217 and 218.

PROVIDING FOR CONSIDERATION OF H.R. 1913, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, who may yield control of blocks of that time; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman, my friend from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 372 provides a closed rule for consideration of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009.

This legislation is a vital step towards bringing the full protection of the law to those targeted for violent, bias-motivated crimes simply because of who they are. This bill expands the Federal hate crimes law to include protections for crimes directed at individuals because of their gender, gender identity, sexual orientation, or disability.

These crimes are designed to intimidate entire communities on the basis of personal and immutable characteristics. All of us in this Chamber know

that hate crimes tear the fabric of our society and fragment communities because they target an entire community or group of people, not just the individual victim.

This legislation makes important new changes to Federal civil rights law by providing new Federal authority for investigating and prosecuting criminal civil rights violations. It authorizes the Attorney General to provide assistance in the criminal investigation or prosecution of violent crimes motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of the victim.

This bill spans interstate lines by establishing uniform Federal protections against hate crimes as a backdrop to existing laws in every State. It directs the Attorney General to give priority for assistance to cases in which offenders have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses associated with investigations and prosecutions.

This bill makes it a Federal criminal offense to cause or attempt to cause bodily harm through the use of fire, firearms, or explosive devices against a person due to bias-driven violence.

These provisions enhance our country's 233-year tradition of protecting liberty, freedom, and acceptance by protecting and recognizing the human dignity of every person. No person should live in fear of violence because of who they are.

Some have criticized this legislation by claiming that the hate crimes bill will infringe upon free speech, somehow turning Federal authorities into ''thought police.'' In my view, this is simply not true. The hate crime bill adds no new classes of crime. This legislation is not about thinking or believing, but acting and harming.

This legislation strengthens, not weakens, the First Amendment freedom of speech protections. It prohibits for use as evidence a defendant's speech or association unless specifically related to the crime, and this legislation does not disturb constitutionally protected speech or associations.

It is preposterous to argue that this bill criminalizes thoughts and beliefs. The bill does not criminalize those who hate or disagree with other people or groups of people. It criminalizes acts of violence against people based on the victim's characteristics.

Under current law, the Federal Government's involvement is only authorized in those cases in which the victim was targeted because of race, color, religion, or national origin. The current protection is neither uniform nor comprehensive, and this has important practical and symbolic consequences.

It is vital that the Federal Government send a message to the American people that hate crimes committed because of one's sexual orientation, gender identity, gender, or disability are as intolerable as those motivated by race, ethnicity, national origin, or religion.

Some also argue that we're federalizing crimes already illegal under State laws, providing limited jurisdiction to investigate and prosecute bias-motivated crimes. However, Congress has rejected this argument repeatedly by passing hundreds of bills that give the Federal Government jurisdiction over crimes that States already consider illegal.

From 1995 to 2006, my friends on the other side controlled Congress and enacted nearly 100 public laws imposing new Federal criminal penalties for conduct that was already under State law and creating over 600 new Federal crimes.

Hate crimes are destructive and divisive. A random act of violence resulting in injury or even death is a tragic event that devastates the lives of the victim and their family. But the intentional selection and beating or murder of an individual because of who they are terrorizes an entire community—and sometimes, the Nation.

It is easy to recognize the difference between the arson of an office building versus the intentional torching of a church or synagogue. The church or synagogue or mosque burning has a profound impact on the congregation, the faith community, the local community, and the Nation. We're all affected by violent acts of hatred, and there is ample evidence that violent, bias-motivated crimes continue to be a widespread and serious problem in our Nation.

□ 1215

In my home State, the most recent Florida Hate Crimes Report published by the Florida Attorney General reported a total of 193 hate crimes, 14.5 percent of which were motivated by sexual orientation. Additionally, poll after poll continues to show that the American public supports hate crimes legislation inclusive of sexual orientation. FBI data show 1,265 hate crime incidents directed at gays and lesbians in the year 2007 alone, the third most frequent victims and over 16 percent of all hate crimes reported that year. And 79 hate crime incidents directed at disabled victims were also reported that year. And, unfortunately, we know it is widely accepted that hate crimes specifically against those with disabilities remain vastly underreported. Mr. Speaker, this is clearly a problem that merits the passage of an expanded hate crimes law.

Furthermore, this legislation is endorsed by over 300 law enforcement, civil rights, civic and religious organizations including the National Sheriffs Association, the International Association of Chiefs of Police, National District Attorneys Association, the American Civil Liberties Union, the Human Rights Campaign, the Presbyterian Church, the Episcopal Church, the NAACP, and the National Disability Rights Network.

Mr. Speaker, this measure would give local law enforcement officials important tools to combat violent, bias-motivated crime. Federal support, through training and direct assistance, will help ensure that bias-motivated violence is effectively investigated and prosecuted. The legislation would also facilitate Federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result.

As we consider H.R. 1913 today, let us remember that this hate crimes bill is also known as the Matthew Shepard Act, in memory of the 21-year-old University of Wyoming student who was brutally tortured and murdered in 1998 just because he was gay. At the time of his murder just a few years ago, no criminal statute existed in Wyoming to charge his killers with a hate crime nor was there Federal financial assistance available to aid the local authorities in Laramie, Wyoming, with investigating and prosecuting his murder.

The fact of the matter is hate crimes happen every day and we should not wait for another Matthew Shepard to ensure justice.

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

Ms. FOXX. Mr. Speaker, I thank my colleague from the Rules Committee for yielding time to us to be able to discuss this bill, and I yield myself such time as I may consume.

The discussion surrounding this bill today will no doubt center on the idea of crimes committed out of hate. There will be talk about the scourge of violent hate crime, which begs the question: Is there such a thing as nonhateful violent crime?

But in all the debate over criminal acts, a larger and forgotten debate is often left unspoken, and that is the debate over the role of free expression in our society. If this bill becomes law, it will have a chilling effect on many law-abiding Americans' freedom of expression.

The robust and healthy exchange of ideas is an American distinction. Because we are a land where free expression is one of our cherished foundational ideals, we have a long tradition of protecting the speech of everyone, from those with the most mainstream ideas to those on the fringe. Why do we do this? Because we know that in the end, in a healthy marketplace of ideas where the public square allows for an airing of all ideas, the best ideas and principles come out on top. In a strong marketplace of ideas, an American marketplace, bankrupt ideas are destined to fail. We should not live and legislate in fear of bankrupt ideas.

Marginal concepts, bad ideas, and flawed philosophies will always be buried beneath the tide of free and democratic expression, where free speech protects the individual's right to hold and express an opinion, even if such an opinion may be wrong. Holding this ideal is one reason why we on the minority side are so distressed that this

is a closed rule and we are not going to be allowed to offer amendments today because we know yesterday from the Rules Committee that some of our amendments would garner majority support, and we are very distressed about that.

Ultimately, a healthy public square always has a chilling effect on the forces of hatred. But today we are considering a bill that will start us down the road towards a public square that is less robust, more restrictive, and that will squelch our cherished constitutional right to free speech. It will establish a new category of criminal activity, which is thought crimes. Today it is the politically correct thought crimes, those directed toward certain protected groups, but when we open the door creating this new criminal category of thought crimes, it is but a small step to add new types of thought crimes to the list, and suddenly we find ourselves back on the Orwellian threshold of Nineteen Eighty-Four and staring down the specter of the thought police.

In George Orwell's novel Nineteen Eighty-Four, the government attempts to control not only the speech and actions but also the thoughts of its subjects, labeling disapproved thoughts with the term ''thought crime.'' The Thought Police use psychology and omnipresent surveillance to find and eliminate members of society who are capable of the mere thought of challenging ruling authority.

The way this bill is written, law enforcement will be called upon to unearth a criminal's motivation for committing a crime. The questions must then be asked: What thoughts caused the perpetrator to commit the so-called hate crime? And what caused this person to have these thoughts? Could it have been, for example, the sermon of a local religious leader, perhaps a respected local rabbi, who preached a message out of a religious conviction and belief in a sacred book? Under this law that rabbi may be guilty of inducing an act of violence simply because of his religious convictions. And it wouldn't take many arrests to put a choke hold on the free speech of religious leaders across our Nation.

In closing, I would like to quote liberal commentator Glenn Greenwald, certainly no apologist for conservatives like myself. But he has some strong words for hate crime laws such as those which already exist in Europe and in our neighbor to the north, Canada. Writing on salon.com last year, he called hate crimes laws ''oppressive'' and ''pernicious.'' Allow me to quote him at length because he summarizes the consequences of this type of legislation very well:

''Empowering the State to proscribe and punish speech is not only the most dangerous step a society can take, though it is that, it's also the most senseless. It never achieves its intended effect of suppressing or eliminating a particular view. If anything, it has the opposite effect, by driving it underground, thus preventing debate and exposure.''

As I said earlier, the best antidote to hate, perceived or real, is the bright light of public debate and scrutiny, not the outright censorship contained in this so-called hate crimes legislation.

My friends, this legislation starts us down a slippery slope. No longer are all Americans subject to equal justice under the law. No. A murderer of a police officer can be treated more leniently under this law than someone who is convicted of a so-called hate-motivated murder of a protected class of citizens. This is not equal justice. This is the codifying of a thought crimes law that weakens our first amendment and that dilutes our long tradition of equal justice under the law.

I will urge my colleagues to vote ''no'' on this rule and ''no'' on the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentleman from Colorado, my good friend and member of the Rules Committee, Mr. POLIS.

Mr. POLIS. Mr. Speaker, I rise in strong support of this rule for H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act, as well as the bill itself.

Last July a young transgender Latina living in Greeley, Colorado, was brutally attacked and murdered. Her killer, who became outraged after he discovered that she was transgender and beat her to death, told authorities that he had ''killed it'' and that ''all gays must die.'' Just last week I am glad to announce that Angie's killer was convicted not only of first degree murder but also of a hate crime in the beating death of Angie under Colorado law. It was the first time in the Nation that a State hate crime statute resulted in the conviction of a transgender person's murder, and as a result, Angie's killer will serve life in prison without the possibility of parole.

Thanks in large part to Colorado's hate crimes law, which included gender identity as a protected class, justice was served in this case. But, sadly, this has more often than not not been the case. Just a few years earlier, Fred Martinez, a Navajo Native American in Cortez, Colorado, openly gay youth, was killed. The perpetrator, who along with an accomplice had met Fred at a carnival that night, attacked and beat him to death with a large rock. Later he bragged to his friends that he had ''beat up a fag.'' In contrast to Angie Zapata, Fred's killer was not charged with a hate crime because no Colorado or Federal law protecting gender identity existed at that time. His assaulter received a 40-year sentence under a plea agreement but will be eligible for parole in 25 years. If he had been charged with a Federal hate crime, he would have received a life sentence without parole.

Sadly, Angie and Fred are not alone. Since 1991 over 100,000 hate crime offenses have been reported to the FBI with over 7,000 reported in 2006. And although much is talked about violent attacks against the lesbian, gay, bisexual, and transgender community, this is not just an LGBT issue. Violent crimes based on race, religion, ethnicity and national origin are reported every year.

What makes these crimes so odious is that they are not just crimes against an individual; they are crimes that terrorize entire communities and, indeed, are against the values and ideals upon which our country was founded. With each attack, these criminals are attempting to send a message of intimidation to the victim's entire community, a message that Americans do not belong and deserve to be victimized solely because of who they are.

Far from creating a class for special protection, we are establishing equal protection under the law for people who do not enjoy it today in this country. The hate crimes bill that we are voting on today is sending a message that these crimes will no longer be tolerated. I strongly support efforts to punish hate crimes and am a proud cosponsor of the bill.

The bill is especially important for police departments in smaller towns that don't always have the resources to deal with hate crimes. For example, the cost of the investigation and prosecution of Matthew Shepard's killers dealt a severe blow to the Laramie, Wyoming, law enforcement budget, resulting in the furlough of five officers, undermining public safety. This bill would prevent that.

This bill also corrects two major deficiencies in current law: One, the excessive restrictions requiring proof that victims were attacked because they were engaged in certain ''federally protected activities''; and, two, the limited scope of the law.

It's important to note this legislation will not take rights away from anyone. Our country was founded upon certain inalienable rights, including the freedom of religion and free speech. This bill does not interfere with either of those principles, and that's why it's backed not only by hundreds of law enforcement agencies but by mainstream faith-based organizations.

It's time to pass this law. We must no longer turn a blind eye to hate crimes of any kind. Everyone, regardless of race, creed, color, and sexual orientation and gender identity, must stand equal in the eyes of the law. I encourage my colleagues to support the rule and the bill.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to my distinguished colleague from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, with all the challenges that we have

in this Nation, we still hold these truths to be self-evident: that all men are created equal and that they are equal because they are all God's children. Therefore, the essence of America is that all people should be treated with the same respect and protected completely equally under the law. Whenever we begin to divide ourselves into groups and afford one group more protection than another, we necessarily diminish the protection and equality of all the remaining groups.

Mr. Speaker, regardless of whether a person is white, black, handicapped, healthy, old, sick, young, homosexual, heterosexual, a veteran, a police officer, a senior, whatever the case is, they deserve equal protection under the law.

□ 1230

That is the foundational premise of this Nation, and this legislation moves us all directly away from that basic foundation in a profound and dangerous way.

This legislation would prosecute individuals, not on the basis of their crime, but on their alleged motivation for committing it. It requires law enforcement officials and prosecutors to gather evidence of the offenders' thoughts, rather than their actual actions and their criminal intent.

Furthermore, under this bill, such individuals who may not even have been aware of the crime could receive the same or similar penalties as the criminal himself. It would only take some arbitrary prosecutor to construe that the individual had influenced the beliefs or thoughts of a perpetrator of a crime and thereby somehow caused hateful or violent acts. One unscrupulous government entity, plus this hate crimes legislation, equals the perfect recipe for tearing away from American citizens some of the most basic constitutional rights in our Nation.

Mr. Speaker, the fundamental purpose of this body is to protect the lives and constitutional rights of the American people regardless of who they are or what they believe. Unfortunately, this legislation would do just the opposite by granting unequal protections based on personal beliefs and thoughts, and it would endanger the constitutional liberties of millions of Americans.

I thank the gentlelady for the time and urge my colleagues to vote ''no.''

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and former member of the Rules Committee, and my fellow Floridian, Ms. CASTOR.

Ms. CASTOR of Florida. I thank my colleague for yielding time and for his years of leadership in the fight against discrimination.

Mr. Speaker, I rise in support of the Local Law Enforcement Hate Crimes Prevention Act and this rule.

Mr. Speaker, hate crimes are different from other types of crimes because the perpetrator targets a certain type of person based upon physical or other personal attributes. Hate crimes are a purposeful, violent and dangerous manifestation of prejudice.

Now, to increase public safety and fight crime, we offer today additional tools for law enforcement to fight hate crimes.

I am proud to be an original cosponsor of this legislation that will ensure that hate crimes based upon sexual orientation are covered along with other crimes committed with hatred based on race, religion and national origin.

This bill provides important resources to State and local law enforcement agencies to investigate and prosecute hate crimes, and it will also be a Federal criminal offense to cause or attempt to cause bodily harm.

I am proud today to stand up for all of my neighbors. You see, hate crimes are not only a problem for victims, but also for our communities and neighborhoods.

Unfortunately, my community in Florida has not been immune from hate crimes. Tampa leads the State of Florida in the number of reported hate crimes, according to an annual FBI report. It is likely that Tampa ranks high because the police there have a zero tolerance policy. All possible or borderline cases are reported.

Last year in Florida we had cases like the KKK being scrawled on something and shoved into a family's mailbox. And a 25-year-old woman in Daytona Beach was intentionally hit by a car just because of the color of her skin. How do we know? Because the man driving the car yelled, ''Help me kill these (blanks). These (blanks) have to die.''

In 2007, a Polk County person was stabbed to death for being gay. Police arrested and charged two Pinellas County teenagers after they spray-painted anti-Semitic and racial slurs on nine portable classrooms at a high school.

The Islamic Education Center of Florida in Tampa was set on fire, and thousands of my neighbors were left without a place to hold services.

Hate crimes have no place in my community or anyplace else, but they are an unfortunate reality that must be addressed. Mr. Speaker, this legislation has languished, and it's time that it be signed into law.

I thank Chairman CONYERS for his leadership. I urge a ''yes'' vote on this rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I now would like to yield 2 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank my friend for yielding.

Mr. Speaker, I believe this bill is a dangerous proposal which can transform the criminal justice system and in spite of all the protestations that now maybe we have safeguards, I think it threatens religious liberty.

The hate crimes bill federalizes each and every State and local crime. There is no evidence that States and localities are failing to prosecute crimes under existing law.

A person intentionally hit by a car is the victim of the same crime, regardless of why. The key there is ''intentionally.'' Whether you intentionally decide you are going to run over somebody with a car because they are there and you are mad, the penalties should be the same and to suggest that it is not is a Federal mistake at the level we are suggesting mistakes would be made.

Hate crimes legislation invariably has threatened religious leaders and groups with criminal prosecution, an investigation into why that person's thoughts, beliefs or statements led to their actions.

This can easily jeopardize constitutional rights of freedom of speech and religious expression. In fact, the very fact that the people who wrote this legislation have gone out of their way to come up with a new protection suggests that there is danger. There has been danger in every other country that has come up with this kind of legislation.

This requires criminal investigations to probe if a crime occurred because of bias toward a protected group and opens the door to criminal investigations of a suspect's philosophical beliefs, politics, biases, religion, activities and past statements.

Due to the subjectivity of these kinds of feelings and motives, there is enormous potential here, Mr. Speaker, for error. This creates unequal treatment of victims by treating crimes against protected groups more seriously than nonprotected groups. Murder of a victim will be treated more seriously than murder of another victim.

Mr. Speaker, I believe that's wrong. I think this is a constitutional problem. Again, in every State, in every country that has had similar legislation, this has created a problem of speech.

Hate crimes become hate speech, become thought crimes too easily, and I urge a ''no'' vote.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I am proud to support the Local Law Enforcement and Hate Crimes Prevention Act.

This is a commonsense bill with broad bipartisan support. Our law enforcement agencies, the vast majority of whom support this legislation, deserve the tools to battle hate-filled violence.

Bias-motivated crimes based on sexual orientation have more than tripled since the FBI began collecting hate crimes statistics about 20 years ago. But our law enforcement agencies still have no authority to assist communities dealing with even the most brutal crimes committed against our gay, lesbian, bisexual and transgender neighbors and friends.

This is a travesty. H.R. 1913 is a commonsense step to fix this injustice. The bill allows the Justice Department to aid State and local jurisdictions, either by lending assistance or by taking the lead in investigations and prosecutions of violent crimes which are motivated by bias.

Mr. Speaker, let us be clear. Nothing in H.R. 1913 could or would change First Amendment protections, but violence is not free speech.

Like many of my colleagues, I live in a community that was tragically altered by a senseless hate crime. Early last year, Lawrence King, an eighth grader in my district in a junior high school, was shot and killed by another student in his computer class, again, at a middle school. Lawrence was a young man who identified himself as a gay person, and this was the cause of the violence that took his life.

The police correctly identified the murder and classified it as a hate crime.

Mr. Speaker, I am very honored to stand here today and support H.R. 1913 in memory of Lawrence King and so many others who have been victims of hate crimes and acts of violence.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to the distinguished gentleman from Iowa (Mr. KING) a member of the Judiciary Committee, who offered several excellent amendments that were rejected by the committee.

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding the time.

Mr. Speaker, this issue was debated for 2 days before the Judiciary Committee. There were many, many amendments that were offered before the committee. Every one of them was rejected and shot down out of, I think, a desire to preserve the bill to be whatever it was that was presented to the committee.

And now here we are with a rule that results in a closed rule, Mr. Speaker, a closed rule because, as the gentlelady from North Carolina said, there is a fear that there could be amendments that would succeed that would be offered here.

One of those that I happened to have offered before the Judiciary Committee was to exempt pedophiles as a special protected status that is under this bill. Now, the rational thought on the other side I couldn't follow, Mr. Speaker, but I think it would be rational for this full body as a House of Representatives to make a decision on this. And I think that there was a fear on the part of the Rules Committee that that would also be a decision that would be made.

Well, I have before me a list from the American Psychological Association of the paraphilias, paraphilias being, I will call them proclivities in my vernacular, Mr. Speaker, and among them are pedophiles and a whole list of other kinds of activities. There are 547 of them altogether. We can't even exempt pedophiles, let alone the other proclivities that are there, from special protected status.

We can't define the language that's in the bill, the language in the bill that says ''gender'' versus ''sex.'' Gender isn't the same thing as using the word ''sex.'' Sex is what an individual can determine someone else to be. Gender is what a person thinks they are in their head. So the blurry language of gender replaces the clear language of sex that has been in our law for a long time in history.

Sexual orientation is another one of these. There are three different categories. We are figuring out what's in people's heads, the perpetrator and the victim. So under sexual orientation you have a mental definition, the head of, perhaps, the victim what's going on there. You have the plumbing of the victim, that's a different kind of a definition. And then you have the act that might be carried out by someone of a specific sexual orientation. No definition exists in law.

Gender identity is another broad category that can be whatever any individual wants it to be. So how does someone discriminate against someone else? How do they determine what these particular proclivities are, Mr. Speaker?

These are the broad, mushy areas of law that lead us down a path that ends up with any combination of liberal activist judges who will turn this into a mass of special protected status people, sacred cows walking through our society, self-alleged.

The gentleman from Florida mentioned the immutable characteristics. No, that's not in the bill. We tried to put it in the bill, but that amendment was shot down. I wish we could protect immutable characteristics. I think they should be. And those characteristics are those characteristics that are independently verified and can't be willfully changed.

That's the subject matter, 1984, George Orwell. I brought this up the last time we debated this. And I think it's important that we look at the book that was written in 1949 and predicted by George Orwell that by 1984 we would be where we are today in 2009.

He was writing about the new totalitarians who learned from the Nazis and the Russian Communists. And they said, ''The Party is not interested in any overt act: the thought is all we care about. We do not merely destroy our enemies, we change them. We are not content with negative obedience, nor even with the most abject submission. When finally you surrender to us, it must be of your own free will. It is intolerable to us that an erroneous thought should exist anywhere in the world.'' This is George Orwell, 1984, anticipating we would be having this debate in 1984, and today it's 2009, Mr. Speaker.

We should punish all perpetrators. There should be no special victims, and all perpetrators should be punished the same. And I think 25 years for assault on anyone is enough. But to the gentleman from Colorado that called for a life sentence for assault, what does he do to a murderer?

I oppose the rule and the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished chairman of the Judiciary Committee and the author of this legislation, my good friend, Mr. CONYERS.

Mr. CONYERS. Thank you, Judge Hastings.

I want to thank everybody on the Committee on Rules about the careful consideration they have given me and the legislation. We had a great discussion yesterday that will no doubt continue on.

□ 1245

I wanted to assure Dr. Foxx that there can be nonhate crime. There is plenty of it. As a matter of fact, most of the crime that is committed is not hate-based. Robbery is not hate-based. Breaking and entry is not hate-based.

And I wanted to tell my distinguished colleague on the committee, Mr. FRANKS, that it is too late not to decide to create a special category for hate crime, because had he been on the committee in 1968, he would have been invited to the White House when President Johnson invited in the Southern governors to explain to them that cross-burning had gotten so out of hand that it could no longer be classified as a State crime, that it had to be federalized with an attempt to contain it. As a matter of fact, they did contain it.

To our distinguished Member, Mr. BLUNT, I want him to be very relaxed in his getting of rest every night. There is no religious infringement whatsoever. As a matter of fact, we kept saying it so much that we finally put it into the bill itself. If you look at the last section in the bill, Section 8, it says in as clear a language as we could construct that anything protected by the Constitution cannot be eviscerated or modified by this hate crimes act, which has been going on now for 31 years.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I would like to thank the gentlewoman from North Carolina for the time.

I just want to say I am as appalled as any Member of Congress by crimes committed as an act of hate. Criminals who commit acts like murder, rape and assault do belong behind bars. But I oppose this bill because it lays the groundwork for the prosecution and the potential persecution of citizens whose crimes are not actions, but rather crimes of thought and speech.

The end result of this bill and the hate crimes agenda will be the suppression of both the freedom of speech and the freedom of religion. By establishing crimes of speech and thought, this law places pundits, journalists,

preachers and religious men and women at risk.

Other nations have gone down this path before and seen their liberties curtailed. In nations like Canada and Great Britain, where hate crimes legislation has been expanded to include speech, now columnists must avoid certain subjects, and cartoonists worry that their caricatures could become a crime.

Even in this country, hate crimes legislation has already been used as a political tool to suppress religious speech. In Pennsylvania, we saw a State hate crimes law used to file felony charges against 11 Christians speaking their minds and preaching their beliefs concerning a gay pride parade. Because sexual orientation had been added to the Pennsylvania hate crimes statute, the Christian demonstrators faced the following charges: Criminal conspiracy; possession of instruments of a crime—and the instruments of the crime were bullhorns; reckless endangerment of another person; ethnic intimidation; riot; failure to disperse; disorderly conduct; and obstructing highways.

I believe America is the greatest country in the world because we do have freedom of speech and we do have freedom of religion, and we must protect those ideals.

Mr. Speaker, any acts of murder, rape, assault, harassment, theft or any other crime should be punished equally under the law. I cannot support legislation which establishes thought crimes or lays the foundation for a country in which religious and political speech can be deemed hateful and even criminal.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, for my colleagues, I think you are aware that when we are on the floor debating this procedural concept called the rule, we usually try to go into the structure of the bill so that we can be clear as we move to general debate to offer our philosophical positions. So let me try to frame what this bill is actually about so that my colleagues can offer their opinions certainly during the general debate.

This bill, though it is called the hate crimes bill, it is also a focus on local law enforcement, and the concept is that all we are doing here is providing assistance to those local and State law enforcement agencies to ensure they have the tools to prosecute a case of hate crime.

Now, it is interesting that my friends on the other side have highlighted that we are separating out and enhancing the sentencing of those who engage in hate. Well, we have done that in years past. The 1964 Civil Rights Act and our discrimination laws have indicated that we abhor discrimination against anyone.

All this bill is doing is providing the resources on a State basis in the framework of Federal constitutional protection, so therefore if someone is in a church arguing or somewhere their political beliefs, their religious beliefs, it is not covered by this bill. We are not enforcing actions against that individual.

If you look through the bill, you will find it talks about assistance, financial assistance, to ensure that a case can be investigated. What we need to understand is a case can be investigated and the person can be vindicated, can be found not guilty or will not be prosecuted because the facts are not there. To burden local law enforcement and State law enforcement with getting to the truth is something that we want to help with, because the truth is in fact a part of ensuring the Constitution is in place.

Let me also make note of the fact that this is acts of violence. So free speech, as colorful as it can be, as we have all heard in our elementary school, words can hurt us, but it is only sticks and stones that hurt us.

I ask Members to support this legislation because it is fair on its face.

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

Mr. Speaker, I think it is time for us to respond to some of the comments that have been made here this afternoon by our friends on the other side, and I appreciate the gentlewoman from Texas bringing up an issue that I think needs to be responded to.

As she pointed out, these crimes are being taken care of in the States. Forty-five States already have hate crime laws. What we are doing with this bill, as one of my colleagues has said earlier, is going in and preempting what the States are doing. This is abrogating the 10th Amendment again. The Constitution has clearly left to the States and localities and the people things that are not spelled out in the Constitution.

Ms. JACKSON-LEE of Texas. Will the gentlelady yield?

Ms. FOXX. As soon as I am finished, I will do that.

However, nobody has said that the States aren't doing an adequate job of administering the laws that they have already. We don't need the Federal Government going in and working with them.

The issue of giving them assistance is another issue. If nothing else, that is a good reason to vote against this bill, because the bill states ''such sums as are needed.'' We are creating another entitlement program. Now, the grants say $100,000, but we are going to have people going after this money, putting ourselves more in debt, not included in the budget, not included in the appropriations but outside the budget. If you didn't vote against this bill and against this rule for any other reason, you could vote against it because we are spending additional money.

I also would like to point out that there was a bill, the hate crimes bill called the Matthew Shepard Act, named after a very unfortunate incident that happened where a young man was killed. But we know that that young man was killed in the commitment of a robbery. It wasn't because he was gay. The bill was named for him, the hate crimes bill was named for him, but it is really a hoax that that continues to be used as an excuse for passing these bills.

Ms. JACKSON-LEE of Texas. Will the gentlelady yield?

Ms. FOXX. In just a moment.

I also want to point out that one of the concerns that we have and why we believe that free speech is being endangered by this bill is the fact that the word ''perceived'' is used so often in this bill. In fact, I have pulled each one of them out. It says ''is motivated by prejudice based on actual or perceived race.''

Throughout the bill, there are five instances where the word ''perceived'' is used, but the word ''perceived'' is never defined. We believe that that opens up a Pandora's box in terms of how people can use this bill to stifle free speech. Our colleagues on the other side have not been willing to define this word or, again, to take amendments that many of us believe would have made this bill much, much better.

So I say to my colleagues, this is not the kind of legislation we should be passing in this country in this day.

If the gentlewoman wants to ask me a question which I can answer quickly, since I am on my time, I will yield. If it is a matter to speak on, then I would ask her to ask for time on her side.

Ms. JACKSON-LEE of Texas. I agree. I would just ask the gentlelady if she has read section 3 that indicates the State would ask for the assistance, and then page 12 of the bill that indicates, it is part (d), I don't want to go back to the section, but page 12, line 9, indicates that no voice where someone is speaking or making expression will be in evidence to prove that that person is engaged in a hate crime.

I would ask the gentlelady if she looked at that thoroughly?

Ms. FOXX. I have read the bill and read it carefully, and I have great problems with the bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend the distinguished Congressional Black Caucus Chair, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, let me first thank the gentleman for yielding and for your steady and very fair leadership as a member of the House Rules Committee. Also to Chairman CONYERS, let me thank you for

your leadership in making sure this important legislation gets to the floor today.

I also want to acknowledge the indispensable contributions of the LGBT Caucus, on which I serve as a member, which is led so ably by our colleagues Chairman BARNEY FRANK, Congresswoman TAMMY BALDWIN, and Congressman JARED POLIS.

This legislation is long overdue. In the long history of the United States, there is much to admire and to celebrate. But, regrettably, there have been episodes in our history that are tragic, violent and shameful. Among the most horrific are violent crimes motivated by hate.

The notorious race riots in Greenwood, Oklahoma, and Rosewood, Florida, in the early years of this last century, to the church bombings and attacks on gay, lesbian, bisexual and transgendered persons, are painful reminders that we still have not perfected our Union. Whether it has been the color of their skin, their religion, gender, disability, national origin, or their sexual orientation or identity, the sad fact is that too many persons have been the victims of violence, often ending in death, simply because of a characteristic of birth.

Sadly, many of the recent attacks based on sexual orientation have been against gay black men, like Michael Sandy, who was beaten and robbed in New York by four men and lay in a coma for several days before he died. In court proceedings, it was revealed that his attackers viewed gay men as prey. Fortunately, New York's hate crimes law now includes sexual orientation as a protected class.

And closer to my home, right outside of my district in Newark, California, a young high school student named Gwen Araujo was viciously beaten to death by four young men and buried simply because she was born a male. Gwen was comfortable as herself, a transgendered woman, and had lived her high school years as a girl with the love and support of her family, particularly her mother, Sylvia Guerrero.

Gwen's story really resonates with me. Children are entitled to be free from hate-motivated violence in schools. That is why when I was in the California legislature, I authored and Pete Wilson signed into law the California Hate Crimes Reduction Act.

Members of the clergy support this bill, the Congress of National Black Churches, the Episcopal Church and the Evangelical Lutheran Church of America.

□ 1300

Ms. FOXX. Mr. Speaker, I would like to yield 3 minutes to our colleague from Texas (Mr. GOHMERT), who also offered several amendments that were not taken.

Mr. GOHMERT. Mr. Speaker, there should have been amendments to this because there are all kinds of problems with it. When, in America, we start dividing this country into groups, we've got trouble; and that's what this bill does. It divides America into groups and says these over here are more important to protect than the rest of you guys. That is a problem.

Now, I'd like to address the question that my friend from Texas raised about the rule of evidence I think is what she was talking about. It does say, ''In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense.''

18 U.S.C. section 2(a) says if you aid, abet, counsel, induce someone to commit a crime, you are just as guilty as the one that committed it.

So, for example, I have a Bible here that my uncle was given when he entered World War II. It has a flyleaf cover that says, ''As Commander-in-Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength, and now, as always, an aid to attaining the highest aspiration of the human soul.''

That's signed Franklin D. Roosevelt in this little Bible.

But if you look over to Romans, it talks about, ''For this cause God gave them up to vile affections, for even their women did change the natural use into that which is against nature; and likewise, the men, leaving the natural use of women, burned in their lust one to another, men with men, working that which is unseemly and receiving in themselves that recompense of their error which was meet.''

If somebody hears a preacher preaching that and goes out and commits an act of violence, I mean, I was a prosecutor 30 years ago. It doesn't take much imagination to say, we had to arrest the preacher; it was clear he's the one that planted the seeds in this nut's head that went out and committed an act of violence. Therefore, this evidence of what he read from the Bible, even though FDR signed it and encouraged people to read it, FDR's not around, we can't go after him, but we can go after this preacher that put that in the mind of the individual. They induced it. They're guilty as a principal. And even if they're not, just arresting pastors a few times and saying, we're going to let the jury decide what his intent was will be enough to have a chilling effect.

There's no Federal nexus here. There is no epidemic. There's no evidence of an epidemic. There's no need. Every case that's been brought up, including Matthew Shepard, in that case they got life without parole. The other got two life sentences. James Byrd, the two defendants most culpable got what they deserved, they got the death penalty, and this case will not affect that. The other guy got life. Wouldn't affect him. There is no need. There is no epidemic. It divides America. Why don't we say ''no'' to this and let America be united again.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased at this time to yield 1 minute to my distinguished colleague and good friend from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman and rise in support of this rule and the underlying legislation.

Hate crimes are real. They spread fear and intimidation among entire communities. This bill would strengthen local law enforcement's ability to prosecute hate crimes based on race, color, religion, national origin, gender, sexual orientation, gender identity and disability to the victim.

It is patently false to say that we're criminalizing thought. We are criminalizing the brutality that results when these thoughts lead to death and serious injury of an innocent victim. This is no more about criminalizing thought than the antilynching laws were about criminalizing knot tying.

And to say that pedophilia somehow belongs in here represents such uninformed, illogical and irrelevant thinking as to say kleptomania, drug abuse, school truancy, parking violation and road rage belongs here.

This bill is about hate crimes. This bill has strong support from over 300 civil rights, religious, LGBT, law enforcement and civic organizations, and I'm particularly pleased to identify the support of the Garden State Equality, a group that has fought tirelessly to fight discrimination against all Americans, including discrimination based on gender identity.

I urge support of the rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentlewoman from North Carolina for her hard work on the Rules Committee, on this rule fight, and I rise in strong opposition to the rule and the underlying bill.

My goodness. How long are we going to debate this? 40 minutes or an hour? This very important piece of legislation under this rule?

I can understand why we only have that amount of time because, after all, we're going to be working as late as 4 this afternoon here in the House. How could we possibly go just a little later than 4 to debate a very, very important piece of legislation?

And then what amendments will we be debating? None. It's a closed rule.

This is an atrocity. This is a very highly contentious piece of legislation. We held a 2-day markup on this bill with numerous amendments in the Judiciary Committee, and it is very clear that we need a rule that will allow for amendments to be considered on the floor of the House. But we certainly don't have that.

So I urge my colleagues to oppose this rule.

I would also point out that this underlying piece of legislation, which I will have the opportunity to speak more on in the general debate, is something that does, indeed, deal with thought. The only difference between beating up a senior citizen and beating up somebody who is in a protected class, under this piece of legislation, or beating up a pregnant woman, or beating up someone who's in a protected class, under this legislation, is the thought process that went into the motivation to assault that particular person. And that is legislation that is founded on criminalizing thought.

It is very deeply concerning, because I, like most Americans, believe that every victim of every crime is entitled to be treated the same under the law. Why would a senior citizen not be deserving of these additional protections that are provided based upon sex or sexual orientation or race or religion?

Why would pregnant women who suffer all kinds of violent crimes against them not be deserving of that same kind of protection?

This legislation is bad. Vote down the rule. Vote down the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to the newest Member of the House of Representatives, at least for another 6 hours, until one newer than him is sworn in, Mr. QUIGLEY from Illinois.

Mr. QUIGLEY. I rise in strong support of H.R. 1913. I am new here, but I am not new to this issue. And I am extraordinarily aware that in our country hatred has an extraordinary tenacity, a tenacity which we must be on arm against, especially when that hatred takes the form of action.

In 2008, there were 72 reported hate crimes in the city of Chicago alone. When one of our neighbors is attacked, our entire community must feel the pain. Every American, regardless of who his parents are, where she worships, or who he chooses to love, deserves to be free from the fear of harm. This bill will go a long way towards ensuring all of our citizens have access, equal access to protection under the law.

I thank the Chair and urge my colleagues to support this important legislation.

Ms. FOXX. Mr. Speaker, I would like to yield 90 seconds now to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

I want to take it back to this question. We have these vague terms in this legislation that's before us, these vague terms that the Judiciary Committee majority refused to define and refused to allow a definition, and so I've looked up some definitions of this language, and here is one of them. Sexual orientation. We'll go to the Merriam Webster's Dictionary, under medical, and it says, sexual orientation: One's attraction to and preference in sexual partners. One definition.

Here's another definition that comes from the American Heritage Stedman's Medical Dictionary. It says sexual orientation is sexual activity with people of the opposite sex, the same sex or both.

So one is an attraction definition, and the other one is an activity definition.

And now I go to the American Psychological Association, those people that have identified 547 different paraphilias, and they say sexual orientation is different from sexual behavior because it refers to feelings and self-concept. Individuals may or may not express that in their behaviors.

So, here we have, again, these broad definitions in the so-called hate crimes legislation that truly are thought crimes, because without the thought, you're not going to have the hate, and it can only be defined by trying to look into the skull of the victim and the perpetrator. And there's never been legislation that's presented that's been this broad or that imagines that it can define something that is in the head of a victim and in the head of the perpetrator at the same time, let alone what might be in the head of the judge, Mr. Speaker. So I oppose this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to inquire of the gentlelady if she has any remaining speakers. I am the last speaker for this side and am prepared to reserve.

Ms. FOXX. Mr. Speaker, I am prepared to close.

Mr. HASTINGS of Washington. Then I would reserve the balance of my time until the gentlelady has closed for her side and yielded back her time.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 3 minutes remaining.

Ms. FOXX. Mr. Speaker, my colleagues who have spoken here today have been extremely eloquent, and they've done a very, very good job of saying why this rule is bad and why the underlying bill is bad.

I want to end with a summary and with a quote. I want to quote from a column by William Raspberry from The Washington Post, April 9, 1999. And I'm quoting from the end of that column. The title of it is Thought Crimes. ''What I'm asking is this: Isn't it enough that people be punished for what they do, rather than for the attitudes that drive them to do it? What is the advantage of prosecuting people for what amounts to crimes of wrong thinking? Surely we don't expect expanded legislation to change their thinking, and we've already got laws against the awful behavior their warped thinking may produce. But I can't see that Clinton's proposal can do any good whatever. But as I said, it's likely to do negligible harm, so I'll just shut up.''

Mr. Raspberry is certainly not a conservative speaker or writer. However, he shares the same view that I and my colleagues have shared today.

And let me summarize, again, why we're opposed to this bill. Our criminal justice system has been built on the ideal of equal justice for all. This bill turns that fundamental principle on its head. Justice will no longer be equal but will depend on the race, gender, gender identity, sexual orientation, disability or other protected status of the victim. The bill is unconstitutional, we believe, and will likely be struck down by the courts.

The hate crimes bill will restrict religious freedom and first amendment rights by raising the possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities.

We believe this bill itself will spread fear and intimidation. Religious organizations may be chilled from expressing their ideas regarding homosexuality out of fear from involvement in the criminal process.

The bill also federalizes crimes that are being effectively prosecuted by our States and local governments.

In 2007, of the approximately 17,000 homicides that occurred in the United States, only 9 of the murders were determined to be motivated by bias. Regarding crimes where there are actual victims, there's no evidence that States are not fully prosecuting violent crimes involving ''hate.''

We all agree that every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating, not only to the victim, but the larger community whose public safety has been violated.

□ 1315

That is why all violent crimes must be vigorously prosecuted. Individuals prosecuted under this legislation, though, are not going to be punished for just their actions, but for their thoughts.

Mr. Speaker, this underlying bill is a bad bill and it is a bad rule, and I urge its defeat.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of time.

Mr. Speaker, I have been on the Rules Committee a considerable amount of time, both in the minority and in the majority, and I have seen things come to the Rules Committee that I thought were trivializing the process, but yesterday took the cake for me.

We had an amendment offered by one of our colleagues to this particular legislation. I guess it was done in a creative fashion, and certainly the author of it did spend some time looking in the dictionary or creating new terms. And I apologize to our transcriber, but I am going to put in the RECORD what we have to put up with in the Rules Committee.

''The term sexual orientation,'' this proposed amendment said, ''as used in this act, or any amendments made by this act, does not include apotemnophilia, asphyxophilia, autogynephilia, coprophilia, exhibitionism, fetishism, frotteurism, gerontosexuality, incest, kleptophilia, klismaphilia, necrophilia, partialism, pedophilia, sexual masochism, sexual sadism, telephone scatalogia, toucherism, transgenderism, transsexual, transvestite, transvestic fetishism, urophilia, voyeurism, or zoophilia.''

All I can say is the late-night comedians need to come up there with me sometime so that they can get into the spirit of spuriousness that comes there on certain occasions.

This is serious business. Mr. Speaker, we can't legislate love, but we can legislate against hate. This legislation may not rid us of the intolerance and prejudices that continue to taint our society, but it will provide an added deterrent to those for whom these feelings manifest themselves into acts of violence. They will be fully aware that, should they commit a hate crime, there will be no lenience and they will not slip through the cracks of the American legal system.

Further, passage of this Hate Crimes bill will increase public education and awareness and encourage Americans to report hate crimes that all too often are silent.

Mr. Speaker, this bill addresses our resolve to end violence based on prejudice, and to guarantee that all Americans, regardless of race, color, religion, national origin, gender, sexual orientation, gender identity or disability—or all of these philias and fetishes and isms that were put forward—need not live in fear because of who they are.

I urge my colleagues to vote in favor of this rule so that we continue to move this country toward fully achieving its promise of justice and liberty for all Americans.

I urge a ''yes'' vote on the previous question and on the rule.

Mr. McGOVERN. Mr. Speaker, I stand in strong support of this rule and of the underlying legislation.

H.R. 1913, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act allows for the Justice Department to assist local authorities, who are either unable or unwilling, with the investigation and prosecution of bias motivated crimes.

Hate crimes not only hurt victims and their families, but can impact a community or even an entire nation.

Perpetrators of violent hate crimes choose their victims based on an actual or perceived bias. It is a crime based on the victim's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

This bipartisan legislation empowers the Justice Department with the authority it needs to combat the prevalence of hate crimes in our communities. Since the FBI began collecting hate crimes data in 1991, bias motivated crimes against LGBT Americans has tripled; though the federal government has not provided the necessary resources to stem this uptick.

The destructive nature of hate crimes permeates throughout our society, and if we refuse to address it, then we are refusing to provide for the public safety of all Americans.

Mr. Speaker, it's important to note that this legislation does not discriminate. All victims of hate crimes are protected by this bill: every race, every religion, every sexual orientation, every disability.

I'd also like to commend Chairman CONYERS and the Judiciary Committee for crafting a bill that provides both for the protection against hate crimes and for the protection of our constitutional right of free speech.

Nothing in this legislation allows for speech, violent or otherwise, to be prosecuted.

Hate crimes by de3finition must involve death or bodily injury. Speech alone cannot be prosecuted under this legislation.

However, violent hate crimes are not constitutionally protected rights, and this legislation is needed to help reduce the divisive and sometimes deadly effects they have on communities across our country.

This legislation boasts the diverse support of more than 300 law enforcement, civil rights, civic and religious organizations and individuals, including the American Civil Liberties Union.

Mr. Speaker, I'd like to remind my colleagues that victims of hate crimes are targeted for violence and suffered attacks because of who they are.

I'd like to tell you the story of Lisa Craig, a 35-year-old mother of two, from my own State of Massachusetts. In 2003, Craig was assaulted on the street by three teenage girls and kicked in the head multiple times, causing her brain to bleed and requiring 200 stitches in her head. Craig's partner and her two daughters witnessed the attack by these teenagers, who earlier in the evening had been shouting anti-gay epithets at the couple.

This story is just one of thousands across our country, and to prevent more from occurring, I encourage my colleagues to support this rule and the underlying legislation.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the question on the resolution.

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

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

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules and passing H.R. 46, if ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 181, not voting 17, as follows:

[Roll No. 219]

AYES—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Becerra
Boehner
Boucher
Burgess
Butterfield
Ehlers
Granger
Gutierrez
Inslee
Kilroy
Kosmas
Larson (CT)
McCarthy (CA)
Perriello
Stark
Thompson (MS)
Waxman

□ 1348

Mr. BACHUS changed his vote from ''aye'' to ''no.''

Ms. BEAN changed her vote from ''no'' to ''aye.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON. Mr. Speaker, on April 29, 2009, I missed the vote on ordering the previous question on H. Res. 372 (rollcall vote 219), providing for consideration of H.R. 1913, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes. Had I been present, I would have voted "aye" for H. Res. 372.

Mr. BECERRA. Mr. Speaker, I was unavoidably detained earlier today and missed rollcall vote 219 on ordering the previous question on H. Res. 372, providing for consideration of H.R. 1913. If present, I would have voted "aye."

Stated against:

Mr. EHLERS. Mr. Speaker, on rollcall No. 219, I was inadvertently detained. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 190, not voting 8, as follows:

[Roll No. 220]

AYES—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Boehner
Burgess
Butterfield
Granger
Perlmutter
Perriello
Stark
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1358

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Todd D. Valentine and Mr. Stanley L. Zalen, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held March 31, 2009, the Honorable Scott Murphy was elected Representative to Congress for the Twentieth Congressional District, State of New York.