House that, in light of the administration of the oath of office to the gentleman from New York (Mr. MURPHY), the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Without objection, 5-minute voting will continue.

There was no objection.

FAMILY SELF-SUFFICIENCY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 46.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 46.

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 19, not voting 17, as follows:

[Roll No. 221]

AYES—397

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
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
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
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
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
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 (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
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 (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—19

Blunt
Broun (GA)
Camp
Campbell
Cassidy
Culberson
Duncan
Flake
Gohmert
Goodlatte
Graves
Kingston
Pitts
Rogers (KY)
Royce
Scalise
Shadegg
Stearns
Westmoreland

NOT VOTING—17

Bachus
Bishop (GA)
Burgess
Butterfield
Cummings
Diaz-Balart, L.
Dicks
Doyle
Granger
Larsen (WA)
Linder
Nye
Paul
Perriello
Sessions
Smith (NE)
Stark

□ 1421

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Mr. CONYERS. Mr. Speaker, pursuant to the rule, I call up the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

The SPEAKER pro tempore. Pursuant to House Resolution 372, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 111–91, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1913

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Local Law Enforcement Hate Crimes Prevention Act of 2009''.

SEC. 2. DEFINITION OF HATE CRIME.

In this Act—

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

(2) the term ''hate crime'' has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 3. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, or tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, or tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, or tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental violence recovery service programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010 and 2011.

SEC. 4. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012, such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7 of this Act.

SEC. 6. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(3) ADDITIONAL FEDERAL NEXUS FOR OFFENSE.—Whoever, in the special maritime or territorial jurisdiction of the United States, or in Indian country, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as those provided for offenses under those paragraphs.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—

''(1) In this section—

''(A) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

''(B) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

''(C) the term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

''(2) For the purposes of this chapter, the term 'gender identity' means actual or perceived gender-related characteristics.

''(d) STATUTE OF LIMITATIONS.—

''(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shell be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

''(2) DEATH RESULTING OFFENSES.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted as any time without limitation.

''(e) RULE OF EVIDENCE.—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. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

''249. Hate crime acts.''.

SEC. 7. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 8. RULE OF CONSTRUCTION.

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.

The SPEAKER pro tempore. Debate shall not exceed 1 hour and 20 minutes,

equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, each of whom may yield control of blocks of that time.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 40 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to yield control of 10 minutes of the debate to the gentleman from Illinois, Mr. MARK KIRK.

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

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Members of the House, the measure before us enables the Department of Justice to come to the aid of State and local law enforcement agencies in investigating and prosecuting bias-based brutality and helping defer the costs when they overwhelm State and local resources. And when necessary—and if approved by the highest, Senate-confirmed Department officials—it authorizes the Department to step in and prosecute at the Federal level.

What we are doing here today is expanding existing Federal hate crimes law beyond the confines of protecting access to a limited set of specified protected activities. What we do is add to the current list of group characteristics deservedly recognized for protection, the reason being due to their being well-known targets for bias-based violence. So we add new ones that also clearly belong on the list, and this is after careful scrutiny and hearings on this issue—they are sexual orientation, gender, gender identity, and disability.

These crimes of violence are directed not just at those who are directly attacked; they are targeting the entire group with the threat of violence. So the groups in the bill differ from other groups that some have been trying to add on—and I understand some of their reasons for that—but which do not share the same kind of history of being targeted over a period of time for hate-based violence.

Our approach is consistent with the judgment made by the States that have hate crimes laws—45 of them. They have made the same judgment as we have made for Federal law, that these many other groups should be protected elsewhere in the law, not in hate crimes law.

I close by reminding Members that under Lyndon Johnson in 1968 we first started the hate crimes bill under the church arson bill. The President called us into the White House with the governors of southern States to advise them that the burning of churches, the arson, the cross burnings were so out of control in many States that there was no other remedy except by Federal statute. The Federal Government would have to be authorized to intercede where they invited them to do so. From that has grown this bill, based on law that has been tested in the Supreme Court and many other lower courts.

And so we come before you with a bill that does not encroach upon the First Amendment, or the Fourth Amendment, or the part of the Constitution that leaves all other powers to the States. I urge your continued careful consideration of it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every year thousands of violent crimes are committed out of hate, but just as many violent crimes, if not more, are motivated by something other than hate—greed, jealousy, desperation or revenge, just to name a few. An individual's motivation for committing a violent crime is usually complex and often speculative.

Every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating, not only to the victim and their family, but also to the larger community whose sense of safety has been violated. That's why all violent crimes should be vigorously prosecuted.

Unfortunately, this bill undermines one of the most basic principles of our criminal justice system—equal justice for all. Under this bill, justice will no longer be equal. Justice will now depend on the race, gender, sexual orientation, disability or other protected status of the victim. It will allow different penalties to be imposed for the same crime. This is the real injustice.

One of the most troublesome aspects of this bill is that it divides America. It divides America by race, again, gender, sexual orientation, disability, or other status. We should focus on the opposite, uniting America, not dividing our country.

The bill also could have a chilling effect on the words of religious leaders or members of religious groups. For example, religious individuals who feel strongly about some values may hesitate to discuss their personal beliefs about homosexuality or gay marriage for fear of criminal investigation.

Some of my colleagues on the other side claim that the bill protects religious speech. But religious leaders could still be subjected to criminal investigations and be reluctant to preach the teachings of their faith as a result of this bill.

In addition, the bill itself is probably unconstitutional and will be struck down by the courts. There is little evidence to support the claim that hate crimes impact interstate or foreign commerce, an important consideration for any Federal court reviewing the constitutionality of this legislation.

In 2000, the Supreme Court in United States v. Morrison struck down a prohibition on gender-motivated violence. In that case the court specifically warned Congress that the commerce clause does not extend to ''noneconomic, violent criminal conduct'' that does not cross State lines.

□ 1430

Nor is the proposed legislation authorized under the 14th and 15th Amendments. Those amendments extend only to State action and do not cover the actions of private persons who commit violent crimes.

While the 13th Amendment reaches private action such as individual criminal conduct, it is difficult to argue that one's religion or national origin constitutes a ''badge'' or ''incident'' of slavery, the subject of the 13th Amendment.

Also this bill purports to federalize crimes that are being successfully prosecuted by our States and local governments. Furthermore, FBI statistics show that the incidence of so-called hate crimes has actually declined and substantially declined over the last 10 years. In 2007, for example, of the approximately 17,000 homicides that occurred in the U.S., only nine of the 17,000 murders were determined to be motivated by bias.

This legislation blurs the lines between violent belief, which is constitutionally protected, and violent action, which is not. If we go down this road, where does it end? With speech monitors and thought police?

I urge my colleagues to oppose the bill.

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

Mr. KIRK. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of this bill and would recognize the work of President Bush 19 years ago when he signed the first hate crimes information bill into law. That law allowed us to collect data showing two hate crimes in my district, 191 in the State of Illinois, and 7,600 in America.

This legislation is backed by the National Sheriffs' Association, the International Association of Chiefs of Police, the National District Attorneys Association, and 26 State Attorneys General.

Much of this bill may not have been needed in the earlier days of our country when we were, frankly, much less diverse. But unlike those earlier times, we have now built the freest country on Earth, with the largest economy and also the most diverse population.

This bill provides Federal help to fight violent crime. It can be important, especially to suburban police departments like Palatine, Illinois, that could be overwhelmed as two groups

squared off, overwhelming the resources of a small suburban police department.

While this bill does provide modest Federal support to help preserve order against violent crime, in my heart I support this bill for a different reason. We have witnessed diverse societies in other countries crack up and go through much pain and anguish and suffering when one group attacks another simply because of their membership or identity.

In the United States military, I saw this most clearly in Bosnia and Kosovo. Part of the modern Yugoslavia, well-entrenched in Western European values, they thought their diverse society would always remain calm and peaceful with different groups relating to one another. In those societies, the arrogance of that idea was laid bare and the countries cracked up and we saw the darkest part of the human heart open, only a few hundred miles from the capitals of Europe where we draw our own cultural heritage. It would be the height of arrogance to say something like this could never happen in the United States of America, and it is the job of this Congress to make sure that never happens.

We see violence in other countries, like in Mexico, attempt to come across into this country. We see various groups try to bring their struggles from Asia or the Middle East to the United States. Our job is to make sure not just big city police departments, but also suburban and rural police departments, have what they need to quickly respond and make sure that a kind of identity violence that has plagued so many other countries who may have thought that they were immune can never come to our shores.

If this bill in any way tried to interfere with the First Amendment or other speech of this country, I would not support it. But, instead it is directed against violent crime, and that is why I support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a former chairman of the Judiciary Committee and now the ranking member of the Constitution Subcommittee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this bill. The motivation behind this bill is extremely well-intentioned. We should punish violent crime. We should punish violent crime where the animus is motivated by hate against an individual or against a group because of characteristics that they may have.

But this is the wrong way to go about it. What we should be doing is we should be insisting on sentence enhancements for those who are convicted of a violent crime, a murder, an aggravated battery, a simple battery, an assault. The reason we should do it that way is that way we make sure that those who are guilty of a violent crime which is motivated by hate against an individual or a group to which he belongs gets punished more severely.

What can happen under this bill by setting up a separate hate crime is that someone could be indicted for the violent crime and the hate crime simultaneously. At the first trial, the person is acquitted of the violent crime, and at the second trial the person is convicted of the hate crime, meaning what the defendant says during the commission of that crime. And that ends up criminalizing free speech, because the actual act of violence the jury determined that the defendant was not guilty, but because of what the defendant said during the commission of the crime aimed at the victim, the person is convicted of saying that.

That is where we have the First Amendment slippery slope. And I think if this ever happens, you will find this bill declared to be unconstitutional as a violation of the First Amendment in the blink of an eye.

Now, I know that there are a lot of groups that are strongly in favor of this type of legislation. One of our jobs here in the Congress of the United States, and particularly on the Judiciary Committee, is to make sure that what we consider and what we ask the House of Representatives to pass is well thought out and does not have this glaring gap that I have just described.

I would hope that my friends on the other side of the aisle who have been pushing this legislation would stop and think about what happens to this legislation if a defendant is acquitted of the crime of violence and then convicted for what that person says while committing the crime for which he was acquitted. Please think about that and come back with sentence enhancements, because that is the way to deal with this problem, not this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished majority leader, himself a longtime member of the bar and a supporter of civil rights, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding.

I am pleased to follow the distinguished gentleman who just spoke because what he said was he agrees with the objectives of this legislation. One could argue, I suppose, about the means, but really it is the objective that is the most important, and the objective is to in this country make a statement that violence against individuals because of the group of which they are a member or their nationality or their race or their religion or their sexual orientation, whatever the distinction might be, we in America have said that we believe all people ought to be treated equal.

This legislation, the Local Law Enforcement Hate Crimes Prevention Act, is a powerful statement, I suggest to you, of some of our most important American values, Mr. KIRK spoke of those just a little earlier; tolerance, respect for differences, and accountability for those who are driven to violence by hate.

I disagree with my friend from Illinois when he said perhaps we didn't need this earlier in our history. Yes, we have become more diverse, but in our early history, those whose skin was black were subjected to violence not because of their character, not because of anything they had done, but because of the fact that their skin was black, and because violence was visited against them, all who were similarly situated were put in fear. That is why this crime is different from simply violence animated, as the distinguished ranking member indicated, so many of our crimes are. He is right. But this is a particular character of crime that not only puts the victim at risk, but puts all members of the group to which that victim belongs at risk and at fear.

This bill allows us to expand the existing Federal hate crimes law, which was enacted nearly 40 years ago, and, as was pointed out, was signed by one of our previous Republican presidents. Under existing law, Federal jurisdiction over hate crime is limited to those acts directed at individuals on the basis of race, religion, color or national origin, and only when the victim is targeted because he or she is engaged in a federally protected activity, such as voting.

My friends, if America stands for anything, it stands for equality under the law; of inclusion; of not making arbitrary and capricious distinctions based on factors other than American citizenship, endowed by their Creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness.

What hate crimes do is to put that at risk. What hate crimes do is adopt the premise that somehow there are some citizens less than the rest of us because of the group to which they belong.

That is what this bill is all about, the basic fundamental tenet of America that all men and women are created equal. God does not see the distinctions sometimes that we see, arbitrary, capricious, and, yes, tragically sometimes hateful, that then lead to violence and injury and death.

This legislation broadens this provision to cover all violent crimes motivated by race, religion or national origin, as I said. It also expands current law to prohibit the same conduct when motivated on the basis of a victim's gender, sexual orientation, gender identity or disability.

''All men and women.'' No parentheses, ''except . . . '', no comma, ''not these . . . '', no further comma, ''but we don't mean these Americans . . . ''. ''All,'' our Constitution and Declaration of Independence say. The principle is the same. Hate crimes sow fear and division in our communities, no matter what group is targeted.

Expanding the protections of the law responds to the reality in America today. For instance, hate crimes motivated by sexual orientation are almost

as equally common as hate crimes motivated by religion. The gentleman from Illinois suggests there are less crimes, and we are pleased about that, but one is too many.

This bill would also allow the Federal Government to provide assistance to State and local law enforcement officials to investigate and prosecute hate crimes. Why? Because it is not simply a local threat. It is a threat to all Americans everywhere in every State if the group to which they belong, the distinction that is made because they are in that group is applied because of that membership. It clarifies the conditions under which such crimes would be federally investigated and prosecuted.

I have spoken to why this legislation is necessary, because hate crimes motivated by race, religion, national origin, gender, sexual orientation and identify or disability not only injure individual victims, as I have said, but also terrorize entire segments of our population and tear at our Nation's social fabric.

That is why this legislation, in my view, is so fundamental to what America is and means to our own citizens and to people around the world. This legislation does not affect, does not affect, does not affect free speech. It is actions, not speech, that is the object of this legislation.

□ 1445

It only seeks to punish violent acts. Enacting these important additions to current law will send a very powerful message. Crimes committed against any American, simply because of who he or she is, are a threat to all Americans and will be dealt with as such.

I urge my colleagues to support this legislation because it embodies the essential American values of tolerance, equality and justice.

I congratulate the chairman for his leadership. I thank the ranking member, notwithstanding his disagreement on this issue, for facilitating this bill coming to the floor.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the vice ranking member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, we all agree that every violent crime is deplorable, despicable, regardless of its motivation and regardless of who the victim is. However, this bill, no matter how well-intended, undermines basic principles of our criminal justice system and raises significant constitutional and federalism concerns.

Under the provisions of H.R. 1913, justice will no longer be equal but will depend on the race, sex, sexual orientation, disability or other protected status of the victim. In my view, all victims should have equal worth in the eyes of the law.

Why should other groups like senior citizens, veterans, children and pregnant women not also receive the added protections under this bill?

The distinguished majority leader says that this is not about thought crime; it's about conduct. But the fact of the matter is that the identical crime, be it a murder, a rape, an assault, a battery, whatever it might be, conducted against one of the protected classes will receive additional penalties, compared to that pregnant woman or senior citizen or veteran or child, simply based upon the thought process of the perpetrator of the crime. Every victim is entitled to the same fair treatment under the law.

This will have a chilling effect on citizens' willingness to speak freely, as citizens will adapt to a new world where the Federal Government can use any unpopular statements they make against them in the future.

The bill raises the real possibility that religious leaders or members of religious groups could be criminally prosecuted based on their speech or protected activities. No one should be put in fear that their constitutionally protected free speech about controversial issues will be subject to efforts by prosecutors attempting to link that speech to violent action taken by others.

There is no evidence that States are not fully prosecuting violent crimes involving hate. In fact, 45 States and the District of Columbia already have specific laws punishing hate crimes.

I abhor acts of violence against any citizen, including crimes motivated by bias against certain groups, and I believe that such crimes should be punished to the fullest extent of the law. However, this legislation gives special preferences to certain classes of citizens and would create a chilling effect on one of our most cherished constitutional rights.

I urge my colleagues to reject this legislation.

Mr. KIRK. I would now like to yield 3 minutes to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. Mr. Speaker, I rise today in support of H.R. 1913, the Local Law Enforcement Hate Crimes Act.

The sharp increase in crimes in Orleans and Jefferson Parishes since Hurricane Katrina is on the minds of my constituents in every corner of our district. Because of this serious matter, I am focused on giving our law enforcement officials the tools they need to fight crime and return safety to our streets.

All violent criminals must be fully prosecuted. Crimes committed against individuals based upon their actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability are particularly insidious.

This is a Nation of acceptance, where every individual is protected by the Constitution. This promise enables them to pursue their dreams free of persecution and attack. I, as a minority, am acutely aware of freedoms and protections offered by the laws of this land and what is expected of my fellow citizens.

The provisions of this bill will assist prosecutors in enforcing the rights guaranteed by the Constitution. It allows law enforcement officials to hold those committing violent crimes accountable for their actions. This is what this bill does.

What this bill does not do is restrict free speech. Freedom of speech and freedom of association guaranteed by the first amendment are respected by the language of this bill. Despite concerns to the contrary, this bill will not subject anyone to prosecution of what they think, say or preach.

Mr. Speaker, I am supporting this bill because hate crimes are an assault on a person's dignity and humanity. They represent a type of behavior that has no place in our dignified society, and it is our responsibility to enable prosecution of these heinous crimes to the fullest extent of the law.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES), a member of the Judiciary Committee and a former ranking member of the Crime Subcommittee.

Mr. FORBES. Mr. Speaker, I'm not going to pound the podium or yell and scream about this legislation, but I'd just say to the Speaker that sometimes all the spin that we hear in here about a particular piece of legislation during debate, or sometimes our getting down into the specifics of the semantics of the legislation or arguing about what the courts say it will or will not do, causes us to do what the average citizen at home does not do, and that is to miss the common sense and the rightness of a piece of legislation.

The distinguished majority leader came to the floor a while ago and stated two principles: that all people ought to be treated equally, and if America stands for anything, it stands for equality under the law. And that's what this legislation does not do.

Mr. Speaker, just a short time ago there was a pageant in the United States, the Miss USA pageant. One of the contestants, Ms. California, went up there, and she was asked a question by one of the judges, who is an openly gay judge, about her beliefs in marriage. And she stated what her beliefs were. That judge lambasted her over and over again in blogs, calling her the most vile names, spewing out hostility and hate, and even made the statement that if she had won, he would have stormed on the stage and snatched the tiara off her head. And other bloggers who had his same orientation and, therefore, were driven to the same hatred of this young girl, had similar things in their blogs.

Had he done that, had he done what he said he would do and stormed that stage and pulled that tiara off her head and had bodily harmed when he did it, there would not have been 1 ounce of protection under this piece of legislation for that young girl.

But after he did it, if she had, in response, made a statement back about

the very sexual orientation that had led him to his hatred and dislike for her, and if she had responded by slapping him or any physical injury, she would have had the potential of a 10-year Federal piece of legislation coming against her.

If her father, sitting in the audience, had gone on that stage to stop this kind of hatred and orientation that drove him to have this feeling against that young girl and he had made a statement and he had responded with any kind of physical action, he could have had a 10-year Federal piece of legislation that would have come against him.

And, Mr. Speaker, I know you have the votes for this legislation. I know you have the resources to drive the message and you have the media to do it, but the weight of all that combined can't do one solitary thing, and that is make this piece of legislation right, and that's why I'll vote against it.

Mr. CONYERS. I yield 2 minutes to the chairman of the Constitution Committee on the Judiciary Committee, JERRY NADLER of New York.

Mr. NADLER of New York. Mr. Speaker, this House faces a historic test. Will we act decisively to deal with some of the most destructive crimes in our society, violent assaults against victims who are singled out solely because someone doesn't like who they are?

Whether committed because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity or disability of the victim, these violent acts are particularly reprehensible because they target not just an individual but an entire group. These crimes do, and are often intended to, spread terror among all members of the group. They're intended to say to members of a group, don't be who you are. Don't go where you're not wanted. Do not exercise your civil rights to be yourself, to speak publicly, to go wherever you want.

This bill enables the Federal Government to intervene, so as to punish such crimes and protect the rights of individuals and of groups unpopular in some quarters.

Do not believe the scare tactics. This bill does not criminalize thoughts or speech. No one will be prosecuted because of what they say or think. No preacher need worry about a sermon. Only crimes of violence are punishable under this bill.

The law routinely looks to the motivation behind a criminal act and treats the more heinous of them differently. Manslaughter is different from premeditated murder, which is different from a contract killing. We punish crimes differently if they are terrorist acts, defined as violent crimes that ''appear to be intended to intimidate or coerce the civilian population.''

Existing civil rights laws take a similar approach. A person who uses force to interfere with someone's federally protected rights such as voting, working, attending school and the like, commits a Federal crime. And that's been the law for many years. We treat an act of violence more seriously if the intent is to deny someone his or her civil rights.

The only question this bill presents to Members is whether we believe people assaulted violently because of their identity deserve Federal protection.

For many years Congress refused to adopt antilynching laws. Those were not proud times in our Nation's history. We now have the opportunity to do the right thing. I hope we do.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, it comes down to this: Free societies punish acts. Authoritarian regimes punish opinions and thoughts.

Now, the supporters of this bill speak of punishing violent acts, but we already punish those violent acts, as well we should. This measure calls for additional punishment, not for the violent act, but for the opinion behind the act.

Before we embarked down this path, the opinions of the criminal were irrelevant. It was the act that we proscribed, and it was the act that we punished. Many civil libertarians warned us then that if we place in the hands of government the ability to define what opinions it likes and doesn't like, and then to punish those opinions on top of the acts themselves, then we've started down a very dangerous and slippery slope.

That opinion, I think, was clearly illustrated when the committee voted down an amendment to include veterans, for example, under these protections under the hate crimes law. Now, the supporters of this measure made it very clear that they're actively involved in singling out particular opinions with special protection and for special prosecution.

Mr. CONYERS. I am pleased now to recognize a senior member of the House Judiciary Committee, the gentlelady from Texas, SHEILA JACKSON-LEE, for 2 minutes.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank you for your leadership and your persistence, and I thank my good friends for this vigorous debate.

I almost don't know where to start. But again, I would like to emphasize to my friends and colleagues what this legislation is about. It is about the assistance and the ability to help States in their prosecution of heinous hate crimes. And, as a very championed citizen of the State of Texas, I hesitate to make ourselves a poster child.

□ 1500

But having lived through the heinous crime of the dismemberment of James Byrd, I cannot help relating this legislation to what is real.

This will not bring down injustice on a person of faith who chooses to go into their pulpit or stand on a street corner and say that the wrath of the person they believe in will come down on those who practice lifestyles that they don't agree with, or a certain race or religion. They will go even further by saying the sword of justice, the sword of the Lord will come down and slay you.

That is not what this bill is about, but it is about individuals who would attack a person of color—in this instance, an African American male—in the dark of night, tie him to a pickup truck, and drag his human, alive body through the streets of Jasper, Texas. When they were finished, he was dismembered, his arms and legs and head were left along the bloody road. It was this heinous crime that led a State like Texas to pass its own hate crimes bill. But yet, hate crimes have gone on since that time, and State legislatures have noted, why haven't these cases been tried in this State?

This bill will help those instances.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), a former judge and now the deputy ranking member of the Crime Subcommittee.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Speaker, in a courthouse in Houston, Texas, where I worked 8 years as a prosecutor and 22 as a judge, there is a statement that says, ''Equal justice for all.'' I guess now we need to change that, but to the phrase, ''but more justice for some.''

This bill makes some victims more important than other victims. If someone is in a legislated protected class—as this bill does—and a crime is committed against them, the defendant is treated harsher than if the crime is committed against a victim in a nonprotected class. This legislation discriminates against victims that are not special people. It reminds me of the satire in the book ''Animal Farm'' where it says, ''all animals are equal, but some animals are more equal than others.'' Likewise, this bill makes some victims of crime more equal than others. In my opinion, that denies nonspecial victims equal protection under the law, according to the 14th Amendment of the Constitution.

The question is, is it fair to treat some victims of crime better under our law than other people who are not special? This bill makes classes of victims; first-class victims and second-class victims.

No question about it, Mr. Speaker, motive for a crime has always been admissible in a court of law. In my experience at the courthouse, courts and juries nail offenders to the wall that commit crimes based upon racial hatred. Perfect example is the example that my friend, SHEILA JACKSON-LEE, just referred to in the Jasper killing. Without a hate law in Texas, the individuals that committed that crime

against that individual, Mr. Byrd, two of them got the death penalty—and unlike some States, we execute folks in Texas—they have been executed, and the other person got a life sentence. No question about it, motive is admissible in all crimes in all courtrooms. However, this legislation is not the answer. It will chill free speech, while making some victims less important than others.

American law has always punished the act. This law changes that to punish the thought process of individuals and does make some people more special than others when it comes to being victims of crime, and that ought not to be.

Mr. CONYERS. Mr. Speaker, I would like now to yield 2 minutes to a senior member of the Judiciary Committee, who is also a chairperson of another subcommittee, DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in support of this important legislation.

Mr. Speaker, I wonder if our friends on the other side of the aisle would be singing the same offensive tune if we were talking about hate crimes based on race or religion. It seems to me that it is the category of individual that they are offended by rather than the fact that we have hate crimes laws at all.

We have already heard the powerful story of Matthew Shepard. His mother, Judy, addressed our caucus this week. As the Speaker noted, we are all inspired by Judy Shepard's 10-year quest to turn her pain and tears into change because these cases are tragic and real.

Ryan Skipper was a 25-year-old gay man from Polk County, Florida. Like Matthew, Ryan's body was found murdered and dumped along the side of the road about 2 years ago. Ryan's body had been stabbed 20 times and his throat was slit. His car was found abandoned nearby and contained the fingerprints of his two killers. One of his killers told the police his conduct was justified to rebuff unwanted sexual advances. Because there was no hate crime law with which to charge Ryan's killer in Florida, only one of Ryan's attackers has been convicted, and that was of a lesser charge.

Why do we need a hate crimes law? Because hate crimes do more than threaten the safety and well-being of individuals. Hate crimes do more than inflict incalculable pain and suffering on individual victims. Hate crimes target groups and terrorize communities. Left unpunished, hate crimes send powerful messages of intolerance. Hate crimes leave both the victim and others in their group feeling isolated, vulnerable, and unprotected.

I am proud to cosponsor this legislation again this Congress. I want to commend my colleague, Judiciary Chairman JOHN CONYERS, and my committee colleague, Tammy Baldwin, for their leadership in bringing this issue forward again this year.

Let's announce here and now that we will not tolerate this kind of terror in America. Let's vow that we will not turn a blind eye to hatred and violence in America. And let us pledge to give police and prosecutors all the resources they need to stamp out this scourge.

Mr. Speaker, Matthew Shepard and Ryan Skipper may be gone, but we can honor their lives today. I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CHAFFETZ), who is a member of the Judiciary Committee and the deputy ranking member of the Court Subcommittee.

Mr. CHAFFETZ. Our Founding Fathers asserted the self-evident truth that all men are created equal. For the last two centuries, Americans of all backgrounds have worked toward the ideal of ''equal justice for all,'' but the majority's Local Law Enforcement Hate Crimes Prevention Act doesn't eliminate inequalities in our justice system; instead, it creates inequalities. It gives special protected status to a small group of individuals based on their lifestyle choices. It increases criminal penalties not based on the criminal act itself, but based on the thoughts and beliefs of the person who committed the act. It requires the government to investigate and scrutinize the religious groups and other organizations with which we might freely associate under the First Amendment. For these reasons, and a number of others, I believe this bill is unconstitutional and must be rejected.

In the United States of America, we can all agree that any violent crime should be deplored. We all should be equally free from violence, regardless of our background or beliefs. We all should expect our government officials to provide equal protection under the law. But this hate crimes bill says some Americans are more equal than others and deserve special treatment. And religious leaders and others who hold traditional values of morality and decency should be careful not to speak too vocally about their beliefs or risk being held accountable for the actions of those who might overhear and then later commit a violent crime.

During our Judiciary Committee markup of this bill, when it became clear that the Democrats planned to report it despite these objections, my Republican colleagues sponsored amendment after amendment seeking equal treatment under this bill for senior citizens, men and women of the Armed Services, pregnant women, and unborn children. All were rejected by the Democrats.

It is unbelievable to me that the sponsors of this bill think those who have chosen a different personal lifestyle should enjoy greater protection under the Federal law than those who have chosen a lifestyle of service to our country—as our men and women in the military have done—or that they deserve more protection under the Federal law than pregnant mothers.

No violent crime should be condoned, and no one on either side of this issue believes it should. But selectively protecting some while punishing others more severely based on their thoughts and beliefs is unequal, unjust, and un-American.

I urge my colleagues to vote against this affront to the Constitution and to our Nation's heritage and traditions of freedom to think and believe according to the dictates of our own conscience.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to Steve Cohen, a State legislator and lawyer for more than 24 years.

Mr. COHEN. Thank you, Chairman CONYERS. I appreciate the opportunity to speak on this bill of which I am a sponsor.

The gentleman who just spoke, who I respect, talked about the Founding Fathers and what has happened to our country. Well, it is a great country and I love our country, and it was a great country when it was founded. But when it was founded, women didn't have the right to vote and African Americans weren't citizens.

It takes time to perfect your law and to become a more perfect Union, and that is what this law is doing. It is taking an effort to perfect and make better our laws to reflect the society we have today and the thinking and the mindset that we have and the understanding of what happens in law.

If we go all the way back to always the Founding Fathers, we would have slaves, we would have second-class citizens—which are women—and we wouldn't have any rights for anybody that wasn't a white male who owned property.

Times have changed, and thank God they are changing today, Mr. Speaker. The fact is, this has no effect on anybody that speaks about hate crimes. It doesn't affect any minister that speaks from the pulpit. We have had hate crimes in this country in State legislatures, and Federal law as well, for decades, and no preacher or person using the spoken Word has ever been prosecuted or charged with a crime, and never would.

This law goes further than any law ever because it specifically says that no First Amendment rights or rights guaranteed through freedom of speech will be abridged or, because of the exercise thereof, have any charge brought against a person who exercises those rights. Never before has that been in a law that we have had here.

So more rights are given to people, even though it is unnecessary to give them because there is no problem, it is basically simply to guarantee and assure people, to calm their concerns.

People talk about people not being able to preach against people being gay. The fact is they can do it, and the fact is the Ten Commandments tell you not to bear false witness. And people who submit that preachers could be arrested for preaching against homosexuality, which they do today, that they

could be arrested, there is a commandment about that, ''Don't bear false witness.'' This is a good law.

Mr. GOHMERT. Will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOHMERT. I want a clarification, Mr. Speaker, for a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOHMERT. The gentleman said that there was a commandment against bearing false witness, as if that is what one does when they say someone can be prosecuted, and I would ask for a ruling from the Chair on whether that violates the rule of this body.

The SPEAKER pro tempore. The gentleman has not stated a point of order.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), former judge, and now the ranking member of the Crime Subcommittee.

Mr. GOHMERT. Well, unlike my friend from Tennessee, I am not going to allege that anyone on the other side of this issue is trying to bear false witness.

I believe the motivation is good, but we even heard the majority leader say this bill stands for equality under the law. I don't believe he meant to misstate the truth, but the truth is this bill sets out different classifications that are more special than others. Someone suggested that perhaps people would be happy if we just said, I'll tell you what. If you assault a white male, then you just get half the sentence of assaulting someone else.

We want equal justice under the law; that's what we are supposed to have. I have a letter here from the National Black Church Initiative that was sent to Senator LEAHY 2 years ago. It is signed by one, two, three, four, five, six, seven—well, I can't count them all. There are four pages of names. But the first is Anthony Evans, President of the D.C. Black Church Initiative. But it says things including, ''The National Black Church Initiative is a coalition of 16,000 churches.'' ''We have 18,000 sister churches.'' They are located in virtually every congressional district in America. ''If the U.S. Senate passes this bill and thus codifies sexual orientation as a protected legal class, it will open up a constitutional war between the church and the radical gay community. We know the gay community plans to use this piece of legislation to try to legally force the church to recognize their abominable lifestyle''—some very strong statements there.

I have just received a letter dated April 29 from the United States Commission on Civil Rights. ''We write today to urge you to vote against the proposed Local Law Enforcement Hate Crimes Prevention Act.'' They said, ''We believe the bill will do little good and a great deal of harm.'' They say some suggest it will only apply to hate crimes. But they point out, It is sufficient if he acts because of someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider, rapists seldom are indifferent to the gender of their victims. They are virtually always chosen because of their gender. A robber might well steal from women or the disabled. Why? Because they perceive them to be weaker and more vulnerable.

Moreover, they say, The objective meaning of the language and considerable legal scholarship would certainly include these being covered. So all of these things would now become Federal crimes.

□ 1515

There is no epidemic. There are fewer numbers now than 10 years ago. There is no nexus. Ryan Skipper and Matthew Shepard's cases keep being brought up. For the defendants in those cases, I would have been happy to have signed an order for death. They got life. It would not affect them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. GOHMERT. This law would not affect the Matthew Shepard case. It would not affect the Ryan Skipper case.

My friend from Florida brought up the Ryan Skipper case in Florida when I was talking in Judiciary and was asking: Is there a case you can give me where this would make a difference? That case was brought up. We did the research after the hearing. Well, guess what? Two defendants. One has already got life plus extra years on top of life. The other is about to go to trial. They didn't need a hate crimes law, a Federal hate crimes law.

This divides America. We don't need to divide America. Everybody deserves equal justice. The gangs who pick their victims based on violence against random targets get acquitted under this bill. They get acquitted for acting randomly.

We've got to vote ''no'' on this.

Mr. CONYERS. I am pleased to yield now 1 minute to the gentlewoman from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Speaker, Matthew Shepard died in a hospital less than 5 minutes from my home in Fort Collins, Colorado. The depth of hate that drives such an act of violence leaves all of those it touches bereft in the knowledge that such ugliness can exist on this Earth.

Angie Zapata was an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado this past July. It took a jury just 2 hours to convict Angie's killer under Colorado's first application of the hate crimes statute earlier this month.

This bill does not punish speech, thoughts, words or beliefs. It does not even punish hate speech. It punishes actions. It provides State and local authorities with Federal assistance in investigating and in prosecuting hate crimes. In this country, 45 States already have hate crimes legislation on the books. Many of these statutes are more robust than the current Federal law.

Matthew Shepard and Angie Zapata were two victims of hate crimes in my district. I have a duty to their memories that I take seriously.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, there are two very good reasons to vote ''no'' on this bill. This bill is called the hate crimes bill.

The first major reason to vote ''no'' is that this bill increases hatred in America. I will say it again. This bill increases hatred in America. How does that happen? It can be easily illustrated. Let's say that you're a parent and that you have a number of children but that you don't give the children equal laws. Some you favor and some you don't. What quicker formula to create animosity between children?

This law violates the most basic principle of law. Lady Justice is always supposed to have a blindfold across her face because, regardless of who you are when you appear before Lady Justice—whether you're black or white, male or female, rich or poor, fat or skinny—Lady Justice does not notice. This bill violates that basic principle. It creates animosity by elevating one group over another group; thus, it creates hatred. This is counter to everything American law has ever stood for, and it will increase hatred in America. For that reason alone, there should be a vote of ''no.''

A second good reason to vote ''no'' on this bill is that our courts have a large backlog of various cases. Our judges and juries have to take a look at a certain set of facts and must determine whether or not somebody did or did not do something that is specifically illegal in the law. This law says that now we're going to try and turn them all into psychologists and have them figure out whether the criminals had good attitudes or not when they did the crimes. That does not make sense to waste precious judicial resources in trying to make everybody psychologists to determine whether or not some specially protected class gets a special privilege.

It's a good reason, and there are many good reasons to vote ''no.''

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize for 1 minute the gentlewoman from California (Ms. WOOLSEY), who has been the cochair of the Progressive Caucus for many years.

Ms. WOOLSEY. Mr. Speaker, the bill before us today, the Local Law Enforcement Hate Crimes Prevention Act, is about protecting every member of our community from violence.

We understand that hate crimes don't just affect the victims of these horrible acts but that they also threaten and affect the fundamental rights of

every single one of us. Intolerance and prejudice are still a part of our world, but when the bigotry leads to violence, this Congress has a responsibility to stand up and say, ''No more.''

With this bill, we will extend and expand on the protections for victims of hate crimes, for victims of crimes based on gender, sexual orientation, gender identity, and on disability. All children and their families must have the freedom to celebrate who they are, and they should be protected under Federal law from personal attacks based on bigotry.

The time has come for Congress to pass this bill in order to send a clear message throughout the world that violence and hate are not acceptable. I urge my colleagues to join me in passing this legislation.

Mr. KIRK. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Speaker, today, I rise in support of the Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913.

This legislation will provide needed assistance to State and local law enforcement agencies, and it will make changes to Federal law to facilitate the investigation and prosecution of violent, biased-motivated crimes against people for no other reason than their perceived or actual race, religion, natural origin, sexual orientation, gender, gender identity or disability.

We must work together to protect all Americans from hate-motivated violence, which is alarmingly prevalent and so often goes unreported. Such crimes of hate have dramatic impacts on individuals, families and communities, and they must be subject to comprehensive Federal law enforcement assistance and prosecution. While State and local governments will maintain principal responsibility, an expanded Federal role will help ensure the investigation and prosecution of serious forms of hate crimes in cases when local authorities are either unable or are unwilling to do so.

Concerns have been raised that the measure will impinge free speech. I would like to reiterate that H.R. 1913 applies only to biased-motivated, violent crimes, violent actions that result in death or bodily injury. It does not restrict speech in any way. In fact, the bill explicitly states, ''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 free speech or free exercise clause of, the First Amendment to the Constitution.''

H.R. 1913 is supported by virtually every major law enforcement organization in the country as well as by civil rights, education, religious, and civic organizations. I urge my colleagues to join me in supporting the Local Law Enforcement Hate Crimes Prevention Act today.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. JORDAN), who is a member of the Judiciary Committee and who is also deputy ranking member of the Administrative Law Subcommittee.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the opportunity to speak in opposition to H.R. 1913, which unfortunately is being debated under a closed rule today.

This bill represents an unconstitutional, unprecedented departure from a deeply rooted American principle of equal justice under the law. Justice should be blind. It should be equal for all Americans. All violent crime is deplorable, and it should be punished to the fullest extent. Crimes that are not aimed at a certain class of people are just as reprehensible as those committed for other reasons; but this bill would treat senseless, random violence less harshly than ''hate'' crimes.

Justice will depend on whether a victim is a member of a category deemed worthy of protection under this bill—a list, for the record, that does not include the unborn, pregnant women, the elderly, and others who are among society's most vulnerable.

In fact, during committee markup, I offered an amendment to add the unborn to this list. The amendment was ruled nongermane on the outrageous grounds that the unborn are not ''persons.'' So much for defending our most defenseless.

In addition, this bill raises the very real possibility that religious teachers of every faith could be prosecuted on what they say in the pulpit, on what they preach, by permitting legal action against anyone who willfully causes an act to be done by another person. It is not hard to imagine charges being filed against a pastor if a prosecutor believes that the pastor's message caused someone to commit an act of violence. Subjecting pastors' sermons to prosecutorial scrutiny in this way would have a chilling effect on the rights of all individuals to freely practice their religion.

This so-called ''hate crimes bill'' not only discards the fundamental American legal principle of equal justice; it also lays the groundwork to criminalize individuals and groups that might not share certain values. Crimes committed against one citizen should not be punished any more or any less than crimes committed against another.

I would urge a ''no'' vote on this bill.

Mr. CONYERS. Mr. Speaker, I rise to give 2 minutes to the Crime Subcommittee chairman for many years, BOBBY SCOTT of Virginia.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. Despite the deep impact of hate violence on communities, current law limits Federal jurisdiction over hate crimes to incidents directed against individuals only on the basis of race, religion, color or national origin and only when the victim is targeted because he or she is engaged in a federally protected activity, such as voting. Further, the statutes do not permit Federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity or disability.

We need to change the law so that the Federal Government will have the authority to be involved in investigating and in prosecuting these cases when the State authorities cannot or will not do so.

Mr. Speaker, the bill is narrowly drawn. It only applies to bias-motivated, violent crime, and it has specific protections to ensure that it does not impinge on public speech, religious expression or on writing in any way. In fact, the only way that expressions could involve the defendant in this crime is if the language were such that it would already qualify as something like inciting a riot or other violent crimes.

Mr. Speaker, law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into widespread tension that can cause damage to the social fabric of a community.

This problem cuts across party lines, and so I hope we will pass the bill on a bipartisan basis just as we did last year.

Washington, DC, April 27, 2009.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of thousands of clergy members, pastors, and African American community leaders within our African American Ministers In Action (AAMIA) network of People For The American Way, I urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2009 (LLEHCPA)—H.R. 1913.

As people of color, we are well aware of the hideous nature of race-based violence, and understand the importance of legislation that protects Americans who are victims of hate crimes. We also are not blind to the fact that violent hate crimes are motivated not just by racism. Knowing this, as clergy members and pastors who affirm the humanity of every person, we fully understand and embrace the call to advocate for an inclusive federal law that will extend protection to victims of hate crimes based on disability, sexual orientation, gender, or gender identity. H.R. 1913 is the bill that will make equal protection under the law for victims of hate crimes a reality and not just an American dream.

Unfortunately, propaganda and lies have prevented the protections that H.R. 1913 proposes from becoming law. One such falsehood is that this bill will eliminate churches' first amendment rights; that this legislation will ''muzzle our pulpits'' or dictate what we as clergy or religious communities can or cannot say. This is not true. In fact, H.R. 1913 protects freedom of speech and freedom of religion. It only punishes violent acts like assault and murder, not religious beliefs.

The law makes clear that it cannot be used to prohibit any ''expressive conduct'' or ''activities protected by the Constitution.''

The AAMIA is passionate about protecting the civil rights of all Americans, especially those that protect people who are discriminated against because of who they are. Victims of violent hate crimes often come to our churches in search of a safe haven from enduring assaults, and they are in need of federal protections. Thus from our houses of worship to your house of policy, we trust that we can count on your support for the protection of American citizens from violent hate crimes. Please vote in favor of H.R. 1913.

Sincerely,

TIMOTHY MCDONALD,
Founder and Chair,
African American Ministers In Action.

HATE CRIMES FACT SHEET

The African American Ministers in Action has joined those urging Congress to expand the current federal law to protect victims of hate crimes based on disability, sexual orientation, gender, or gender identity. As believers who are called to love our neighbors as ourselves, we do not support VIOLENCE against any human being.

ABOUT THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

We support The Local Law Enforcement Hate Crimes Prevention Act of 2009 (H.R. 1913) because it does in fact protect individuals against the incidence of VIOLENCE motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim. The legislation also provides strong first amendment protections ensuring that the religious liberty and free speech rights of pastors, such as ourselves, and others are protected.

H.R. 1913 is crucial to protecting the rights of all Americans. This can be accomplished by strengthening law enforcement and closing loopholes in the current law, and is overwhelmingly supported by the civil rights community, law enforcement, and many religious organizations. As we work to secure the rights of women and minorities worldwide, we must also act to secure the rights of all Americans here at home.

INCIDENCE OF HATE CRIMES

Crimes against people based upon their disability, sexual orientation, gender, or gender identity are all too common. According to the most recent hate crimes statistics from the FBI (available at http://www.fbi.gov/ucr/hc2007/index.html), there were 9,535 victims (defined as persons, businesses, institutions, or society as a whole) of hate crimes in 2007. Of these, 1,512 were victims of hate crimes based on sexual orientation, and 84 were victims of hate crimes based on disability. Hate crimes legislation seeks to extend federal hate crimes protections to these and other (gender and gender identity) groups of people.

RELIGIOUS LIBERTY

H.R. 1913 protects free speech and religious liberty. The First Amendment of the Constitution will always protect preaching or other expressions of religious belief—even name-calling or expressions of hatred toward a group. This legislation punishes only violent actions that result in death or bodily injury.

There is strong language in the legislation that explicitly says that evidence of expression or associations that are not specifically related to a violent hate crime may not be used as evidence.

HATE CRIMES MYTHS OF THE RIGHT

MYTH: Hate crimes legislation is a threat to religious liberty and will ''criminalize Christianity'' by restricting what pastors and other religious leaders are able to preach. Pastors will be arrested for preaching against homosexuality.

FACT: H.R. 1913 protects freedom of speech and freedom of religion. It only punishes violent acts like assault and murder, not religious beliefs. The law makes clear that it cannot be used to prohibit any ''expressive conduct'' or ''activities protected by the free speech or free exercise clauses of the First Amendment.''

MYTH: Hate crimes legislation will lead to prosecution for ''thought crimes.''

FACT: This legislation does not restrict anybody's First Amendment rights. The law doesn't create something called a ''thought'' crime for a particular group of people. H.R. 1913 strengthens law enforcement's ability to fight violent crime—not vigorous debate, not sermons against homosexuality, not hateful speech, not the spreading of misinformation that thrives on constitutionally protected right-wing television, radio, and blogosphere, not even the infamous ''God hates fags'' protesters.

MYTH: Hate crimes legislation gives ''special rights'' to some people.

FACT: Freedom from violence isn't a ''special right.'' It's a human right. No one should be assaulted or killed because of who he or she is.

H.R. 1913 punishes only violent crimes and the hateful motivation directly related to such crimes. Distinctions like this are common place in our criminal justice system. For example, the intent of a suspected killer determines the difference between a first and second-degree murder charge.

WHAT CAN YOU DO TO HELP END VIOLENT HATE CRIMES?

Contact your Representative and Senators and tell them that you want all Americans, regardless of their race, religion, national origin, age, disability, sexual orientation, gender, or gender identity, to enjoy freedom from violence. Urge them to support hate crimes legislation, such as H.R. 1913, so that no American is treated as a second-class citizen. Sign up for People For the American Way action alerts, and we will keep you updated on new developments concerning this issue.

Mr. KIRK. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Speaker, I rise in support of this bill, which provides needed assistance to State and local law enforcement agencies and allows the Department of Justice to investigate crimes committed on the basis of the victim's race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

This legislation mirrors laws passed in 28 States, including in the State of New Jersey. We in New Jersey are proud of the legislation we have enacted in this regard. Violence based on prejudice is a matter of national concern. Federal prosecutors should be empowered to help States.

Mr. Speaker, on the wall of the national memorial honoring Franklin Roosevelt, the following words are written: ''We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization.'' This statement is as true today as when Franklin Roosevelt spoke it nearly 70 years ago.

I urge my colleagues to support this important legislation, and I look forward to its passage and, I hope, to its signature into law this year.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), who is also the chairman of the Values Action Team.

Mr. PITTS. I thank the chairman.

Mr. Speaker, I rise in opposition to H.R. 1913, the hate crimes legislation.

This bill would be more appropriately termed the ''thought crimes act,'' as it seeks to criminalize certain types of thoughts. Our legal structure was established to punish actions, not thoughts or beliefs, and this bill would set a dangerous precedent.

□ 1530

It will threaten our most basic right to free speech established under the First Amendment. Religious groups who hold certain convictions based on their faith could, in fact, be targeted by this law. In Sweden, a pastor was convicted by a trial court and sentenced to jail time for a hate crime after preaching a sermon that discussed biblical views of homosexuality. And in New York, the State hate crimes laws were used to justify taking down billboards on sexual immorality that a local pastor had paid to post.

This legislation seeks to create categories of citizens who are either more or less protected under the law depending on what category they fall into. This framework flies in the face of one of the most fundamental principles of our justice system. Chiseled in stone across the front of the Supreme Court building are the words ''Equal Justice Under Law.'' This means that all citizens, regardless of sexual identity or anything else, are to receive equal protection from the law. I support this basic principle that has long guided our Nation's system of justice.

But this bill undermines that principle. It seeks to establish different groups of citizens with different levels of protection under the law. And the bottom line is that this legislation simply isn't necessary.

If someone commits a violent crime, they should be punished to the full extent of the law regardless of who the victim is.

I urge you to preserve equal justice under the law and oppose H.R. 1913.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York, ELIOT ENGEL.

Mr. ENGEL. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee, my good friend from Michigan, for yielding me this time. And as a proud cosponsor of this bill, I am proud that it's on the floor today.

This bill is a carefully crafted measure that would provide desperately needed resources to State and local governments for the investigation and

prosecution of violent crimes based on sexual orientation, gender identity and disability. It is a bill long, long due to add sexual orientation and the others, including gender, to the list of hate crimes.

To my friends on the other side of the aisle who say that we are creating a special class, well, by that logic, right now we have race, color, religion and national origin protection. So by that logic, we should eliminate those as well. It's ridiculous.

To those who say, ''Why should we protect people who have chosen a different personal lifestyle?'' our gay and lesbian friends don't choose this lifestyle. They are what they are and they should be protected just like anybody else who has a religion, who has a gender obviously, color, religion or national origin.

This bill does not violate free speech or First Amendment protections. Nothing in this bill would prohibit the lawful expression of one's religious beliefs. This bill only punishes violent crimes motivated by bias. Congress is saying clearly, unequivocally, that the people of this country reject and condemn all forms of hate violence. That's why this bill is here.

Today, we uphold the principles that are considered the foundation of American democracy that all people are created equal and that all people are entitled to equal protection under the law. It includes gays and lesbians and includes everybody.

Pass this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee and the ranking member of the Immigration Subcommittee.

Mr. KING of Iowa. I thank the gentleman from Texas for his leadership in opposition to this issue and for yielding.

The gentleman, the previous speaker, just said this bill only punishes violent crimes. I take you to the language from the bill. Here's the definition of a crime of violence. It means an offense that has, as an element, the threatened use of force against the property of another. If one threatens to use force against the property of another—this is verbatim from the section that is referenced in the existing code—property crimes are included in this, threats against property crimes are included in this. Hate crimes, the definition of hate crimes in the Federal statutes means a crime when the perpetrator selects property because of the property owner's actual or perceived sexual orientation.

This isn't just violent crimes. It is in some of the Federal segment of it but not in the assistance that goes to local governments. And in local governments it also states in the bill that any local jurisdiction's hate crimes ordinance or legislation can be supported by supporting the prosecution of the local hate crimes legislation that's there.

And so whatever local jurisdiction may determine is a hate crime is covered under this bill. It might be a city, a county, a municipality; it might be a parish, it might be a State. It might be San Francisco's ordinance that says, Thou shalt not discriminate against the short, the fat, the tall, or the skinny. That is hate crimes ordinances that could be prosecuted with Federal assistance under this bill. The short, the fat, the tall, the skinny. That will cover some regular people, I think.

And so I would ask this: Why are you dividing us? Why are you pitting Americans against Americans? That's a rhetorical question, Mr. Speaker. This divides us and pits Americans against Americans. And the definitions in this bill are broad, ambiguous and undefined anywhere with any consensus, even among the professionals that deal with this on a daily basis.

In the committee, I asked specifically the question, ''What is the definition for sexual orientation?'' The answer that I got back from the gentlelady from Wisconsin was, ''This bill only covers homosexuality and heterosexuality.'' Now it presumably excludes bisexuality, but in the rule debate, the gentleman from Florida (Mr. HASTINGS) said, ''No, no. Here's what we have,'' and he read through a whole list of philias, he called it.

There are 547 specific paraphilias that are listed by the American Psychological Association. About 30 of them have been read into this RECORD. I've got a list of these 30 philias. Among them pedophilia—the obsession with children—which specifically was excluded from the bill when I offered the amendment by the Judiciary Committee.

So, Mr. Speaker, we're going down the path here of no one really knows. Am I going to buy into the statement made by the very senior member of the Rules Committee who says I want to protect all philias whatsoever no matter what the proclivity? And many of them are perversions, Mr. Speaker. We're going to grant that protected status to people who are actually breaking the law if they act on their particular sexual orientation, or are we going to limit it to—as the gentlelady from Wisconsin says—homosexuality and heterosexuality, not bisexuality.

I tried to explain this to the press as they asked me questions. And finally my answer became, ''If this sounds confusing and gibberish, it is.'' And it leaves it open to any judge, any lawyer, anyone for anything that is in their head or might be their plumbing or might be in the perception of the perpetrator as well as, and/or, the perception of the alleged victim.

There is no precedent for this in law, this broad, broad idea that we're going to punish what is in the head of the perpetrator by dividing what may or may not have been in the head of the victim. That's where this legislation takes us.

Why are they dividing us, Mr. Speaker?

I oppose this legislation.

Mr. CONYERS. Mr. Speaker, would you advise us with regard to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Michigan has 11½ minutes. The gentleman from Texas has 8½ minutes. The gentleman from Illinois has 1½ minutes.

Mr. CONYERS. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from Pennsylvania, CHAKA FATTAH.

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

Mr. FATTAH. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I thank the Chairman for the time and for his work on this legislation. The Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913, is a long overdue effort to address the scourge of bias motivated crimes in communities across the country. This is not simply about criminalizing violent acts, those are already illegal. This is about recognizing that these crimes affect more than just the individual involved, they are meant to instill fear in whole communities.

Hate crimes in this country have a terrible history. For decades African Americans, particularly those who spoke out for justice and equality, were brutally lynched in communities across the country while law enforcement officials and upstanding members of the community stood by. Murder was illegal then too, but it took the brave efforts of citizens, including Ida B. Wells, for the problem to be addressed. These murders were meant to send a signal to newly freed men and women and often targeted veterans returning from war.

Our Jewish neighbors have been subjected to campaigns of terror with property destruction and symbols of hate sprayed across synagogues and community centers. Irish, Italian, Catholic, Latino, Muslim and Asian Americans have all seen ''disagreements'' and ''displeasure'' expressed with barbaric crimes meant to convey the message that they were unwelcome in this nation of immigrants.

Opponents have suggested that this legislation will affect what can and cannot be said in houses of worship. This is false. H.R. 1913 explicitly recognizes the right of individuals to be ignorant, narrow-minded, or malicious whether motivated out of faith, conscience, or generic hatred. This bill will have no effect on any interpretation of the Bible or religious tradition. They say that they worry there will be a ''chilling effect'' on religious speech. This is nonsense. This bill is about criminal acts, those that are already illegal, and enables law enforcement to carry out responsibilities they already have under current law.

The man whose name is now associated with this bill, Matthew Shepard, was tortured and killed because he was gay. This crime wasn't about him as an individual, it was about what he represented. Every day there are smaller incidences in neighborhoods around the country. Individuals are targeted coming out of certain bars, wearing certain clothes, or walking with too much flair. This is a systemic problem that requires a systemic approach. This bill will go a long way in allowing local law enforcement to do their job and providing Federal assistance where it belongs. It is about time.

Mr. CONYERS. Mr. Speaker, I now recognize the distinguished gentleman from Texas (Mr. AL GREEN) for 1 minute.

Mr. AL GREEN of Texas. Mr. Speaker, I rise in support of the Declaration of Independence. All persons are created equal, endowed by their Creator, with certain inalienable rights, among them life, liberty and the pursuit of happiness. Not some people, not people of a particular race, not people who just happen to be heterosexual; all persons are created equal.

And for the record, I support the rights of gay people. Gay people have the same rights as any other Americans, and they have the right to pursue happiness. I support this—the Declaration of Independence speaks of it—and but for the grace of God, we all ought to realize, There go I. Any one of us could become the victim of a hate crime regardless of your race, your creed, or your color. We should support people and the rights of people.

For those who say that we are creating a separate class of people, we already have a class that we've distinguished in the State of Texas for peace officers. If you assault a police officer, your punishment is going to be enhanced.

That is what this is all about: enhancement of punishment.

Mr. SMITH of Texas. Mr. Speaker, I would like to reserve my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the distinguished gentlelady from Maryland, an attorney herself, DONNA EDWARDS, for 1 minute.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in strong support of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2009, H.R. 1913.

This really is about civil rights. Now, in an ideal world, I wouldn't be standing here speaking here before you now because we wouldn't need legislation like this. But this is anything but an ideal world. And sadly, violent hate crimes are still an unfortunate reality in our society. Last year there were 150 reported hate crimes in my home State of Maryland, and local law enforcement estimates that the actual numbers are higher due to reporting discrepancies.

Now, recent statistics also say there were more than 9,000 reported hate crimes. So the time to do something about this is now. And as a long-time violence prevention advocate, I believe we have to do everything in our power to eradicate violence in all its forms.

By passing this legislation, we're saying that acts of violence motivated by hate will simply not be tolerated, not for any person, not for any reason.

Mr. Speaker, I thank you and I thank the leadership of the Matthew Shepard family for keeping us on mark about what it means to protect people.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, under this legislation, criminals who kill certain people will be punished more harshly than people who kill a police officer, a member of the military, a child, or a senior citizen.

Is a murder motivated by hatred for something other than the victim's membership in a particular group any less devastating or tragic? All crime victims should have equal worth in the eyes of the law. Ordinarily, criminal law does not concern itself with motive, why a person acted, but rather with intent, whether the perpetrator intended or knew that they would cause harm. If someone intends to harm a person, no motive makes them more or less culpable for their conduct.

This legislation will force law enforcement officials and prosecutors to gather evidence about the offender's thoughts and words regardless of the criminality of their actions.

When the government starts to punish thoughts, this is a dangerous road to travel. And where does it end? With thought police?

Mr. Speaker, we cannot legislate away hate, nor should we criminalize a person's thoughts, no matter how much we might disagree with them. I urge my colleagues to oppose this bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that I be permitted to control the remainder of the time that I previously yielded to the gentleman from Illinois (Mr. KIRK).

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I am now pleased to recognize the gentlelady from Wisconsin who has served ably on the Committee on the Judiciary for a number of years, TAMMY BALDWIN, for 5 minutes.

Ms. BALDWIN. I want to thank Chairman CONYERS for the time and for your diligent work on this measure. It has been an honor and a privilege to work closely with you.

Today, by passing the Local Law Enforcement Hate Crimes Prevention Act, the House has a historic opportunity to reinforce the principles of equal rights and equal protection embodied in our Constitution.

Hate crimes are acts of violence motivated by prejudice and committed against individuals that end up victimizing entire groups of people.

In 1968 in response to horrific hate-based violence in our country, cross burnings, lynchings, fire bombings and the like, we acted to protect people who were victimized on the basis of their race, color, religion or national origin. Today, we strengthen our response to this form of domestic terrorism by adding protections for people targeted for violence because of their gender, disability, gender identity, or sexual orientation.

We add these characteristics to the hate crimes legislation not because they deserve special protection, but because of a history and pervasive pattern of heinous violent crimes committed against individuals because of these characteristics.

Some opponents of this legislation are disseminating misinformation in order to derail this bill. But make no mistake—this legislation we pass today has been carefully crafted to protect our First Amendment rights to free speech, expression, and association.

The First Amendment protects these freedoms, but it does not protect violence. This is not a hate thought bill. This is not a hate speech bill. This is a hate crimes bill that will provide needed Federal resources to local law enforcement authorities when they confront violent crimes motivated by prejudice and hate.

□ 1545

I want to share with you a few reasons why I believe the passage of this legislation is so urgently necessary.

I'm thinking today of Angie Zapata, an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado, last summer. Angie's killer beat her to death with his fists and a fire extinguisher when he learned that she had been born a male. Thankfully, Angie's killer was brought to justice under a State hate crimes law. But we know that with staggering frequency, those who commit similar acts of violence and murder based on hate are not.

I think of Lawrence King, a 15-year-old in Oxnard, California. Larry had suffered harassment from his peers and then was killed by a 14-year-old classmate because of his sexual orientation and gender identity.

Americans across the country, young and old alike, must hear Congress clearly affirm that hate-based violence targeting gays, lesbians, transgender individuals, women, and people with disabilities will not be tolerated.

I think today of Matthew Shepard, who was brutally attacked by his homophobic assailants and left to die on a fence in Wyoming 10 years ago. Matthew's death generated international outrage by exposing the violent nature of hate crimes and the horrific effect on the targeted community.

I think of Judy Shepard, Matthew's mother, who is here with us today, still courageously advocating for the passage of this legislation more than 10 years after losing her son.

The passage of the Local Law Enforcement Hate Crimes Prevention Act will not make all hate crime go away. But this bill gives State, local, and Federal law enforcement authorities the necessary resources and tools to combat violent crimes based on hate and bias.

Mr. Speaker, the arguments have been made, the evidence has been proffered, and, sadly, the lives have been lost that more than justify the passage of this legislation. I urge my colleagues to pass this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the

gentleman from Indiana (Mr. PENCE), who is also chairman of the Republican Conference.

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

Mr. PENCE. I thank the gentleman for yielding, and I especially thank the ranking member of this committee for his strong and principled and thoughtful opposition to H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act.

Mr. Speaker, those who know me, including my colleagues on this committee and the distinguished chairman of this committee, know that I abhor discrimination. I have associated myself throughout my career in Congress with efforts to advance the interests of minorities, and I will continue to do so. People who know me back home know that I have no tolerance for unkindness or disrespect to any individual for any reason, but most especially any disrespect or discrimination that is based on race, creed, or color is anathema to me. So I don't question the motives of those who would advance this legislation. I think I know the heart of many and understand it.

But I rise in opposition to this legislation for three reasons:

Number one, I believe that we should not treat thought the same way we treat action before the law. Number two, I believe this legislation is unnecessary when a careful examination of State prosecutions and the work that's being done at State levels is examined. And lastly and most ominously, I fear this legislation, intentionally or unintentionally, could have a chilling effect on the religious expression and the religious freedom of millions of Americans. So let me speak to each of those points.

Thomas Jefferson once said, ''Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith and his worship, the legislative powers of the government reach actions only, not opinions.'' Thomas Jefferson again stated the core of my objection to hate crimes legislation as a whole, and that is that violent attacks against people or property are already illegal regardless of the motive behind them. And it seems to me that the wisdom expressed by Thomas Jefferson in that quote is wisdom that ought to discipline this legislative body, that we ought to focus the reach of government on actions only and not opinions. And that remains the core of my objection to hate crimes legislation.

But even to those who believe, Mr. Speaker, that this legislation is appropriate, I must say that it is also important for our colleagues and anyone looking in to understand that this legislation is also unnecessary. The underlying offense in each of these crimes is already fully and aggressively prosecuted in all 50 States.

This bill designates in particular gender identity for federally protected status without, I might add, any evidence of any hate crimes occurring against individuals for gender identity. The hate crimes bill before us today makes a Federal offense out of any violent crime that is alleged to be motivated by gender identity including, for instance, people who describe themselves as transsexuals, even though the Hate Crimes Statistics Act of 1990, as amended in 1994, never collected any data to show that such hate crimes are even occurring. In fact, the truth be told, FBI statistics show that the incidents of what are described as hate crimes has declined over the last 10 years, for which we have data. In 1997 a total of 8,000 what are called ''bias-motived'' criminal incidents were reported to the FBI. The data for 3 of the last 10 years, 2003 through 2005, demonstrated a steady decline in the number of those crimes, and the incidents as the present day approaches decline even further.

And, also, lastly, there is zero evidence that States are not fully prosecuting violent crimes that are motivated by hate or for any other reason. Every State in the Nation prohibits a variety of violent crimes that constitute ''willfully causing bodily injury.'' For whatever the purpose of the will of causing bodily injury, those crimes are prosecuted. And for those who advocate hate crimes legislation, a Federalist note: 45 States and the District of Columbia already have specific laws punishing hate crimes.

Which brings me to my last objection to this Federal legislation, and that is the concern that I have about the threat to religious freedom and religious expression. The gentlewoman who just spoke said, memorably, that this is not a hate speech bill, this is a hate crimes bill. But because those 45 States already have legislation involving hate crimes, we can see how this kind of legislation actually operates in practice.

One case in particular, in 2004 in Philadelphia, 11 individuals were arrested at something called OutFest, which is a gay pride festival. These individuals held signs that displayed segments of the Holy Bible. They were arrested after protesting peacefully. They were charged with three felonies and five misdemeanors. Their felony charges included ''possessions of instruments of crime,'' which apparently was a bullhorn; ethnic intimidation, which was apparently their statement that they believed as Biblical Christians that homosexuality is a sin; and also they were charged with inciting a riot for reading passages from the Bible related to that moral practice. Now, whether or not a riot occurred involving these Christians was debatable, but they faced $90,000 in fines and possible 47-year prison sentences.

In San Francisco a city council enacted a resolution urging local broadcast media not to run advertisements by a pro-family group. In New York a pastor who rented billboards posting Biblical quotations on sexual morality had them taken down by city officials who cited hate crime principles as justification.

We saw a new colleague today take that oath that we all take, and it was a solemn moment, Mr. Speaker. But we swear to support and uphold the Constitution, which reads, I remind my colleagues, ''Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.''

We must not pass this hate crimes bill. It is unnecessary and it threatens that constitutional obligation that we have.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, who is Chair of the Finance Committee but previously has served his entire career on the House Judiciary Committee, and his name is BARNEY FRANK.

Mr. FRANK of Massachusetts. My thanks to the gentleman from Michigan, who has been such an extraordinary moral force in his leadership in the Judiciary Committee and under whom I was proud to serve.

Let me begin by saying apparently we have in Philadelphia one of the longest pending criminal cases in history because the gentleman from Indiana mentioned that people were arrested and charged in 2004. But he didn't tell us what happened to them. Well, he said it was terrible, they were charged. One would assume that people would be interested in knowing what happened.

I will tell the House what happened. The charges were dismissed. Now, the gentleman from Indiana apparently forgot to say that. Those arrests were false. They should not have taken place. But let me say this: If we were to repeal every criminal statute because some police officer may have made an improper arrest, things would be pretty anarchic.

I also do think if you're going to talk about an incident, certainly would be my practice, and if you talked about criminal charges and they were dismissed that you would say so, that you wouldn't leave people wondering. So I do want people who are worried about the fate of those poor people in Philadelphia who, if you listened to the gentleman from Indiana, these last 5 years have been facing felony charges, please don't worry. Those charges should not have been brought and they were dismissed. Now, you hear about that often because it's apparently the only case we do have. No one has been successfully prosecuted, nor should they be, for this.

Now, I do want to say this: I'm delighted to hear some of the most conservative Members of this House expressing support for free speech in this context. Only in this context. They have not been conspicuous in demanding the right of free speech, but I'll take it when I can get it.

There was a statute proposed here that interfered with the free speech of

a member of the clergy. Now, he is a lunatic member of the clergy named Phelps, and he was going and standing out at cemeteries and denouncing them on his religious grounds. I did not think people should be allowed to disrupt funerals, but I voted against the bill, along with my colleague from Texas (Mr. PAUL) and my colleague from Oregon (Mr. WU), and all the rest of these great defenders of free speech on the other side said he couldn't stand half a mile from the cemetery an hour before with his anti-gay sign. Now, I will confess that when he heard that I had come to his defense, that caused him more aggravation than anything else; so it was for me a twofer. I got to defend free speech and aggravate a lunatic. But I don't remember a lot of free speech defenses then because it wasn't popular.

Now, in addition to free speech, there is one other thing that's very interesting. You would think this is the first time hate crimes ever came up in American history. There are on the books statutes that increase the penalty for crimes depending on the motivation. And people say everybody should be treated equally. By the way, I assume Members know that there was a special statute that makes it particularly egregious in terms of sentencing if you assault a Member of Congress.

□ 1600

I assume nobody knew that on that side because they would have moved to repeal it. They apparently are perfectly comfortable getting a greater degree of Federal protection against crime than the average citizen.

Did they forget to repeal that? Where was that motion? Mr. Chairman, did that come up in the committee? Well, apparently not. But there were other categories, age and race.

Let's be very clear, Mr. Speaker. It is not the concept of hate crime protection that is controversial. We have had it and it has been administered. It is extending it to people like me, to those of us who are gay, to people who are transgender. And the assertion that there is no basis for protecting transgender people against violence, that's Marxist in its oddity.

And I mean by that, of course, Chico Marx, who said at one notable point when Groucho caught him red-handed, ''Who are you going to believe—me or your own eyes?''

The fact is that crimes against people who are transgender have been very serious. I know they are not always prosecuted as well as they should have been. But I do want to stress, the notion of hate crimes, of increasing the penalty because of the motivation for certain characteristics of the victim, has not been controversial on the Republican side. They have made no effort to change it.

If they were really motivated by what they claim to be saying, or what they are saying, then they would be for repealing hate crimes in general. They would be for repealing hate crimes based on race and age and other categories. It's only when it deals with gay people. And because in some people's minds saying that it's wrong to assault someone who is transgender may mean that you have to show some respect for that person.

Well, let me reassure them. I do think that there ought to be hate crimes protection against gay, lesbian and transgender people. By that I mean that if there is a physical crime, actions that are otherwise criminal, the fact that it is based on that prejudice should count.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional minute.

Mr. FRANK of Massachusetts. I thank the chairman.

I want to make it very clear. Yes, I do want there to be protection against violence committed against people like me, but let me reassure those, some on the other side. In asking that transgender people or people like me or people like my colleague from Wisconsin be protected against violence, I am not seeking your approval. Your approval of the way in which I live is not terribly important to me, I would say to them, Mr. Speaker, so I do want to differentiate.

Those of us who think that violence should be prevented are not asking for approval from people with whom we are perfectly prepared not to associate any more than necessary. This is not a request for acceptance. We don't want it. We don't need it from those people. What we are talking about is a protection against violence.

The last point is this. Why a hate crime? Because when someone is assaulted as an individual, that individual is put in fear. But when a group is assaulted because of race or religion or sexual orientation, members who aren't assaulted, if there's a pattern to this, are also put in fear. That's the rationale, and it applies here as well as elsewhere.

The SPEAKER pro tempore. The gentleman from Michigan has 30 seconds.

Mr. CONYERS. Mr. Speaker, I thank you.

I would like to congratulate the Members of the House for the debate that's occurred on the hate crimes legislation because of the very effective way that they have communicated their reservations about the way we approached the subject.

Mr. VAN HOLLEN. Madam Speaker, I rise today in strong support of the Local Law Enforcement Hate Crimes Prevention Act of 2009 of which I am a cosponsor.

Our country was founded on the bedrock principle of protecting individual freedoms. We need to protect the rights of individuals who are assaulted because of who they are.

This bipartisan bill provides local and state law enforcement agencies with the resources needed to combat the thousands of hate crimes that occur in our country each year. H.R 1913 allows the Federal Government to equip our local law offices with the tools they need to prosecute hate crimes and provides monetary relief to those agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

Our nation thrives because of the freedoms we guarantee each of our citizens. Those liberties are at risk if hateful discrimination and violence are allowed to flourish and threaten the safety of individuals and our communities. Current federal hate crimes law authorizes federal aid in cases of violent crimes motivated by the victim's race, color, religion, or national origin. H.R. 1913 expands the federal definition of hate crime, allowing the Department of Justice to assist local authorities in cases of violent crimes committed against persons because of their gender, sexual orientation, gender identity, or disability.

I am proud to have voted for this legislation, as it will enhance civil rights protections and help protect individuals and our communities from the terror and anguish that hate crimes inflict.

Mr. PERRIELLO. Madam Speaker, although I could not cast my vote today due to scheduling conflicts, I would like to record my support for the Local Law Enforcement Hate Crimes Prevention Act. This legislation does two important things: it moves our communities one step closer towards having the support necessary to ensure that all Americans can live without fear and it advances the ongoing struggle to defend human rights.

This bipartisan bill reaffirms our commitment to protecting the rights of every individual citizen. It defends the dignity of all individuals and recognizes that no one should live in constant fear of hatred and discrimination. Importantly, it advances this goal while also protecting our Constitutional right to freedom of speech and of religious expression. Unlike many nations where individuals may be prosecuted for their words and beliefs, the United States remains firm in defending our ability to express our opinions and exercise our values without fear of legal action. Since the introduction of America's first hate crimes laws in 1968, such legislation has focused only on acts of violence, never on ideas, and this bill continues that commitment to the Constitution by explicitly stating that it cannot be used to limit our First Amendment rights, including the rights of faith leaders speaking from their pulpits. This legislation is a testament to the strength of our Constitution even in times of change.

The necessity of this bill has recently been highlighted in Virginia's 5th District, where several weeks ago an 18–year-old University of Virginia student and his friend were physically attacked in a parking lot because of their perceived sexual orientation. Such incidents remind us that there are still individuals who would use violence to intimidate and isolate others simply for who they are, and that hate crimes remain a serious and under-addressed problem in our communities.

These crimes not only target individual victims, but also terrorize entire communities. All individuals deserve to live free of fear of such attacks, and we must not allow violence inspired by hatred to go unpunished. Throughout our nation's history, we have been reminded that the principles of our founders endure, and so does their charge to us to remain vigilant in each generation about expanding

those freedoms. We continue to emerge from these struggles a stronger and better nation, truer to our values and closer to fulfilling our highest aspirations.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 1913, the ''Local Law Enforcement Hate Crimes Preven of 2009.'' As an original cosponsor of this legislation, I believe that H.R. 1913 is critically important to ensuring that those who commit hate crimes are appropriately prosecuted and punished. I want to commend Chairman CONYERS and the Democratic Leadership for bringing this legislation before the House of Representatives early in the 111th Congress so that we may finally get this bill to the President's desk.

Each story is tragic, someone who is assaulted or murdered because of nothing more than his or her race, gender, sexual orientation, or religion, for example. Someone who may have done nothing other than walk down a particular street, attend a certain house of worship, or simply be who they are. Today we send the important message that we will not tolerate these acts of violence by ensuring that local law enforcement agencies have the necessary resources to investigate and prosecute hate crimes.

On June 11, 2000, at the annual Puerto Rican Day parade in New York City, more than fifty women were sexually harassed and assaulted by a group of men. I was outraged not only that the attacks occurred, but that according to many of the victims, the police did not take their allegations seriously. Unfortunately, women are all too often targeted because of their gender.

Although the bill as reported out of committee does not include provisions from legislation that I have introduced, H.R. 823, the ''Hate Crimes Statistics Improvement Act of 2009,'' I understand that this language will be included in future legislation that Chairman CONYERS intends to bring before the House of Representatives. The provisions included in my bill would ensure that hate crimes motivated by gender are accounted for by the FBI and local law enforcement agencies. Violence against women is a serious problem in this country. With accurate data, local communities will be better able to identify gender-based hated crimes in their area, ensure that the prosecution of such crimes is a priority, and chart their progress toward eliminating them.

H.R. 1913 is landmark legislation that I believe will go a long way in reducing violence in communities across this nation. I urge my colleagues to support the bill.

Mr. BLUMENAUER. Mr. Speaker, today I am proud to support the Local Law Enforcement Hate Crimes Prevention Act which will help prevent violence and ensure that justice is served.

The special attention that hate crimes require can easily stretch local law enforcement beyond their capacity. Many of these crimes go unreported, allowing the perpetrators to escape punishment. This is unacceptable.

The Local Law Enforcement Hate Crimes Prevention Act provides the necessary resources to state and local governments for the investigation and prosecution of these crimes. This kind of commitment to justice is the only way to prevent such random acts of violence from occurring in the first place.

In my home state of Oregon, four hate crimes have been reported this year and in 2008, twenty-nine hate crimes were reported. Just last month, a man and his boyfriend were on a spring-break trip over the weekend when they were beaten unconscious on a beach in Seaside, Oregon. Last November, a 20-year-old woman was walking along a street in Aloha, Oregon, when the man asked for a cigarette. He asked if she was gay and when she said yes, he then started berating her about her sexual orientation. Eventually he pushed her and she fell to the ground. She tried to defend herself, but he knocked her back down and struck her in the head with a rock.

These violent crimes effectively terrorize the entire community and chip away at our freedoms. We must protect all our citizens—whether they are black, disabled, Christian, or gay.

Mr. BACA. Mr. Speaker, I urge my colleagues to vote in support of H.R. 1913—the Federal Local Law Enforcement Hate Crimes Prevention Act of 2009. This legislation has had bipartisan support during the 106th, 108th, 109th and the 110th Congresses.

Many law enforcement organizations throughout the nation have endorsed the bill. We have their support because local police and sheriffs' departments will get resources they need to help investigate and prosecute violent criminals.

The bill allows the Federal government to provide crucial federal resources to state and local agencies to equip local officers with the tools they need to prosecute hate crimes.

Everyone deserves to be protected and to feel safe in their communities. African Americans, Hispanics, disabled Americans, Christians, members of the GBLT community, and every other American deserve this right. And we should give our local law enforcement the tools and support necessary to ensure our safety. We are all created equal and should be afforded the same freedoms and protections.

H.R. 1913 will provide assistance to state and local law enforcement agencies and amend Federal law to facilitate the investigation and prosecution of bias-motivated crimes of violence.

I ask my colleagues to join me as we pass this much needed civil rights legislation.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009 and I am pleased to see the bill we reported out of the Judiciary Committee last week is on the House floor today.

I believe we finally have the opportunity to see this legislation signed into law and I encourage my colleagues to do the right thing today and support this bill.

We must ensure that all Americans can exercise their civil rights and be free from threats of violence against them because of their race, color, nationality, gender, age, disability or sexual orientation. It is past time to protect gays, lesbians, bisexuals and transgendered individuals from hate crimes. We must never again allow an 11-year-old child to be so bullied and harassed that he sees no other option to end his torture by taking his own life.

In 2004 in Los Angeles, the 15-year-old son of movie producer Lee Caplin and his wife, Gita, received death threats by a group of students at his private high school. According to the police complaint, some of the messages directed at their son were anti-gay slurs among other epithets.

In 2007 in Los Angeles, a mentally disabled man was beaten to death by an unidentified man wielding an aluminum baseball bat. The victim was James McKinney, 41, who was walking to the store from his home, a mental health care facility. The attack was caught on surveillance camera, but the attacker is still at large.

The most recent data from the FBI is from 2007. It shows that in Los Angeles, there were 279 crimes categorized as motivated by bias: 132 crimes based on race; 50 crimes based on religion; 43 crimes based on sexual orientation; and 54 crimes based on ethnicity.

While I strongly support this bill today, I know that more work is needed, particularly in the area of crimes against the homeless. As Chair of the Financial Services Subcommittee on Housing, I can tell you that with the housing and foreclosure crisis we are facing, more and more Americans are becoming homeless. Sadly, the number of violent crimes against the homeless are increasing, and I believe a significant portion of these attacks are indeed hate crimes. The State of Maryland just recently became the first state in the nation to add homelessness to their hate crimes statute. They noted that from 1999 through 2007 there were 774 acts of violence against homeless men, women and children in 45 states and Puerto Rico. These attacks resulted in 217 deaths.

I'm looking forward to working with Chairman CONYERS and our Crime Subcommittee Chairman SCOTT to get accurate data on violent crimes and hate crimes against the homeless. It is important to get this data promptly, and then, after an appropriate hearing, we can determine if additional legislation is needed.

In closing, I commend Chairman CONYERS for his tireless work on this legislation and urge my colleagues to do the right thing today and vote to pass this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act. I have been a strong supporter of increased law enforcement support and protections against hate crimes for many years, and today's vote represents a historic step forward in recognizing and fighting against violent bias-motivated crimes.

Each year there are thousands of individuals who are targets of violent crime based solely on their appearance, means, or lifestyle. These hate crimes are not only meant to physically harm the victim, but degrade all individuals of similar identity and instill a pervasive sense of fear amongst that community. While each and every violent crime is traumatic, hate crimes are not only devastating for

the victim and their family, but for all individuals who identify with the victim, whether or not they actually knew that person.

Hate crimes are more prevalent than many may realize. Despite significant underreporting, more than 100,000 hate crimes have been reported since 1991. In addition, the number of hate groups that exist within our country continues to rise; espousing a message of hatred and often plans of targeted violence.

This legislation will allow for much needed federal assistance in the prevention and prosecution of hate crimes, and provide money to states to develop hate crimes prevention programs. No American deserves to feel a threat to their physical safety simply because of who they are or how they look.

While I strongly support the passage of this legislation, I do believe there is a strong need to include homeless individuals into this bill. Often nameless and faceless victims of violence, homeless individuals are amongst the highest targeted groups for hate violence.

According to statistics collected by the National Coalition for the Homeless, there have been 774 violent acts perpetrated against homeless individuals since 1999. These attacks occurred in 235 cities throughout our country, in 45 states, and in one territory. 217 of these attacks resulted in death ranging from these individuals suffering severe beatings to being set on fire. Many of these incidents were committed by groups targeting the homeless, and some were even video-taped for future sale and amusement.

It is important that we recognize these acts as hate crimes at a federal level. Many states are currently considering the recognition of these violent acts as hate crimes, with Maryland having already done so. We cannot continue to ignore the plight of this group, and the fear and violence that have been experienced by scores of homeless individuals.

Mr. SMITH of Texas. Mr. Speaker, I would like to submit the following letter from four members of the U.S. Commission on Civil Rights who are opposed to H.R. 1913:

UNITED STATES COMMISSION
ON CIVIL RIGHTS,
Washington, DC, April 29, 2009.

Re: H.R. 1913

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. STENY H. HOYER,
Majority Leader, House of Representatives, Washington, DC.
Hon. JAMES E. CLYBURN,
Majority Whip, House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.
Hon. ERIC CANTOR,
Minority Whip, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER AND MESSRS. BOEHNER, CANTOR, CLYBURN AND HOYER: We write today to urge you to vote against the proposed Local Law Enforcement Hate Crimes Prevention Act (H.R. 1913) (''LLEHCPA''). Although time does not permit this issue to be presented for formal Commission action, we believe it is important for us to write as individual members to communicate our serious concerns with this legislation.

We believe that LLEHCPA will do little good and a great deal of harm. Its most important effect will be to allow federal authorities to re-prosecute a broad category of defendants who have already been acquitted by state juries—as in the Rodney King and Crown Heights cases more than a decade ago. Due to the exception for prosecutions by ''dual sovereigns,'' such double prosecutions are technically not violations of the Double Jeopardy Clause of the U.S. Constitution. But they are very much a violation of the spirit that drove the framers of the Bill of Rights, who never dreamed that federal criminal jurisdiction would be expanded to the point where an astonishing proportion of crimes are now both state and federal offenses. We regard the broad federalization of crime as a menace to civil liberties. There is no better place to draw the line on that process than with a bill that purports to protect civil rights.

While the title of LLEHCPA suggests that it will apply only to ''hate crimes,'' the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts ''because of someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider:

Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen ''because of their gender.

A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen ''because of their gender or disability.

While Senator Edward Kennedy has written that it was not his intention to cover all rape with LLEHCPA, some DOJ officials have declined to disclaim such coverage. Moreover, both the objective meaning of the language and considerable legal scholarship would certainly include such coverage. If all rape and many other crimes that do not rise to the level of a ''hate crime'' in the minds of ordinary Americans are covered by LLEHCPA, then prosecutors will have ''two bites at the apple'' for a very large number of crimes.

DOJ officials have argued that LLEHCPA is needed because state procedures sometimes make it difficult to obtain convictions. They have cited a Texas case from over a decade ago involving an attack on a black man by three white hoodlums. Texas law required the three defendants to be tried separately. By prosecuting them under federal law, however, they could have been tried together. As a result, admissions made by one could be introduced into evidence at the trial of all three without falling foul of the hearsay rule.

Such an argument should send up red flags. It is just an end-run around state procedures designed to ensure a fair trial. The citizens of Texas evidently thought that separate trials were necessary to ensure that innocent men and women are not punished. No one was claiming that Texas applies this rule only when the victim is black or female or gay. And surely no one is arguing that Texans are soft on crime. Why interfere with their judgment?

We are unimpressed with the arguments in favor of LLEHCPA and would be happy to discuss the matter further with you if you so desire. Please do not hesitate to contact any of us with your questions or comments. The Chairman's Counsel and Special Assistant, Dominique Ludvigson, is also available to further direct your inquiries at *dludvigson@usccr.gov* or at (202) 376–7626.

Sincerely,

GERALD A. REYNOLDS,
Chairman.
GAIL L. HERIOT,
Commissioner.
TODD GAZIANO,
Commissioner.
PETER N. KIRSANOW,
Commissioner.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009.

This legislation will include penalties in the federal code for crimes that are motivated by race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

Further, H.R. 1913 allows the Department of Justice to make grants to support State and local programs designed to combat hate crimes, particularly those committed by juveniles. Finally, the bill supports programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes. In this way, the bill empowers state and local officials to investigate and prosecute these crimes without limiting their jurisdiction or authority.

I have heard concerns from some of my constituents that this legislation could infringe on the right to free speech. I could never support a bill that does that. In fact, Section 10 of the bill contains a specific exemption that clarifies that speech, no matter how hateful, is not criminalized under this act. Only violent acts by those who willfully cause bodily injury are prohibited. I strongly oppose attempts to limit anyone's right to free speech or put one class of people above another.

While all acts of violence are deplorable, hate crimes are specifically meant to intimidate and frighten an entire group of people because of prejudice on the part of the perpetrator. Violent acts that are meant to terrorize American citizens should not go unpunished.

I urge you to support H.R. 1913.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to express my strong support of the Local Law Enforcement Hate Crimes Prevention Act.

This bill will extend federal hate crimes law to protect individuals targeted because of their sexual orientation, gender, gender identity, or disability. Since the federal government began collecting data in 1991, over 100,000 hate crimes have been reported by state and local officials; but, most analysts believe this data significantly underreports the actual number of hate crimes. During this time period, approximately 16% of hate crimes were perpetrated because of a person's sexual orientation. With 1,265 reported incidents in 2007, sexual orientation is the third most common target of hate-based violence, trailing only race and religion. This bill is a logical improvement to existing federal law and is needed to ensure that the federal government has the jurisdiction to assist in all cases of hate-based violence.

In addition to expanding the categories of hate crimes, this legislation would allow the Justice Department to aid the investigation and prosecution of hate crimes at the local level through technical assistance and supplemental funding. The cost of investigating and prosecuting these often high-profile cases can be prohibitive for a local community, forcing them to spend precious resources on one case. In these instances, it is essential for the federal government to be able to provide assistance to ensure that justice is served without unduly burdening local resources.

Finally, this bill would require the Justice Department to expand its tracking of hate

crimes to include crimes based on gender or gender identity. The federal government currently collects data on hate crimes committed due to sexual orientation and disability, but not for gender or gender identity. This expanded resource will provide law enforcement officials the information they need to more accurately gauge the prevalence of hate crimes and to evaluate efforts to combat this violence.

The Local Law Enforcement Hate Crimes Prevention Act is an overdue step towards addressing all forms of hate-based violence that traumatize communities across the country. Hate crimes have a chilling effect beyond a particular victim, spreading fear of future attacks among the targeted group. Congress cannot prevent hate from motivating individuals to commit violence, but we can ensure that the proper laws and resources are available to prosecute these cases to the fullest extent of the law. That is what this bill does, and I ask all of my colleagues to support it.

Mr. ISRAEL. Mr. Speaker, I rise today to urge my colleagues to support H.R. 1913, the Matthew Shepard Act.

Many of my colleagues have already spoken informatively about the bill's provisions, how it will focus on enhancing resources at the local and state level for combating hate crimes, and how it will enable local and state officials to prosecute people who commit hate crimes. These are all important reasons to vote for this bill.

I want to tell you the story of a hate crime that happened in my community.

Marcelo Lucero lived in Patchogue, NY and was walking home one evening when a car load of teenage boys surrounded, beat and murdered him.

He was walking home, and they were out looking for someone who looked Hispanic. One of the defendants later told the police, ''I don't go out and do this very often, maybe once a week.''

Now, what happened to Marcelo Lucero is wrong when it happens to any person.

But what makes a hate crime so disturbing is that it's not simply aimed at the victim.

An entire community gets the message—you are not welcome here. And, what makes the story of his attackers so disturbing is the casualness of their attitude.

It reflects a comfortableness that is unacceptable in any community.

That is why I'm supporting this bill and why I urge my colleagues to support this bill: it sends a message back to those who would commit a hate crime. And that message is that hate is not welcome in my community.

I would like to thank Chairman COYERS for the time to speak and his leadership on this important issue.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today as a cosponsor and strong supporter of the Local Law Enforcement Hate Crimes Prevention Act of 2009.

Ten years have now passed since a University of Wyoming student was tied to a fence and fatally beaten just because he was gay. In the time since, we've seen a Texas man dragged to his death by a truck just because he was black and a woman brutally beaten and killed with a fire extinguisher just because she was transgendered. We've even seen young children at day camp shot just because they were Jewish.

Passage of comprehensive federal hate crime legislation that would allow the Department of Justice to assist state and local jurisdictions unable or unwilling to prosecute violent, bias-motivated crimes is long overdue.

Mr. Speaker, as a former Constitutional law professor at West Point, I want to make something perfectly clear. Nothing in this bill impinges the right of an individual's freedom of speech as guaranteed under the First Amendment of the Constitution. The ability to think or express sentiments repulsive to most members of society absent the fear of legal recrimination is part of what makes this country great and free. The ability to prosecute to the fullest extent of the law those who cause injury or death to an individual because of who they are or what they believe is also what makes this country great and free.

Ensuring that states and local law enforcement throughout the United States have the resources they need to go after the perpetrators of these crimes is not just something we owe to the victims and their families. It also helps to free the rest of society—particularly members of the group to which the victim identified—from being intimidated by the hatred of a few.

I urge my colleagues to support this bill and send a clear message that those who injure or kill another human being because of who they are will be brought to justice for their crimes.

Mr. WAXMAN. Mr. Speaker, hate crimes are fundamentally different from other crimes. Hate crimes—violent acts that target victims precisely because of who they are, or are perceived to be—aim to terrorize, intimidate, and oppress an entire class of people. They are assaults not just on those victims, but on an entire community. When the perpetrators of these acts are not held accountable, we suffer as a nation.

As a cosponsor of the Matthew Shepard Act, I look forward to its enactment into law. Today there are only 11 States that have hate crime laws that cover both gender and sexual orientation. By expanding the federal definition of a hate crime to include one based on sexual orientation, disability, or gender, we take the first step toward reducing these violent acts across the country.

This legislation will provide much-needed federal support for local law enforcement so that police can more effectively identify, investigate, and prosecute hate crimes. By joining together at all levels, we can help build safer and more tolerant communities. I urge my colleagues to support this important bill.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 372, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. GOHMERT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOHMERT. Yes.

Mr. CONYERS. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gohmert moves to recommit the bill H.R. 1913 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 8, line 11, insert ''and shall be subject to the penalty of death in accordance with chapter 228,'' after ''or both,''.

Page 9, line 11, after ''or both,'' insert ''and shall be subject to the penalty of death in accordance with chapter 228,''.

Page 9, line 4, strike ''or''.

Page 9, line 4, insert '', age, status as a current or former member of the Armed Forces, or status as a law enforcement officer'' after ''disability''.

Page 8, beginning in line 19, strike ''OR DISABILITY'' and insert ''DISABILITY, AGE, STATUS AS A CURRENT OR FORMER MEMBER OF THE ARMED FORCES, OR STATUS AS A LAW ENFORCEMENT OFFICER''.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that there would be agreement to dispense with that portion of the motion dealing with the armed services.

Mr. GOHMERT. I would object.

The SPEAKER pro tempore. Does the gentleman from Michigan care to reserve his point of order?

Mr. CONYERS. No, sir, I do not.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from Texas is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, the motion to recommit is simple and straightforward. It adds three categories to the list of groups in this bill and provides the death penalty for certain hate crime offenses.

I would like to address what our friend from Massachusetts has indicated when he talked about the people who were arrested for their Christian position, nonviolent, and he kept indicating the charges were dismissed.

But as my friend from Massachusetts would surely know, when you can arrest people, even if you don't pursue charges, it has a chilling effect. Over and over it has a chilling effect.

And, also, there was some inference in his comments that we may believe that transgender individuals who were not worthy of being defended under the law or were not victims, I wasn't sure, but the truth is every American deserves to be equally protected. That is the law. That's the way it should be. That's the way wherever you go in the country. You don't find cases that are held up as poster cases for hate crimes that justify the hate crimes.

The James Byrd family, bless their hearts, I grieved with them. And based on the evidence that was presented, it was clear that these defendants committed a violent crime for which they should have gotten the death penalty. The two that did got it appropriately. This bill will not affect that case one bit. It will not affect it.

So we have tried to say, look, please don't divide us. Don't keep dividing into different categories and say these deserve more protection than these. Treat us all the same. That has fallen on deaf ears.

Every amendment was voted down in committee that we tried to present to make it more clear and to treat Americans equally. It's clear the majority has the votes to move forward and pass this. So our effort is then to add other worthy classes to this.

For example, in 2004, Private First Class Foster Barton of Grove City, Ohio, was brutally beaten. Six witnesses who didn't know Barton said the person that beat him up was screaming profanities and crude remarks about U.S. soldiers.

In 2007, a Syracuse woman pleaded guilty for spitting in the face of a Fort Drum soldier she didn't know.

These things happen. My friend from Florida in committee had indicated that she was not sure it appeared that the military should be added as a protected class under this bill, that not necessarily were they victims.

But I can tell you personally, having been spat at and on, after Vietnam, when I was at Fort Riley, Kansas, and we were ordered not to wear our uniforms off post in our platoon because of violence that was being done to servicemembers. It still happens. It still happens.

And witness the unseemly events outside some of our military hospitals by those who are so very insensitive. Now even the administration is targeting returning veterans as potential extremists. As the report said, ''Returning veterans possess combat skills and experience that are attractive to right-wing extremists.'' Even the administration is trying to target veterans. So we would hope that they were included.

And there is absolutely no question that law enforcement officers are frequently targeted specifically because of who they are and because they are wearing the uniform and attempting to protect all the rest of us. We have so many brave public servants. Even in this building people have given their lives so that others in the building could have theirs. That needs to be honored.

The statistics show that even though the number of hate crimes, or crimes reportedly committed because of bias or prejudice, are lower now than they were 10 years ago. Those crimes have increased against law enforcement.

Age is another class that should be protected. The statistics are clear, and we have seen film evidence of elderly being attacked because they were perceived as elderly and less able to protect themselves. They deserve to be protected. These are classes that should be.

And then we come to another issue, and that is the fact that the hate crimes bill, as proposed, will not affect one of the hate crime bills held up so far as a poster case. We will add the death penalty so it can make a difference in those places where there was a horrible heinous crime. This will make a difference.

Mr. CONYERS. I rise in opposition to this motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. I thank you.

I suppose this is the parliamentary part of the legislative process that a motion to recommit has to be entertained, but before I begin my discussion about the regrets of it, I still insist on complimenting the Members of the House of Representatives who have understood that there are particular acts of violence against the law that are intolerable and should be dealt with as effectively as possible.

The question is what is the most effective way.

Now, what we have been proposing, since 1968, during the civil rights era, where there was an inability to seek prosecution of violators of civil rights laws at the State level, a southern President, Lyndon Johnson, began realizing that there had to be a Federal method of dealing with certain crimes that were not only violent to the victims but served to send a message of intimidation to others in that same class or group. Those groups, we have listed.

These groups are being denied the most fundamental protection of liberty. They are targeted for the most extreme violence by extremists who have decided, in their own warped view of how we should exist among each other in our society, as people who don't deserve to have life.

□ 1615

The groups that are on this protected list and are identified as where hate crime laws kick in are being protected in the same way that has been going on all the way back these many years, since 1968.

The targets are not only the particular individuals who are attacked, but an extension of everyone in the group. The unmistakable intended threat to all is that not only are you not welcome, but you are despised, and you are not safe, and we are coming after you.

But this motion seeks simply to ignore these essential facts.

Let me talk about the three areas mentioned. The armed services, for example. While people who are disturbed at governmental policies and may direct anger at the military, members of the armed services are not victims of bias-based prejudice or hatred. To the contrary, they are honored for their service to our Nation, with national holidays in their honor, memorials, and other economic benefits, all of which are deserved. But they are not in the same situation as the groups we are seeking to protect in this bill. Besides, specific protections for members of the armed services already exist in the Federal law——it makes killing someone in the military a capital crime.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 185, nays 241, not voting 7, as follows:

[Roll No. 222]

YEAS—185

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

NAYS—241

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Cao
Capps
Capuano
Cardoza

Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
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 (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Berry
Burgess
Butterfield
Granger
Perriello
Stark
Teague

□ 1644

Messrs. KIND, FARR, BISHOP of Georgia, PETERSON, RUSH, MORAN of Virginia, WAMP, CARDOZA, McMAHON, LYNCH and ADLER of New Jersey and Mrs. TAUSCHER, Ms. LEE of California, Ms. WOOLSEY, Ms. SPEIER and Ms. TITUS changed their vote from ''yea'' to ''nay.''

Messrs. WILSON of South Carolina, DUNCAN and LUETKEMEYER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 175, not voting 10, as follows:

[Roll No. 223]

AYES—249

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
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
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
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)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
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
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—175

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Chaffetz
Childers
Coble
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
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
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Berry
Burgess
Butterfield
Granger
Miller, George
Murtha
Perriello
Ruppersberger
Stark
Teague

□ 1655

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE OBSERVANCE OF NATIONAL CHILD ABUSE PREVENTION MONTH

The SPEAKER pro tempore (Mr. WALZ). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 337.

The Clerk read the title of the resolution.