ELECTION OF MEMBER TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. MCGOVERN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 368) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 368

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON HOUSE ADMINISTRATION.—

Mr. Davis of Alabama.

The resolution was agreed to.
A motion to reconsider was laid on the table.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 364 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 364

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1592 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I ask unanimous consent that all Members be given 5 legislative minutes to thank God for the blessings upon this Nation, and ask Him to guide and protect us in the days to come.

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 364 provides for consideration of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007, under a closed rule. The rule provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill, except those arising under clause 9 and 10 of rule XXI. The rule provides that the committee amendment in the nature of a substitute, modified by the amendment printed in the Rules Committee report, shall be considered as adopted, and the bill, as amended, shall be considered as read. The rule waives all points of order against the bill, as amended.

Mr. Speaker, I rise today in support of this rule and of the underlying legislation. H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007, is a bipartisan piece of legislation that has already passed the House multiple times with Members from both sides supporting it.

In the 109th Congress, this legislation passed as an amendment to the Child Safety Act by a vote of 223-199. And in both the 108th and 106th Congresses, hate crimes legislation passed with bipartisan support.

With such a demonstrated history of strong bipartisan support, it should come as no surprise that this bill has also garnered the support of 171 cosponsors, Republicans as well as Democrats.

I would like to take note for my colleagues that H.R. 1592 has the support of more than 210 civil rights, education, religious and civic organizations. Equally as important, it has the support and endorsement of the law enforcement community, including the International Association of Chiefs of Police and the National Sheriffs Association.

Mr. Speaker, it makes sense that this bill has attracted such a wide range of support. Hate crimes are a serious problem everywhere. They continue to plague our society, and they happen in every State and in every community.

The Federal Bureau of Investigation has documented over 113,000 hate crimes since 1991. In 2005 alone, nearly 7,200 crimes were identified by the FBI as hate crimes. Even more telling, this marked occurrence of violent hate crimes, current law limits the ability of the Federal Government to provide assistance to States and localities to prosecute and investigate these crimes. It is long past time that Congress addressed these shortcomings.

Mr. Speaker, some will claim that this law is not needed. Others will claim that it adversely affects free speech. I strongly, very strongly disagree with both these claims.

First, while we have made progress toward equality in many facets of our society, hate crimes continue to spread in cities and towns across the country.
The main reason why we have been unable to aggressively pursue and prosecute hate crimes is because law enforcement agencies in our States and towns lack the tools and resources.

I’d like to point out that this legislation is strongly endorsed by 31 Attorney Generals from all across the country, the very people who can attest to how critical this legislation is to stemming hate crime violence and to prosecuting and punishing the perpetrators of violent hate crimes.

Secondly, with respect to whether this legislation will have a negative impact on free speech, simply put, it will not. H.R. 1592 does not punish or prohibit in any way first amendment rights. It does not affect name-calling, verbal abuse, hateful expression or hate-filled speech. It only addresses violent criminal acts. In fact, there is a first amendment free expression and free exercise provision explicitly included in this bill.

Mr. Speaker, H.R. 1592 solely applies to bias-motivated violent crimes. It does not infringe upon freedom of speech. It can only be applied to violent crimes that result in death or bodily injury where the motivation was based on the bias against a person’s perceived race, religion, ethnicity, sexual orientation, gender, gender identity or disability.

I want to remind all of my colleagues that behind all of the statistics of hate crimes, there are real people, people who were targeted for violence and who suffered violent attacks simply because of who they are.

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

Lisa Craig’s case is just one of thousands, but it demonstrates the bloody reality of these crimes. We need to prevent hate crimes like the one suffered by Lisa Craig from ever occurring again, and we need to give our State and local law enforcement officers and court officials the ability to prosecute and punish the perpetrators of such violent acts for what they are, hate crimes. Passing H.R. 1592 will enable our police, our prosecutors, our judges and our courts to do just that.

Mr. Speaker, I encourage my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in opposition to this closed rule and the underlying bill, the Local Law Enforcement Hate Crimes Prevention Act.

Mr. Speaker, no one supports violent acts of crimes committed out of hatred and bias motivated on personal characteristic whether that is ethnicity, gender, religion, weight, height, age, eye color, profession, socioeconomic background, or political beliefs. If someone commits a crime, they should be punished for that crime. Period.

Instead, today, the Democrat majority has chosen to end equality under the law and to bring legislation to the House floor that creates special categories of people. Specifically, this bill allows Federal assistance to be given to State and local law enforcement to investigate and prosecute felonies that are believed to be motivated by prejudice based on actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

This bill also makes certain crimes a felony in cases where the perpetrator was believed to be motivated by bias and there has been a history of such bias-motivated violence.

Separate treatment is afforded for crimes based on hate against protected classes of citizens under this bill, as opposed to crimes against victims that are not in a protected category. As we learned decades ago, separate is not equal.

The Law Enforcement Hate Crimes Prevention Act is a bad bill and should not be brought to the floor, but especially under the closed process that does not allow for any changes or improvements to the underlying bill.

Eighteen thoughtful amendments were submitted to the Rules Committee yesterday, and sadly, not one of these amendments was allowed to be considered by the full House of Representatives. I am disappointed the Democrat majority again has missed an opportunity to live up to their commitment of allowing input under an open process.

Mr. Speaker, how many special categories of people should this bill create? Have all characteristics for which there has been a history of bias-motivated violence been included in this bill? Should more categories be added and should some be excluded from this bill?

Under this closed rule, these questions will not be answered today by Members of the House through the amendment process.

Yesterday, Mr. FORREY of Virginia offered an amendment to this bill that would expand the list of protected categories of individuals to include members of the Armed Forces. If you believe the government should not afford special treatment to crimes committed against special groups of citizens, then why not our military men and women?

Why aren’t those who volunteer to protect our country’s freedom not afforded this protected status?

Mr. GOHMER of Texas offered an amendment that would add law enforcement officers to the list. There are too many special interest groups in our States and towns, and would-be gang members and would-be gang members have targeted and killed law enforcement officers because of their hatred towards them for choosing to go to work each day to protect our communities. Is committing a crime against law enforcement officers simply because their job is to uphold our laws a crime not deserving of special assistance to investigate and prosecute that crime?

Crimes have been committed against senior citizens, and an amendment was offered to include them under the hate crimes legislation, but that amendment, too, was not allowed under this closed rule today.

The question remains, if the Law Enforcement Hate Crimes Prevention Act creates special protection, then whom should it create special protection for? Because this bill is being brought up under a closed rule, Members of the House and the people they represent do not have an opportunity to voice their opinion on this question through the amendment process.

Mr. Speaker, I must oppose this closed rule, which not only gags the minority party, but gags all Members of the House, who will be denied the right to offer improvements to this legislation. I urge my colleagues to oppose the gag order rule and the underlying bill that creates special categories of citizens and ends equality under the law.

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

Mr. MCGOVERN. Mr. Speaker, I submit for the RECORD a letter signed by 31 State attorneys general, including the Republican attorney general of the State of Washington, in strong support of the underlying legislation.

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

Hon. HARRY REID, Minority Leader, U.S. Senate, The Capitol, Washington, DC.

Hon. JOHN BOHNER, Majority Leader, U.S. House, The Capitol, Washington, DC.

Hon. MITCH MCCONNELL, Minority Leader, U.S. Senate, The Capitol, Washington, DC.

We, the undersigned Attorneys General, are writing to express our strong support of Congressional efforts towards the immediate passage of federal hate crimes legislation. As the chief legal officers in our respective jurisdictions, State Attorneys General are on the front lines in the fight to protect our citizens’ civil rights. Although State and local governments continue to have the primary responsibility for enforcing criminal law, we believe that federal assistance is critical in fighting the invidious effects of hate crimes.

This much needed legislation would remove unnecessary jurisdictional barriers to permit the U.S. Department of Justice to
prosecute violent acts motivated by bias and hate and complement existing federal law by providing new authority for crimes where the victim is intentionally selected because of his or her gender identity, sexual orientation, or disability. Under current law, the Justice Department can only prosecute crimes motivated by bias if the victim's race, religion, or national origin when that person is engaged in a federally protected activity, such as voting. Legislative proposals, such as the Law Enforcement Hate Crimes Prevention Act of 2007 (LLEHCPA) and others, however, would permit federal prosecution of hate crimes irrespective of whether they were prosecuted while the victim was engaged in protected activity.

Removing this outdated jurisdictional barrier to federal prosecution of hate crimes is critical to protecting our citizens' constitutional civil rights. In 2005, the most recent figures available, the FBI documented 7,183 hate crimes reported from 12,417 law enforcement agencies across the country. Yet, it is not the frequency or number of hate crimes, alone, that distinguish these acts of violence from other crimes. Rather, our experiences as prosecutors have shown us, that these crimes can have a special impact on victims, their families, their communities and, in some cases, entire nations. Indeed, in Wisconsin v. Mitchell, 508 U.S. 47 (1993), Chief Justice William Rehnquist wrote for a unanimous Supreme Court in upholding the constitutionality of federal laws punishing persistence in employment discrimination. The Court recognized that "bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and increase the risk of future violence." Hate crimes have lead to the polarization of communities, increases in security needs at schools and churches, declines in property values and the creation of an overall atmosphere of fear and distrust. All too often that climate has hindered the efforts of local law enforcement and placed the lives of police officers and civilians in jeopardy.

As the chief legal and law enforcement officers of our respective states, we are mindful that the overwhelming majority of criminal cases are brought by local police and prosecutors at the state level. However, in those rare situations in which local authorities are unable to act, measures such as the LLEHCPA and others provide a backstop to state and local law enforcement by allowing federal involvement if it is necessary to provide the needed protection. These measures would provide invaluable tools to federal law enforcement to help state authorities in their fight against hate crimes. Therefore, we strongly urge the passage of important hate crimes legislation by the 110th Congress.

Sincerely,

Lisa Madigan, Attorney General of Illinois; Mike McGrath, Attorney General of Montana; Montana Cezotez Masto, Attorney General of Nevada; Gary King, Attorney General of New Mexico; Andrew Cuomo, Attorney General of New York; Marc Dann, Attorney General of Ohio; Hardy Myers, Attorney General of Oregon; Bob Ferguson, Attorney General of Rhode Island; William H. Sorrell, Attorney General of Vermont; Vincent Frazier, Attorney General of Virginia; Rob McKenna, Attorney General of Washington.

Let me also say, Mr. Speaker, that I stand by this rule. We are talking about life and death issues here. We are talking about people's civil rights. And, unfortunately, I think it is clear that there are some on the other side of the aisle who oppose the expansion of civil rights protections for threatened groups living in the United States, and I believe they are flat wrong. But this gives the Members, every Member of the House, the opportunity to vote up or down on whether or not they believe that we should expand protections. I think this is an appropriate rule, and I strongly support the underlying bill.

Mr. Speaker, at this time, I would like to yield 3 minutes to the distinguished gentleman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. I thank my distinguished colleague from the Rules Committee.

Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act. In doing so, I join with the majority of Americans and law enforcement agencies who understand that violent acts fueled by bigotry and hatred of a particular group simply because of who they are has no place in America. H.R. 1592, and this rule, strengthens and broadens protections for our neighbors for attacks based on disability, gender, and sexual orientation. This rule, which is a note that is a footnote in the U.S. Code, the only specific reference in the statute which directs the Sentencing Commission to take into consideration hate motivation when they want to enhance penalties. There is no statutory definition of it, however, with respect to the crime itself. And that note refers to sexual orientation simply as consensual homosexual or heterosexual conduct.

Now, why would they not allow us to have that simple amendment, which we discussed it in committee, I was told that is what they meant the bill to be? The chairman of the committee said to me it sounded like a reasonable amendment because that's exactly what they intended it to be. So why don't we have the opportunity to oppose this amendment on the floor? I do not know.

And why would I be concerned about a failure for us to define this term? Because if you use the term "sexual orientation" and use the definition found in the dictionary of those two words, it means any orientation of sexual conduct. Now, why would I be concerned, being a former attorney general of the

Hunt, Attorney General of Maine; Douglas Gansler, Attorney General of Maryland.

Martha Coakley, Attorney General of Massachusetts; Lori Swanson, Attorney General of Minnesota; Jeremiah W. Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Catherine Cortez Masto, Attorney General of Nevada; Gary King, Attorney General of New Mexico; Andrew Cuomo, Attorney General of New York; Marc Dann, Attorney General of Ohio; Hardy Myers, Attorney General of Oregon; Bob Ferguson, Attorney General of Rhode Island; William H. Sorrell, Attorney General of Vermont; Vincent Frazier, Attorney General of Virginia; Rob McKenna, Attorney General of Washington.

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And why would I be concerned about a failure for us to define this term? Because if you use the term "sexual orientation" and use the definition found in the dictionary of those two words, it means any orientation of sexual conduct. Now, why would I be concerned, being a former attorney general of the
State of California and having served in this Congress now for seven terms representing my State? Because I recall some 20 years ago when a debate ensued in my then-existing district in Palos Verdes, California, where the local chapter of NAMBLA, which is the National Association for theMutual Understanding of Boys, was placed into what was then called a ‘fugitive list.’ NAMBLA, and the dispute was that they wanted to have their local chapter meetings at the local library. Some of you may have seen their banners in certain parades that take place in San Francisco, NAMBLA, and instead of hiding, proudly proclaims their position of ‘sexual orientation.’ They argue, for instance, that we are denying children their right to have sexual expression with adults and that somehow we are hampering their development.

I am not making this up, my colleagues. This is a fact. And under a nondefined term of ‘sexual orientation,’ that very well may be included. I could give you other examples, but that is a current example. And in order to make sure that that kind of activity is not enshrined in the law and given special protection, I asked for this simple amendment. And when I was in debate in the Committee, I was told by the chairman that it made ample sense and we ought to work to do that.

So then I go before the distinguished Committee on Rules, make this presentation, have no argument against it, and yet am denied the simple opportunity to offer that.

So the question is why? If you don’t want to extend this definition, if you don’t want to have this free play out there in the legal atmosphere, why do you deny me the opportunity to offer that kind of activity? Is there a hidden agenda here? Is there something we don’t know? Are we flying under false flags here? What are we doing? This is more, my colleagues, than just a dispute between the majority versus the minority on the Rules Committee. This is more than just hammering the minority. This is a question of simple definition which goes to a crucial question in our society today.

So my concern, my colleagues, is not fanciful. It is not made up. It is not something that may happen in the future. This is based on an experience that I have seen for 20-plus years in my home State. And yet when I asked to have this considered, I was told that it made eminent sense, we basically hear a great silence. A great silence.

Now, we can have games here in the House of Representatives, majority versus minority, but when it affects the lives of our constituents, when it affects the lives of our constituents, when it affects the lives of our constituents, it seems to me we ought to rise above this kind of nonsense, and we ought to at least give the Members the opportunity to consider.

Maybe the Members don’t agree with me. Maybe the Members think we ought to expand this definition. But at least we ought to have the chance to debate it. [1045]

Last time I checked, we’re not under a time clock here that requires us to leave. We could consider this. So I would ask my colleagues to please vote down this rule. Allow us to bring forward a rule that allows consideration of these and other amendments.

Mr. MCGOVERN. Mr. Speaker, before I yield to the gentlelady from Texas (Ms. JACKSON-LEE), I would like to give my colleagues a couple of examples of the kinds of crimes that we’re talking about here.

In Los Angeles, California, 2003, after seeing him hugging another man on the street, three men attacked Treve Broudy, who was 34 years old, with a baseball bat. The incident left Broudy in a coma. Broudy was also hospitalized for approximately 10 weeks after the attack, and has lost half of his vision and has experienced trouble hearing.

In Charlottesville, Virginia, in 1997, James Kittredge was attacked by three young men from the backyard of a gay club in Charlottesville, Virginia. The men offered to take him to party, but instead they dragged Kittredge out of his car, where they beat him, smashing eight of his ribs, punching him in the eye socket, urinated on him, put cigarettes out on him and locked him in his own trunk. He was found over a day later.

I can go on and on and on with examples of these hate crimes, but this is what we are trying to prevent, Mr. Speaker.

Mr. Speaker, at this point, I would like to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE). (Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the Rules Committee for very diligent and thorough review. About 14 Members of Congress were able to present their case before the Rules Committee.

I think it is important, Mr. Speaker, to reaffirm that this is about hate. There are already well-recognized doctrines and no disagreement that no matter who you are as an adult, sex or gender, that is wrong. Many of us have enthusiastically supported Federal laws that already oppose that kind of abuse and violation.

It is important to note that not only in the Rules Committee did Members have the opportunity to make the case as to the relevance of their amendments to this bill, but we sat for hours and hours in the Judiciary Committee going over amendment after amendment, amendments that were not about hate. They were, of course, certainly later, but they were protected in other aspects of the law. This bill pertains specifically to historical documented cases that, because of your disability or because of your race, because of your gender, because of your gender identity, you have been abused.

You have not seen the depth of degradation unless you’ve listened to people that, to them, who cannot, for any reason, tell you why they are who they are, but they say they are who they are, sort of a mix of words. And the pain of living as a human being who is rejected every day of their life, fearful that they may encounter brutality, the simplicity of this bill. That is why 31 Attorney Generals currently serving have said we need this. That is why they have asked the Federal Government simply to help us calm the communities, prosecute the cases, make sure that those who have a historical investment in themselves, who they are, can be protected; that a young Hispanic teenager does not have to be brutalized by skinheads. It is emotional, it is real, but it is true.

And so when my colleagues talk about this rule, let me assure you that hours upon hours of attention to amendments have already been given, debated, presented. But what we have to do is to answer the pain, answer the violence, and yes, answer the call of 31 attorneys of the United States of America.

Pass this rule so that we can debate the question of preventing hate.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, this is a critical piece of legislation, not from the good that it will do, but from the chilling and even killing effect it will have down the road on free speech.

Now, I know that there are people that have said that this is an overreaction, much like people said in 1935 that the nuts here on the floor that were concerned Social Security numbers, once created, might be used as identification numbers, and they were promised and assured that it would not happen. But some folks here could see down the road where it was going.

Now, the rule on this is so grossly unfair. If you really want to deal with hate crimes, what about the hate crimes for the elderly? We’ve seen that that wasn’t part of the agenda. No, that wasn’t part of the agenda. You can have a 100-year-old woman beat up by some mean thug, but that doesn’t count; we’re not going to prosecute. She doesn’t deserve protected status.

Frankly, I had a hard time believing we were taking up this law immediately after the tragedy at Virginia Tech. We even had a Holocaust survivor that was randomly shot. I had an amendment proposed that was struck in committee, and the rule being proposed is a closed amendments, but that would address random violence. Because what we see is a Federal offense where a defense will be, you
Mr. Speaker, if someone commits a crime, they should be punished. Period. This is a bill that ends equality under the law by authorizing $10 million in grants over 2 years to State and local law enforcement to combat hate crimes targeted to special categories of individuals. The Senate has approved it by a vote of 239-199. The Senate has approved the bill on two occasions since 2000, most recently in June, 2004 by a vote of 65-33. Unfortunately, in the past, the House leadership has acted to block approval of this legislation.

This legislation has received bipartisan majority support in Congress. In the last session of Congress, on September 14, 2005, the House of Representatives passed the measure as an amendment to the Children’s Safety Act by a vote of 239-199. The Senate has approved the bill on two occasions since 2000, most recently in June, 2004 by a vote of 65-33. Unfortunately, in the past, the House leadership has acted to block approval of this legislation.

The measure also enjoys the support of over 210 civil rights, professional, civic, and religious groups, 31 state Attorneys General, former Attorney General Dick Thornburgh, the endorsement of the National Education Association, the Religious Action Center of Reform Judaism, the Matthew Shepard Foundation and the UAW.

LOCAL LAW ENFORCEMENT HATE CRIME PREVENTION ACT OF 2007

This measure is critical to helping law enforcement effectively address the ravaging effects on hate crimes on both the victims of these crimes and the communities destabilized by the fear and anger they generate. . . . In the past, PERF has opposed efforts to expand the federal government’s authority over traditionally local crimes. However, given the unusual nature of hate crimes and the substantial gaps in state laws, PERF believes in a significant federal role in combating hate crimes. Specifically, unlike race, color, religion and national origin, sexual orientation is not covered by federal law enforcement research. These grants are only available when a jurisdiction has a hate crimes program. Presently, unlike race, color, religion and national origin, sexual orientation is not covered by federal law enforcement. This belief is a grave oversight that needs to be corrected. . . . We respectfully urge you to do everything you can to give law enforcement the tools it needs to fight crime in this country. . . . Excerpts from letters to members of Congress from Chuck Wexler, Executive Director, PERF, July 19, 2004.

National Sheriffs’ Association

On behalf of the National Sheriffs’ Association, I am writing to ask for your support for the Local Law Enforcement Act (LLEEA). Unfortunately, there are situations where state and local authorities are unable to properly investigate these crimes. This legislation overcomes those situations. The passage of LLEEA will greatly assist state and local law enforcement agencies in investigating and prosecuting hate crimes.”—Excerpts from letters to Congress from Sheriff James Pond and Detective Sergeant Robert DeBree, Albany County Sheriff’s Department, Nov. 11, 1999.

Eric Holder, Former U.S. Deputy Attorney General

“The enactment of H.R. 1082 [bill number for Hate Crimes Prevention Act, 106th Congress] would significantly increase the ability of the federal government and law enforcement agencies to work together to solve and prevent a wide range of violent crimes committed because of bias based on the race, color, national origin, religion, sexual orientation, gender, or disability of the victim. This bill is a thoughtful, measured response to a critical problem facing our Nation.”—Excerpts from testimony before the House Judiciary Committee hearing on hate crimes, Aug. 4, 1999.

May 3, 2007

CONGRESSIONAL RECORD—HOUSE H4425

Mr. Speaker, this is a bad rule because it’s a closed rule, which has been demonstrated with the observations of Mr. LUNGREN and Mr. GOHMERT.
Jeanine Pirro, District Attorney from Westchester County, N.Y.

“The vast majority of criminal prosecutions are brought by local prosecutors... That is the way it should remain... However, when states are unable or unwilling to recognize and address fundamental issues vital to our society. And, when that time comes, the federal government must take action. It is a civil right, and the proper role of the federal government in controlling this menace should mirror federal action in other areas of civil rights... I hope that today’s federal action on this pressing issue will encourage states... to enact legislation of their own...—Excerpts from testimony before the Senate Judiciary Committee, May 11, 1999.

Laramie, Wyoming, Police Department

“When it comes to the families of hate crime victims, Congress needs to also be able to do what these people in the eyes and say is doing all it can. In all honesty, right now they cannot say this. There is much more they can do to assist us in helping these families—find the police will to do so... Yes, justice was served in the end during the Shepard investigation. But the Albany County Sheriff’s office had to forgo investigators because of soaring costs. If the Local Law Enforcement Enhancement Act were passed, this would never have happened...—Excerpts from press statement made by Commander David O'Malley, chief investigator in the murder of Matthew Shepard, Sept. 12, 2000.

National Association of Attorneys General

“We are writing to express our enthusiastic support for the passage of... the Hate Crimes Prevention Act. Although state and local governments will continue to have the principal responsibility, an expanded federal role in investigating and prosecuting serious forms of hate crimes is critically needed if we are to be successful in addressing and deterring these crimes in our nation. The act would provide invaluable tools for the United States Department of Justice and the United States Attorneys to combat hate crimes effectively...—Excerpts from letter signed by 31 State Attorneys Generals to Speaker Dennis Hastert, October 11, 1999.

National Center for Women & Policing

“...I want to assure you of our support for the Hate Crimes Prevention Act... We realize the significance of this important piece of legislation...—Excerpts from letter from Chief Penny Harrington, Director, National Center for Women & Policing, to Elizabeth Birch, Human Rights Campaign, March 23, 2000.

National District Attorneys Association

“On behalf of the members of the National District Attorneys Association, I am writing to express our organization’s support of the ‘Local Law Enforcement Enhancement Act of 2005.’... With local law enforcement and prosecutors investigating and prosecuting hate crimes, 96 percent of the crimes committed such assistance would certainly provide state and local officials with the necessary tools to address crimes motivated by prejudice...—Excerpts from letter to the Honorable Edward M. Kennedy, April 14, 2006.


National Coalition for Asian Pacific American Community Development, National Coalition for Asian Pacific American Women’s Forum, National Congress of American Indians, National Council on Deaf-Blindness, National Coalition of Public Safety Officers, National Conference for Community and Justice (NCCJ), National Congress of Hispanic Americans, National Council of Churches of Christ in the USA, National Council of Jewish Women,
NEA has taken aggressive steps to address the issue of hate crimes in the context of schools and school districts. NEA and its affiliates have worked to develop training for educators and provide resources to students regarding hate crimes and human relations skills. But our efforts in this area will not be successful absent a comprehensive federal/state/local partnership. This legislation has strong bipartisan support in Congress: the support of more than 210 law enforcement, civil rights, civic and faith leaders. Representation of the overwhelming majority of American people. We urge your support for this important initiative.

Sincerely,
DIANE SHUST,
Director of Government Relations.

Randall Moody,
Manager of Federal Advocacy.

RELIGIOUS ACTION CENTER OF REFORM JUDAISM, April 30, 2007.

DEAR REPRESENTATIVE: On behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, I urge you to vote for H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007 (LLEHCPA).

All violent crimes are reprehensible, but the damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes rend the fabric of our society and fragment communities; they target a whole group of people, not just the individual victim. By providing new authority for federal officials to investigate and prosecute cases in which the violence occurs because of the victim's real or perceived sexual orientation, gender identity, gender, or disability, the LLEHCPA will significantly strengthen the federal response to these horrific crimes.

This legislation only applies to bias-motivated crimes, and will not affect lawful public speech or preaching in any way. States will continue to play the primary role in prosecuting hate crimes, but the LLEHCPA will allow the federal government to intervene in cases where local authorities are either unable or unwilling to investigate and prosecute hate crimes.

Studying hate crimes reveals the significant increased risk of violence and harassment faced by members of our communities. This long-overdue legislation would rightly classify violence based on sexual orientation, gender identity, gender, or disability as a hate crime under federal statute.

We cannot allow another Congress to slip by without enactment of the Local Law Enforcement Hate Crimes Prevention Act of 2007. As Jews, we cherish the biblical commandment found in Leviticus 19:17: "You shall not hate another in your heart." We know all too well the dangers of unchecked persecution and of falling to recognize hate crimes for what they are: acts designed to victimize an entire community. We also take to heart the commandment "You may not stand idly by when your neighbor's blood is being shed" (Leviticus 19:16). Jewish tradition consistently teaches the importance of tolerance and the acceptance of others. Inasmuch as we want to see the American justice system actively work to improve, open, and make safer our communities.

This bill has come far too close to becoming law for too many of us to be silent and let this bill be misconstrued by these organizations claiming that this legislation would punish religious people for anti-gay speech—dubbing this a "thought crime bill".

These claims are completely false. This legislation would grant local law enforcement officials federal funds for the investigation and prosecution of violent crimes motivated out of prejudice and hate that result in serious bodily injury and death. Claims that the bill would punish preaching or other ways of speaking out against homosexuality ring particularly hollow because the legislation was specifically crafted to prevent that. Two separate provisions make clear that religious activity cannot be targeted under consideration could not be used to prove a hate crime.

As the parents of a young man killed simply for being gay, we refuse to be silent and let this bill be misconstrued by these organizations. Let each of us be mindful that the only crime of thought we can commit this week would be to let these lies take our collective sights off of this vital bill and the thousands of Americans who have lost their lives to senseless hate violence.

Since Matthew's death, while we have continued our own personal grieving, we have met too many other parents who have lost children in the same way we did. For all of those parents, for our own family, and for Matthew—we are calling all members of the House of Representatives to vote YES on the H.R. 1592 and to resist any attempts to kill this critical piece of legislation to protect all Americans from violence. If you have any questions or would like additional information, please contact Brad Clark, Outreach & Advocacy Director, at (303) 830-7400 or bradclark@theshepardfund.org.

Sincerely,
JUDY SHEPARD,
Executive Director.

DEAR CONGRESSPERSON MCGOVERN: On behalf of the Matthew Shepard Foundation, we urge you to vote YES and resist any amendments and motions to recommit on the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA) of 2007 (H.R. 1592).

Hate crimes are an unrelenting and under-addressed problem in the United States. By enacting the LLEHCPA, a crucial step will be taken to address violent crimes committed all too often against individuals based on actual or perceived sexual orientation, gender, gender identity, and disability.

In particular, hate crimes based on sexual orientation are of grave concern. According to the Federal Bureau of Investigation’s (FBI) Uniform Crime Reports, approximately 10,000 hate crimes based on sexual orientation have been reported since 1998.

Consistently, since 1998, hate crimes based on sexual orientation have ranked as the highest category of reported incidents in the United States. These are just the statistics. Behind these numbers are real human beings—our son Matthew being one of them.

Despite evidence of the grave reality of hate crimes, anti-gay political organizations are spreading misinformation and lies. Many members of Congress have benefited by these organizations claiming that this legislation would punish religious people for anti-gay speech—dubbing this a "thought crime bill".

These claims are completely false. This legislation would grant local law enforcement officials federal funds for the investigation and prosecution of violent crimes motivated out of prejudice and hate that result in serious bodily injury and death. Claims that the bill would punish preaching or other ways of speaking out against homosexuality ring particularly hollow because the legislation was specifically crafted to prevent that.

Two separate provisions make clear that religious activity cannot be targeted under consideration could not be used to prove a hate crime. This is about violent actions.

As the parents of a young man killed simply for being gay, we refuse to be silent and let this bill be misconstrued by these organizations. Let each of us be mindful that the only crime of thought we can commit this week would be to let these lies take our collective sights off of this vital bill and the thousands of Americans who have lost their lives to senseless hate violence.

Since Matthew's death, while we have continued our own personal grieving, we have met too many other parents who have lost children in the same way we did. For all of those parents, for our own family, and for Matthew—we are calling all members of the House of Representatives to vote YES on the H.R. 1592 and to resist any attempts to kill this critical piece of legislation to protect all Americans from violence. If you have any questions or would like additional information, please contact Brad Clark, Outreach & Advocacy Director, at (303) 830-7400 or bradclark@theshepardfund.org.

Sincerely,
RABBI DAVID SAPERSTEIN,
Director and Counsel.
with the intention of terrorizing a group of people or an entire community.

Now, we’ve heard arguments from some on the other side that this bill somehow violates the first amendment. In fact, the bill includes an explicit statement that the bill may not be interpreted as limiting first amendment protections language that is based on the existing Washington State hate crime statute. The provision only applies when a person, not thought or speech, is being punished.

Mr. Speaker, the United States Supreme Court has rejected the claim that a hate crime law is a law against thoughts. The Supreme Court recognized some years ago that it is common to take motive into account in criminal law.

So to those of my colleagues who are worried about protecting bigoted speech, they can stop worrying because this bill, sadly, will not affect that kind of speech.

Now, some have argued that this law is an unnecessary extension of the Federal Government. The bill provides support and resources to local law enforcement agencies. The majority of hate crimes will still be prosecuted at the State level. The Federal Government only has jurisdiction in certain limited and extreme circumstances.

The Federal Government has the responsibility, Mr. Speaker, to protect all Americans against bigotry and against violent crime.

So what we have before us, Mr. Speaker, is relatively simple, you either support or you expand your explication of civil liberties and civil rights and civil protections under the law, or you don’t. So that is the question that my colleagues have to deal with.

I think the answer is simple. I think we should support this legislation. This is a good bill. It should enjoy bipartisan support because it has in the past. I would urge all of my colleagues to support this rule and to support the bill.

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the floor that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

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 adoption of the resolution.

The vote was taken by electronic device, and there were—yea 217, nay 196, not voting 19, as follows:

Abercrombie—
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Bowser—
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Boyle (KS)—
Brady (PA)—
Braley (IA)—
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Delsertfeld—
Capps—
Capuano—
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Carnahan—
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Crowley—
Cuellar—
Cummings—
Davis (AL)—
Davis (CA)—
Davis (IL)—
Davis, Lincoln—
DeFazio—
DeGette—
DeLauro—
Dicks—
Dingell—
Doggett—
Donnelly—
Doyle—
Edwards—
Ellison—
Elmore—
Emmanuel—
Ehlers—
Erdreich—
Farr—
Filer—
Frank (MA)—
Giffords—
Gillibrand—
Gonzalez—
Gordon—
Green, Al—
Green, Gene—

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Baker—
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Ackerman not voting 20, as follows:

Speaker, I demand a recorded vote.

Mrs. BOYDA of Kansas changed her vote from “no” to “aye.”

Mr. CONVERS, Mr. Speaker, pursuant to House Resolution 364, I call up the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows: H.R. 1592

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 2007”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) 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 poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities

[Table with voting results]

NOT VOTING—20

Mr. DUNCAN, Ms. FRAYE of Ohio, and Mr. BURGERSS changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

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(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities

[Table with voting results]
more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages those sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced both prior to and after the adoption of the 13th Amendment to the Constitution of the United States, through widespread public and private violence directed against persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ‘races’. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religious or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is a currently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. 3. DEFINITION OF HATE CRIME.

In this Act—

(1) in general.—At the request of 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 law;

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, disability, or immigration status of the victim;

(D) is committed by an individual acting on behalf of a government, or an attempt to commit such an offense;

(E) involves the use, attempted use, or threatened use of coercion through fear, and that such coercion, attempted coercion, or threatened coercion was committed by an individual acting on behalf of a government; or

(F) involves threats of violence, and that such threats were committed by an individual acting on behalf of a government;

(G) involves a贵 office of the Federal Government or a State or local government; or

(H) involves the attempted intimidation or incitement to intimidate a person or group;

(I) involves the use of intimidation, or attempted intimidation, and that such intimidation, attempted intimidation, or threatened intimidation was committed by an individual acting on behalf of a government;

(J) involves the transmission of a communication, and that such transmission was committed by an individual acting on behalf of a government;

(K) involves the transmission of a communication, and that such transmission was committed by an individual acting on behalf of an entity that is a State or local government.

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

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, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability—

(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.

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

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, 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—

(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.

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

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, 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—

(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—

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H.R. 1592
Be it enacted by the Senate and House of Representa
tives of the United States of America in Congress assemled,
SECTION 1. SHORT TITLE. This Act may be cited as the “Local Law En
forcement Hate Crimes Act of 2007”.

SEC. 2. DEFINITION OF HATE CRIME. In this Act—
(1) the term “crime of violence” has the mean
ning given that term in section 16, title 18, United States Code;
(2) the term “hate crime” has the meaning given such term in section 2000a(3) of the Vio
lent Crime Control 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 pur
pose political subdivision of a State.

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

(a) ASSISTANCE OTHER THAN FINANCIAL AS
SISTANCE.—
(1) IN GENERAL.—At the request of State, local,
or Tribal law enforcement agencies, the Attorney General may provide technical, forensic, pros
cutorial, 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 investigating or prosecuting such crimes.

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

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 PER
SONNEL 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 2008, 2009, and 2010 such sums as are necessary to increase the personnel to investigate 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 PER
CEIVED RACE, COLOR, RELIGION, OR NATIONAL OR
IGIN.

“(A) In general.—The provisions of this subsection shall apply to any act that, because of the cause of the actual or perceived race, color, religion, or national origin of any person—
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May 3, 2007

"(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 an attempt to kill; or

"(ii) the offense includes an attempt to use a firearm, explosive, or incendiary device, or other weapon that has traveled in interstate or foreign commerce, and the conduct described in subparagraph (A), the circumstances described in subparagraph (B), or 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 an attempt to kidnap, aggravate 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 state or national borders; or

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

"(iii) in connection with the conduct described in subparagraph (A); and

"(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 offense; or

"(II) otherwise affects interstate or foreign commerce.

"(C) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this section 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 an 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 under subparagraph (A) and the actual or perceived sexual orientation, gender identity, or disability of any person was a motivating factor under subparagraph (B); and

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

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

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

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

"(D) the verdict or sentence obtained pursuant to this Act is not to be enforced and the defendant is not to be taken into custody;

"(ii) is unprovoked, or is unprovoked by the victim, unless the evidence specifically relates to that offense.

"(3) the term ‘gender identity’ for purposes of this subsection means actual or perceived gender-related characteristics.

"(B) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression by, or any activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution.

"(a) 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 firearms, 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—

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

"(i) the offense includes an attempt to kidnap, aggravate sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(C) DEFINITIONS.—In this section—

"(1) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

"(2) the term ‘firearm’ has the meaning given such term in section 921(a) of this title; and

"(3) the term ‘gender identity’ for purposes of this section means actual or perceived gender-related characteristics.

"(D) SEVERABILITY.—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 clauses of the First Amendment to the Constitution.

"(a) SEVERABILITY.—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 clauses of the First Amendment to the Constitution.

"(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."

SECTION 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 inapplicable, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act, or the amendment shall not be affected thereby.

SECTION 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 free speech or free exercise clauses of the First Amendment to the Constitution.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to review and extend their remarks on H.R. 1592.

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

There was no objection.

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

Mr. Speaker, the hate crimes bill, H.R. 1592, will provide assistance to State and local enforcement agencies and amend Federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes.

Last Congress, this legislation passed with a bipartisan vote, and it also passed in the Senate and the 106th Congress. So we have the same bill before us that we had in the 109th Congress.

This legislation has attracted the support of over 211 civil rights organizations, educational institutions, religious organizations, civic groups; and importantly, virtually every major law enforcement organization in the country has endorsed the bill, including the International Association of Chiefs of Police, the National District Attorneys Association, the International Association of Sheriffs' Associations, the Police Executive Research Forum and 26 State attorneys general.

Hate crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. It just so happens that we documented 113,000 hate crimes by the Federal Bureau of Investigation, and in the most recent data available, the FBI compiled reports on law enforcement agencies across the country, identifying 7,163 bias-motivated criminal incidents.

The fact of the matter is that is known to law enforcement is that hate crime incidents are notoriously under-reported; and so we come here today to take the civil rights laws that we have passed across the years to the last, final extent, to crimes of violence based on the hate of the individual, intended to intimidate the class or group that that individual comes from.

We have a strong bill. We have more supporters than ever in the Congress and in the national. And we know that the current law limits Federal jurisdiction over hate crimes against individuals on the basis of race, religion, color or national origin, but only when the victims targeted because he or she is engaged in a Federal protected activity, such as voting.

Further, the existing statutes do not permit federal involvement in a range of cases where the crimes are motivated by bias against the victim's actual or perceived sexual orientation, gender, gender identity or disability.

This legislation, identical to the version approved in the 109th Congress, will strengthen existing Federal law in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson, by addressing the rigid jurisdictional requirements under Federal law and expand the jurisdiction to crimes motivated by bias against the victim's actual or perceived sexual orientation, gender, gender identity or disability.

This bill only applies to bias-motivated crimes of violence. It does not impact on public speech or writing in any way. In fact, the measure improves two specific first amendment free speech protections for the accused, and we want you to know that there are no first amendment disabilities about this measure in any way. As a personal advocate of the first amendment, I can assure you that that would be the last thing that would be allowed to be in this bill.

But what we are saying now is that a vote for this bill is not a vote in favor of any particular sexual belief or characteristic. It is a vote, rather, to provide basic rights for and protection for individuals so that they are protected against violence based on their sexual orientation.

But the majority of incidents reported on racially motivated crimes, 54 percent, are based on racially motivated crimes, 17 percent on religiously motivated bias, and 14 percent on sexual orientation bias.

The time has come for the Congress to finally deal with this whole subject

"(b) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression by, or any activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution.

"(a) SEVERABILITY.—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 clauses of the First Amendment to the Constitution.

"(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:
of hate crimes. It is a blot on our constitutional understanding of what democracy is all about, and it is so important that today we debate and pass finally the hate crimes law that has been here and approved in three different Congresses.

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

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

Mr. Speaker, I oppose this bill. H.R. 1592, for three reasons. First, the bill will result in disproportionate justice for crime victims who do not fall within the categories it contains. Second, it will have a chilling effect on religious freedom and first amendment rights. And third, it is probably unconstitutional and raises significant Federalism issues.

We can all agree that every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating not only to the victim, but also to the larger community whose public safety has been violated. That is why all violent crimes must be vigorously prosecuted. However, this bill, no matter how well intended, undermines basic principles of our criminal justice system.

Our criminal justice system has been built on the ideal of equal justice for all. Under this bill, justice will no longer be equal, but depend on the race, sex, sexual orientation, disability or status of the victim. It will allow different penalties to be imposed for the same crime. For example, criminals who kill a homosexual or transsexual will be punished more harshly than criminals who kill a police officer, a member of the military, a child, a senior citizen or any other person.

To me, all victims should have equal worth in the eyes of the law. In fact, in 1984, Congress, in a bipartisan manner, enacted the Sentencing Reform Act to ensure the consistent application of criminal penalties to avoid, "unwarranted sentencing disparities among defendants who have been found guilty of similar criminal conduct."

Why are we departing from the fairness embodied in that Act? Ordinarily, criminal law does not concern itself with motive, but rather with intent.

This legislation forces law enforcement officials to comb the offender’s past to determine whether the offender ever expressed hostility toward a protected group. In addition, the bill raises the real possibility that religious leaders or members of religious groups could become the subject of a criminal investigation focusing on a suspect’s religious beliefs, membership and religious organizations and any past statements made by a suspect. A chill might be real possibility that religious leaders and others who, press their constitutionally protected beliefs, unfortunately, could result.

Some of my colleagues on the other side will claim that an amendment adopted during committee markup protects religious speech. However, it would not diminish the chilling effect of possible involvement in criminal investigation focusing on a religious leaders or members of religious groups and will feel in greater jeopardy as a result of this bill.

The facts of the Supreme Court decision in Wisconsin v. Mitchell underscore the danger of this legislation. In that case, the court ruled against an enhanced hate crime sentence because of remarks he made to prior to others attacking a teenager because of his race. Mitchell did not participate in the physical assault of the teenager. His sentence was upheld. He was punished for his words.

My colleagues on the other side have argued that no prosecutor would ever subject members of a religious community to the criminal process. Are we leaving the determination of first amendment protections to a prosecutor’s discretion?

I also believe the bill itself is probably unconstitutional and will likely be struck down by a Federal court. 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 the 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 apply to non-economic violent criminal conduct that does not cross State lines, nor does the proposed legislation authorized under the 14th and 15th amendments. Those amendments only extend to State action and do not cover the actions of private persons who commit violent crimes.

While the 13th amendment reaches private conduct such as individual economic violence, it is difficult to argue that one’s sexual orientation, disability or gender identity constitutes a badge and incidence of slavery. Aside from the constitutional defects of this bill, it purports to federalize crimes that are being effectively prosecuted by our States and local governments.

FBI statistics show that the incidence of so-called hate crimes has actually declined last 10 years. Only six of approximately 15,000 homicides in the Nation involved hate crimes.

As the Washington Post stated in a previous editorial, "Rape, murder and assault are crimes. Violence motivates the perpetrator—are presump-

Unfortunately we cannot legislate away the hatred that some feel in their hearts. We need fewer labels and more unity in our country. For all the reasons I have mentioned above, I oppose this bill.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to a distinguished member of the committee, TAMMY BALDWIN of Wisconsin.

Ms. BALDWIN. Mr. Speaker, the House today has a historic opportunity to expand upon the principles of equal rights and equal protection embodied in our Constitution by passing the Local Law Enforcement Hate Crimes Prevention Act.

This Act would offer Federal protections for victims of hate crimes targeted because of their race, color, religion, national origin, sexual orientation, gender, gender identity or disability. These characteristics are included in this hate crimes legislation, as well as many others that they leave the target of any special protection as opponents of this legislation claim, but because of the history of particularly heinous and violent crimes committed against individuals based on such characteristics. That’s what warrants this inclusion.

I wanted to share personal stories about why this legislation is so important. I only have time for one. Let us never forget the story of Matthew Shepard, who was brutally attacked by his hateful, homophobic assailants and left to die on a fence in a remote area of Wyoming.

Matthew’s death generated international outrage by exposing the violent nature of hate crimes and its horrific effect on the entire targeted community. The sponsors of the Senate hate crimes legislation have renamed the bill the Matthew Shepard Act. Today we have been joined by Matthew’s mother, Judy Shepard and a lead investigator in this case, David O’Malley, who is still courageously advocating for the passage of this legislation more than 8 years after Matthew’s death.

The passage of hate crimes legislation is long overdue. This will be critical for both symbolic and substantive reasons. The legal protections are essential to our system of ordered justice and essential for ensuring that those who commit heinous crimes are punished. But on a symbolic basis, it is important for Congress to enunciate that all hate crimes will be punished equally—targeting women, gays, lesbians, transgender individuals and people with disabilities will no longer be tolerated.

Mr. Speaker, I want to thank Chairman Conyers, Chairman Scott, and the staff of the Judiciary Committee for their diligent work in bringing the bill to the floor.

Hate crimes are different than other violent crimes because they seek to instill fear into a whole community—be it burning a cross in someone’s yard, the burning of a synagogue, or a rash of aggravated batteries of people outside a gay community center. These are crimes motivated by prejudice and meant to send a message to society and others who
Mr. Speaker, this bill also addresses many of the expressions of sexual orientation, gender, gender identity or disability.

Mr. Speaker, this bill also addresses many of the expressions of sexual orientation, gender, gender identity or disability.
Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), a member of the Judiciary Committee and a former speaker of the Florida house.

Mr. FEENEY. I am very grateful to the ranking member.

Mr. Speaker, hate is an awful thing, but we cannot punish people for what is in their hearts. We cannot punish people and make it a crime for what people are thinking. We punish acts in this country.

Unfortunately, I think this bill is badly misnamed. This bill should not be called the hate crimes bill, this should be called the unequal protection bill, because what it does is to say that the dignity and the property and the person and the life of one person gets more protection than another American. That is just wrong. With respect to my friend from Illinois, who just said hate crimes can tear this country apart, that is what this bill does. It gives more protection than another American.

We need to treat all Americans equally. Justice ultimately must turn on the fundamental word of each and every human being: we are made in God’s image and before the law. This bill undermines both of those principles.

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

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the chairman of the Subcommittee on the Constitution, the gentleman from New York, Mr. JERRY NADLER, for 2 minutes.

Mr. NADLER. I thank the gentleman. The gentleman from Texas, Mr. SMITH, has said this bill deals with violent crimes committed against victims who are singled out solely because someone doesn’t like who they are. Violent attacks because of actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity, or disability often cause serious injury or death. They are more serious than a normal assault because they target not just an individual, but an entire group. They spread terror to all members of the group and often deter them from exercising their constitutional rights, sometimes for simply walking down the wrong street.

The only question for Members is whether they believe that singling out a person for a crime of violence because of his or her race, religion or because any other trait is sufficiently heinous to merit strong punishment.

For many years, Mr. Speaker, Congress debated what were known as the Federal lynching laws. They were designed to deal with the widespread practice of lynching primarily African Americans. There was staunch resistance to those laws here in Congress. For three decades, they did not pass while thousands were lynched. We heard many of the same arguments then as we are hearing today. That was not a proud period in our Nation’s history. Today, we can do the right thing. I hope we can agree to do so.
Under current law, the attackers of someone like Michael Sandy of Brooklyn, who was attacked simply because he was walking down a street and he was gay, could not be prosecuted for a hate crime because, under existing law, only victims targeted because they are engaging in a federally protected activity, such as voting, are protected. This bill expands the definition to cover all violent crimes motivated by race, color, creed, national origin, etcetera.

This is not an issue of free speech. This is with crimes of violence in which the victim is selected with his or her status.

The law routinely looks to the motivation of a crime and treats the more heinous and ought to be treated as such.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I appreciate the ranking member of the Judiciary Committee yielding to me.

This bill before us today is one that I have dreamed seeing come before the American people.

I was born in 1949. That was the year that George Orwell published the book “1984.” I offered an amendment in committee to change the title of this bill from the Hate Crimes bill to the Thought Crimes bill. In fact, you are seeking to punish thought. And even though the gentleman from Virginia has stated correctly that under this bill, they will be prosecuting crimes, they will also be sentenced for thoughts.

Orwell wrote in 1949 in the book “1984.” “We are not interested in those stupid crimes that you have committed. The party is not interested in any overt act. The thought is all that we care about. We do not merely destroy our enemies; we change them. Do you understand what I mean by that?”

And he goes on to define “crimethink,” which is exactly the bill before us today. And he defines it this way: “Under any such crime is death. Thoughtcrime does not entail death; thoughtcrime is death. The essential crime that contains all others in and of itself.”

And the definition of “Ingsoc” is English socialism, which is how he defined the coming creeping of socialism and Marxism that he feared.

So I make that point strongly that we have now come to this. “1984” has manifested itself on the floor of the United States Congress with the belief that, somehow or another, we can divine what somebody thinks and then punish them for it. And I have been called a racist on the floor of this House for using the term “cultural continuity.” How can someone who has not committed any crime who has not been elected to the United States Congress be sitting on a jury of me? We judge by a jury of our peers, or the peers of the accused and what’s in their mind. That’s a thoughtcrime in and of itself.

Mr. CONYERS. I yield 1 minute now to a distinguished member of the Judiciary Committee, Mr. ELLISON of Minnesota.

Mr. ELLISON. Mr. Speaker, it is horribly sad that anyone would want to vocalize hateful ideas, but it is not illegal. What Don Imus said about African American women was legal though deplorable. But violence is not. Violence is different. Violence is acts, if motivated by a single thought, can make an impact on the community that is much more harmful than to the individual. It expands to an entire community and injects an immobilizing, terrorizing fear into that community which many more than an act against an individual.

When Eric Richey drove his Mustang into the largest mosque in Ohio on September 16, 2001, he didn’t just destroy a building, he injected fear into an entire community.

My question is this: Why do you want to protect thugs and hatemongers? Why don’t you want to stand with the civilized community and say, hate is wrong and we must stop it now?

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), also a member of the Judiciary Committee.

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

Mr. PENCE. Mr. Speaker, I come before the House today in strong opposition to the Local Law Enforcement Hate Crimes Prevention Act. As 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 or his nonfaith, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people that declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ thus building a wall of separation between Church and State.”

This legislation is unnecessary and bad public policy. Violent attacks on people or property are already illegal regardless of the motive behind them and there is no evidence that the underlying violent crimes at issue here are not already being fully and aggressively prosecuted in the States. Therefore, hate crimes laws serve no practical purpose and instead serve to penalize people for their thoughts, beliefs or attitudes. Some of these thoughts, beliefs or attitudes such as racism and sexism are abhorrent, and I disdain them. However the hate crimes bill is broad enough to encompass legitimate beliefs, and protecting the rights of freedom of speech and religion must be paramount in our minds.

The First Amendment to the Constitution provides that “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.”
was founded upon the notion that the government should not interfere with the religious practices of its citizens. Constitutional protection for the free exercise of religion is at the core of the American experiment in democracy.

There is a real possibility that as this bill is written, religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities under conspiracy law or section 2 of title 18, which holds criminally liable anyone who aids, abets, counsels, commands, induces or procures another person to commit a crime or who willfully causes an act to be done" by another.

In the debate at the Judiciary Committee, much was made of the fact that an amendment was adopted by the gentleman from Alabama, Mr. Davis. However, that amendment did not go far enough in making it clear that the bill will not limit religious freedom. The sponsor of the amendment admitted that a pastor could still be targeted under the bill for incitement of violence for simply preaching his religious beliefs. For example if a pastor included his sermon that sexual relations outside of marriage is wrong, and a member of the congregation caused bodily injury to a person having such relations, that sermon could be used as evidence against the pastor.

Putting a chill on a pastor's words, a religious broadcaster's programming, an evangelical leader's message, or even the leader of a small-group Bible study is a blatant attack on the Constitutionally-protected right to freedom of religion.

Last year at the Judiciary Committee, I offered an amendment to make it clear that the bill will not affect the Constitutional right to religious freedom.

The Pence Amendment stated, "Nothing in this section limits the religious freedom of any person or group under the Constitution."

Unfortunately, the amendment was defeated by the majority in the Judiciary Committee.

Yesterday, I submitted the Pence Religious Freedom Amendment to the Rules Committee for consideration, but that committee chose to adopt today's debate, effectively blocking my amendment and many other good amendments from consideration.

We must guard against the potential for abuse of hate crimes laws, and the Pence Amendment would have done so by stating once and for all that people and groups will not have their Constitutionally-protected right to religious freedom taken away.

Mr. Speaker, this bill threatens religious freedom by criminalizing religious thoughts. On this National Day of Prayer, let's take a stand for the freedom of every American to believe, speak and pray in accordance with the dictates of their conscience. Take a stand for religious freedom and the First Amendment and vote no on the Local Law Enforcement Hate Crimes Prevention Act.

Mr. CONYERS. Mr. Speaker, I am pleased to yield to a distinguished Member on the Judiciary Committee, STEVE COHEN of Tennessee, for 1 minute.

Mr. COHEN. Mr. Speaker, Mr. Chairman. No one stands in support of this bill. The fact is, these crimes, the victims of which have been Matthew Shepard, James Byrd, Emmett Till over the years have shocked the conscience of this country, and that is why they need special treatment.

When you look at the laws and the type of activities that we are looking at, discrimination based on race, color, religion, national origin, or disabilities, you are looking at the same people that the Nazis tried to exterminate. If you were Jewish, if you were black, if you were disabled, if you were gay, the Nazis made a systematic attempt to eliminate you. And people who do that, even if they are not governments, should be punished, because that is the type of conduct that this world has seen and abhors and went to war for; and our U.S. attorneys should be given the ammunition to go to war against people that perpetrate those type of crimes.

And if you stand against this, what's going to happen? Certain villainous hooligans will maybe get less time. These are the people we need to lock up and put away, because this is a country built on life, liberty, and the pursuit of happiness and everybody gets an opportunity.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee, and also the ranking member of the Crimes Subcommittee.

Mr. GOHMERT. Mr. Speaker, this bill starts off with a preamble that makes it faulty to begin with.

There are all kinds of recitations in the beginning of recited findings that were not supported and are not supported by any evidence. That is a major problem here.

First of all, people want to talk about how desperately this is needed to stop hate-based crimes. However, there are laws that protect every man, woman, and child from violent acts. In fact, I have heard my colleague across the aisle reference the Matthew Shepard case shows how desperately we need hate crime protection. The perpetrators that did that horrible act both got life sentences under regular murder laws. This was not necessary.

People in committee threw up the Byrd case, a horrible tragedy where a man was dragged to his death simply because he was African American. Those two main perpetrators got the death penalty, and no hate crime that has been passed would address that.

Now, these statistics, if you really want to look at the facts before we pass bad legislation that is not justified by the facts, and I do take issue with the preamble's fact findings. There is no evidence to support them. But let's look.

Since 1995, the FBI statistics show that we have gone from 9,500 to 12,400 agencies reporting, more of the country is being covered, and yet a steady decline has gone from right at 8,000 to 7,100 incidents.

Offenses have gone down near well a thousand, to 8,300. Victims have gone down 1,600. Offenders have gone down 1,600. The laws are working. What this is trying to do is protect a class from any ill speech, anything that's derogatory.

Now, friends across the aisle say no, no, we put that in the bill. We've got an amendment that protects that. But if you go to the law in this bill, it says that, yeah, religious or protected speech would not be used at trial, unless it pertains or is relevant to the offense. And as anybody that's prosecuted knows, it's easy for someone as principal not a conspiracy, but a principal, a principal under Federal law, it says whoever aids, abets, counsels, commands, induces, procures a crime's commission is punishable as if he committed the crime.

And this is where this is going: ministers reading from the Bible, rabbis reading from the Koran, imams reading from the Koran who say sexual activity outside of marriage of a man and a woman is wrong, somebody from your flock, some nut go out and commit a crime of violence and, by the way, this is not a restricted crime of violence. It could be violence against property. It can be a touching to be bodily injury. We've lowered the standard in this bill.

Mr. CONYERS. Mr. Speaker, I'm pleased now to recognize the gentleman from Alabama, a distinguished member of the Judiciary Committee, ACTOR DAVIS for 1½ minutes.

Mr. DAVIS of Alabama. Mr. Speaker, there's a pastor back home who has a card that he carries around with him and it says, made by God, return to the Creator upon expiration.

As a person of faith, if you believe that, as I do, you have to believe that that admonition and that promise applies not just to you and your kind, but to people who may be different, act different, think different, and look different. So this is the simplest way I can put this to my colleagues on the other side of the aisle.

If you are a person of faith, you have a Bible-based problem with hate. And if you have a Bible-based problem with hate, it's legitimate to say that hate ought to be punished a little bit more.

That's all this legislation says.

Obviously, it must be done consistent with the first amendment, and that is why I offered an amendment that was actioned in common minutes by my good friend, LAMAR SMITH from Texas, not only voted for, but praised during the markup. The amendment says specifically, nothing in this statute shall change the terms of the first amendment as they exist.

So this is as simple as I can put this to my good friend, Mr. GOHMERT. The only people who ought to fear this bill are people who would say to another human being, you ought to do violence against someone else. I don't know a more clear, God-fearing person who would take to any pulp it in the land, any synagogue or mosque in the land and say, do violence to another one of
Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I appreciate the gentleman’s comments about faith and God. And I am a woman of God. I oppose hate, and I think all crimes are awful. And I have a great disdain for violence produced by hate.

But this bill is the wrong solution for an ideal goal. It is horrible for anyone to hate for any class, race or religion or sexual orientation. Violence produced by hate is already outlawed. Why would we, as a Nation, want to divide our American citizens into various categories on the basis of worthy or less worthy of whatever protection the law can give them? What happened to the great ideal this Nation was founded on of equal protection under law?

The hate crimes bill will chill the first amendment rights of religious groups. This hate crimes bill will chill the first amendment rights of the religious groups, and the government will be required to prove the suspect’s thoughts as a category of the victim involved in the crime.

Religious groups may become the subject of criminal investigations in order to determine the suspect’s religious beliefs, membership in religious organization, or past statements about persons associated with specific categories. Religious leaders will be chilled from expressing their religious views for fear of involvement in the criminal justice system.

This hate crime bill will result in unequal protection for all and the restriction of one of our ideals that has made this Nation great, free speech.

Mr. CONYERS. Mr. Speaker, I’m pleased now to recognize the most distinguished civil rights leader that we have serving in the House of Representatives, the gentleman from Georgia, Mr. JOHN LEWIS. And I yield to him 1 minute.

Mr. LEWIS of Georgia. Mr. Speaker, hate is too heavy a burden to bear. We have learned, with this bill, to move this Nation one step forward toward laying down the burden, the burden of hate. With this legislation, we can send the strongest possible message that violence against our fellow citizens because of race, color, national origin, religion, sexual orientation or transgender will not be tolerated.

It was the Great Teacher who said, “As much as you have done it unto the least of these, you have done it unto me.”

During the 1950s and the 1960s, as a participant in the Civil Rights Movement, I tasted the bitter fruits of hate, and I didn’t like it. I saw some of my friends beaten, shot and killed because of hate. Hate is too heavy a burden to bear. It also was the Great Teacher who said, “Love one another.” He didn’t say hate you one another.

We’re one people. We’re one family. We all live under this same house. It doesn’t matter whether we’re gay or straight. We’re one people.

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

Mr. CONYERS. Mr. Speaker, I’m pleased to yield to the distinguished gentleman from South Carolina (Mr. CLYBURN) for 1 minute.

[Mr. CLYBURN asked and was given permission to revise and extend his remarks.]

Mr. CLYBURN. Last night, Mr. Speaker, I re-read Martin Luther King, Jr.’s “Letter from a Birmingham City Jail.” In that letter, King dealt with the notion of time. He said to us that time is time is never right; time is never wrong; time is neutral. And it’s only what we make it. We can use it constructively, or we can use it destructively.

King went on to say that it’s always the right time to do that which is right.

Now, a lot of people on yesterday told me that this was the wrong time to bring this legislation. For a moment, I agreed. But reflecting on Dr. King’s admonition that the time is always right to do right, I come before this House to use the time that we have before us to do right by those people who may not be like us.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this is a serious issue, and people ought to recognize it’s a serious issue.

There is something called hate crimes. And in the past, the Supreme Court has looked at issues to try and differentiate between mere speech and speech connected with conduct and how you articulate a law in a proper way that does not offend the first amendment, which allows terrible speech. One of the prices of our democracy and one of the prices of this society is to allow terrible speech, not to say you accept it, but to allow it.

And so the Supreme Court has carefully reviewed this legislation. When I was attorney general of California, we issued an amicus brief before the Supreme Court to support one version of the hate crime legislation in one State that was similar to ours in California. We declined to do it in another State. And in that one in which we declined to do it, the Supreme Court found that it was afool of the law.

That’s why I think it’s very, very important that we yield to the construct a hate crime bill. The underlying premise of this bill is that we should extend the already existing Federal hate crimes legislation, which has a Federal nexus, based on the individual victim or victims being involved in a protected Federal activity.

This bill goes beyond that and suggests that the constitutional nexus with Federal activity is that hate directed against the classes here somehow restricts interstate commerce. And I would just suggest that the findings in the bill did not have evidence to back it up. And I think there may very well be a constitutional attack that is successful in this Court on the point that we are concerned about the way this is written.

Second, there are those who suggest that we will not have the concern become a reality expressed by some on this floor and by some outside this floor that this somehow will chill free speech. The suggestion is we’ve carefully crafted the legislation so that’s not to be the case.

I would just direct our attention to an amendment to the bill which calls for participation by the Federal Government in the investigation and prosecution of crimes at the State level which delineates the definition of hate crimes in the first two paragraphs but, of course, any other hate crime established by State law. So what we are doing is extending it beyond the carefully constructed definitions that we have in this bill, considering the constitutional questions that the Court would have to deal with and by some outside this floor that this somehow will chill free speech. The suggestion is we’ve carefully crafted the legislation so that’s not to be the case.

And so I would just say that I hope we don’t get totally involved in the argument that there are no hate crimes and they, therefore, never should be involved in our criminal justice system, versus that they are the worst of all crimes, or they are so essentially different from others that those who are subjected to attacks because of a random hate crime, or any other hate crime established by State law. But what we are doing, I think, is extended it far beyond that. That is another legitimate concern about this bill.

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Mr. Speaker, I rise in support of this legislation. It is the right thing to do. It is the humane thing to do. Let's bring protection to those who need it today, and extend her remarks. (Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, with great emotion, I come to this floor. Congressman FRANK, let me thank the gentleman for yielding.

Mr. Speaker, I rise to oppose this legislation because, at its core, its purpose is to punish thought; and to respectfully suggest that this new major- ity continues being sad and divisive legislation to the floor.

All violent crime is wrong. All violent crime is founded in hate.

This legislation will easily move us to the point of punishing thought and punishing motivation. Hate crimes have already been used to suppress speech opposed by cultural elites. In New York, for example, city officials recently cited hate crime principles to force a pastor to remove billboards containing biblical quotations on sexual morality.

Many pastors and ministers from around this nation adamantly oppose this legislation. And to bring this forward on the National Day of Prayer adds insult to injury and may, in fact, be hateful.

The hate crimes bill creates a new federal thought crime. The bill requires law enforcement officials to probe, infer, or deduce if a crime occurred because of a bias towards a protected group. A criminal's thoughts will be considered an element of the crime.

Mr. Speaker, I respectfully suggest that one can never reliably determine the true thought or motive of a criminal.

And with thought crimes come thought police. What a sad day.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 1 minute to the chairman of our caucus, Mr. RAHM Emanuel of Illinois.

Mr. EMMANUEL. Mr. Speaker, when it comes to hate and discrimination, America speaks with one voice, “no.” Zero tolerance. You cannot be a beacon of freedom around the world and fail that test here at home.

President Kennedy was moved on the civil rights movement because he understood, in the battle of the Cold War, you could not be a beacon for freedom against intolerance around the world if we weren't free here at home. You could not. And as we talk, all our colleagues always say, as we battle on the issues on the war in Iraq, Islamic fascism, the whole world will watch what we say here in Congress.

People will watch this vote and understand, importantly, whether America remains true to its principles on freedom or not. People will watch this vote. And I would hope my colleagues will remember, as we do this today, that every time America widens the circle of democracy to protect more of its citizens who sit in the shadows, it is true to its principles.

I would hope people will vote “yes” on this legislation.

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

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to a distinguished member of the Committee on the Judiciary from Houston, Texas, Mr. SMITH.

(As. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)
Hate crimes are destructive and divisive. A random act of violence resulting in injury or even death is a tragic event that devastates the lives of the victim and their family, but the intentional selection and beating or murder of an individual because of who they are terrorizes an entire community and mores the Nation. For example, it is easy to recognize the difference between check-kiting and a cross burning; or an arson of an office building versus the intentional torching of a church or synagogue. The church or synagogue burning has an almost direct impact on the congregation, the faith community, the greater community, and the Nation.

Mr. Speaker, some opponents of hate crimes legislation claim that such legislation is a solution in search of a problem. They claim that there is no epidemic of bias-motivated violence and thus no need to legislate. I wish to briefly address this claim.

VICTIMS AND PERPETRATORS

According to the Bureau of Justice Statistics, racially motivated hate crimes most frequently target blacks. Six in ten racially biased incidents target blacks, and 3 in 10 incidents targeted whites. Hispanics of all races were targeted in 6.7 percent of incidents and Asians in 3 percent. Younger offenders were responsible for most hate crimes and most of their victims were between 11 and 31. The age of victims of violent hate crimes drops dramatically after age 45. Thirty-one percent of violent offenders and 46 percent of property offenders were under age 18. Thirty-two percent of hate crimes occurred in a residence, 28 percent in an open space, 19 percent in a retail commercial establishment or public building, 12 percent at a school or college, and 3 percent at a church, synagogue, or temple.

EXAMPLES OF CRS HATE CRIME CASES

In Harris County—Houston—Texas, in a case that drew national attention, 16-year-old David Ray Ritcheson, a Mexican-American, was severely assaulted April 23, 2007, by two youths while attending a party in the Houston suburb of Spring, Texas. One of his teen-age attackers yelled ethnic slurs and kicked a pipe up his rectum, severely damaging his internal organs and leaving him in the hospital for 3 months and 8 days—almost all of it in critical care. For the supposed crime of allegedly kissing a white girl, young David Ray Ritcheson was left unconscious and unattended in the back yard of a house for more than 8 hours. He has endured more than 30 operations to restore his appearance and regain the normal use of his bodily functions.

In Jasper, Texas, an African-American man, James Byrd, Jr., was brutally murdered by being kidnapped, beaten unconscious, spray painted in the face with black paint, tied to the back of a pick-up truck, pants dropped down to his ankles, dragged 2.5 miles over pavement and equipment, hung over a 1-inch deep tire, in Jasper County called Huff Creek, leaving his skin, blood, arms, head, genitalia, and other parts of his body strewn along the highway, his remains were dumped in front of a Black cemetery.

In Springfield, Missouri, an African-American male in the company of a white female was stabbed at local Denny’s restaurant by a group of white males.

Near San Diego, California, elderly immigrant workers were attacked by white youths. The body of a Latino immigrant youth was also discovered in the same vicinity as the attacks on the workers.

An African-American employee of a construction company in Marquette, Kansas, reported that he had been racially harassed for several months by fellow employees through racist graffiti and name-calling.

A Jewish synagogue was vandalized by four Arab-Americans near the Bronx, New York. Every individual’s life is valuable and sacred, and even one life lost is too many. There is ample evidence that violent, bias-motivated crimes are a widespread and serious problem in our Nation. But it is not the frequency or number of these crimes alone, that distinguishes these acts of violence from other types of crime; it is the impact these crimes have on the victims, their families, their communities and, in some instances, the Nation.

Evidence indicates that bias-motivated crimes are in no participation by jurisdictions, statistics show that since 1991 over 100,000 hate crime offenses have been reported to the FBI, with 7,163 reported in 2005, the FBI’s most recent reporting period. Crimes based on race-related bias were by far the most common, representing 54.7 percent of all offenses for 2005. Crimes based on religion represented 17.1 percent and ethnicity/national origin, 13.2 percent. Crimes based on sexual orientation constituted 14.2 percent of all bias-motivated crimes in 2005, with 1,017 reported for the year.

The National Coalition of Anti-Violence Programs (NCAVP), a non-profit organization that tracks bias incidents against gay, lesbian, bisexual, and transgender people, reported 1,963 incidents for 2005, from only 13 jurisdictions, compared to the 12,417 agencies reporting to the FBI in 2005.

Additionally, the Hate Crimes Statistics Act makes the reporting of bias-motivated crimes by State and local jurisdictions voluntary, resulting in underreporting each year. Hawaii, for instance, did not participate in reporting at all in 2005. Underreporting is also common. Wyoming, for instance, reported only 4 incidents for 2005. Six States reported 10 or fewer incidents in 2005. Some large cities have been significantly more frequent in reporting hate crimes. Jacksonville, Florida, for example, reported only 5 incidents in 2005.

Lastly, statistics only give a glimpse of the problem. It is widely recognized that violent crimes on the basis of sexual orientation often go unreported due to fear and stigmatization. A Department of Justice report released in October 2001 confirms that bias-motivated crimes are under-reported; that a disproportionately high percentage of both victims and perpetrators of hate crimes are young people under 25 years of age; and that only 20 percent of reported hate crimes result in arrest.

A December 2001 report by the Southern Poverty Law Center, SPLC, a nonprofit organization that monitors hate groups and extremist activity in the United States, went so far as to say that the system for collecting hate crimes data in this Nation is “in shambles.” SPLC estimates that the real number of hate crimes being committed in the United States each year is likely to be 20 times the number reported to the nearly 8,000 reported by the FBI.

Next, Mr. Speaker, let me address the specific claim that H.R. 1592 abridges free speech. Opponents seem to be complaining that the legislation would prohibit pursuant to Rule 404 of the Federal Rules of Evidence, the introduction of substantive evidence of the defendant’s expression or associations, unless the evidence specifically relates to the offense or is used to impeach a witness. In this way, the legislation strikes a balance between two competing interests: the interest of the government in punishing hate crimes and the rights of the defendant.

Hate crimes legislation allows society to prescribe greater punishments for hate crimes because of the distinct emotional harm they cause their victims, the harm they incite, and the likelihood that they will provoke retaliatory crimes. See Wisconsin v. Mitchell, 508 U.S. 476, 488 (1993) (upholding a hate crimes punishment enhancement statute). However, H.R. 1592 also protects a defendant’s rights by only permitting the introduction of evidence within the confines of the Federal Rules of Evidence and the First Amendment.

The First Amendment protects speech and expressive conduct. Our bill only punishes criminal conduct, which is not protected by the First Amendment. Any argument that this legislation punishes expression would likely be unsuccessful because using violence to convey one’s ideas is outside the scope of the First Amendment. NAACP v. Claiborne Hardware Co., 458 U.S. 886, 916 (1982). In Wisconsin v. Mitchell the Court distinguished between statutes that are explicitly directed at expression and statutes that are directed at conduct. 508 U.S. at 487. The Court upheld the statute in Wisconsin v. Mitchell because it was directed at criminal conduct, unlike the statute at issue in R.A.V. v. St. Paul, which the Court struck down because it was explicitly directed at expression. Id. The critical flaw with the statute at issue in R.A.V. was that it was viewpoint discriminatory; It prohibited otherwise permissible speech based on the subject and perspective of the speech. R.A.V. v. St. Paul, 505 U.S. 377, 391 (1992).

Hate crimes legislation protects against people based on sexual orientation or sexual identity can be admitted under certain circumstances. Moreover, Mr. Speaker, nothing in this legislation would prohibit the lawful expression of one’s deeply held religious beliefs. If they wish, any person will continue to be free to say things like: “Homosexuality is sinful”; “Homosexuality is an abomination”; or “Homo sexuals will not inherit the kingdom of heaven.” This is because H.R. 1592 only covers violent actions committed because of the defendant’s motivation in choosing the victim. Thus, evidence of a defendant’s expressions and associations properly can be admitted under certain circumstances.

Moreover, Mr. Speaker, nothing in this legislation would prohibit the lawful expression of one’s deeply held religious beliefs. If they wish, any person will continue to be free to say things like: “Homosexuality is sinful”; “Homosexuality is an abomination”; or “Homo sexuals will not inherit the kingdom of heaven.” This is because H.R. 1592 only covers violent actions committed because of the defendant’s motivation in choosing the victim. Thus, evidence of a defendant’s expressions and associations properly can be admitted under certain circumstances.

Mr. Speaker, the American public opinion strongly favors this legislation. According to a recent survey by Peter Hart and Associates, an overwhelming majority favor expanding the definition of hate crimes punishment enhancement statute. Three in four (73 percent) voters favor Congress’ expanding the definition...
of hate crimes in this way, including 62 percent who strongly favor it. Just 22 percent oppose this action, with 17 percent who strongly oppose it.

Support for hate crimes definition expansion is strong across the board. Large majorities of every major subgroup of the electorate—including such traditionally conservative groups as Republican men (56 percent) and evangelical Christians (63 percent)—express support for this proposal. Support also crosses racial lines, with three in four whites (74 percent), African Americans (74 percent), and Latinos (76 percent) favoring Congress's inclusion of sexual orientation and gender identity in the definition of hate crimes.

Voters believe strongly in government's obligation to protect all citizens, the fact that crimes based on prejudice are directed against an entire community, and that it would give local law enforcement extra help in solving crimes. Voters soundly reject arguments against this proposal. Whether it is the idea that it creates unequal treatment under the law; that it attacks the moral and religious beliefs of those opposed to homosexuality; or that it equates being gay with being Black or a woman, arguments against the hate crimes bill are not compelling to the public.

Finally, Mr. Speaker, by passing H.R. 1592 we are paying fitting tribute to David Ray Ritcheson of Spring, Texas, my constituent, friend, and a very courageous young man. David Ray, a victim of one of the most horrible hate crimes in Harris County, Texas, came forward to tell his story to the Crime Subcommittee in the hope of saving others from experiencing a similar brutal ordeal. In coming forward, he has performed a valuable service to our Nation. In going forward with H.R. 1592 and seeing it through to final passage, this Committee is also performing a great service to our Nation by hastening the day when we make hate history.

In conclusion, let me say that I strongly support H.R. 1592 and will vote to report the bill favorably to the full Committee.

Mr. SMITH of Texas. Mr. Speaker, I respect the time, sir, and I recognize the gentleman from Illinois.

Mr. CONYERS. Mr. Speaker, I am proud to yield 1 minute to JAN SCHAKOWSKY of Illinois.

Miss SCHAKOWSKY. I thank the gentleman. I am so proud to stand here against hate, but even more, I feel compelled to stand here against violence.

When the categories of people that are named in this bill were picked, it wasn't sort of a capricious or random or even arbitrary sort of thing, but that we want to support certain people or single them out. It is because the statistics show us and the law enforcement community who supports this bill has said, these are the victims of violence. They are named for only one reason—and it's a simple one. And we are talking about people who are victims of assault, of brutal attacks, of torture, or even of murder.

You can say it as many times as you want. This is not about thought. This is not about speech. This is about violence. And you or your pastor may not agree with homosexuals or transgenders, but surely you don't think that is a reason for them to be assaulted.

Support the bill.

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

Mr. CONYERS. Mr. Speaker, I apologize to my colleagues. We have twice as many requests for time than we have the time.

Mr. Speaker, I now yield 30 seconds to the brilliant gentlelady from Oakland, California, BARRBARA LEE.

(Ms. LEE asked and was given permission to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, let me thank Congresswoman BALDWIN and Congressman BARNY FRANK for making sure we have a chance to vote on this very important legislation today. And I just want to briefly tell you a story, if I can, very quickly.

There was a young lady next to my district named Gwen Araujo. She was viciously beaten to death and buried, again, by four men, simply because she was born a male. Gwen was confortably and frankly transsexual woman who had gone through most of high school as a girl and had the love and support of her family, particularly her mother, Sylvia Guerrero.

Mr. Speaker, let me just say there are so many stories of countless people who are dead, countless people who get killed because of their God-given right that they were living to be themselves. Mr. Speaker, I rise today in support of H.R. 1592, and I pledged to do this. Today, we can have a vote on the legislation that I know many of us have in this chamber. Chairman CONYERS, Congresswoman BALDWIN, and Congressman FRANK.

This legislation is long overdue. In the history of this Nation, there is a dark chapter. That chapter is full traumatic scenes of people being murdered, beaten, attacked, raped, harassed, and threatened because something about them was different from their aggressors. Whether it has been the color of their skin, their nation of origin, or their disability or their race, or their religion, or their sexual orientation or identity the sad fact is that so many in this country have suffered violence, often ending in death, because of one of these reasons.

Sadly, many of the recent attacks based on sexual orientation have been on black gay men. One of those stories happened in New York this past October, when a young man named Michael Sandy, was beaten by four men who set him up, just so they could beat and rob him. He ended up in a coma for several days, before finally succumbing to his injuries. In court proceedings, it was revealed that his attackers would often seek out gay men to steal from and attack. Fortunately, New York has a Hate Crimes law that includes sexual orientation.

Many hate groups have also used the debate on immigration to amp up their hate speech, and violence, promoting hate crimes against Mexican-Americans and other Latinos. In Houston, TX, David Ritcheson, a 16 year-old Mexican-American high school football team member was viciously and savagely beaten by three skinheads. They poured bleach on him, and sodomized him, leaving him a coma, with massive internal injuries and now deaf in one ear.

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

Her story resonates with me because in my time in the California State Assembly, I championed the California School Hate Crimes Reduction Act. I did so because our children needed to feel safe in their schools. I was determined to include sexual orientation in that bill. Doing so made passing that legislation an uphill battle, even leading to a veto by Governor Pete Wilson. Nonetheless, we were finally able to pass the California School Hate Crimes Act of 1995, thanks to the assistance of our former Republican colleague, Congressman Tom Campbell who was then serving with the Crime Subcommittee. During that period, I learned just how deep-seated the hate against people who were gay or transgendered, black or latino, or otherwise somehow different, is still today and that is why we need to pass H.R. 1592 today.

Speaker, these stories allow for a small glimpse of the vicious crimes going on out there. We must pass this legislation today, in the memory of Michael Sandy, Gwen Araujo, and countless others who are now dead, simply because they were themselves. People have a God given right to be themselves and as law makers we must protect everyone from violence based on hate. As an African-American woman who has faced so much hatred and so much discrimination in my life I implore you today to remember the words of Dr. M.L. King, Jr. Injustice anywhere is a threat to justice everywhere.

Mr. CONYERS. Mr. Speaker, I am honored to yield 1 minute to the majority leader, Mr. HORN.

Mr. HOYER. Mr. Speaker, this will be one of the serious votes that we cast during this session. This will be a vote on whether or not we are going to allow bigotry to manifest itself in hate and result in violence. My friend, Artur Davis, rose and he said he didn't know anybody of faith who recommended violence. I would suggest that tragically the citizens of the United States know all too well some who claim to be men of faith and who have issued fatwas to kill those not of their faith, and that if they do so, Allah will reward them. We call them terrorists. They kill not because of individual wrongdoing or individual acts. They kill because of membership in a faith or a race or a nationality, because perhaps we are Christian or we are Jews or we are Americans. And we call them terrorists.

This is an important vote. Neither the exercise of bigotry nor the rationalization of bigotry ought to be sanctioned in this great House, but we know through the centuries it has been. We know there were those who in times past rose on this floor and rationalized slavery and rationalized why we should not have antilynching laws in America. We know that. We lament it, and we say to ourselves had we
lived in those times, had we lived in the 18th century, hopefully we would have been beyond our time, or in the 19th century hopefully beyond our time, or in the 20th century hopefully beyond our time, as Martin Luther King, Jr., urged us to do.

We see now in the 21st century, and we know that there are those in America and throughout the world who preach hate against a class of people not because of their actions, but because of their character, but because of who they are. That is what this vote is about today.

Through this legislation, the Local Law Enforcement Hate Crimes Prevention Act, the Members of this body will make a strong statement in favor of values that unite us as Americans: tolerance, respect for our differences, and justice and accountability for those who perpetrate violent acts against others.

It has been too recent that lynching was rationalized in our country. It is too present in today’s society that some across the sea and, yes, some here too present in today was rationalized for faith-based reasons, by faith. But then segregation was rationalized many times by faith. But then segregation was rationalized for faith-based reasons.

My friends, this is an important vote of conscience, of a statement of what America is, a society that understands that we accept differences. We may not agree with those differences, but we know if society is to be free that we must accept differences. We may not accept differences.

That is the bedrock of what America means, not just to us, but to all the world.

And so today, my friends, I say we have an important statement to make, not a bill to pass, but a statement to make about the values of our country.

I had a prepared statement here, I won’t read the balance of it. But I hope that every Member has the courage and the perspective, that when they rise from their chair today, they will be able to say, unlike some of our predecessors in centuries past who failed the test of tolerance, to say that we had the courage to live out the principles that makes America such a wonderful, great, decent and just Nation.

Vote for this bill. Vote for our principles. Vote for your faith that teaches that we reach out to lift up and to love.

Vote for the bill.

Mr. Speaker, today, through this legislation—“The Local Law Enforcement Hate Crimes Prevention Act”—the Members of this body will make a strong statement in favor of values that unite us as Americans: tolerance, respect for our differences, and justice and accountability for those who perpetrate violent acts against others.

It is long past time to bring the existing Federal hate crimes law, which was enacted nearly 40 years ago, into the 21st century. Under existing law, Federal jurisdiction over hate crimes 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.

This legislation broadens this provision to cover violent crimes motivated by race, religion, or national origin, when the defendant causes bodily injury or attempts to cause bodily injury.

Furthermore, the bill expands current law to prohibit the same conduct, if such conduct is motivated by the victim’s gender, sexual orientation, gender identity, or disability.

Mr. Speaker, the fact is, the Federal Government has long had a history of combating terrorism and hate crimes and sexual orientation, gender identity, or disability. Mr. Speaker, the fact is, the Federal Government has long had a history of combating terrorism and hate crimes.

This bill simply expands the current law to groups that historically have been affected by violence and thus it responds to the reality in America today.

According to the FBI, race ranks first among motivations for hate crimes and sexual orientation ranks second among the reasons that people are targeted.

Some people ask: Why is this legislation even necessary?

To them, I answer: because brutal hate crimes motivated by race, religion, national origin, gender, sexual orientation and identity or disability not only injure individual victims, but also terrorize entire segments of our population and tear at our Nation’s social fabric.

Let us be clear: This legislation does not affect free speech, or punish beliefs or thoughts. It only seeks to punish violent acts.

Furthermore, Mr. Speaker, this bill would allow the Federal Government to provide assistance to State and local law enforcement officials to investigate and prosecute hate crimes, and would clarify the conditions under which such cases should be federally investigated and prosecuted.

Enacting these important additions to current law will send a very powerful message that crimes committed against any American—just because of who he or she is—are absolutely unacceptable.

Not surprisingly, this legislation is supported by 31 State attorneys general, and more than 280 national law enforcement, professional, education, civil rights, religious and civic organizations, including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, as well as nearly 30 attorney generals across the country, support need for Federal hate crime legislation. They are joined by more than 230 civil rights, education, religious and civic organizations who have voiced their support. Let us be clear that this Congress, this House of Representatives, has heard their call.

Hate crimes, as have been said, have no place in America, no place where we pledge every morning “with liberty and justice for all.” We must act to end hate crimes and save lives.

Mr. Speaker, the legislation will help prevent bias-motivated violence based on religion, sexual orientation, gender, gender identity, national origin or disability, while respecting the first amendment rights of free speech and assembly. It expands the ability of State, local and Federal law enforcement agencies to solve a wide range of violent hate crimes.
Mr. CONYERS. Mr. Speaker, I now yield 30 seconds to the gentleman from Texas controls 4 minutes.

Mr. CONYERS. Mr. Speaker, I now yield for an unanimous consent request to the gentleman from Ohio.

Mr. KUCINICH asked and was given permission to revise and extend his remarks.

Mr. KUCINICH. Mr. Speaker, I rise in support of this legislation, because our Nation is one.

I rise today in support of the Local Law Enforcement Hate Crimes Prevention Act. Crime, violent crime in particular, has repercussions beyond the individual perpetrator and victim. It impacts family and friends and the surrounding community.

Hate crimes, when motivated by the race, creed, or sexual orientation of an individual, terrorize a community. In 2005, 7,163 hate crimes were reported to the FBI. Over half of those hate crimes were motivated by race-related bias. Seventeen percent were crimes based on religion. One in six hate crimes is motivated by the victim's sexual orientation. The purpose and intention of these crimes extends beyond the crime itself. They serve to instill fear in others sharing that trait.

This legislation does not punish thoughts or speech, but only hate crimes motivated by bias against the race, religion, national origin, gender identity, or sexual orientation of the victim. It gives law enforcement additional tools to punish violent crimes.

Hate crimes are inherently divisive. Regardless of the group targeted, hate crimes undermine our collective ability to look past our differences and find common ground. If we as a Nation seek the eradication of acts of violence, we must address the underlying causes of that violence. We must uncover and address the hate-driven discrimination that motivates these crimes.

This legislation is step towards that goal. I urge my colleagues to support H.R. 1592.
The gentleman from Michigan has 50 seconds remaining.

Mr. CONYERS. I am now pleased to recognize Lynn Woolsey of California for 30 seconds.

Ms. WOOLSEY. Mr. Speaker, my granddaughter, Julia, is 3 years old. She goes to preschool. Even in preschool, they gang up and they bully. The parents at that preschool tell me that my Julia steps in and she stops it. She will not put up with bullying and unfairness.

It is our turn. Be as brave as a 3-year-old. Vote for H.R. 1592. Show the world that if not now, when?

Mr. SMITH of Texas. Mr. Speaker, I will yield the balance of my time to my good friend and colleague from Virginia (Mr. GOODLATTE), a senior member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, I would like to thank the gentleman from Texas for his leadership on the committee and his strong opposition to this legislation.

I rise in strong opposition to the legislation as well. This bill would increase penalties for those who commit crimes against certain groups of citizens, but not others. For example, if a man walks down the street and punches another man because the victim is a transvestite, the aggressor would be punishable by up to 10 additional years in prison. However, if the same man walks down the street and punches another person because the victim is a grandmother, a senior citizen, a child under the age of 10, a veteran or the like, then the aggressor would not be punishable by the potential 10-year prison sentence. This is simply unfair.

While I strongly support efforts to rid our schools, neighborhoods and communities of violent crimes, I do not believe that new Federal laws specifically addressing hate crimes are necessary.

Today, there are few, if any, cases in which law enforcement has not prosecuted violent crimes to the fullest extent of the law, regardless of the background of the person.

In addition, this bill sets a dangerous and unconstitutional precedent of punishing citizens for their thoughts. When prosecutions occur under this bill, prosecutors will undoubtedly submit evidence of prior statements by individuals to prove that the aggressor was motivated by hate. 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 cause any unpopular statements they make to be used against them in the future.

One of a great freedoms we have as Americans is our first amendment right to speak our minds, whether our thoughts are popular or unpopular, and this legislation undermines that right.

Mr. CONYERS. Mr. Speaker, I am pleased to conclude our debate by yielding our remaining time to the gentleman from Texas (Mr. AL GREEN). Mr. AL GREEN of Texas. Mr. Speaker, Dr. King reminded us that on some questions, expediency will ask us, is it safe? What will happen to me if I do this? The answer is, what will happen to them if we don’t do it? And on some questions, expediency will ask, is it politic? Will I get reelected? And then vanity asks, is it popular?

Today, let’s do that which is neither safe nor politic nor popular. Let’s do it because it’s right.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act. This bipartisan legislation will give state and local law enforcement the tools and resources they need to prevent and prosecute violent hate crimes.

January 2000, a 16-year-old high school female student was brutally attacked by a group of teenagers because the student was holding hands with another girl—a common practice in her native country in Africa. Just last October, Michael Sandy was viciously murdered because of his sexual orientation.

Unfortunately, almost 20 years later bias-based violence continues, and while the groups and individuals victimized have changed, the damage remains the same. In 1998, Matthew Sheppard was viciously murdered because of his sexual orientation. In January 2000, a 16-year-old high school female student was brutally attacked by a group of teenagers because the student was holding hands with another girl—a common practice in her native country in Africa. Just last October, Michael Sandy was viciously murdered because of his sexual orientation.

Today, let’s do that which is neither safe nor politic nor popular. Let’s do it because it’s right.

The Hate Crimes Prevention Act addresses both these gaps in current law by expanding the definition of a hate crime to cover all violence motivated by race, color, national origin, gender, sexual orientation, disability, religion, or sexual expression.

It is our turn. Be as brave as a 3-year-old. Vote for H.R. 1592. Show the world that if not now, when?

Mr. Speaker, I urge my colleagues to support the administration and oppose this legislation.
been endorsed by International Association of Chief of Police, the National Sheriffs’ Association, the National District Attorneys Association, as well as 31 state Attorneys General.

I urge my colleagues to join me in supporting this important legislation. In doing so we will send a clear message that hate crimes have no place in America.

Mr. HOLT. Mr. Speaker, I rose today in strong support of the Local Law Enforcement Hate Crime Prevention Act, H.R. 1592. This legislation addresses the pernicious effects that hate crimes have on our society.

Bigotry, bias, and ignorance have existed since the dawn of time. Yet, in a country founded on the principles of freedom, equality and liberty for all, we must do all we can to stop individuals from committing crimes based solely on prejudice.

According to the FBI’s Uniform Crime Report, there were 7,163 hate crimes committed in 2005 and we can be sure that number is low for crimes that are underreported. Hate crimes are very real. And each hate crime spreads fear and violence among an entire community. It’s long past time for Congress to pass this important legislation to help prosecute those who would commit these heinous acts.

To paraphrase Martin Luther King, the laws we pass may not change the heart; but they can restrain the heartless.

As an original cosponsor of this legislation, I believe it is the fundamental role of government to protect its citizens. Therefore, it is necessary and proper for the federal government to work in conjunction with local law enforcement officials to robustly prosecute crimes motivated by bigotry.

The Local Law Enforcement Hate Crimes Prevention Act expands our Nation’s existing hate crimes laws to ensure that certain violent crimes committed against an individual because of race, religion, national origin, gender, sexual orientation, gender identity, or disability are prosecuted. As this bill states, bias and bigotry related crime are prosecuted. As this bill states, bias and crimes committed against an individual be necessary and proper for the federal government to protect its citizens. Therefore, it is I believe it is the fundamental role of government to protect its citizens. It is that thirst for justice for all those who seek justice, that I became an activist to vote, for example. Only in limited, specific instances does this law even apply. The Hate Crimes Prevention Act, introduced by my fellow Michigander and Detrotier, one of the founders of the Congressional Black Caucus, House Judiciary Chairman JOHN CONYERS, Jr. This bill protects all Americans from bias-motivated violence. It empowers local authorities to tackle the tough challenge of hate crimes, and it protects the First Amendment to the Constitution. It does not criminalize speech or thoughts; it does not give some people “special rights,” and it is not anti-Christian.

As a child and as a proud Christian, the least common denominator of all of the lessons that I learned from my parents and minister is about God’s ethic of love. Along that, I learned from the practices of my parents and my minister my divine responsibility to love our neighbors as ourselves. It is out of my love that all of my brothers and sisters, and the activism that Jesus Christ illustrated through loving His enemies, through His compassion for the poor, the down trodden, and those who seek justice, that I became an activist, a state legislator and now a Member of Congress. It is that thirst for justice for all human beings that drives all that I do, guided by unerring and infinite wisdom and faith in God.

Despite the teachings of my parents and that of countless clergy—of all religions—around our Nation, there are some who perpetrate crime with hatred and bigotry in their heart. Who can forget that, during the civil rights era, the murders of the courageous Medgar Evers? Who can forget the killing of civil rights workers James Chaney, Michael Schwerner, and Andrew Goodman for merely registering African Americans to vote? Who can forget the murder of native Detroiter Viola Liuzzo, who was gunned down as she drove civil rights workers to voting booths? All of these crimes, and more, were ultimately prosecuted under Federal laws because, at the time, local authorities were either unable or unwilling to prosecute these crimes. These crimes could only be prosecuted because all of these individuals were participating in activities protected by the Federal Government—helping individuals vote or register to vote, for example. Only in limited, specific instances does this law even apply.

I vote in support of H.R. 1592 because H.R. 1592 sends a powerful message that all crime motivated by hatred and bias will not be tolerated in our society. I have voted for this bill at every opportunity when it came before the U.S. Congress. This legislation strengthens Federal law by providing local authorities with more money to prosecute hate crime and by expanding the jurisdiction to crimes motivated by bias against the victims actual or perceived sexual orientation, gender, or disability.

Unfortunately, opponents of this bill are shamelessly advancing false claims about the impact on religion, particularly the freedom of clergy to preach about their beliefs, and that the bill legalizes certain sexual acts. Both of these claims are patently false. If you are a minister, this bill does not restrict any speech or sermon unless that minister plans to start urging people to go out and commit violent crimes against others. During floor debate on the bill, Chairman CONYERS reiterated the fact that the bill would not legalize any of one a plethora of sexual acts and activities, most of which are already illegal in most states.

Again this bill in no way, shape or fashion restricts free speech. Indeed, it clearly states, and has been supported by a Republican-dominated, conservative Supreme Court, that it in fact protects the First Amendment. Language is protected under this bill. Actions are criminalized. Preaching against homosexuality, against disabled people, against women—the categories that this bill protects—is allowed as it has always been, under provisions of the First Amendment. Under this bill, it would be criminal to incite violence by willfully causing “bodily injury 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.”

Since 1991, over 100,000 hate crimes have occurred in our nation. Hate crimes devastate the communities, counties, cities and states in which they occur. These crimes of bigotry and hatred against an identifiable minority—based on race, color, ethnic origin, gender, disability or sexual orientation—not only hurts the individual affected, but demonizes and dehumanizes whole groups of people. As the civil rights era clearly illustrated, these crimes are committed solely to intimidate and trample upon the human rights of others.

This as the immediate effect of crushing the investment of companies in that locality, of tourists visiting that state, of individuals wanting to relocate to that region. This is measurably dollars away from the Federal Government cannot stand by to allow these heinous, horrible offenses to be committed. I did not stand for this when I was an activist fighting for human rights in the City of Detroit, Michigan; I will not stand for it as a Member of Congress with an opportunity to make a change and make a difference.

Holocaust survivor and Nobel Peace Prize winner Elie Wiesel once said that “indifference is always the friend of the enemy, for it beneﬁts the aggressor—never his victim, whose pain is magniﬁed when he or she is forgotten. The political prisoner in his cell, the hungry children, the homeless refugees—not to respond to their plight, not to relieve their solitude by offering them a spark of hope is to ensure that they never emerge from hunger and suffering. As we deny their humanity, we betray our own. Indifference, then, is not only a sin, it is a punishment.”

In the past decade our country has had men murdered merely because they were gay, disabled African Americans were all hard-working, tax-paying, law-abiding American citizens, killed because of these differences. As we move onward through this
new millennium, as we continue to change course, confront crises, and continue the legacy, I will do so with the continued guidance and love of an infinite God, with extraordinary hope, with profound faith, and with the knowledge that in caring for the least of our brothers and sisters, we care for ourselves. We cannot afford to be anything less.

As we celebrate two centuries of the end of the African slave trade, it is my hope that today will be the beginning of the end of the decades of mindless hatred, bigotry, and discrimination against all God’s children. All Americans must be given the opportunity to exist in a stable, violence-free government, and that is exactly what this bill provides.

Mr. RUSH. Mr. Speaker, I rise in strong support of H.R. 1592, the Hate Crimes Prevention Act. This bill lends a voice to those who have no voice.

As a nation, we have been endowed to preserve the truth that all men and women are created equal under God and as Members of Congress, we must fight to preserve this truth as long as we continue to live in a democracy. The Hate Crimes Prevention Act does not in any way infringe on the First Amendment rights of Americans. On the contrary, the bill only covers violent criminal actions. Nothing in this legislation would prohibit any form of lawful expression of one’s religious beliefs.

This measure brings our current hate crimes laws into the 21st century by expanding the current provision to cover all violent crimes motivated by race, color, religion, or national origin when the defendant causes bodily injury, or attempts to cause bodily injury through the use of fire, a firearm, or an explosive device.

Additionally, the bill will also allow 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. This resolution ensures that the Federal prosecution of hate crimes is limited to cases that implicate the greatest Federal interest and present the greatest need for Federal intervention.

This bill will protect people like Billy Ray Johnson, a mentally-challenged African-American man who suffered severe brain damage after being maliciously attacked by four white men who hurled racial expletives at him. This law would properly prosecute the individuals, ensure that justice is allowed to run its course, and is seen by Mr. Johnson’s family.

In conclusion Mr. Speaker, hate in any form is neither a Democratic nor an American value and I do not subscribe to it.

We must love our neighbors and moreover we must protect them from crimes committed against them due to their self-expression.

We must be vehemently opposed to prejudice in all forms. I strongly support this legislation and encourage my colleagues to vote in favor of this important bill.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

In 2003 the FBI announced that there were more than 9,000 reported hate crime victims in these United States. This means that on average 26 people were victims of violence fueled by the toxic fumes of hate. If you are not outraged by this figure then you haven’t been paying attention. As a former prosecutor in Cuyohoga County, OH, I know that these numbers are shocking for a number of reasons.

In a country as blessed as we are, and with the resources that we have, we still have an absurdly high crime rate. Violence is taken very seriously by the people who believe in the rule of law. With a report on who was shot. Then, we have a country which regularly puts out a report on the human rights records of other countries around the world. Is a hate crime not a human rights issue? It has been long established that hate crimes are fundamentally different from ordinary crimes. Hate crimes cause entire communities to live in fear of being attacked simply because of who they are. Hate crimes are meant to send a message and terrorize an entire group of people, not just an individual victim.

Hate crimes are a national issue and should be dealt with at the national level. In 2005, more than 7,000 hate crimes were reported to the FBI. Even this high number is certainly lower than the actual numbers of crimes committed all across America, as many go unreported and the FBI does not receive information from all law enforcement agencies.

The Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592) recognizes the need for Federal resources to investigate and prosecute hate crimes when local officials are unable to fully assist local law enforcement agencies.

This measure represents an unprecedented departure from the deeply rooted American people of equal justice under law. Justice should be blind. It should be equal for all Americans, and it should be rendered in a criminal justice system that does not take such issues as race, gender, and religion into consideration.

It makes no sense to me that crimes committed against one citizen should be punished any more or any less than crimes committed against another, which is what this bill will do. Violent crimes that are not aimed at a certain group of people, like those committed recently at Virginia Tech, are just as reprehensible as those that are committed for other reasons.

Yet this bill would likely treat the senseless, random violence at Virginia Tech less harshly than other, less “random” crimes. Even worse, the bill asks local law enforcement to infer if a crime was committed “because of” bias toward a protected group. This
essentially means that one’s “thoughts” or “feelings” might be evidence of hate, and can be considered when determining whether a crime was indeed a “hate” crime.

Let me say that again. The bill would ask law enforcement to consider one’s potential “thoughts of hate.”

Mr. Speaker, this is the dangerous, likely unconstitutional threat that has caused great concern to so many residents of Ohio’s 4th Congressional District. Upon consideration of this bill in the Judiciary Committee, Mr. Speaker, I sent you a letter, co-signed by many of my Republican colleagues on the committee. The letter expressed concern about H.R. 1592’s “thought crime” provisions and their potential to categorize individuals who share spiritual or gospel messages as hate criminals.

In the letter, we noted that the San Francisco Board of Supervisors passed Resolution 060356, which castigated Cardinal William Levada and the Catholic Church for opposing the adoption of children by homosexuals. The resolution, perhaps prophetically, describes the Church’s arguments using such words as “hateful,” “discriminatory,” “insulting,” and “callous.”

It is easy to see how this type of inflammatory anti-religious assertion emanating from a governmental body is disconcerting to those who express such views. 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 the liberal values of places like San Francisco.

It is rather ironic that on this, the National Day of Prayer—a day where Americans gather to celebrate our religious heritage—liberal members of this House are uniting to pass a bill that could deem their prayerful voices as “hateful.”

I urge a “no” vote on this bill.

Ms. HIRONO. Mr. Speaker, I rise today in support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. I would like to thank the chief sponsor of this legislation, Congresswoman Solis, for her work and dedication in bringing this bipartisan bill to the floor for debate.

H.R. 1592 will strengthen existing Federal hate crimes laws in two meaningful ways. First, the bill removes the requirement that victims of violent bias-motivated crimes be engaged in a federally protected activity, such as voting, when the crime is committed. Federal entities would then be able to provide technical and grant support for the hate crimes investigations of State and local law enforcement agencies. The bill provides a more comprehensive definition of hate crimes to include those motivated by gender, disability, sexual orientation, or gender identity.

In 2005, the FBI documented 7,163 hate crimes directed against institutions and individuals because of their race, religion, sexual orientation, national origin, or disability. These statistics were gathered from 12,417 law enforcement agencies across the country. Yet it is not the frequency or number of crimes alone that distinguish these acts of violence from others. The presence of “hate”

We know that hate crimes are more than individual assaults—they send shock waves and fear throughout a whole community and segments of our diverse population. Hate violence is also a message crime and the messages are clear: “know your place” and “your kind is not welcome here.” Hate crimes clearly pose a serious threat to our Nation’s security and the very values upon which our country were founded.

As an original cosponsor of H.R. 1592, I urge my colleagues to vote in support of final passage.

Ms. SOLIS. Mr. Speaker, I rise today in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. Violent crimes committed against any segment of our society, based on gender, race, ethnicity, or sexual orientation should not be taken lightly. H.R. 1592 would make this kind of violent crime a Federal offense and authorizes Federal grants to assist State and local law enforcement agencies in prosecuting violent hate crimes.

I believe that it is necessary for the Federal Government to secure the lives of all people and bring justice to individuals who have been victims of a violent hate crime. By allowing the Federal Government to prosecute cases in which the motive of hate is proven, H.R. 1592 would make it possible for the victims of hate crimes to bring justice to individuals who have been victims of hate crimes.

It is time that this Congress send a message to the American people that we will not tolerate hate crimes, that they must strengthen the Federal response and prosecution of those who perpetrate them, that we uphold the principles of equality and justice for all upon which this country was founded and that we intend to practice what many of us preach; which is brotherly love.

I urge my colleagues to support H.R. 1592.

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

Simply put, the current patchwork of State laws alone does not fully protect the rights of all Americans from violence based upon actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. I am frankly astounded that current Federal laws are not more inclusive.

It is unconscionable that we are only now voting on this legislation today. Almost 150 years after our country enshrined the freedom of speech in our Constitution, the 13th, 14th and 15th Amendments to the United States Constitution, we still have not extended those same protections to all of our citizens. Today, this body has the chance and indeed the responsibility to rectify this injustice.

Hate knows no borders, so even though 38 States are not prohibited from the prosecutions that would be extended by Federal law if H.R. 1592 is enacted, only a Federal law can ensure equal protection under the law for all Americans.

Unfortunately, this legislation faces opposition. These opponents have claimed that H.R. 1592 is somehow an attack on free speech or a person’s religious beliefs. H.R. 1592 does not criminalize freedom of speech or religious
expression, but it does criminalize violence against a person based upon their perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. In fact, a long and diverse list of religious organizations have spoken out in favor of H.R. 1592, including groups representing Catholic, Protestant, Jewish, Buddhist, Muslim and Sikh faiths.

No longer will this body be silent for the millions of Americans that too often have no voice in the world. I urge my colleagues to vote in favor of this legislation.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to show my support for H.R. 1592, The Local Law Enforcement Hate Crimes Prevention Act of 2007.

Freedom of speech, expression, and equal protection under the law are the founding principles of this country. The Constitution guarantees these rights to all Americans. I believe that it is our duty to fight for the equal rights of all Americans, regardless of their race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

I abhor all violent crimes. Attacks that are motivated by hate are attacks on a whole class of people. Such hate crimes are intended to instill fear in an entire community and are particularly heinous. We must give law enforcement the proper tools to investigate and prosecute crimes that are motivated by hate.

Laws punishing hate crimes are not intended to value one group over another, but rather to acknowledge the historical bias against certain minority groups and opinions so that all can enjoy the same legal protections as the majority. Hate crime laws protect innocent people and show them to engage in everyday activity without fear.

I am proud to be an original co-sponsor of this important legislation. This bill helps to better define a hate crime and prevents the erosion of civil liberties critical to our democracy. Mr. Speaker, I rise today in support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act. I urge my colleagues to join me in supporting this critical legislation.

Mr. LARSON of Connecticut. Mr. Speaker, today I rise in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act, which would address the appalling crimes that continue to occur today simply because of a person's race, religion, national origin, ethnicity, gender, disability or sexual orientation.

I am proud to be an original cosponsor of H.R. 1592 because it is the government's responsibility to defend the civil liberties of every American and prosecute acts of aggression directed at a specific group of individuals. Current federal law provides for enhanced sentences to hate crimes; however, the vast majority of these crimes are not tried in federal court. This bill would make it a federal crime to cause, or attempt to cause, bodily harm to another person through the use of fire, a firearm, or an explosive device because of the victim's race, color, religion, national origin, gender, or sexual orientation. Opponents of this bill claim that it would chip away at First Amendment rights. On the contrary, H.R. 1592 would protect First Amendment speech and is only intended to prosecute acts of violence.

The bill would also provide federal assistance to states and local jurisdictions to prosecute hate crimes. Specifically, the measure would authorize the Attorney General to provide grants available to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes. Currently, the Federal Bureau of Investigation (FBI) collects statistics on crimes based on race, religion, sexual orientation, ethnicity, and disability. This legislation would require that the FBI collect statistics on gender and gender identity-related bias crimes.

I applaud Chairwoman CONYERS and members of the House Judiciary Committee for their tireless efforts and leadership on this landmark legislation. I am proud to stand with the efforts of the gentlewoman from Wisconsin, Ms. BALDWIN, and the gentleman from Massachusetts, Mr. FRANK, for their leadership on this issue. During my tenure in the House of Representatives and as a father of three children, I have been a consistent supporter of this measure and believe it is a tragedy that terrible injustices continue to occur in the 21st century. Our nation was founded on the principles of liberty and justice for all and these hate crimes run counter to our national conscience.

I believe Robert F. Kennedy spoke most eloquently on this issue while commenting on the loss of Dr. Martin Luther King: “What we need in the United States is not hatred; what we need in the United States is not violence or lawlessness; but love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country. ... Today’s legislation takes another step toward fulfilling the dream of our nation Senator Kennedy and Dr. King worked for and I encourage my colleagues to join me in voting for it.

Mr. TERRY. Mr. Speaker, I rise today in opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act. I believe from the outset: I am strongly opposed to violent crimes committed against an individual, regardless of the motivation of the person committing it. That is why I support strong state and local prosecution measures to curb violent crime and increase safety in our communities. In fact, I am a principal supporter in Congress for increasing Federal funding for state and local law enforcement officers to curb gang and drug crimes, which often leads to violent crimes.

I have spent considerable time in my district meeting with groups who have experienced discrimination or have been targets of violent behavior simply due to their race, religion or sexual orientation. The concerns they have raised with me have weighed heavily on my mind, and have caused me to reconsider my views on our Constitution’s Tenth Amendment.

In the past, I have not supported Federal hate crimes legislation since it has traditionally been the responsibility of state and local prosecutors rather than the Federal Government. States have the right to apprehend and prosecute criminals under their own criminal codes, which must be respected. They also have the right to enhance penalties as they see fit, and many states have taken that step. My own state of Nebraska enacted comprehensive hate crimes legislation in 1997.

The Nebraska legislation authorizes judges to impose harsher penalties in criminal cases when a determination is made that the crime was committed due to the victim’s race, color, religion, ancestry, national origin, gender, sexual orientation, age, or because of his or her association with persons who fit the specified classifications. The enhanced penalties for hate crimes provided for in the statute would be the next highest penalty classification above the one statutorily imposed for the crime, with the death penalty as the only exception. A broad variety of criminal charges could be enhanced, including manslaughter, assault, terrorist threats, stalking, kidnapping, false imprisonment, sexual assault of an adult or child, arson, criminal mischief, and criminal trespass. Our state statutes also provide victims the authority to bring civil actions against attackers.

The actions taken by Nebraska and so many other states are appropriate because the states have the ability to expand their criminal codes as each sees fit. At the same time, there is no Federal nexus and thus no need for duplicative Federal legislation.

The Tenth Amendment is clear: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” At some point, we have to stop federalizing every problem in the country, no matter how large or small. When the states are addressing a problem effectively, there is
The bill addresses two deficiencies in current law that limit the Federal Government's ability to work with local law enforcement agencies and have led to acquittals in some cases in which Federal jurisdiction has been asserted to backstop local efforts. One is the fact that current Federal law provides no coverage for violent hate crimes committed because of the victim's perceived sexual orientation, gender, gender identity, or disability. The other is that current law requires proof that the crime was committed with the intent to interfere with the victim's participation in one of six specifically defined federally protected activities. The bill addresses both those limitations and provides the Justice Department tools to effectively act against bias-motivated violence by assisting States and local law enforcement agencies and by pursuing Federal charges where appropriate. This is the same approach Congress took in the Church Arson Act of 1996. It is important to note that even after enactment of this bill, State and local authorities will deal with the overwhelming majority of hate crimes—and the bill is drafted to ensure that the Federal prosecution of hate crimes will be limited to those that are the greatest threat to Federal interest and present the greatest need for Federal intervention. The bill is not intended to federalize all rapes, sexual assaults, acts of domestic violence, or other gender-based crimes. In fact, for a hate crime case to be prosecuted federally, the Attorney General, or a high-ranking subordinate, would have to certify that pertinent state or local officials (1) were unable or unwilling to prosecute; (2) favored Federal prosecution; or (3) prosecuted, but the investigation or trial's results did not satisfy the Federal interest to combat hate crimes. This certification requirement is intended to ensure that the Federal Government will assert the new hate crimes jurisdiction in a principled and properly limited fashion, consistent with procedures under the current Federal hate crimes statute.

It should also be noted that the bill respects and protects First Amendment rights. It will not bar or punish name-calling, verbal abuse or expressions of hatred toward any person or group—it deals only with violent criminal actions—and includes a provision explicitly stating that conduct protected under the speech and religious freedom clauses of the First Amendment is not subject to prosecution. In short, the bill does not criminalize speech or advocacy. It will not jeopardize anyone's right to associate, to denounce, to hold fast to a religious belief, or to do anything else protected by the Constitution's First Amendment.

Mr. Speaker, crimes motivated by bias are not as rare as many of us would like to think. Since 1991 the FBI has received reports of more than 113,000 hate crimes. In 2005, the latest year for which data are available, the FBI received reports from law enforcement agencies identifying 7,163 bias-motivated criminal incidents, with hate-based violence against race, religion, national origin, gender, and sexual orientation.

Hate crimes are unique in that they are motivated by hostility toward an entire community and are oftentimes rooted in a wider public sentiment of discrimination, xenophobia, and intolerance. The passage of this Act is a step in the right direction in promoting tolerance in our integrated society. The SPEAKER pro tempore (Mr. Snyder). All time for debate has expired.

Pursuant to House Resolution 364, 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 OFFERED BY MR. SMITH OF TEXAS

Mr. Smith of Texas. Mr. Speaker, I offer a motion to recommit. The SPEAKER pro tempore. Is the gentleman opposed to the bill? Mr. Smith of Texas. Mr. Speaker, I do oppose it, in the current form. The SPEAKER pro tempore. The Clerk will report the motion to recommit. The Clerk reads as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 1592 to the Committee on the Judiciary with instructions to report the same back to the House promptly with the following amendments:

Page 12, line 5, after “orientation,” insert “status as a senior citizen who has attained the age of 65 years, status as a current or former member of the Armed Forces,”.

Mr. Smith of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit...
be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, this motion to recommit is straightforward. It seeks to protect America’s senior citizens and those who serve in our Armed Forces.

My colleagues on the other side contend that a new law is needed to cover crimes against persons based on race, gender, national origin, sexual orientation, gender identity and disability. The motion to recommit makes sure that seniors and our military personnel are added to the list of protected groups.

We all care greatly about the safety and security of our senior citizens. We all understand that they are particularly vulnerable to crime. Criminals who prey on our senior citizens because they are senior citizens should be vigorously prosecuted and punished.

The statistics paint a disturbing picture of violence against senior citizens in our country. A recent Justice Department study found that each year over the last 10 years, for every 1,000 persons over 65 years of age there are violently assaulted. This includes rape, sexual assault, robbery and aggravated assaults. Approximately 65 percent of these crimes against senior citizens are committed by strangers or casual acquaintances. In my hometown, the San Antonio police report rising crime against the elderly, with over 6,200 crimes just this last year.

We were all horrified by the recent videotaped robbery in New York City committed against 101-year-old Rose Moran. She was leaving her building to go to church when a robber, who pretended to help her through the vestibule, turned and delivered three hard punches to her face and grabbed her purse. He pushed her and her walker to the ground. Rose suffered a broken cheekbone and was hospitalized. The robber got away with $33 and her house keys. Police believe the same man robbed an 85-year-old woman shortly after beating Rose.

These are horrible crimes that strike fear into the hearts of America’s senior citizens and make them wonder whether they will be victimized next.

This motion to recommit also adds the category of current or former members of the Armed Forces to the list of groups in this bill. We honor our men and women of the military because of their patriotism, their commitment to protecting our freedom and their service to our country. In times of controversy surrounding the use of our military, we have seen unfortunate acts by those who use their hostility towards the military to further their political agenda.

With the rising debate over the Iraq war, we are seeing increasing threats to Iraqi war veterans. Recently, a Syracuse woman pleaded guilty to spitting in the face of a Fort Drum soldier at an airport. Mr. Speaker, Congress needs to make it clear to everyone that we honor our veterans and current members of our Armed Forces. Congress can make the message clear that hate of our Armed Forces will be punlished at a heightened level, just like the other groups under this act.

If Congress rejects this motion to recommit, who will explain to the thousands of victims who are senior citizens or military victims that their injuries are less important than those of others protected under the hate crimes law? Are we really prepared to tell seniors and our men and women in uniform across our country that crimes committed against victims because of race, gender, national origin, sexual orientation, gender identity or disability are, as a rule, more worthy of punishment than those committed against seniors and military personnel?

Mr. Speaker, I urge Members to support this motion to recommit.

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

Mr. CONYERS. Mr. Speaker, I would ask the distinguished gentleman from Texas, Mr. SMITH, would he yield for a unanimous consent request that the bill be amended as follows: Page 12, line 5 after “orientation” insert “status as a senior citizen who has attained the age of 65 years; status as a current or former member of the armed services.”

Would the gentleman yield for a unanimous consent request on that?

Mr. SMITH of Texas. Mr. Speaker, I respectfully object.

The SPEAKER pro tempore. The gentleman from Texas does not yield to the gentleman.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the motion to recommit, which would not operate as a simple amendment, but, listen to me, would instead send the bill back to the Committee on the Judiciary, in essence killing the bill for the remainder of the Congress.

The categories of individuals included in the amendment, seniors and members of the armed services, are entitled to protection under the law, and in fact, in fact, the bill has protection under the law at both Federal and State levels. I note that it is already a Federal crime to kill or attempt to kill any member of the armed services under U.S.C. 1114.

We also have programs in the law to provide assistance to prosecutors and law enforcement in the enforcement of crimes against elders, as well as a variety of senior services that will help them in their homes, safety and elder care.

The purpose of the bill is to protect classes of individuals who have been and are the group-wide victims of systemic violence: hanging a man because of his race, dragging someone to death because they are disabled. These are crimes that are designed to target and intimidate entire groups of individuals, and we all know it. That is why they are labeled hate crimes and why this legislation is before us.

As much as any Member here, I believe we can and should do more to protect other members of society. That is why our Committee on the Judiciary approved a COPs bill yesterday, authorizing a program to provide for local police on the beat and other policy officials. That is why we have in the past pushed for an Elder Justice Act.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the distinguished chairman.

Mr. HOYER. Mr. Speaker, I thank the distinguished chairman.

This motion, my colleagues, reeks with the stench of cynicism. Let me tell you why. The distinguished chairman rose and asked for unanimous consent to add the protections to members of the Armed Forces who are either serving or have served, and he then asked to protect our senior citizens. He
asked for unanimous consent to do that, and the gentleman from Texas objected, so it was not added.

Then the chairman rose and asked that we substitute "forthwith" for "promptly" so their amendment could be immediately adopted, and the gentleman from Texas objected.

How cynical can you be to offer an amendment, I tell my friend, which, in its own framework will kill the very proposition you are making? For if this amendment prevails, what will happen is, that bill will be killed and the protection of the Armed Forces that he seeks, the protection of the seniors that he seeks, will be killed.

My friends on this side of the aisle, this is a political game. The American public knows it is a political game. Let’s reject this cynical political game and pass this legislation.

The SPEAKER pro tempore. The gentleman’s time has expired.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRICE of Georgia. Isn’t it true, Mr. Speaker, that under the motion to recommit there is nothing that precludes the Judiciary Committee from dealing with the bill when it goes back to the committee and sending it back to the floor of the House?

The SPEAKER pro tempore. The adoption of a motion to recommittal with instructions to report back "promptly" sends the bill back to committee, whose eventual report, if any, would not be immediately before the House.

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 ayes had appeared to have it.

Mr. SMITH of Texas. 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 of the bill.

The vote was taken by electronic device, and there were—yeas 189, nays 227, not voting 17, as follows:

(Roll No. 298) YEAS—189

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Armstrong
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Barton
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Boehner
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Mr. WU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1592, as amended.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Mr. Speaker, had I been present for the vote on H.R. 1592 I would have voted “yea.”

GENERAL LEAVE

Mr. WU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1592, as amended.

The SPEAKER pro tempore. The motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1868, as amended.

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

There was no objection.

TECHNOLOGY INNOVATION AND MANUFACTURING STIMULUS ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1868, as amended.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, with Mr. SWARTZ in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.