

Castro (TX)	Jackson Lee	Perlmutter	Blackburn	Hartzler	Pearce	Jackson Lee	Matsui	Schakowsky
Chu, Judy	Jayapal	Peters	Blum	Hensarling	Perry	Jayapal	McCollum	Schiff
Ciциlline	Jeffries	Peterson	Bost	Herrera Beutler	Poe (TX)	Jeffries	McGovern	Schneider
Clark (MA)	Johnson (GA)	Pingree	Brady (TX)	Hice, Jody B.	Poliquin	Johnson (GA)	McNerney	Schrader
Clarke (NY)	Johnson, E. B.	Pocan	Brat	Higgins (LA)	Posey	Johnson, E. B.	Meeks	Scott (VA)
Clay	Jones	Polis	Bridenstine	Hill	Ratcliffe	Kaptur	Meng	Scott, David
Cleaver	Kaptur	Price (NC)	Brooks (AL)	Hollingsworth	Reed	Keating	Moore	Serrano
Clyburn	Keating	Quigley	Brooks (IN)	Hudson	Reichert	Kelly (IL)	Moulton	Sewell (AL)
Cohen	Kelly (IL)	Raskin	Buchanan	Huizenga	Renacci	Kennedy	Murphy (FL)	Shea-Porter
Connolly	Kennedy	Rice (NY)	Buck	Hultgren	Rice (SC)	Khanna	Nadler	Sherman
Conyers	Khanna	Richmond	Bucshon	Hunter	Roby	Kihuen	Neal	Sinema
Cooper	Kihuen	Rosen	Budd	Hurd	Roe (TN)	Kildee	Nolan	Sires
Correa	Kildee	Roybal-Allard	Burgess	Issa	Rogers (AL)	Kilmer	Norcross	Slaughter
Costa	Kilmer	Ruiz	Byrne	Jenkins (KS)	Rogers (KY)	Kind	O'Rourke	Smith (WA)
Courtney	Kind	Ruiz	Calvert	Jenkins (WV)	Rohrabacher	Krishnamoorthi	Pallone	Soto
Crist	Krishnamoorthi	Rush	Carter (GA)	Johnson (LA)	Rokita	Kuster (NH)	Panetta	Suozi
Crowley	Kuster (NH)	Rush	Carter (TX)	Johnson (OH)	Rooney, Francis	Langevin	Payne	Takano
Cuellar	Langevin	Ryan (OH)	Chabot	Jones	Ros-Lehtinen	Larsen (WA)	Pelosi	Thompson (CA)
Cummings	Larsen (WA)	Sánchez	Cheney	Jordan	Roskam	Larsen (CT)	Perlmutter	Thompson (MS)
Davis (CA)	Larson (CT)	Sarbanes	Coffman	Joyce (OH)	Ross	Lawrence	Peters	Titus
Davis, Danny	Lawrence	Schakowsky	Collins (GA)	Katko	Rothfus	Lawson (FL)	Peterson	Tonko
DeFazio	Lawson (FL)	Schiff	Collins (NY)	Kelly (MS)	Rouzer	Lee	Pingree	Torres
DeGette	Lee	Schneider	Comer	Kelly (PA)	Royce (CA)	Levin	Pocan	Tsongas
Delaney	Levin	Schrader	Comstock	King (IA)	Russell	Lewis (GA)	Polis	Vargas
DeLauro	Lewis (GA)	Scott (VA)	Conaway	King (NY)	Rutherford	Lieu, Ted	Price (NC)	Veasey
DelBene	Lieu, Ted	Scott, David	Cook	Kinzinger	Sanford	Lipinski	Quigley	Vela
Demings	Lipinski	Serrano	Costello (PA)	Knight	Scalise	Loeb sack	Raskin	Velázquez
DeSaulnier	Loeb sack	Sewell (AL)	Cramer	Kustoff (TN)	Schweikert	Lofgren	Rice (NY)	Visclosky
Deutch	Lofgren	Shea-Porter	Culberson	Labrador	Scott, Austin	Lowenthal	Richmond	Walz
Dingell	Lowenthal	Sherman	Curbelo (FL)	LaHood	Sensenbrenner	Lowey	Rosen	Wasserman
Doggett	Lowe y	Sinema	Davidson	LaMalfa	Shimkus	Lujan Grisham,	Roybal-Allard	Schultz
Doyle, Michael	Lujan Grisham,	Sires	Davis, Rodney	Lamborn	Shuster	M.	Ruiz	Waters, Maxine
F.	M.	Slaughter	Denham	Lance	Simpson	Luján, Ben Ray	Ruppertsberger	Watson Coleman
Ellison	Luján, Ben Ray	Smith (WA)	Dent	Latta	Smith (MO)	Lynch	Rush	Welch
Engel	Lynch	Soto	DeSantis	Lewis (MN)	Smith (NE)	Maloney,	Ryan (OH)	Wilson (FL)
Eshoo	Maloney,	Suozi	DesJarlais	LoBiondo	Smith (NJ)	Carolyn B.	Sánchez	Yarmuth
Españlat	Carolyn B.	Takano	Diaz-Balart	Long	Smith (TX)	Maloney, Sean	Sarbanes	
Esty (CT)	Maloney, Sean	Thompson (CA)	Donovan	Loudermilk	Smucker			
Evans	Matsui	Thompson (MS)	Duncan (SC)	Love	Stefanik			
Foster	McColum	Titus	Duncan (TN)	Lucas	Stewart	Boyle, Brendan	Gutiérrez	Pittenger
Frankel (FL)	McGovern	Tonko	Dunn	Luetkemeyer	Stivers	F.	Holding	Rooney, Thomas
Fudge	McNerney	Torres	Emmer	MacArthur	Taylor	Chaffetz	Johnson, Sam	J.
Gabbard	Meng	Tsongas	Estes (KS)	Marchant	Tenney	Cole	McEachin	Sessions
Gallego	Moore	Vargas	Farenthold	Marino	Thompson (PA)	Crawford	Neapolitano	Speier
Garamendi	Moulton	Veasey	Faso	Marshall	Thornberry	Franks (AZ)	Newhouse	Swalwell (CA)
Gonzalez (TX)	Murphy (FL)	Vela	Ferguson	Mast	Tiberi			
Gottheimer	Neal	Velázquez	Fitzpatrick	McCarthy	Tipton			
Green, Al	Nolan	Visclosky	Fleischmann	McCaul	Trott			
Green, Gene	Nolan	Walz	Flores	McClintock	Turner			
Grijalva	Norcross	Wasserman	Fortenberry	McHenry	Upton			
Hanabusa	O'Halleran	Schultz	Fox	McKinley	Valadao			
Hastings	O'Rourke	Waters, Maxine	Fox	McMorris	Wagner			
Heck	Pallone	Watson Coleman	Gaetz	Rodgers	Walberg			
Higgins (NY)	Panetta	Welch	Gallagher	McSally	Walden			
Himes	Pascrell	Wilson (FL)	Garrett	Meadows	Walker			
Hoyer	Payne	Yarmuth	Gibbs	Meehan	Walorski			
Huffman	Pelosi		Gohmert	Messner	Walters, Mimi			
			Goodlatte	Mitchell	Weber (TX)			
			Gosar	Moolenaar	Webster (FL)			
			Gottheimer	Mooney (WV)	Wenstrup			
			Gowdy	Mullin	Westerman			
			Granger	Murphy (PA)	Williams			
			Graves (GA)	Noem	Wilson (SC)			
			Graves (LA)	Nunes	Wittman			
			Graves (MO)	O'Halleran	Womack			
			Griffith	Olson	Woodall			
			Grothman	Palazzo	Yoder			
			Guthrie	Palmer	Yoho			
			Harper	Pascrell	Young (AK)			
			Harris	Paulsen	Young (IA)			
					Zeldin			

NOT VOTING—16

Boyle, Brendan F.
Chaffetz
Cole
Crawford
Franks (AZ)

Gutiérrez
Johnson, Sam
McEachin
Neapolitano
Newhouse

Pittenger
Rooney, Thomas J.
Sessions
Speier
Swalwell (CA)

□ 1447

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SPEIER. Mr. Speaker, due to an unavoidable conflict, I missed the following votes on May 18. Had I been present, I would have voted "nay" on rollcall No. 263 and "nay" on rollcall No. 264.

THIN BLUE LINE ACT

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 115.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 323, I call up the bill (H.R. 115) to amend title 18, United States Code, to provide additional aggravating factors for the imposition of the death penalty based on the status of the victim, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 323, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary printed in the bill, an amendment in the nature of a substitute consisting of the text of

NOT VOTING—16

Chaffetz
Cole
Crawford
Gutiérrez
Johnson, Sam
Knight

McEachin
Meeks
Neapolitano
Newhouse
Pittenger
Rokita

Rooney, Thomas J.
Sessions
Speier
Swalwell (CA)

□ 1438

So the previous question was ordered.
The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 230, noes 184, not voting 16, as follows:

[Roll No. 264]

AYES—230

Abraham
Aderholt
Allen
Amash
Amodi
Arrington

Babin
Bacon
Banks (IN)
Barletta
Barr
Barton

Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Ciциlline
Clark (MA)

Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell

NOES—184

Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Españlat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman

Rules Committee Print 115-17 is adopted, and the bill, as amended, is considered read.

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

H.R. 115

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 "Thin Blue Line Act".

SEC. 2. AGGRAVATING FACTORS FOR DEATH PENALTY.

Section 3592(c) of title 18, United States Code, is amended by inserting after paragraph (16) the following:

"(17) KILLING OR TARGETING OF LAW ENFORCEMENT OFFICER.—

"(A) The defendant killed or attempted to kill, in the circumstance described in subparagraph (B), a person who is authorized by law—

"(i) to engage in or supervise the prevention, detention, investigation, or prosecution, or the incarceration of any person for any criminal violation of law;

"(ii) to apprehend, arrest, or prosecute an individual for any criminal violation of law; or

"(iii) to be a firefighter or other first responder.

"(B) The circumstance referred to in subparagraph (A) is that the person was killed or targeted—

"(i) while he or she was engaged in the performance of his or her official duties;

"(ii) because of the performance of his or her official duties; or

"(iii) because of his or her status as a public official or employee."

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Speaker, Federal law provides a list of 16 aggravating factors a jury is required to consider when deciding whether a death sentence is warranted in a Federal capital case. These factors include whether the defendant acted in an especially heinous, cruel, or depraved manner; whether the defendant engaged in substantial planning and premeditation; whether the victim was particularly vulnerable; and whether the victim was a high public official.

High public official, as defined in the statute, includes a litany of high-ranking public persons from the President, to a foreign head of state, to a judge or law enforcement officer. Currently, however, the law only contains specific protections for Federal officers, not State and local officers.

H.R. 115, the Thin Blue Line Act, introduced by my colleague, Mr. BUCHANAN, amends Federal law to add the killing of a State or local law enforcement officer as an aggravating factor for a jury to determine during the sentencing phase of a trial, when the jury is considering whether a sentence of death is justified.

This legislation enjoys widespread support in the law enforcement community. And, Mr. Speaker, we can all understand why. In recent years, police officers across our Nation have laid down their lives in the service of their communities, often with little recognition or support.

According to the National Law Enforcement Officers Memorial Fund, 17 police officers have already died as a result of gunfire this year. Most recently, 2 days ago, Deputy Sheriff Mason Moore of the Broadwater County, Montana, Sheriff's Office was shot and killed during a routine traffic stop. We honor Deputy Moore's sacrifice, which is a stark reminder of how a routine event can quickly turn fatal for an officer of the law.

Now, Mr. Speaker, it is true that the scenarios where the provision in H.R. 115 applies may be limited. It is true that the vast majority of homicide cases are prosecuted in State courts. It is also true that the circumstances where a defendant killed a State or local law enforcement officer during the commission of a Federal capital offense are probably limited.

But H.R. 115 is, nevertheless, vitally important in the scenarios where it will apply—for example, in many terrorism cases. My colleagues may not remember that the terrorist who bombed the Boston Marathon also murdered an MIT police officer during their flight from the law. H.R. 115 would also apply to situations where a State or local officer is killed serving as a member of a Federal task force. And it would cover volunteer first responders, who are, of course, authorized by law to carry out their duties.

Mr. Speaker, this legislation sends a simple message: The stalking and killing of law enforcement officers will not be tolerated.

H.R. 115 is straightforward, commonsense legislation that will provide all the men and women of law enforcement, who serve and protect our communities every day, with the support they deserve.

As we conclude the 2017 National Police Week, I urge my colleagues to support this important legislation.

Mr. Speaker, I include in the RECORD letters in support of the bill.

NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS, INC.,

Alexandria, VA, January 5, 2017.

HON. VERN BUCHANAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BUCHANAN: On behalf of the National Association of Police Organizations (NAPO), I am writing to you to express our strong support for the Thin Blue Line Act.

NAPO is a coalition of police units and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, including the Florida Police Benevolent Association, 241,000 sworn law enforcement officers, and more than 100,000 citizens

who share a common dedication to fair and effective crime control and law enforcement.

The Thin Blue Line Act increases penalties on those who harm or target for harm public safety officers by making the murder or attempted murder of a local police officer, firefighter, or first responder an aggravating factor in death penalty determinations.

This bill is critical, as law enforcement officer assaults, injuries, and deaths have increased sharply in recent years. In 2016 alone, ambush-style killings of law enforcement officers increased by 167 percent. Establishing stricter penalties for those who harm or target for harm law enforcement officers will deter crime. Any persons contemplating harming an officer must know that they will face serious punishments. NAPO strongly believes that increased penalties make important differences in the attitudes of criminals toward public safety officers, and ensure protection for the community.

We thank you for your continued support of the law enforcement community and we look forward to working with you to pass this important legislation.

Sincerely,

WILLIAM J. JOHNSON, ESQ., CAE,
Executive Director.

NATIONAL FRATERNAL
ORDER OF POLICE,

Washington, DC, 9 January 2017.

HON. VERNON G. BUCHANAN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BUCHANAN: I am writing on behalf of the members of the Fraternal Order of Police to advise you of our strong support for H.R. 115, the "Thin Blue Line Act."

The "Thin Blue Line Act" increases the penalty for an individual who targets, kills, or attempts to kill a person who is a law enforcement officer, firefighter or any other public safety officer, while he or she was engaged in the performance of his or her official duties, because of the performance of his or her official duties, or because of his or her status as a public official or employee.

Law enforcement officers have always faced threats while on duty but within the past few years, officers have become a target for violence solely because of the uniform they wear. As you know, the FOP has called upon Congress to expand the current Federal hate crimes law to include law enforcement officers for this very reason.

Of the 63 deaths by gunfire suffered by law enforcement in 2016, 21 of them—that's 33%—were ambush killings. These were deliberate and sadly successful efforts by individuals who set out to kill a police officer:

The ambush attack against the Dallas Police Department; the deadliest day for law enforcement since 9/11 that saw 5 officers killed from gunfire;

The ambush attack against members of the Baton Rouge Police Department that saw 3 officers killed from gunfire;

The ambush attack against 2 Iowa police officers, Scott Martin and Anthony Bemino who were killed as they sat in their respective patrol cars;

Officer Thomas Cottrell of the Danville Police Department (OH) was killed by ambush.

All of these officers died because of the uniforms they were wearing. Those in our profession have always been in harm's way. It is our job to protect others but it should not be "part of the job" to be a target of someone who is looking simply to kill a cop. We do not accept that our uniforms alone make us targets because someone was driven to rage over a perceived injustice or desires to strike a blow against our civil government.

On behalf of more than 330,000 members of the Fraternal Order of Police, I want to

thank you for introducing this legislation and amendment. If I can be of any further help, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

SERGEANTS BENEVOLENT ASSOCIATION,
POLICE DEPARTMENT, CITY
OF NEW YORK,

January 17, 2017.

Hon. VERN BUCHANAN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BUCHANAN: I am writing on behalf of the more than 13,000 members of the Sergeants Benevolent Association of the New York City Police Department to advise you of our strong support for H.R. 115, the "Thin Blue Line Act."

For too long, members of the NYPD, along with law enforcement officers across this nation, have been targets. There has been a proliferation of groups and pundits impugning the motives and mission of law enforcement. They do so with no regard for the impact it has on our ability to protect life, property, and the freedoms we all hold dear. These constant attacks and the excessive, exaggerated rhetoric of anti-police elements have led some to declare an open season on police officers, and to welcome with cheers and praise the cowardly criminals who target law enforcement officers with acts of violence. We saw this first hand in New York City in December 2014, when Officers Wenjian Liu and Rafael Ramos were ambushed and senselessly murdered as they sat in their radio car on a Brooklyn street corner. Unfortunately, they are not alone. According to the National Law Enforcement Officers Memorial Fund, in 2016 there were 21 police officers killed in ambush-style attacks. Shockingly, 20 of these officers were killed in eight multiple-shooting death incidents—such as those that claimed the lives of 8 officers in Baton Rouge, LA and Dallas, TX—the highest total of any year since 1932.

It is for these reasons and many others that the legislation you have introduced is so important. The "Thin Blue Line Act" would make the murder or attempted murder of police officers, prosecutors, firefighters, and other first responders at any level of government an aggravating factor in federal death penalty determinations. The bill applies to things like the interstate homicide of an officer, and is applicable whether the officer is murdered on duty, because of the performance of their duty, or because of their status as a public official. While we know that law enforcement officers will continue to be targets, regardless of their uniform and whether they are on duty or off, active or retired, this legislation sends the message that any action to target law enforcement officers for murder or violence will be met with the harshest of penalties. And that is a message that is long overdue.

On behalf of the membership of our organization, thank you for your leadership on this important issue. We look forward to working with you to see it swiftly enacted into law.

Sincerely,

ED MULLINS,
President.

MAJOR COUNTY SHERIFFS
OF AMERICA,

April 25, 2017.

Hon. VERN BUCHANAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BUCHANAN: I write to you today on a matter of significant impor-

tance to the Major County Sheriffs of America (MCSA) and all of America's law enforcement professionals. MCSA is an association of elected Sheriffs representing the Nation's largest counties with populations of 500,000 or more. Collectively, we represent more than 100 million Americans.

As Vice President in charge of Government Affairs for the MCSA, I am pleased to express our association's support of your legislation, the Thin Blue Line Act. This legislation would make the murder of law enforcement officers, firefighters and other first responders an aggravating factor in capital punishment determinations.

In 2016, one hundred forty-four officers died in the line of duty and to date, line of duty deaths are up 10 percent. The targeting of law enforcement officers is unconscionable and those who commit such heinous acts should be prosecuted to the fullest extent of the law. Law enforcement officers and other first responders have the right to go home to their families at the end of their shifts.

The Thin Blue Line Act is a step in the right direction and your work on this legislation is sincerely appreciated. We value your support and look forward to working with you in the future.

MICHAEL J. BOUCHARD,
Sheriff, Oakland County (MI),
Vice President—Government Affairs.

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

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

Mr. Speaker and my colleagues, though troubled and saddened by the recent attacks on law enforcement officials, I believe that H.R. 115, the Thin Blue Line Act, is counterproductive to ensuring public safety and only serves to exacerbate concerns with the unfair and unjust death penalty.

H.R. 115 expands the list of statutory aggravating factors in Federal death penalty cases to also include killing or targeting a law enforcement officer, firefighter, or other first responder.

Aggravating factors are specific factors that judges and juries consider in determining whether a sentence of death is justified for the underlying offense. Passage of this bill would add a 17th statutory aggravating factor for Federal death penalty eligible offenses.

H.R. 115 has been rushed to the House floor, without a single hearing and without the opportunity to consider amendments directly relevant to whether our system of imposing the death penalty is fair, just, and reliable. Like most of my colleagues, I support measures that would actually protect our first responders, brave men and women who risk their lives every day to protect us.

Unfortunately, H.R. 115 not only fails to do this but would also exacerbate problems with the Federal death penalty.

First, H.R. 115 duplicates Federal and State laws that enhance sentences of persons convicted of crimes of violence against law enforcement. The very law the bill seeks to amend, 18 U.S.C. section 3592, already states that a crime against a high public official, including a judge, a law enforcement officer, or an employee of a United States penal or correctional institution, is an aggra-

vating factor that may be considered in determining whether a death sentence should be imposed.

Other Federal laws also impose a life sentence or death on persons convicted of killing State and local law enforcement officers, or other employees assisting with Federal investigations, as well as officers of the United States courts.

Secondly, H.R. 115 does not address documented and systemic unfairness and racial unfairness in the disposition of the death penalty. Any legislation dealing with the Federal death penalty must also address numerous concerns related to racial disparity in application of capital punishment, the lack of qualified counsel and sufficient resources to represent those facing the death penalty, and faulty forensic "science" testimony ordered in support of convictions in death penalty cases.

The Federal death penalty, in particular, is rife with troubling evidence of racial disparity. For example, 36 of the 61 people currently on Federal death row are African American, Latino, Asian, or Native American.

If you break this down by Federal circuit, the results are even more disturbing. For example, 15 of 18 men who have received a Federal death sentence in the Fifth Circuit—Texas, Louisiana, and Mississippi—in the modern era have been people of color.

Third, civil rights and civil liberties organizations oppose H.R. 115. Organizations committed to the protection of civil rights and civil liberties, including the NAACP, ACLU, and the LCCR, have noted that the Thin Blue Line Act "is an unnecessary and misguided attempt to politicize the unfortunate deaths of law enforcement officers and could ultimately exacerbate existing tension between law enforcement and the communities they served."

□ 1500

And finally, H.R. 115 will not deter violence against police officers. By adding a 17th aggravating factor to the Federal death penalty statute, this legislation ignores scientific research regarding the ineffectiveness of capital punishment as a deterrent to crime.

It is important to note that the National Research Council of the National Academies has concluded that the studies claiming that the death penalty has a deterrent effect on murder rates are "fundamentally flawed" and should not be the basis of sound public policy.

Accordingly, I urge all of my colleagues to oppose this legislation.

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

Mr. GOODLATTE. Mr. Speaker, at this time, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BUCHANAN), the chief sponsor of the legislation.

Mr. BUCHANAN. Mr. Speaker, I thank the distinguished chairman for

yielding and for his incredible support for our Nation's law enforcement officers.

Mr. Speaker, I rise today in support of the Thin Blue Line Act, legislation I have introduced to support our Nation's brave police officers, firefighters, and first responders.

This week, we recognize National Police Week, a time to reflect on the very professional service of our law enforcement officers and their families. It is also a time to honor the lives of those brave officers who were killed in the line of duty and made the ultimate sacrifice.

It is really a sad reality that attacks against law enforcement officers have skyrocketed in recent years. Their entire community endured an especially difficult and heartbreaking 2016. In fact, in the last year alone, police officer deaths from shootings have increased 56 percent, and ambush-style killings of law enforcement officers have increased a staggering 167 percent, nationally.

We need to send a very clear message: The intentional targeting and killing of our first responders will not be tolerated.

My bill, the Thin Blue Line Act, would make murder or attempted murder of a police officer, firefighter, or other first responder an aggravating factor in death penalty determinations. This bill will serve as a strong deterrent to anyone planning an attack against our brave men and women in uniform who protect and serve our communities.

We owe a tremendous debt of gratitude to police officers and first responders across the country. I urge my colleagues to support this legislation to help our American heroes.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a senior member of the Judiciary Committee.

Mr. NADLER. Mr. Speaker, I rise in opposition to this legislation which would expand the death penalty by adding a 17th aggravating factor—killing or targeting a police officer, probation officer, or firefighter—to the list of 16 aggravating factors already on the books.

Mr. Speaker, I have the greatest respect for our Nation's public servants, our police, our firefighters, the men and women of the Armed Forces, our teachers, and our other government employees. They serve our Nation out of a sense of duty to our country and for the honor and privilege of helping others.

But I cannot, in good conscience, support the bill we have before us simply because its purported goal, though certainly not its result, is to protect our public safety officers. The legislation is unnecessary and duplicative since there are already extensive penalties at both the State and local level for the murder of law enforcement officers.

As we know, numerous studies have demonstrated that the death penalty is

not an effective deterrent to crime in any event. Numerous studies have shown that what enhances the deterrent is certainty and swiftness of punishment, not severity of punishment. Therefore, adding the death penalty as a punishment is unlikely to prevent future violence against our police and our firefighters.

In addition, I believe the bill is counterproductive to our goal of improving law enforcement and community relations.

If you oppose the death penalty, as I do, because, in many cases, there is no appropriate access to counsel, which we know; because the death penalty has racial disparities in its application, which we know; and because, as we have seen over the past many years, there is a strong possibility of a wrongful conviction leading to the untenable situation of putting an innocent person to death, and we know that this has been done in my State and others, then you should oppose this bill and any bill expanding application of the death penalty which will result in innocent men and women being executed. This bill does nothing to correct any of these issues.

If you oppose the death penalty on moral and religious grounds, perhaps because you believe that all life is sacred and that the State should not sanction death as a punishment, then you should oppose this bill as well.

There is another fundamental objection to this bill. It is one thing to impose a death penalty for murder, bad as that is, or for any crime; it is another thing to impose a death penalty for attempted murder. This bill imposes the death penalty for attempted murder of police, firefighters, and probation officers.

I am not aware that we have in the law, anywhere, a death penalty for an attempted crime; and here, we are establishing a death penalty for an attempt, an unsuccessful attempt. The bill imposes the death penalty on persons who "killed or attempted to kill."

So under this bill, if you aimed the gun, even if you did not hit the person or injure him in any way, the death penalty would be imposed. This is a fundamental change in the law for which we are given no reason at all.

The law has always recognized a distinction between a terrible act and an attempted terrible act. The attempted terrible act certainly should be punished, but not as severely as the accomplishment of the terrible act. Here, we are establishing a death penalty for an unsuccessful attempt to commit the crime, and no reason is given for this fundamental break with our legal traditions.

So, for all these reasons—this bill is unnecessary, duplicative, ineffective, counterproductive, and where it is new, excessive—I oppose this legislation and urge my colleagues to do the same.

The SPEAKER pro tempore. Without objection, the gentleman from Louisiana (Mr. JOHNSON) will control the

time of the gentleman from Virginia (Mr. GOODLATTE).

There was no objection.

Mr. JOHNSON of Louisiana. Mr. Speaker, I would just briefly remind my colleague on the other side that this does not establish the death penalty for an attempted murder, as was just stated. There must be an underlying capital crime for which the defendant is convicted. That is what this bill does, and nothing more.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, on July 7, 2016, while a demonstration was taking place in Dallas, Texas, and police officers were protecting the demonstrators, a sniper rang out shots. After the smoke cleared, five Dallas police officers were murdered, seven others were wounded, and civilians were wounded. The culprit was finally apprehended, and, because he would not give up without shooting, he was killed by the Dallas Police Department.

Ambush on police officers by citizens increased, for some reason, last year. Locally, in Houston, Texas, Chief Deputy Constable Clint Greenwood, a friend of mine, was walking into the courthouse at 7 a.m.; and as he is walking into the courthouse, a person comes up behind him and assassinates him, and he is killed. And that criminal was captured.

Attacks on law enforcement and all of the people that I mentioned were local or State police officers. They were not Federal officers.

Now, we talk about discrimination. Why does Federal law discriminate in punishment of outlaws in these type of death penalty situations by not allowing the same punishment if the person is a local or State police officer instead of a Federal police officer? I think that is wrong.

As stated by the other side, most cases are made by State or local officers, especially crimes of violence. What this bill does is not discriminate against police officers who are local or State because of their status in a death penalty case where an outlaw is charged with a capital offense, but it allows the outlaw to get the same punishment that an outlaw would get if they killed a Federal officer, which is the death penalty.

As a former judge for 22 years in criminal courts and a prosecutor, I believe in the death penalty, and here is the reason why: Some people deserve it. They deserve it for what they did, and that is why society should have the death penalty.

And that is just the way it is.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I hadn't planned to speak again, but a gentleman on the other side was just completely incorrect in what he said, and I have the bill here.

The bill does establish the death penalty for attempted killing, and here is

the language. The bill is very short. It says:

The law is amended by inserting after paragraph 16 the following:

Paragraph 17, killing or targeting of law enforcement officer.

A. The defendant killed or attempted to kill, in the circumstance described in subparagraph B, a police officer, etc.

And B says:

The circumstance referred to in subparagraph A is that the person was killed or targeted while he was engaged in performance of his duties, basically.

So this implies the death penalty lists, as an additional aggravating factor for the death penalty, someone who killed or attempted to kill a police officer, a probation officer, a firefighter while they were engaged in their duties—killed or attempted to kill. That is what it means when it says killing or targeting. Targeting means attempting to kill.

It is very clear. You cannot misread this. Maybe the drafter made a mistake, but it is very clear. This applies the death penalty to someone who kills or attempts to kill. It is the first instance I know of in the entire corpus of American law where an attempted murder, attempted killing, an attempted anything is given the death penalty.

Mr. JOHNSON of Louisiana. Mr. Speaker, I would just rise, once again, to correct my colleague. It is an aggravating factor that is to be considered by a jury as one of many factors postconviction.

So what you are saying is not 100 percent accurate. We can engage in semantics, but we will agree to disagree on that point.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. Mr. Speaker, I am proud that the House, this week, is taking action to support our law enforcement officers and their families as we mark National Police Week.

We owe a tremendous debt of gratitude to law enforcement officers at all levels: State and local police officers, sheriffs, firefighters, first responders, and our Federal agents. They all put their lives on the line to keep this country and our communities safe.

Congress must always ensure that our law enforcement agencies have the proper tools and resources to get the job done, and I am honored to play a role in this important work through my service on the Judiciary Committee and the Appropriations Subcommittee for Commerce, Justice, and Science.

But, Mr. Speaker, law enforcement officers need more than equipment and funding. They need our support. They need our support because they are under attack. The last few years have seen a disturbing uptick in the instances of police being targeted by violent criminals just because they are wearing a badge.

According to the National Law Enforcement Officers Memorial Fund, at

least 64 police officers were shot and killed in the line of duty last year, 21 of which were ambush-style killings. Attacks in Dallas, Baton Rouge, Chicago, and other places were chilling reminders of the dangers these brave individuals face when they go to work.

It is time to send a clear, strong message: If you kill a law enforcement officer, you will be brought to justice and punished to the full extent of the law. That is why I am proud to support H.R. 115, the Thin Blue Line Act.

Under current law, killing a Federal law enforcement officer is an aggravating factor when considering a death sentence for the offender, just as it should be. However, the same deterrent and prosecution is not extended to State and local police officers, firefighters, or first responders. The Thin Blue Line Act would change this by making the murder of local law enforcement an aggravating factor when considering a death sentence.

Mr. Speaker, had this provision been in place just 4 years ago, it would have applied to the Boston bombing case when the bombers killed a local campus officer. It would also apply when State and local officers serve on joint law enforcement task forces.

States all over the country are taking action to support law enforcement through stronger protection for officers and stricter penalties for criminals, and I believe Congress should do the same.

Mr. CONYERS. Mr. Speaker, I am pleased to yield an additional 1 minute to the gentleman from New York (Mr. NADLER).

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Mr. NADLER. Mr. Speaker, I must again correct the gentleman on the other side. The underlying title 18 is the criminal code. It lists a series of crimes and a series of penalties, and then you have a list of aggravating factors, which make the death penalty mandatory if any of them are present. There are 16 aggravating factors. This is number 17 and adds an aggravating factor; and when this aggravating factor is present, the death penalty is mandatory.

Among the things this aggravating factor says, is "attempt." So it is the first death penalty—for that matter, it is the first death penalty, mandatory or not, for an attempt, as opposed to an actual killing. Even if it weren't mandatory, we should not have a death penalty for an attempt. You should have a severe penalty, but a death penalty should be reserved for actual murder and such crimes, not for an attempt. Attempt is always punished more leniently than the actual accomplishment of the heinous act.

Mr. JOHNSON of Louisiana. Mr. Speaker, I rise again to correct my colleague. I guess we can do this all day, but I do actually have a copy of the criminal code in front of me, and I would refer him to 18 U.S.C. section 3591(b)(2), where it lists very specifi-

cally and expressly that attempts to kill are listed in the sentence of death.

I refer you to that provision, and it is not mandatory. The jury can determine whether the aggravating factors outweigh the mitigating factors, or in the absence of any mitigating factors, whether the aggravating factors alone justify a death sentence.

So I feel that we are engaging in an exercise of semantics, but it is important that we don't misportray what this bill would accomplish and what it would do.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GAETZ).

Mr. GAETZ. Mr. Speaker, today I rise in support of the men and women of law enforcement whose selfless service to a noble cause fills me with humble gratitude.

Being a law enforcement officer requires more than training. It requires sacrifice, devotion, integrity, and honor. Most importantly, it requires an unshakeable faith in the value and importance in the rule of law.

What keeps our civil society from a descent into lawlessness and chaos? What separates civilization from savagery?

It is a thin blue line—these men and women of law enforcement, who give their blood, sweat, tears, and sometimes their lives in order to protect and serve communities; who make the country a safer place, one street, one neighborhood, and one community at a time.

As a society, our laws enshrine freedom, our security, and our liberty. They uphold America's promise of innate fairness. But for their service and devotion to our great Nation, our law enforcement officers are often criticized and scorned by some they serve. Yet, through it all, they continue to serve and protect.

Too often these brave men and women are targets of violence, which is why I support the Thin Blue Line Act. An attack on law enforcement is an attack on the freedom of the United States of America, and it cannot be tolerated.

Mr. Speaker, some have spoken out in opposition to the death penalty in this discussion, and they would say only God can judge. And while that is true, certainly the United States Government can do a better job setting up the meeting.

So today I rise in support of heroes, and I hope my colleagues will do the same.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentleman from Michigan for his yielding and for his leadership and for the pleasure that I have in working on the Judiciary Committee. Let me thank the chairman and Members as well, particularly working on the Crime, Terrorism, Homeland Security, and Investigations Subcommittee, of which this underlying bill comes to the floor on.

This is a very important week, Mr. Speaker. It is National Police Week. A number of our constituents have been here, and we have had the opportunity to hear from a number of outstanding leaders: a sheriff from Los Angeles County; the sheriff from South Carolina; the police department leader from Houston, Texas; and the head of the FOP.

So I think that we have had a good week in terms of hearings in the Judiciary Committee, and certainly this past Monday we honored those who tragically ascended to the memorial wall where we honor police from across the Nation.

So I think it is important to put on the record that none of us, I would hope—I certainly don't—take a back seat to the respect, admiration, and the work that we do to keep our law enforcement and first responders safe. We commend them for their service as we continue to work on police and community working together.

We also are grateful for those who are engaged in enhanced community relations as well as working with diverse communities.

So let me acknowledge individuals from Houston that we have lost: Assistant Deputy Chief Clint Greenwood; Officer Richard K. Martin; Harris County Sheriff's Deputy Darren Goforth.

We lost Jerry Ronald Walker of Little Elm Police Department.

Then officers who died in Dallas: Officer Brent Thompson, Sergeant Michael Smith, Senior Corporal Lorne Ahrens, Officer Patricio Zamarripa, and Officer Michael Krol.

I have had the chance to work with a number of chiefs of police, including Chief Lee P. Brown, one of the first police chiefs in Houston that I was able to work with as I began to engage publicly; Chief McClelland; now Chief Acevedo; and chiefs in-between.

I particularly thank them for working with the community during stressful times, during times when violence was evidenced out in the community; not against police, but against communities—keeping the peace, if you will, as we tried to work together.

So I support policies that are necessary, and I certainly support the idea of protecting our law enforcement. Of course, the underlying bill has that provision and indicates a protection of law enforcement officers. In actuality, it provides the opportunity for the protection as well as the utilization of the death penalty.

This particular legislation continues to want to add aggravating factors, making it 17. If we had a hearing and if we were able to determine that this would actually have an impact, there would be reason to at least have a vigorous debate over whether there is an impact or not.

But H.R. 115 is a duplicative bill and unnecessary because under 18 U.S.C. 3592(c), there already exists mechanisms that achieve the goal of punishing by death a defendant who kills a

law enforcement officer or first responder.

First of all, it should be stated that the bill is based upon underlying offenses, drug offenses. There is a whole myriad of actual laws that are Federal criminal offenses, and if a death occurs under that Federal criminal offense, then you are eligible for the death penalty.

Let me cite as an example the Boston Marathon terrorists act and the killing of the MIT officer who was killed. The Federal prosecutor was able to take that case to the Federal court and to pursue a death penalty because it was pursuant to a terrorist act.

The SPEAKER pro tempore (Mr. HILL). The time of the gentlewoman has expired.

Mr. CONYERS. Mr. Speaker, I yield an additional 2 minutes to the gentlewoman from Texas.

Ms. JACKSON LEE. The most heinous tragedy of those who were lost in 9/11, the mourning of firefighters, first responders, and law enforcement who lost their lives, certainly there is no doubt that that was a heinous terrorist act. If those terrorists had lived—there would have been firefighters and first responders included, and their deaths would have been, in essence, tried under the Federal death penalty; and those heinous perpetrators would have been tried, given capital punishment, if the jury had convicted them—there probably was no doubt—and ultimately might have seen their end through the exercise of the death penalty.

That is, I think, clearing up that we are standing here adding any measure of difference to this particular legislation. If the act falls under Federal criminal laws, you can be, or the murderer of you can be, in fact, charged with a Federal death penalty.

On the other hand, if you go into a burning building and, unfortunately, the owner of the building—or there is some unfortunate incident and you are shot as a firefighter, you do not fall under this statute. That is not a Federal offense, but you can fall under your State death penalty cases.

Why would we be concerned about this idea of additional death penalties?

Let me cite for you the case of Buck v. Davis, where the death penalty verdict was based merely on whether the defendant is likely to commit acts of violence in the future, and a psychologist opined that being Black did increase the probability. The trial court reasoned that: "introduction of any mention of race was de minimis." In other words, insignificant, completely ignoring that the largest number of individuals that go to their death are African Americans. Thank goodness for the Supreme Court and the reasoning of Chief Justice Roberts.

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

Mr. CONYERS. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE. Justice Roberts stated for the court in reversing the

lower court: "Some toxins can be deadly in small doses."

Likewise, in the Gregg v. Georgia case, decided after Furman, the court held that if death penalty is mandatory, such that no permission for mercy is granted, and where capital punishment is based on characteristics of the offender, then it is unconstitutional and "arbitrary and capricious."

The underlying bill has mandatory death penalties. It will cover first responders if they are killed pursuant to Federal crimes. We are standing here, not adding anything to the underlying bill. First responders are protected. Law enforcement are protected.

I would hate to see any of them lose their life, but under a Federal crime, their case will be tried as a death penalty case. In other instances, it will be tried by State law. We respect these heroes and sheroes. It is shameful if we use that to add another aggravating element to the death penalty, and continue to discriminate based on race.

Mr. Speaker, I would ask my colleagues to oppose this legislation.

Mr. Speaker, I want to first acknowledge and commend the law enforcement community throughout our country that work tirelessly to help protect and serve our communities.

I especially want to thank Chief Acevedo for his leadership, commitment to Houston, and for his vision on unifying communities through police relations with the people they take an oath to serve and protect.

As we celebrate police week, I would like to take a moment to thank and honor all the officers that served selflessly and died in the line of duty.

Especially, Assistant Deputy Chief Clinton Greenwood of Harris County Constable's Office-Precinct 3, TX, died on 4/3/17;

Officer Richard K. Martin of Houston Police Dept., died on 5/18/15;

Deputy Sheriff of Harris County Sheriff office, Darren Goforth, 8/28/15;

And Detective Jerry Ronald Walker of Little Elm Police Dept., TX, died 1/17/17 and the five officers killed in Dallas, TX on 7/7/16—Brent Thompson, Sgt. Michael Smith, Sr. Corporal Lorne Ahrens, Officer Patrick Zamarripa, and Officer Michael Krol.

Additionally, I would like to acknowledge Houston's former Chief, Lee P. Brown who laid the strong foundation for HPD's strong community liaison practices with all communities; Harris County Sheriff Ed Gonzalez; Alan Rosen, Harris County Constable, Precinct 1 and all of our other men and women in uniform.

I know personally the level of stress and challenges posed, because I have many friends that have and are currently serving my Congressional district in Houston and our country very well and with great distinction.

I support our policies that are necessary, so long as we are doing so with fairness, in accordance with our Constitution, and in a manner that is not duplicative of statutory measures already in place.

Mr. Speaker, H.R. 115 imposes the death penalty for the killing or targeting of law enforcement officers, firefighters, and first responders as a 17th aggravated factor for homicide.

Although this bill is presented as a proposal to protect police officers and first responders, it does much more.

H.R. 115 is duplicative and unnecessary because under 18 U.S.C. 3592(c), there already exists mechanisms that achieve the goal of punishing by death, a defendant who kills a law enforcement officer or first responders.

Prosecutors are already armed with prosecutorial discretion to seek capital punishment in death penalty cases as demonstrated in the cases below:

U.S. v. Ronell Wilson—2 NY City detectives were killed during a gun sting operation. Defendant was sentenced to death.

U.S. v. Donzell McCauley—a Washington, DC police officer was killed and defendant received a sentence of life without parole.

U.S. v. Kenneth Wilk—a deputy sheriff was killed while attempting to serve a search warrant; defendant was sentenced to life without parole.

U.S. v. Kenneth Barrett—a state law enforcement officer was killed during a drug raid, defendant was sentenced to death.

LaShawn Casey, an undercover police officer was killed in a carjacking related to a drug transaction; a capital jury sentenced the defendant to life without the possibility of parole.

These cases illustrate that prosecutors have the discretion under the current law to seek the death penalty. By adding a 17th aggravated factor under the vague, arbitrary and capricious language of H.R. 115, we are heading down a dangerous path.

Please take note that the death toll of firefighters/first responders reported by the National Fire Protection Association illustrates a drastic decline in deaths overall, most of which were fire and accident related.

The statistics available do not support the need for this duplicative measure in H.R. 115.

This bill does nothing to protect our law enforcement or to ensure public safety; instead, it raises constitutional questions as to its validity because “targeting law enforcement” is substantially vague language that will subject many innocent lives to death, based purely on their desire to exercise their First Amendment rights about the well-documented racial disparity in treatment throughout our communities.

We must ensure that we do not create legislation of broad scope and vagueness that will have a chilling effect on an insular group.

H.R. 115 is laced with a discriminatory effect that will trigger strict scrutiny under the 14th Amendment, and open the gateway for draconian habeas laws.

This bill will create a slippery slope, further adding to recent turbulence caused by Attorney General Jeff Session’s memo and destroying whatever trust remains between law enforcement and communities.

This bill sends troubling messages around the world about how we view and measure life in America in this 21st century.

It is time to get serious about this epidemic and not hide behind vague language because ‘all’ lives matter, blue, black, brown, white.

Mr. Speaker, while some may say that any adverse effects of the bill before us are de minimis, and thus, will not severely impact the racial disparity found in the use of the death penalty, it is neither the amount of words in this bill nor the amount of time used to utter them that is significant; rather, it is the discriminatory effect that will result in communities disproportionately impacted by the death penalty.

Let us take for example, the case of *Buck v. Davis*, 580 U.S. ____ (2017) where the

death penalty verdict was based merely on ‘whether defendant is likely to commit acts of violence in the future’ and a psychologist opined that being black did increase the probability. The trial court reasoned that “introduction of any mention of race was de minimis,” in other words, insignificant.

As Chief Justice John Roberts stated for the Court in reversing the lower court; “Some toxins can be deadly in small doses.”

Likewise, in *Gregg v. GA*, which was decided after *Furman* (invalidated death penalty across the country), the court held if death penalty is mandatory, such that no permission for mercy is granted, and where capital punishment is based on characteristics of the offender, then it is unconstitutional and “arbitrary and capricious.”

Mr. Speaker, H.R. 115 is extremely deadly because it is arbitrary and capricious, imposing the death penalty based solely on the status of the victim.

The death penalty is already available both at the state and federal level and is reserved for matters of extraordinary circumstances.

While we want to ensure that law enforcement officers, firefighters and first responders received protection as they protect our communities, we cannot and should not attempt to do so by weighing the worth of lives and arbitrarily impose the death penalty based on our measuring sticks of who should live and who should die.

H.R. 115 will undoubtedly contribute to the continuation of well-documented and pervasive racial disparities in the imposition of the death penalty.

Since 1976 only 20 white prisoners have been executed for the murder of an African American victim, while an alarming 286 African American prisoners have been executed for the death of white victims, and 42% of African Americans currently remain on death row.

Death penalty generally, has been criticized over the years by legal scholars and by Supreme Court Justices who have opined in several instances, that ‘the death penalty violates the Eighth Amendment, which prohibits cruel and unusual punishment.’

Even in 1958, when the Court first explicitly spoke about the death penalty as having constitutional challenges, it said in *Trop v. Dulles*, “the Eighth Amendment’s Cruel and Unusual Punishment clause must draw its meaning from the ‘evolving standards of decency that mark the progress of a maturing society’ rather than from its original meaning.”

Mr. Speaker, there is no argument that we have evolved and matured significantly since we first implemented the death penalty in the 1600s and thus, we must evaluate cautiously, laws that seek to further advance this flawed, astronomically costly and unjust practice.

Tax payers currently spend \$740,000 for cases without the death penalty, while cases where the death penalty is sought cost \$1.26 million. Maintaining each death row prisoner costs taxpayers \$90,000 more per year than a prisoner in general population.

Capital punishment does not work; it is discriminatory and is used disproportionately against the poor, minorities and members of racial, ethnic and religious communities.

Since the U.S. Supreme Court reinstated the death penalty in 1976, 82% of all executions have occurred in the South (37% in Texas alone), which contributed to the United States status as one of five countries in the

world to account for the most executions in 2012.

FBI data has shown that the death penalty is not a deterrent and in fact, 14 states without capital punishment in 2008, had homicide rates at or below the national rate.

Taking another life does not stop violence.

Like mandatory minimums, public opinion for the death penalty is currently at its lowest with a 42% opposition, evidenced in a 2016 Pew Research report, which found that the U.S. now dropped to number seven worldwide in countries accountable for the most executions.

Mr. Speaker, over two-thirds of the world’s countries have abolished the death penalty either in law or practice, and the U.S. is the only Western country that still uses the death penalty.

Even family members of murder victims and other individuals who have witnessed live executions of death row inmates, particularly, in the recent botched and questionable executions, have called for a repeal of this practice and ask instead for alternative sentencing.

In fact the death penalty solves nothing, and may even perpetuate the suffering of the parents, children, or siblings left behind.

We do not need to expand the use of the death penalty where public opinion is at its lowest, but instead, implement sound and practical legislation that will save lives of our officers and the people they serve.

This measure is what public opinion suggests.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield myself such time as I may consume.

There are two important very brief points for correction. I respect the gentlewoman from Texas, but she just suggested to us that this would be a duplicative law; thus, unnecessary because, as she cited the Federal criminal code, she says that law enforcement officers are already covered by the law.

However, I would refer her attention to 18 U.S.C. Section 3592(c)(14), and then subsection (d), where it clearly says in a capital letter, “a Federal law enforcement officer.”

So it is important to note that the existing Federal law does not cover State and local officers, which this bill would and, thereby, is one of the things that necessitates this action.

Also, I want to point out, respectfully, that that same criminal code—just one-page later in section 3593, also in title 18, subsection (f)—says: “Special Precaution to Ensure Against Discrimination.”

We know that Federal law already provides that a jury must specifically find that a defendant’s race, color, sex, religion, national origin, or that of the victim, is not a factor in their decision.

Mr. Speaker, I yield 2 minutes the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. Mr. Speaker, last November, Canonsburg, Pennsylvania, Police Officer Scott Bashium was shot and killed as he and his partner responded to a domestic disturbance call. They were ambushed as they approached the home. Officer Bashium was also a United

States Air Force veteran. He retired as a senior master sergeant with 29 years of service.

He will be remembered for his service both in the Canonsburg community as a police officer, and to the country as a veteran.

Mr. Speaker, when our brothers and sisters are killed in the line of duty, we can memorialize them by building monuments. We can remember them by renaming buildings. We can support them by raising funds to help their widows and their orphaned children.

□ 1530

But most importantly, we can make sure we do all we can so that they return home at the end of their watch and that we protect their right to raise their children and their children's right to be raised by them. The community needs to know that we do all we can to make sure that thin blue line does not break and that thin blue line does not bend. We need to work together as a nation to protect those who protect the safety of all of us.

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

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, every day, courageous men and women in America's law enforcement leave the safety of their homes to go into volatile situations, not knowing whether or not they will even return home safely. These brave police officers and first responders have dedicated their lives to ensuring our safety, as well as the safety of our neighborhoods and communities. I honor these fearless men and women and recognize the sacrifice they and their families make.

But merely saying thank you is not enough. The Thin Blue Line Act will protect law enforcement officials by giving harsher penalties to criminals targeting the police and first responders who put their lives on the line daily to protect and defend us.

It is my duty and privilege to support efforts that give our dedicated law enforcement officials the best possible chance of coming home safely every day. Mr. Speaker, this is how I can show my gratitude. Each House Member should join me in supporting this bill.

Mr. CONYERS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 10 minutes remaining, and the gentleman from Louisiana has 15½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I think it is clear that we are all in support of the protection of our officers. I think that there is no competition on sympathy or wanting to appropriately assure that those who go up against our officers in a vile and violent manner would be brought to justice.

I think the point on race disparity as relates to the death penalty is relevant. It is about life. But I want to make it very clear: Under this underlying bill, our officers who are State police officers are protected already, including the example that I used about the MIT officer in the Boston Marathon terrorist act. It is if you are in the furtherance of a Federal crime. The bill itself is all Federal. You have to be engaged in an act that is a Federal crime.

Clearly, if the terrorists on 9/11 had lived, the cases of the firefighters who lost their lives certainly would have been tried—those cases of the tragic, heinous deaths of firefighters who are our friends, and certainly are my friends—under the Federal death penalty law.

In the case of U.S. v. Kenneth Barrett, a State law enforcement officer was killed during a drug raid. That is one of the underlying offenses. The defendant was sentenced to death.

In the case of Lashaun Casey, an undercover police officer was killed in a carjacking related to a drug transaction. A capital jury decided to sentence the defendant to life without the possibility of parole, but it was a capital jury.

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

Mr. CONYERS. Mr. Speaker, I yield the gentleman an additional 1 minute.

Ms. JACKSON LEE. And so I want to honor them, too, but I also want to show the disparities.

Mr. Speaker, I want to recognize the very valuable point that Chief Justice Roberts made in the particular case of Buck v. Davis and the statistical documentation of the disparities in the death penalty cases. We cannot ignore it.

Chief Justice Roberts stated before the Court, in reversing the lower court, "some toxins can be deadly in small doses," when the district court wanted to ignore or diminish the fact that race was involved in this case.

A psychologist had the audacity to say that being Black did increase the probability that you would commit an act of violence prospectively. How sad is that?

We are saddened by the death of our officers, but we are already protecting them and the first responders. Pursuant to a Federal criminal act, the prosecutor, at their discretion, can charge the defendant with a death penalty case.

I just hope my colleagues will recognize that we are not divided in our love, affection, and respect for the men and women that serve as first responders and law enforcement throughout this Nation.

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am honored to speak on the floor today not only in support of H.R. 115, the Thin Blue Line Act, but also in honor of all of our brave men

and women who put their lives on the line every single day to keep our communities safe.

I am the son of a first responder myself. My father was critically injured and permanently disabled in the line of duty. I know these sacrifices very well.

This country owes our law enforcement officers an extraordinary debt of gratitude for the many services they provide. Our Nation simply would not be what it is today were it not for the sacrifices of all those who take the oath to protect and to serve us.

The Thin Blue Line Act is simple: It seeks to expand on certain penalties to also include the murder or targeting of a State or local law enforcement officer.

Virtually every American—anyone of good conscience—is shocked and disgusted by the recent trend of our local law enforcement heroes being targeted for violent acts.

I am sad to report that, in my home State of Louisiana, we have been named the most dangerous State in America for law enforcement officers. It is shocking. It is true. It saddens all of us. The Thin Blue Line Act is a commonsense response to this epidemic that we are seeing across the culture.

We thank and we stand with our first responders back home in Louisiana and all across our Nation. Those dedicated public servants never question and never hesitate in the face of danger. As many people have analogized this, we consider them our sheepdogs. They protect our communities from the wolves of our society who prey upon the innocent.

To honor those sacrifices, I am proud, today, to support this legislation on the House floor.

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

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I include in the RECORD a letter addressed to Mr. GOODLATTE and myself, and I want to read the first paragraph of it.

"Dear Chairman Goodlatte and Ranking Member Conyers:

"We are current and former law enforcement leaders and officers from jurisdictions across the country. We ask you to oppose H.R. 115, the Thin Blue Line Act. We do so because we believe this bill will do little to protect the lives of police and first responders and will drive away resources proven to be effective at protecting law enforcement and preventing and solving crime."

APRIL 26, 2017.

Re Law Enforcement Opposition to H.R. 115.

Hon. BOB GOODLATTE,
Committee on the Judiciary,
Washington, DC.

Hon. JOHN CONYERS, JR.,
Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN GOODLATTE AND RANKING MEMBER CONYERS: We are current and former law enforcement leaders and officers from jurisdictions across the country. We ask you to oppose H.R. 115, the Thin Blue Line Act. We

do so because we believe this bill will do little to protect the lives of police and first responders and will drive away resources proven to be effective at protecting law enforcement and preventing and solving crime.

We are all too familiar with the risks that local, state, and federal law enforcement and first responders take each day to prevent, investigate, and prosecute crime. In fact; some of us have served alongside colleagues who were killed in the line of duty. We understand the impulse to threaten those who have murdered our fellow officers with the death penalty, and some of us have experienced that desire directly.

But we also know that the death penalty, as it currently operates, is poor public policy. It is ineffective, expensive, and can make irrevocable mistakes. It is also used disparately and often on vulnerable populations, which undermines our ability to create effective and trusted relationships with those in the community on whose support our success depends. That is why, while some of us may philosophically support the death penalty, we all oppose its expansion in practice—even under the auspices of supporting law enforcement.

Each of us understands that it takes many and varied resources to keep our communities safe. We need strong partnerships with local government and the communities we serve. We need well-functioning and modern systems to collect, store and process police activities, crime data, and evidence. We need equipment to protect and assist officers as they perform their duties. One tool virtually never seen on our list of needs is the death penalty.

In short, we believe H.R. 115 is an unnecessary expansion of an already flawed and ineffective policy. We encourage you to oppose this bill and instead support measures that promote the overall health, safety, and welfare of law enforcement and the communities we have been sworn to protect.

Thank you for your consideration.

Sincerely,

James Abbott, Chief, West Orange (NJ) Police Department (1997–Present).

John Breckenridge, Officer, Manchester (NH) Police Department (ret.).

James Davidsaver, Emergency Management Director, Lancaster County, Nebraska; former captain, Lincoln (NE) Police Department.

Neill Franklin, Baltimore Police Department (2000–2010); Maryland State Police (1976–1999).

Gerald Galloway, Chief, Southern Pines (NC) Police Department (1988–2005); Past President, North Carolina Chiefs of Police Association; former Executive Committee member, IACP.

Terence Inch, Professor of Criminal Justice, York College of Pennsylvania; Former Commissioner of Police, Hellam Township (PA); Former Detective Chief Inspector, New Scotland Yard, London.

George Kain, Ph.D., Police commissioner, Ridgefield, CT; Division of Justice and Law Administration at Western Connecticut State University.

Douglas Orr, Ph.D., Adjunct Professor, Champlain College (2009–present); Adjunct Professor, Gonzaga University (2006–present); Detective, Spokane (WA) Police Department (1996–present); Corporal, Idaho State Police (1992–1996); Patrol Officer, Greenville (SC) Police Department (1987–1992).

Norman Stamper, Chief, Seattle Police Department (1994–2000); San Diego Police Department (1966–1994).

James Trainum, Detective, Washington Metropolitan Police Department (1983–2010).

David Walchak, Deputy Assistant Director (Ret.) FBI (2000–2004), Sr. Advisor FBI (1999–2000), Sr. Policy Advisor USDOJ COPS Office

(1997–1999), Chief of Police (Ret.) Concord, NH (1975–1997), President, International Association of Chiefs of Police (1995–1996).

Mr. CONYERS. Mr. Speaker, I would like all of my colleagues to recognize that, during our observation of National Police Week, we are reminded again of the importance of ensuring that law enforcement officers are safe so they can carry out their duties effectively.

These kinds of “enhancement” bills like H.R. 115 do nothing to invest in officer wellness or to address the everyday challenges faced by police officers or first responders. Moreover, they are redundant, especially because there are laws that protect police officers and first responders from violence in all 50 States.

Rather than advancing a bill that amounts to an empty gesture, that is damaging, at best, this Congress should focus on real reform measures that will protect law enforcement, first responders, and their communities. Providing duplicative protections to law enforcement simply cannot counterbalance the impact of fundamentally flawed death penalty legislation.

Accordingly, I urge my colleagues to oppose this legislation.

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

Mr. JOHNSON of Louisiana. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard many arguments from the other side of the aisle in opposition to this legislation. Of course, they began by saying how much they support the men and women of law enforcement. But let’s consider these arguments and decide for ourselves in closing here.

First, we heard that the legislation is duplicative. It is not. In fact, it closes a loophole that currently exists in Federal law. There is currently no provision in our Federal law stating that the killing of a State or local law enforcement officer shall be an aggravating factor for capital punishment.

Next, we heard that this legislation is unnecessary. It is not, unless you believe that State and local law enforcement officers are not somehow entitled to the same legal protections currently enjoyed by Federal officers. That is what this legislation would correct.

A third argument we heard is that this is a messaging bill. It is clearly not that. Though it may be true that this provision would apply in a limited number of cases because the vast majority of capital cases are prosecuted at the State level, this bill inserts a provision in Federal law that will be vitally important in the cases where it would be applicable, such as in the Boston bombing.

On that point, Mr. Speaker, my colleagues have noted that Federal law already contains provisions to ensure criminals who carry out heinous acts such as the Boston terrorism attacks are dealt with appropriately. That is, of course, true, but saying that ignores

the suffering of families of fallen police officers who have lost their lives rushing to aid after such an attack.

It also ignores the sacrifice of law enforcement officers themselves, for example. Officer Sean Collier of the MIT Police Department is one example. He was murdered by the Tsarnaev brothers during their flight following their horrific act.

In fact, Mr. Speaker, what these arguments reveal is simply that our colleagues on the other side of the aisle oppose this bill because it amends a Federal death penalty statute.

We would point out, in response to the letter that was just entered into the RECORD, that we have received support letters that are already in the RECORD from numerous law enforcement organizations, including the Fraternal Order of Police, the Major County Sheriffs of America, the National Association of Police Organizations, and the Sergeants Benevolent Association of the NYPD, among many, many others across the country who believe that this is an appropriate step for us to take today.

In light of all that, Mr. Speaker, I strongly urge my colleagues to reject the arguments of the other side, to support the men and women who comprise the thin blue line between order and chaos in our society, and to support this bill.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 323, 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.

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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess.

□ 1556

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HILL) at 3 o'clock and 56 minutes p.m.