

Davis (VA)	Kasich	Regula	Dixon	McDermott	Rush	Coble	Hoekstra	Moran (KS)
Deal	Kelly	Reyes	Farr	McGovern	Sabo	Collins	Holden	Moran (VA)
DeFazio	Kildee	Reynolds	Frank (MA)	Meehan	Sanchez	Combust	Holt	Morella
DeLauro	Kilpatrick	Riley	Gutierrez	Meeks (NY)	Schakowsky	Condit	Hoolley	Murtha
DeLay	Kind (WI)	Rodriguez	Hilliard	Miller, George	Serrano	Conyers	Horn	Myrick
DeMint	King (NY)	Roemer	Jackson (IL)	Moakley	Sherman	Cook	Hostettler	Nadler
Diaz-Balart	Kingston	Rogan	Jackson-Lee	Moran (VA)	Thompson (CA)	Cooksey	Houghton	Napolitano
Dickey	Kleczka	Rogers	(TX)	Morella	Tierney	Costello	Hoyer	Nethercutt
Dicks	Klink	Rohrabacher	Johnson, E. B.	Nadler	Velazquez	Cox	Hulshof	Ney
Dingell	Knollenberg	Ros-Lehtinen	Lantos	Neal	Waters	Coyne	Hunter	Northup
Doggett	Kolbe	Rothman	Lofgren	Olver	Waxman	Cramer	Hyde	Norwood
Dooley	Kucinich	Roukema	Lowe	Pastor	Weiner	Crane	Insee	Nussle
Doolittle	Kuykendall	Royce	Maloney (NY)	Pelosi	Wu	Crowley	Isakson	Oberstar
Doyle	LaFalce	Ryan (WI)	Markey	Rangel		Cubin	Istook	Obey
Dreier	LaHood	Ryun (KS)	Matsui	Rivers		Cummings	Istook	Oliver
Duncan	Lampson	Salmon				Cunningham	Jackson-Lee	Ortiz
Dunn	Largent	Sanders				Danner	(TX)	Ose
Edwards	Larson	Sandlin	Engel	Hall (OH)	Vento	Davis (FL)	Jefferson	Oxley
Ehlers	Latham	Sanford	Eshoo	Lazio	Weygand	Davis (IL)	Jenkins	Packard
Ehrlich	LaTourette	Sawyer	Gilchrist	Owens		Davis (VA)	John	Pallone
Emerson	Leach	Saxton				Deal	Johnson (CT)	Pascrell
English	Levin	Scarborough				DeFazio	Johnson, E. B.	Pastor
Etheridge	Lewis (CA)	Schaffer				DeGette	Johnson, Sam	Paul
Evans	Lewis (GA)	Scott				Delahunt	Jones (NC)	Payne
Everett	Lewis (KY)	Sensenbrenner				DeLauro	Jones (OH)	Pease
Ewing	Linder	Sessions				DeLay	Kanjorski	Pelosi
Fattah	Lipinski	Shadegg				DeMint	Kaptur	Peterson (MN)
Filner	LoBiondo	Shaw				Deutsch	Kasich	Peterson (PA)
Fletcher	Lucas (KY)	Shays				Diaz-Balart	Kelly	Petri
Foley	Lucas (OK)	Sherwood				Dickey	Kennedy	Phelps
Forbes	Luther	Shimkus				Dicks	Kildee	Pickering
Ford	Maloney (CT)	Shows				Dingell	Kilpatrick	Pickett
Fossella	Manzullo	Shuster				Dixon	Kind (WI)	Pitts
Fowler	Martinez	Simpson				Doggett	King (NY)	Pombo
Franks (NJ)	Mascara	Sisisky				Dooley	Kingston	Pomeroy
Frelinghuysen	McCarthy (MO)	Skeen				Doyle	Kleczka	Porter
Frost	McCarthy (NY)	Skelton				Dreier	Klink	Portman
Gallegly	McCollum	Slaughter				Duncan	Knollenberg	Price (NC)
Ganske	McCrery	Smith (MI)				Dunn	Kolbe	Pryce (OH)
Gejdenson	McHugh	Smith (NJ)				Edwards	Kucinich	Quinn
Gekas	McInnis	Smith (TX)				Ehlers	Kuykendall	Radanovich
Gephardt	McIntosh	Smith (WA)				Ehrlich	LaFalce	Rahall
Gibbons	McIntyre	Snyder				Emerson	LaHood	Ramstad
Gillmor	McKeon	Souder				English	Lampson	Rangel
Gilman	McNulty	Spence				Etheridge	Lantos	Regula
Gonzalez	Meek (FL)	Spratt				Evans	Largent	Reyes
Goode	Menendez	Stabenow				Everett	Larson	Reynolds
Goodlatte	Metcalf	Stearns				Ewing	Latham	Riley
Goodling	Mica	Stenholm				Farr	LaTourette	Rivers
Gooding	Millender-	Strickland				Fattah	Leach	Rodriguez
Gordon	Goss	Stump				Filner	Lee	Roemer
Goss	McDonald	Stupak				Fletcher	Levin	Rogan
Graham	Miller (FL)	Sununu				Foley	Lewis (CA)	Rogers
Granger	Miller, Gary	Sweeney				Forbes	Lewis (GA)	Rohrabacher
Green (TX)	Minge	Talent				Ford	Lewis (KY)	Ros-Lehtinen
Green (WI)	Mink	Tancredo				Fossella	Linder	Rothman
Gutknecht	Mollohan	Tanner				Fowler	Lipinski	Roukema
Hall (TX)	Moore	Tauscher				Frank (MA)	LoBiondo	Royal-Allard
Hansen	Moran (KS)	Tauzin				Franks (NJ)	Lofgren	Royce
Hastings (WA)	Murtha	Taylor (MS)				Frelinghuysen	Lowey	Ryan (WI)
Hayes	Myrick	Taylor (NC)				Frost	Lucas (KY)	Ryun (KS)
Hayworth	Napolitano	Terry				Gallegly	Lucas (OK)	Sabo
Hefley	Nethercutt	Thomas				Ganske	Luther	Salmon
Herger	Ney	Thompson (MS)				Gekas	Maloney (CT)	Sanchez
Hill (IN)	Northup	Thornberry				Gejdenson	Maloney (NY)	Sanders
Hill (MT)	Norwood	Thune				Gekas	Manzullo	Sandlin
Hilleary	Nussle	Thurman				Gephardt	Markey	Sanford
Hinchey	Oberstar	Tiahrt				Gibbons	Martinez	Sawyer
Hinojosa	Obey	Toomey				Gillmor	Mascara	Saxton
Hobson	Ortiz	Towns				Gilman	Matsui	Scarborough
Hoeffel	Ose	Trafficant				Gonzalez	McCarthy (MO)	Schaffer
Hoekstra	Oxley	Turner				Goode	McCarthy (NY)	Schakowsky
Holden	Packard	Udall (CO)				Goodlatte	McCollum	Scott
Holt	Pallone	Udall (NM)				Goodling	McCrery	Sensenbrenner
Hoolley	Pascrell	Upton				Gordon	McDermott	Serrano
Hostettler	Paul	Visclosky				Goss	McGovern	Sessions
Houghton	Payne	Vitter				Graham	McHugh	Shadegg
Hoyer	Pease	Walden				Granger	McInnis	Shaw
Hulshof	Peterson (MN)	Walsh				Green (TX)	McIntosh	Shays
Hunter	Peterson (PA)	Wamp				Greenwood	McIntyre	Sherman
Hutchinson	Petri	Watkins				Gutierrez	McKeon	Sherwood
Hutchinson	Phelps	Watt (NC)				Gutknecht	McKinney	Shimkus
Hyde	Pickering	Watts (OK)				Hall (OH)	McNulty	Shows
Insee	Pickett	Weldon (FL)				Hall (TX)	Meehan	Shuster
Isakson	Pitts	Weldon (PA)				Hansen	Meek (FL)	Simpson
Istook	Pombo	Weller				Hastings (FL)	Meeks (NY)	Sisisky
Jefferson	Pomeroy	Whitfield				Hastings (WA)	Menendez	Skeen
Jenkins	Porter	Wicker				Hayes	Metcalf	Skelton
John	Portman	Wilson				Hayworth	Mica	Slaughter
Johnson (CT)	Price (NC)	Wise				Hefley	Millender-	Smith (NJ)
Johnson, Sam	Pryce (OH)	Wolf				Herger	McDonald	Smith (TX)
Jones (NC)	Quinn	Wynn				Hill (IN)	Miller (FL)	Smith (WA)
Jones (OH)	Radanovich	Young (AK)				Hill (MT)	Miller, Gary	Snyder
Kanjorski	Rahall	Young (FL)				Hilleary	Miller, George	Souder
Kaptur	Ramstad					Hilliard	Minge	Spence
						Hinchey	Mink	Spratt
						Hinojosa	Moakley	Stabenow
						Hobson	Mollohan	Stark
						Hoeffel	Moore	Stearns

## NOT VOTING—8

□ 1305

Mr. SERRANO changed his vote from "yea" to "present".

Mr. DEUTSCH changed his vote from "nay" to "yea".

Messrs. WEXLER, ACKERMAN, HASTINGS of Florida and DAVIS of Illinois changed their vote from "present" to "yea".

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GREENWOOD. Mr. Speaker, on rollcall No. 468 I inadvertently pressed the "yea" button. I meant to vote "nay."

## HONORING THE SERVICE AND SACRIFICE OF THE UNITED STATES MERCHANT MARINE

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 327.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KUYKENDALL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 327, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 469]

YEAS—418

Abercrombie	Bereuter	Brown (OH)
Ackerman	Berkley	Bryant
Aderholt	Berman	Burr
Allen	Berry	Burton
Andrews	Biggart	Buyer
Archer	Billirakis	Callahan
Armey	Bishop	Calvert
Baca	Blagojevich	Camp
Bachus	Bliley	Campbell
Baird	Blumenauer	Canady
Baker	Blunt	Cannon
Baldacci	Boehlert	Capps
Baldwin	Boehner	Capuano
Ballenger	Bonilla	Cardin
Barcia	Bonior	Carson
Barr	Bono	Castle
Barrett (NE)	Borski	Chabot
Barrett (WI)	Boswell	Chambliss
Bartlett	Boucher	Chenoweth-Hage
Barton	Boyd	Clay
Bass	Brady (PA)	Clayton
Becerra	Brady (TX)	Clement
Bentsen	Brown (FL)	Clyburn

## ANSWERED "PRESENT"—51

Baldwin	Capuano	Conyers
Barrett (WI)	Carson	DeGette
Becerra	Clay	Delahunt

Stenholm	Thune	Watt (NC)
Strickland	Thurman	Watts (OK)
Stump	Tiahrt	Waxman
Stupak	Tierney	Weiner
Sununu	Toomey	Weldon (FL)
Sweeney	Towns	Weldon (PA)
Talent	Traficant	Weller
Tancred	Turner	Wexler
Tanner	Udall (CO)	Whitfield
Tauscher	Udall (NM)	Wicker
Tauzin	Upton	Wilson
Taylor (MS)	Velazquez	Wise
Taylor (NC)	Visclosky	Wolf
Terry	Vitter	Woolsey
Thomas	Walden	Wu
Thompson (CA)	Walsh	Wynn
Thompson (MS)	Wamp	Young (AK)
Thornberry	Watkins	Young (FL)

NOT VOTING—15

Bilbray	Gilchrest	Rush
Coburn	Hutchinson	Smith (MI)
Doolittle	Lazio	Vento
Engel	Neal	Waters
Eshoo	Owens	Weygand

□ 1313

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPLANATION REGARDING ROLE IN BOY SCOUTS OF AMERICA

(Mr. PEASE asked and was given permission to address the House for 1 minute.)

Mr. PEASE. Mr. Speaker, since 1993, I have served as a member of the Advisory Council of the National Council of the Boy Scouts of America. In this role I am a volunteer advisor to the Boy Scouts and its national governing organization.

□ 1315

I receive no compensation for my service in this role, and am not reimbursed for expenses incurred in fulfilling the duties of the position.

MOTION TO INSTRUCT CONFEREES ON, H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7 of rule XX, I offer a motion to instruct conferees.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Mr. GRAHAM moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill, H.R. 4205, be instructed not to agree to provisions which—

- (1) fail to recognize that the fourteenth amendment to the Constitution guarantees all persons equal protection under the law; and
- (2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and
- (3) preclude a person convicted of murder from being sentenced to death.

The SPEAKER pro tempore. Under the rule, the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from Michigan (Mr. CONYERS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. GRAHAM).

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

Mr. Speaker, the topic that we are addressing today in the motion to instruct conferees on the DOD bill involves an effort made by Senator KENNEDY in the Senate to attach Federal hate crimes legislation to a bill in the Senate. This issue is now before the House. It is before America.

To Senator KENNEDY's credit and to the gentleman from Massachusetts (Mr. FRANK), I would think it is fair, I hope he does not take offense, Senator KENNEDY is one of the last liberal lions. He has roared loudly and he has fought for his position and he was successful in the Senate.

As to my motion to instruct conferees on this matter, I hope people who agree with my position will also raise their voice loudly because it is an honest debate long overdue about exactly what we need to be doing in America when it comes time to punish people and what role the Federal Government has.

There has been a huge departure in the law of the land to the Kennedy amendment. Federal jurisdiction is now available through the Attorney General of the United States in almost every act of criminal violence that may exist in the country if in the mind of the perpetrator and the status of the victim certain people are involved.

I hope we will reject this way of thinking. I hope we will, as a Nation, prosecute vigorously those who with intent, malice aforethought, through the violation of existing State law, hurt human beings in general and that there is no need, objectively speaking, politically speaking, to have a Federal crime that only applies based on the hate of the perpetrator and the status of the victim.

This legislation has a four-part test that would allow the Attorney General to invoke a Federal statute that does not exist today, and the last prong is the Federal interest and hate crime eradication is insufficiently served by a State prosecution. That is all encompassing. That means whatever the Attorney General wants it to mean.

I stand before the House and the country saying that we in America have laws at the State level that apply to everyone. I do not know of any law in this country by any State or any jurisdiction that says we can hurt certain people because of their race, religion, or sexual orientation. That is not a defense. That is not a problem that we are having to deal with in this country.

This is an effort, I believe, to give Federal jurisdiction to expand the role of the Federal Government in a way that will ultimately divide Americans.

The Columbine High School case is a case in point. Two obviously hateful, disturbed young men took it upon themselves to do tremendous violence and damage and murder. Their motives vary. They killed some people because they were jocks. They killed other people because they did not like them personally. They killed some people because of their race. They were twisted minds. They brought a lot of pain and heartache and suffering to many families.

My motion to instruct says simply this, prosecute people not for their motives but for their actions.

Motives are important. They have to intend to kill. If they tie someone to the back of a truck in Texas and they drag them to their death, I do not care why they did it, if they intended to do it, they deserve the fullest and swiftest punishment available.

The Kennedy amendment allows the Federal Government to pick and choose based on the status of the victim. In that case, an African American was dragged to his death because the people involved had hate in their heart. In the State of Texas, one is serving life and two of those folks involved are facing the death penalty. That to me is justice. And that can happen and has happened all over this country.

Using the model that Senator KENNEDY has put forward, eight murders would fall in the classification of hate crimes, nine of the thousand rapes. I would argue to the Members of this House that every rape is a hate crime.

Before I came to this body, I was a prosecutor in the civilian world in the Air Force; and I will assure my colleagues that every woman that has been violated and is forcibly raped, the man involved hated that woman, and I do not care to know any more other than, without their consent, they did a great violence to their body.

In the Texas case, here is what could happen if this law that Senator KENNEDY has proposed goes forward and if we agree to it today. There is an element of the Kennedy Federal legislation that is very curious and potentially very damaging. We are creating two statutes to deal with the same event. The Federal Government, under this legislation, because we are the Federal Government, would have the ability to prosecute the case first if it reached out and grabbed the case.

Let us use the case in Texas for instance. Under the legislation proposed by Senator KENNEDY and this House will be instructing conferees on, the death penalty is not authorized. That is a huge point. The basis of the Kennedy legislation deals with events that really are not real in substance. There are no mass ignoring bodily injure cases based on people's sexual orientation, race, gender, or religious background. That is not a problem in this country. And that is good news.

But here would be the problem if we adopted Senator KENNEDY's way of doing business. The Federal Government, by legal right, would have the