Mr. WILSON of South Carolina. Mr. Speaker, following President Bush's veto of the Democrat plan for defeat, the House voted yesterday to uphold the veto and override the Democrat attempts to micromanage the war.

It is crucial that we achieve victory in Iraq as the central front in the global war on terrorism. Retreat will embolden our enemy. This will lead to the re-establishment of terrorist training camps from which our enemies would launch attacks against us and our allies.

We should trust the leadership of General David Petraeus and our military leaders. As the father of an Iraqi veteran and four sons in the military, I know firsthand of the excellence of our troops.

We must face the enemy overseas or we will face them again in the streets of America.

I urge Democrat leaders to work with Republicans to pass a clean supplemental bill and get our troops the funding they need to carry out their mission to protect American families.

In conclusion, God bless our troops, and we will never forget September 11.

NATIONAL DAY OF PRAYER

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

Mr. ADERHOLT. Mr. Speaker, I rise to call attention to this, the first Thursday in May, as the National Day of Prayer. The 56th annual National Day of Prayer is being recognized today, May 3, across our great Nation in tens of thousands of ceremonies and services nationwide.

The National Day of Prayer traces its history back to 1775, when the Continental Congress asked the colonies to pray for wisdom in forming a Nation. In 1952, a joint resolution of Congress was signed into law by President Truman. In 1988, President Reagan signed a law permanently marking the first Thursday of every May as the National Day of Prayer.

As in previous years, President George W. Bush signed a proclamation regarding the 2007 observance. He specifically asked that the Nation remember in their prayers the members of our Armed Forces, their families, as well as the students and families affected by the recent tragedy at Virginia Tech.

Chairman Shirley Dobson and Vice Chairman Brian Toon have done an outstanding job in coordinating these events that will take place across this land. Dr. Charles Swindoll will serve as Honorary Chairman.

Mr. Speaker, across the street, here on Capitol Hill in the Cannon House Office Building at noon is when the events will begin. However, whether you're in Washington, D.C., you're in Alabama, North Dakota, I encourage the American people to come together in the spirit of Jesus and take a few minutes to thank God for the blessings upon this Nation, and ask Him to guide and protect us in the days to come.

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 days in which to revise and extend their remarks on House Resolution 364.

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

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 1 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 clauses 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. But despite 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 address 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 has been 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 by 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 results of hate 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 want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes.

Mr. Speaker, I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

□ 1030

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 toward a person based 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. FORBES 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 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. GOHMERT of Texas offered an amendment that would add law enforcement officers to the list. There have been several instances where 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 will 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.

APRIL 16, 2007.

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

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

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, 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, gender identity, sexual orientation, or disability. Under current law, the Justice Department can only prosecute crimes motivated by 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 Local Law Enforcement Hate Crime Prevention Act of2007 (LLEHCPA) and others, however, would permit federal prosecution of hate crimes irrespective of whether they were committed while the victim was engaged in protected activity.

Removing this outmoded jurisdictional barrier to federal prosecution of hate crimes is critical to protecting our citizens' fundamental civil rights. In 2005, the most recent figures available, the FBI documented 7,163 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 instances, the nation. 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 enhanced penalties for crimes motivated by bias or hate against a person because of race, religion, color, disability, sexual orientation, national origin or ancestry. In so ruling, the Court recognized that ''bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest.'' 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 should be 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 a just result. 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; Mark Shurtleff, Attorney General of Utah; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Richard Blumenthal, Attorney General of Connecticut; Linda Singer, Attorney General of District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Mark J. Bennett, Attorney General of Hawaii; Tom Miller, Attorney General of Iowa; Gregory D. Stumbo, Attorney General of Kentucky; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, 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; Patrick Lynch, Attorney General of Rhode Island; William H. Sorrell, Attorney General of Vermont; Vincent Frazier, Attorney General of Virgin Islands; 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 gentlewoman 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 bill provides local law enforcement with tools needed to partner with our Federal law enforcement agencies to investigate and prosecute these hateful acts.

Why is it needed? Well, unfortunately, in my area of Florida, bigoted crimes are on the rise. This week police arrested and charged two Pinellas County teenagers after they spray-painted anti-Semitic and racial slurs on nine portable classrooms at a local high school.

Last month, a Polk County man was stabbed to death for being gay.

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

Last year, two men in neighboring Polk County were jailed on hate crime charges after they threw beer bottles at a club owner in Tampa, who happened to be speaking Arabic, and threatened to kill him.

According to my local State attorney general's offices, 334 hate crimes were reported in Hillsborough and Pinellas Counties in 2004, up from 275 in 2003. Fifty-two of those hate crimes were motivated by sexual orientation in 2004.

Nationwide, victims of hate crimes have reported an average of 191,000 hate crime incidents since the year 2000.

This bill says that we as Americans do not stand for violent acts upon our neighbors based upon who they are; we will not tolerate terrorism against any group of people; and we will provide our local law enforcement agencies with the tools needed to prosecute you when you use violence to spread fear and hate.

Members, I urge you to pass this important bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the Judiciary Committee, but more importantly, a former attorney general for the State of California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this rule.

Let's understand what this is. This is a closed rule suggesting that this is a perfect bill. This is anything but a perfect bill. People ought to understand that we are denied the opportunity to present a single amendment on this floor, and let me explain to my colleagues the single amendment I wish to bring to the floor.

This bill defines hate crimes to include a number of different subjects. One of them is a crime committed against someone where the hate was motivated by hatred for their sexual orientation. ''Sexual orientation'' appears as an undefined term in the bill.

I offered a simple amendment to define sexual orientation as it is noted in the U.S. Code, the only specific reference to a definition in the U.S. Code, which is a note that is a footnote 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 when 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 offer 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

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 North American Man/Boy Love Association, 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, where NAMBLA, 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 present this simple amendment? 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 hampering 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 in a very real way a serious social question in our society, 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 it.

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 he offered a ride to outside 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 and 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 with children 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 elements that one could raise, 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 who have come to you in tears, 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, that is 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 tearful, 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 tried 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 and 1936 that those 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 recently. They're not part of this. 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 rule, no amendments, but that would address random violence. Because what we see is a Federal offense where a defense will be, you

know what, I didn't hate these people, I just randomly chose someone. It's a senseless act of violence. That will be a defense to an important element of this new created Federal offense.

Another thing we keep hearing people say is, and I had an amendment to address this, is being shut out. We should have had a right to vote on this. People say, well, no, you are specifically protected under the rule of evidence provision in this law. We even had Mr. DAVIS' amendment that further said religious speech is protected. But what they don't point to is what I'm pointing to, under that it says, ''It may not be introduced as substantive evidence at trial, unless the evidence specifically relates to the offense.''

Well, when you tie that with current existing Federal law, 18 U.S.C. 2(a), the law of principals, which is a good law, most States have it, the Federal Code has it, it says, Whoever aids, abets, counsels, commands, induces or procures a crime's commission is punishable, just as the principal. And for those of us who have been judges or prosecutors and have prosecuted or seen prosecuted people as a principal who didn't commit the offense, but they induced it, then you know every statement, things that you said to induce, could be introduced. That's where they go after ministers.

I think a large part of this is the fact that many people do not understand a Christian heart because they just don't like people that disagree with them. Whereas the Christian, the true Christian heart can disagree with people and love them, love them deeply and be willing to give their lives for them.

This is an unfair law, the way the rule is being put to it. We are not going to protect religious speech because you can go after a minister, and this came up in committee, you can go after a minister who says, gee, relations outside of a marriage with a man and a woman is wrong. Someone goes out after hearing that, shoots somebody, and then he says, well, the preacher told me it was wrong, that's what induced me to do that, the sermons, the Bible teachings, whatnot, that the preacher used that this person may have heard are all relevant on whether or not he was a principal and can go to prison for the actual shooting. And it also provides that nothing changes the rule of impeachment.

So if he says, well, no, I never advocate violence, well, here comes everything he has ever said, his hard drives, his files, and we had an amendment to deal with that, and we were not allowed to use it.

This is not a good law. These things are already protected. We ought to have an open rule to fix it.

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

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.

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 people. It is a bad bill. This rule is a bad bill, not allowing for improvement, so I ask Members to oppose the rule and the previous question.

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

Mr. MCGOVERN. Mr. Speaker, I will insert into the RECORD at this time a list of endorsements from law enforcement organizations all across the country. I will also submit for the RECORD the endorsement of the National Education Association, the Religious Action Center of Reformed Judaism, the Matthew Shepard Foundation and the UAW.

LOCAL LAW ENFORCEMENT HATE CRIME PREVENTION ACT OF 2007

LAW ENFORCEMENT SUPPORT FOR 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 approved the measure as an amendment to the Children's Safety Act by a vote of 233–199. 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, and a number of the most important national law enforcement organizations, including:

Federal Law Enforcement Officers Association, Hispanic American Police Command Officers Association, Hispanic National Law Enforcement Association, International Association of Chiefs of Police, International Brotherhood of Police Officers, Major Cities Chiefs Association, National Asian Peace Officers Association, National Black Police Association, National Center for Women & Policing, National Coalition of Public Safety Officers, National District Attorneys Association, National Latino Police Officers Association, National Organization of Black Law Enforcement Executives, National Sheriffs' Association, Police Executive Research Forum, Police Foundation.

Here's what some of them are saying about the legislation:

Police Executive Research Forum

''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.''—Excerpts from letter to Members of Congress from Chuck Wexler, Executive Director, PERF, July 19, 2004.

National Sheriffs' Association

''On behalf of the more than 22,000 members of the National Sheriffs' Association I am writing to seek your support for . . . the Local Law Enforcement Enhancement 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 congressional leadership from Sheriff Aaron D. Kennard, Salt Lake City, Utah, President, National Sheriffs' Association, July 21, 2004.

Dick Thornburgh, Former U.S. Attorney General

''I would like to express my strong support for the passage of . . . the Hate Crimes Prevention Act . . . From my experiences as a Governor, the Attorney General, and as a parent of a child with a disability, I can attest to the importance of this legislation . . . Please add my name to the list of supporters for the passage of this important legislation.''—Excerpts from letter to the Honorable Orrin G. Hatch, Sept. 29, 1998.

International Association of Chiefs of Police

''On behalf of the International Association of Chiefs of Police (IACP), I am writing to urge you to vote in support of . . . the Local Law Enforcement Enhancement Act . . . The passage of the Local Law Enforcement Enhancement Act will greatly assist state and local law enforcement agencies in investigating and prosecuting hate crimes. The IACP urges you to vote for [the Local Law Enforcement Enhancement Act] . . .''—Excerpts from letter to the Senate from Daniel N. Rosenblatt, IACP Executive Director, Alexandria, Virginia, July 19, 2004.

Albany County Sheriff's Department

''As you know, last week saw the conclusion of the trial of Aaron McKinney for the murder of Matthew Shepard, a case on which we worked day and night for the last year . . . We believe justice was served in this case, but not without cost. We have been devastated financially, due to expenses incurred in bringing Matthew's killers to justice. For example, we had to lay off five law enforcement staff. We do not want the federal take over of hate crimes, but communities like ours must be able to call upon the expertise and resources of the federal government. This approach worked very well in Jasper, Texas in the case of James Byrd Jr. Because of the multiple jurisdiction granted by current federal law related to race-based hate crimes, Jasper was able to access approximately $284,000 in federal Byrne grant money. These grants are only available when a federal jurisdictional basis exists. Presently, unlike race, color, religion and national origin, sexual orientation is not covered. We believe this 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 letter to House Speaker Dennis Hastert 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 state and federal 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.

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, there are times 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 act. Hate crime is a civil rights issue, and the proper role of the federal government in controlling this menace should mirror federal action in other areas of civil rights . . . I maintain hope that immediate 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 look these people in the eyes and say it 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—if they can only find the political will to do so . . . Yes, justice was served in the end during the Shepard investigation. But the Albany County Sheriff's office had to furlough five 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 amendment to 18 U.S.C. Section 245 would provide invaluable tools for the United States Department of Justice and the United States Attorneys to combat hate crimes effectively. Therefore, we strongly urge passage of this important hate crimes legislation.''—Excerpts from letter signed by 31 State Attorneys Generals to Speaker Dennis Hastert, Majority Leader Bill Frist, House Minority Leader Nancy Pelosi and Senate Minority Leader Harry Reid, April, 2006.

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 approximately 95 percent of the crimes committed such assistance would certainly provide state and local officials with the necessary tools to address crimes motivated by hate. The National District Attorneys Association supports [the bill] not only because of its proposal to provide additional resources and federal assistance to state and local authorities for the investigation and prosecution of hate crimes but also its recognition of the primacy of state and local jurisdiction over such crimes.''—Excerpts from letter to The Honorable Edward M. Kennedy, April 14, 2006.

Police Foundation

''The Police Foundation urges you to support . . . [the] Local Law Enforcement Enhancement Act. Hate crimes are extremely debilitating to individuals, groups, and entire communities, and the prevention, investigation, and prosecution of these crimes present important challenges for local law enforcement . . . This legislation will be of valuable assistance to state and local agencies . . .''—Excerpts from letter to Members of Congress from Hubert Williams, Chairman of the Board, Police Foundation, July 26, 2004.

Updated January, 2007.

SUPPORT FOR THIS LEGISLATION

The Local Law Enforcement Hate Crimes Prevention Act is supported by thirty-one state Attorneys General and over 210 national law enforcement, professional, education, civil rights, religious, and civic organizations.

A. Philip Randolph Institute, AIDS National Interfaith Network, African-American Women's Clergy Association, Alliance for Rehabilitation Counseling, American-Arab Anti-Discrimination Committee, American Association for Affirmative Action, American Association of University Women, American Association on Mental Retardation, American Citizens for Justice, American Civil Liberties Union, American Council of the Blind, American Counseling Association, American Ethical Union, Washington Office, American Federation of Government Employees, American Federation of Musicians, American Federation of State, County, and Municipal Employees, AFL–CIO, American Federation of Teachers, AFL–CIO, American Foundation for the Blind, American Jewish Committee.

American Jewish Congress, American Medical Association, American Music Therapy Association, American Network of Community Options and Resources, American Nurses Association, American Speech-Language Hearing Association, American Therapeutic Recreation Association, American Psychological Association, Americans for Democratic Action, American Veterans Committee, And Justice For All, Anti-Defamation League, Aplastic Anemia Foundation of America, Inc., Arab American Institute, The Arc of the United States, Asian American Justice Center, Asian American Legal Defense & Education Fund, Asian Law Caucus, Asian Pacific American Labor Alliance, Asian Pacific American Legal Center.

Association for Gender Equity Leadership in Education, AYUDA, Bazelon Center for Mental Health Law, Bi-Net, B'nai B'rith International, Brain Injury Association, Inc., Business and Professional Women, USA, Catholics for Free Choice, Center for Community Change, Center for Democratic Renewal, Center for the Study of Hate & Extremism, Center for Women Policy Studies, Central Conference of American Rabbis, Chinese American Citizens Alliance, Christian Church Capital Area, Church Women United, Coalition of Black Trade Unionists, Coalition of Labor Union Women, Communication Workers of America.

Congress of National Black Churches, Consortium of Developmental Disabilities Councils, Cuban American National Council, Disability Rights Education and Defense Fund, Disciples of Christ Advocacy Washington Network, Easter Seals, The Episcopal Church, Equal Partners in Faith, Evangelical Lutheran Church of America, Office for Government Affairs, Fair Employment Council of Greater Washington, Family Pride Coalition, Federal Law Enforcement Officers Association, Federally Employed Women, Feminist Majority, Gay, Lesbian and Straight Education Network, Gender Public Advocacy Coalition, General Federation of Women's Clubs, Goodwill Industries International, Inc., Hadassah, Hispanic American Police Command Officers Association.

Hispanic National Law Enforcement Association, Human Rights Campaign, Human Rights First, The Indian American Center for Political Awareness, Interfaith Alliance, International Association of Chiefs of Police, International Association of Jewish Lawyers and Jurists, International Association of Jewish Vocational Services, International Brotherhood of Teamsters, International Dyslexia Association, International Union of United Aerospace and Agricultural Implements, Japanese American Citizens League, Jewish Council for Public Affairs, Jewish Labor Committee, Jewish War Veterans of the USA, Jewish Women International, JAC-Joint Action Committee, Justice for All, LDA, The Learning Disabilities Association of America, Labor Council for Latin American Advancement, Latino/a, Lesbian, Gay, Bisexual & Transgender Organization, Lawyers' Committee for Civil Rights Under Law, Leadership Conference on Civil Rights, LEAP—Leadership Education for Asian Pacifics, Inc., Learning Disabilities Association of America, League of Women Voters.

League of United Latin American Citizens (LULAC), Log Cabin Republicans, Major Cities Chiefs Association, MALDEF—Mexican American Legal Defense & Education Fund, MANA—A National Latina Organization, Maryland State Department of Education, Matthew Shepard Foundation, The McAuley Institute, National Abortion Federation, NAACP, NAACP Legal Defense and Educational Fund, Inc., NA'AMAT USA, NAKASEC—National Korean American Service & Education Consortium, Inc., National Asian Pacific American Women's Forum, National Asian Peace Officers Association, National Association for Multicultural Education, National Association of Commissions for Women, National Alliance for the Mentally Ill, National Alliance of Postal and Federal Employees, National Asian Pacific American Bar Association.

National Association for the Education and Advancement of Cambodian, Laotian and Vietnamese Americans, National Association of Collegiate Women Athletics Administrators, National Association of the Deaf, National Association of Developmental Disabilities Councils (NADDC), National Association of Latino Elected and Appointed Officials (NALEO), National Association of Lesbian, Gay, Bisexual and Transgender Community Centers, National Association for Multicultural Education, National Association of People with AIDS, National Association of Private Schools for Exceptional Children, National Association of Rehabilitation Research and Training Centers, National Association of School Psychologists, National Association of Social Workers, National Black Police Association, National Black Women's Health Project, National Center for Lesbian Rights, National Center for Transgender Equality, National Center for Victims of Crime, National Center for Women & Policing, National Coalition Against Domestic Violence.

National Coalition for Asian Pacific American Community Development, National Coalition of Anti-Violence Programs, National Coalition on Deaf-Blindness, National Coalition of Public Safety Officers, National Conference for Community and Justice (NCCJ), National Congress of American Indians, National Council of Churches of Christ in the USA, National Council of Jewish Women,

National Council of La Raza, National Disability Rights Network, National District Attorneys Association, National Education Association, National Federation of Filipino American Associations, National Gay and Lesbian Task Force, National Hispanic Leadership Agenda (NHLA), National Italian American Foundation, National Jewish Democratic Council, National Korean American Service and Education Consortium, National Latino Police Officers Association, National League of Cities.

National Mental Health Association, National Multicultural Institute, National Newspaper Publishers Association, National Organization of Black Law Enforcement Executives, National Parent Network on Disabilities, National Partnership for Women & Families, National Puerto Rican Coalition, Inc., National Rehabilitation Association, National Respite Network, National Sheriffs' Association, National Spinal Cord Injury Association, National Spiritual Assembly of the Baha'is of the United States, National Therapeutic Recreation Society, National Urban League, National Victim Center, National Women's Law Center, National Youth Advocacy Coalition, NOW—National Organization for Women, NOW Legal Defense & Education Fund, NETWORK, A National Catholic Social Justice Lobby.

Organization of Chinese Americans, ORT—Organization for Educational Resources and Technological Training, Paralyzed Veterans of America, Parents, Families and Friends of Lesbians and Gays, People For the American Way, Police Executive Research Forum, Police Foundation, Presbyterian Church (USA), Washington Office, Pride at Work, Project Equality, Inc., Rainbow/PUSH Coalition, Rehabilitation Engineering and Assistive Technology Society of North America, The Rabbinical Assembly, Rock the Vote, Service Employees International Union—AFL–CIO, Sikh American Legal Defense and Education Fund (SALDEF), Society for the Psychological Study of Social Issues, South Asian American Leaders of Tomorrow (SAALT), Southeast Asia Resource Action Center, Spina Bifida Association of America.

Union of Reform Judaism, Union of Needletrades, Industrial & Textile Employees (UNITE), Unitarian Universalist Association, United Church of Christ—Office of Church in Society, United Food and Commercial Workers International Union, United Methodist Church—General Commission on Religion and Race, The United States Conference of Mayors, United States Student Association, United Synagogue of Conservative Judaism, The Woman Activist Fund, Inc., Women of Reform Judaism—Federation of Temple Sisterhoods, Women Work!, Women's Alliance for Theology, Ethics & Ritual, Women's American ORT, YWCA of the USA.

Updated February, 2007

APRIL 30, 2007.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of the National Education Association's 3.2 million members, we would like to urge your support for the Local Law Enforcement Hate Crimes Prevention Act (H.R. 1592), scheduled for floor debate this week. Votes associated with these issues may be included in the NEA Legislative Report Card for the 110th Congress.

In spite of our nation's substantial advances toward equality over the past 40 years, prejudice and hatred continue to lead to violence. As educators, NEA members share a commitment to protecting the civil and human rights of our students and communities. We believe the federal government must play a leadership role in confronting criminal acts motivated by prejudice.

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 programs for 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 to address hate crimes.

This legislation has strong bipartisan support in Congress; the support of more than 210 law enforcement, civil rights, civic and religious groups; and the support 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 LLEHCP A 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 bias-motivated violence, but the LLEHCPA will allow the federal government to intervene in cases where local authorities are either unable or unwilling to investigate and prosecute a criminal act as a hate crime.

Studies demonstrate that gay, lesbian, transgender, and disabled persons face a significantly increased risk of violence and harassment based solely on these immutable characteristics. This long-overdue legislation would rightly classify violence based On sexual orientation, gender identity, and 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

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 failing 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 value the pursuit of justice, we must actively work to improve, open, and make safer our communities.

This bill has come far too close to becoming law for far too long. The Local Law Enforcement Hate Crimes Prevention Act of 2007 is one of our organization's top legislative priorities for the 11Oth Congress. I urge you to vote for this legislation.

Sincerely,

RABBI DAVID SAPERSTEIN,
Director and Counsel.

MATTHEW SHEPARD FOUNDATION,
May 2, 2007.

DEAR REPRESENTATIVE: On behalf of the Matthew Shepard Foundation and our family, 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 underaddressed 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) Unified Crime Reports, approximately 10,000 hate crime incidents based on sexual orientation have been reported since 1998. Consistently, since 1998, hates crimes based on sexual orientation have ranked as the third 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 been targeted by these organizations claiming that this legislation would punish religious people for anti-gay speech—dubbing this a ''thought crimes 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 speech unrelated to the violent crime 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 on 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 brad@MatthewShepard.org.

Sincerely,

JUDY SHEPARD,
Executive Director.
DENNIS W. SHEPARD,
Chairman, Board of Directors.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,

May 1, 2007.

DEAR REPRESENTATIVE: This week the House is scheduled to take up the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592.) The UAW strongly supports this hate crimes prevention legislation. We urge you to vote for this vital legislation and to oppose any weakening amendments.

This legislation would strengthen existing federal hate crimes laws by removing unnecessary obstacles to federal prosecution and providing authority for federal involvement in a wider category of bias-motivated crimes. Specifically, H.R. 1592 would eliminate the current requirement that the crime must have been committed because of the victim's involvement in a ''federally protected activity,'' such as voting, serving on a jury or attending public school. It would also permit federal involvement in the prosecution of bias-motivated crimes based on the victim's gender, sexual orientation or disability.

This measure has repeatedly attracted majority, bipartisan support in both the Senate and the House. In the 109th Congress, the House of Representatives approved the text of this measure as an amendment to the Children's Safety Act by a vote of 223–199 on September 14, 2005. In the 108th Congress, on June 15, 2004, the Senate approved this measure as an amendment to the National Defense Authorization Act for Fiscal Year 2005 by a vote of 65–33. In September 2004, the House approved a motion to instruct its conferees to retain this provision in conference by a vote of 213–186. Unfortunately, this legislation was dropped from the final conference report.

The UAW believes there is a need for a strong federal response against hate crimes. Congress has an opportunity to provide leadership on this vital issue by acting to strengthen the federal hate crimes statute. We therefore urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592) and to oppose any weakening amendments.

Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. McGOVERN. Mr. Speaker, the bill before us provides much needed support for local law enforcement agencies in the fight against violent hate crimes. That's why so many law enforcement agencies all across the country are enthusiastically supporting this legislation. That's why 31 State Attorney Generals, including the Republican Attorney General from the State of Washington, supports this bill.

Victims have reported an average of 191,000 hate crime incidents annually since the year 2000. Seventy-three percent of Americans support strengthening hate crimes laws.

This bill, as I said, is endorsed by virtually every major law enforcement organization in the country. The legislation is also supported by President George H.W. Bush's Attorney General, Dick Thornburg. This legislation is virtually identical to the version approved by a bipartisan majority in the Republican-led 109th Congress.

Hate crimes affect more than one individual, Mr. Speaker. It is committed 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 measure 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's conduct, 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 in Wisconsin v. Mitchell 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 assist local law enforcement agencies. The majority of hate crimes will still be prosecuted at the State level. The Federal Government only has jurisdiction in certainly 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 providing an expansion 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 bipartisanship 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 ground 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—yeas 217, nays 196, not voting 19, as follows:

[Roll No. 296]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin

Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Cubin
Culberson
Davis, Jo Ann
Engel
Fattah
Gingrey
Graves
Hirono
Hunter
Johnson, E. B.
Jones (OH)
Lampson
McMorris Rodgers
Moran (VA)
Ortiz
Paul
Radanovich
Tancredo
Tanner

□ 1124

Mr. DUNCAN, Ms. PRYCE of Ohio, and Mr. BURGESS changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 296, I was attending a hearing on S. 310, the Native Hawaiian Government Reorganization Act of 2007 and missed this vote. Had I been present, I would have voted "yea."

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

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

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 213, noes 199, not voting 20, as follows:

[Roll No. 297]

AYES—213

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Boucher
Cubin
Culberson
Davis, Jo Ann
Engel
Fattah
Gingrey
Graves
Heller
Hunter
Johnson, E. B.
Jones (OH)
Lampson
McMorris Rodgers
Moran (VA)
Ortiz
Paul
Radanovich
Tancredo
Tanner

□ 1134

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CONYERS. 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

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 the community 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 at 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 religions 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 sufficiently 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) the term ''crime of violence'' has the meaning given that term in section 16, title 18, United States Code;

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

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

SEC. 4. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

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

(A) constitutes a crime of violence;

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

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

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

(b) GRANTS.—

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

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

(3) APPLICATION.—

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

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

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

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

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

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

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

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

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

(6) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 5. 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. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7 of this Act.

SEC. 7. PROHIBITION OF CERTAIN HATE CRIME ACTS.

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

''§ 249. Hate crime acts

''(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(c) DEFINITIONS.—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 the purposes of this chapter means actual or perceived gender-related characteristics.

''(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''.

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

''249. Hate crime acts.''.

SEC. 8. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by, and crimes directed against, juveniles'' after ''data acquired under this section''.

SEC. 9. SEVERABILITY.

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

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 364, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–120, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, 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. DEFINITION OF HATE CRIME.

In this Act—

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

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

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

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

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

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

(A) constitutes a crime of violence;

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

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

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

(b) GRANTS.—

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

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

(3) APPLICATION.—

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

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

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

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

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

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

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

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

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

(6) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 4. GRANT PROGRAM.

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

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

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

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7 of this Act.

SEC. 6. PROHIBITION OF CERTAIN HATE CRIME ACTS.

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

''§ 249. Hate crime acts

''(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(c) DEFINITIONS.—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 the purposes of this chapter means actual or perceived gender-related characteristics.

''(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''.

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

''249. Hate crime acts.''.

SEC. 7. SEVERABILITY.

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

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the 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.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise 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 108th Congress 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 National Sheriffs Association, 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 year 2005, the most current 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 that is known to law enforcement is that hate crime incidents are notoriously underreported; 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 community, 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 victim is 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 victims' 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 impinge on public speech or writing in any way. In fact, the measure improves two explicit 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.

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 from assaults 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 religious bias, and 14 percent on sexual orientation bias.

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

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.

□ 1145

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 chilling effect on 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 investigations. Religious speakers and groups 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, Todd Mitchell received 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 willing to take the risk and leave the first amendment protections to a prosecutor's discretion?

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

In 2000, the Supreme Court in 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 noneconomic 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 criminal conduct, 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 over the 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—no matter what prejudice motivates the perpetrator—are presumptively local matters in which the Federal Government should intervene only when it has a pressing interest. The fact that hatred lurks behind a violent incident is not, in our view, an adequate Federal interest . . .''

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 the 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, not because they deserve 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 several 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 commune. 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 are 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 clearly that hate-based violence 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

belong to the same category. This sort of domestic terrorism demands a strong, federal response because this country was founded on the premise that persons should be free to be who they are—without fear of violence.

I want to share with you a few reasons why the passage of this legislation is so urgent and necessary. Last week in Committee, we heard from a very young man, Mr. David Ritcheson, who was brutally beaten last year by two individuals due to his ethnicity as a Mexican-American. Mr. Ritcheson spent the next 3 months and 8 days in the hospital, recovering from severe internal injuries. Yet because the attack took place in a private yard rather than an area of public access, the FBI had no grounds to investigate the attack under existing hate crimes laws.

The story of Brandon Teena also demonstrates the need for this legislation. Dramatized in the movie "Boys Don't Cry," Brandon was raped and later killed after the discovery of his biological gender by two acquaintances. Five days before his murder, Brandon reported his rape and beating by the same perpetrators, but the Richardson County Nebraska Sheriff would not pursue the case against Brandon's attackers.

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 targeted community. I remember the impact locally in Wyoming. I was in the midst of my first campaign for Congress in October 1998. Many gay and lesbian youths roughly Matthew's age were working on my campaign. I remember the impact of the crime on them. They were afraid for their safety, and that is precisely the effect these crimes have. The sponsors of the Senate hate crimes legislation have renamed the bill the Matthew Shepard Act, and today we are joined by Matthew's mother Judy Shepard and the lead investigator in his case David O'Malley, who are still courageously advocating for the passage of this legislation more than 8 years after Matthew's tragic death. Mr. Speaker, the passage of hate crimes legislation is long overdue.

The passage of H.R. 1592 today will be critical for both substantive and symbolic reasons. The legal protections are essential to our system of ordered justice and essential for ensuring that those who commit these heinous crimes are punished . . . but on a symbolic basis, it is important for Congress to enunciate clearly that hate-based violence targeting women, gays and lesbians, transgender individuals, and people with disabilities will no longer be tolerated.

The opponents of this legislation will disseminate a lot of misinformation today in order to derail this bill. But make no mistake, the legislation we are considering today has been carefully crafted to protect an individual's First Amendment right to speech, expression, and association. It also provides much needed federal resources to local law enforcement authorities without usurping local authority. Finally, the bill is fully consistent with Supreme Court precedence on both First Amendment and interstate commerce cases.

Our society is not perfect; the passage of the Local Law Enforcement Hate Crimes Prevention Act will not make all hate crimes go away. H.R. 1592 is about giving state, local, and federal law enforcement authorities the necessary resources and tools to combat violent crimes based on prejudice and intended to terrorize a group of people or an entire community. Such hate crimes are in desperate need of a federal response, and I strongly urge my colleagues to vote in support of this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN) a senior member of the Judiciary Committee and a former attorney general of California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Mr. Speaker, hate crimes are a serious issue. That's why 45 out of the 50 States have laws against them. That's why we have an already existing Federal law where there is a Federal interest involved.

Unfortunately, this bill is not necessary or is not drawn appropriately for any specific Federal problem. Some 20 years ago, I remember supporting the gentleman from Massachusetts against an effort by a Member on my side of the aisle to remove homosexuals from protection under the Hate Crimes Act at the time, that is the Hate Crimes Statistics Act. That went to the definition.

I am concerned about the definition in this bill. I mentioned this during the rule. In this rule there is no definition of sexual orientation, which becomes a protected class in the sense of enhanced penalty or a new crime for protection for such a victim.

We asked whether we would put the definition that is noted in the statute that goes to the sentencing commission in the bill. In fact, many on the committee said that I had a good idea. Yet, I was denied the opportunity in committee and in the Rules Committee to present that.

So, therefore, we have no definition of sexual orientation. I wanted the simple definition that's recognized in the note to the sentencing commission, which limits it to homosexual or heterosexual conduct. So, now we have an undefined term of sexual orientation.

Why am I concerned about it? Because I come from the State of California, where, for the past 20 years, we have had a problem dealing with an organization called NAMBLA, North American Man/Boy Love Association. They march in parades. They asserted the right, under the first amendment, to be able to hold their meetings in the local chapter in a library in my district. That's a sexual orientation.

Without limiting the definition, as I asked us to do, we open up the potential for creating a new protected class. I do not understand why the majority refused to allow us a serious amendment to just define what this is and get rid of this problem.

We were told, look at the statute. It defines it. We found out it didn't. It said it does it by reference. We went to it. The only reference is to a note to the sentencing commission. It is not defined.

If this is not taken care of, this bill, I know it's not the intent, but it becomes essentially a NAMBLA Protection Act, because it allows that sort of conduct or any other sexual orientation to be considered because there is a lack of definition.

Why you didn't allow it, I don't know. But you didn't allow it. On that grounds alone, this bill ought not to go forward.

This bill needs to be reviewed, it needs to be amended, it needs to be perfected. It doesn't do what it claims it does. It has an expansion beyond all that anybody would support. At least in the committee they told me they didn't support it.

They said they would take care of it. They didn't take care of it. I asked for a simple amendment in the Rules Committee. We were denied a simple amendment. I don't know why you are doing this, but it is a failure of this bill and will probably defeat this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

First of all, I want to assure my friend Mr. LUNGREN, the former attorney general of California, that we have no opposition about dealing with the definition of which he complained.

I also take this opportunity to remind him that 26 State attorney generals, just like you were, approved this bill.

Now I turn to the chairman of the Subcommittee on Crime, BOBBY SCOTT, and I yield him 2 minutes.

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

Mr. Speaker, bias-based crimes are an unfortunate reality in this country. This legislation is necessary because existing law, 18 U.S.C. section 245(b)(2) does not protect individuals from violent acts based on race, color, national origin or religion, unless the defendant intended to interfere with the victims' participation in certain enumerated Federal activities.

Additionally, Federal law does not presently provide for hate crime protection at all for a tax based on sexual orientation, gender, gender identity or disability.

Mr. Speaker, this bill also addresses many of the express concerns about the first amendment rights to free speech and association. H.R. 1592 addresses these concerns by providing an evidentiary exclusion, which prohibits the government from introducing evidence of expression or association as substantive evidence at trial, unless it is directly relevant to the elements of the crime.

This provision will ensure that defendants will only be prosecuted and

convicted based on their criminal acts, not on what they say or what they believe, or because of the people with whom they are associated. There are some of us who criticize the bill as an improper exercise of Federal jurisdiction. But based on testimony and the issues of the witnesses at our hearings, this legislation has been carefully drafted to address the Supreme Court's decisions in Lopez and Morrison, which limited Congress' jurisdiction to pass legislation.

Furthermore, H.R. 1592, in response to the gentleman's complaint, Federal prosecutors must confer with State authorities to decide whether Federal jurisdiction is appropriate, and no prosecution can proceed without the express approval of the United States attorney general or his designee. Additionally at trial they must prove a valid Federal interest as a specific element of the crime.

In addition to creating new hate crime offenses and expanding the application of existing ones, this bill also establishes an important grant program to provide financial assistance to States, local, and tribal law enforcement agencies to provide much-needed assistance in investigating high-profile crimes.

Mr. Speaker, this bill has broad support. For these reasons, I urge my colleagues to support the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), a senior member of the Judiciary Committee and a ranking member of the IP subcommittee.

Mr. COBLE. I thank the gentleman from Texas.

Mr. Speaker, I rise in opposition to the bill before us.

All crimes are deplorable, particularly when they are motivated by some form of discrimination. But this bill, in my opinion, does nothing to prevent these acts. States and Federal governments traditionally prosecute hate crimes now. I agree with the argument that this bill would unfairly classify crimes against certain groups of people, and ignore others such as law enforcement, children, veterans or senior citizens who deserve the same degree of protection.

□ 1200

I am concerned that this legislation will lead to unseemly investigations, possibly into thoughts and beliefs, which could have the effect of criminalizing religious or political speech.

Furthermore, I understand that the legislation does not have a nexus with interstate commerce that would survive a constitutional challenge.

I understand the need to protect vulnerable people, Mr. Speaker, and I support funding to help community safety and to prosecute criminals, but I cannot support this legislation.

Oftentimes, Mr. Speaker, those of us who oppose hate crime legislation are accused of being uncaring and insensitive. Now, to those charges I plead ''not guilty,'' but I oppose this, among other reasons, because hate crime legislation is duplicative. There is sufficient statutory relief readily available now to aggrieved victims. There is such a thing as having too many laws, and I think this would result if we enact this today, and I urge its defeat.

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

Mr. CONYERS. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Connecticut (Mr. SHAYS).

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

Mr. SHAYS. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, as one of the lead Republican cosponsors of H.R. 1592, I am pleased we are considering this legislation, which will allow the Justice Department to investigate crimes committed on the basis of the victims race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

Under this bill, hate crimes that cause death or bodily injury because of prejudice can be investigated federally, regardless of whether the victim was exercising a federally protected right.

In my judgment, violence based on prejudice is a matter of national concern that federal prosecutors should be empowered to punish if the States are unable or unwilling to do so.

Franklin Delano Roosevelt once said:

> We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization.

That statement is no less true today than it was back then. I urge support of this legislation.

Mr. CONYERS. Mr. Speaker, I now yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this as the original cosponsor of this legislation. We find that a hate crime can ignite group-on-group violence that would tear a community apart. We have seen it in other countries; we want to make sure it never happens here.

This is especially dangerous when group-on-group violence can overwhelm a small suburban police department, and this offers assistance so that a small problem doesn't become a big problem and doesn't become a national problem. We saw when Rodney King was beaten that a riot broke out in Beloit, Wisconsin, and overwhelmed that police department.

So to be able to make sure that the Federal Government can defend the Nation and to make sure that our country stands not just for freedom and democracy, but also tolerance, is one reason why we should follow enactment of the Hate Crimes Statistics Act, under President George Herbert Walker Bush, to also pass this legislation.

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 different people the protection of their life, their property, and their person based on their special status.

We need to treat all Americans equally. Justice ultimately must turn on the fundamental word of each and every human being as equal before God 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.

Mr. Speaker, 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 or 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 that 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 engaged 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, et cetera.

This is not an issue of free speech. This bill deals only 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 of them differently. Manslaughter is different from premeditated murder, which is different from a contract killing. We all know how to make these distinctions. The law does it all the time. We ought to do it here; we ought to say that crimes of violence motivated by one's status are particularly 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 dreaded 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: ''To even consider any thought not in line with the principles of Ingsoc. Doubting any of the principles of Ingsoc. All crimes begin with a thought. So, if you control thought, you control crime. Thoughtcrime 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 could make that allegation who has 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 hateful thoughts, that 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 makes it even more wrong 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. It would be Thomas Jefferson who would remind the American people that the government reaches actions only and not opinions, in his famous letter to the Danbury Baptists.

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 underlying violent crimes at issue here are not already being fully and aggressively prosecuted. Therefore, hate crimes laws serve no practical purpose and, instead, serve to penalize people for their thoughts and beliefs.

Now, some of these thoughts and beliefs are abhorrent, like racism and sexism, and I disdain them. But hate crimes bills are broad enough to encompass legitimate beliefs as well, and protecting the rights of freedom of speech and religion must be paramount on our minds.

The first amendment says Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof. There is a real possibility that this bill, as written, that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities under conspiracy laws or section 2 of title XVIII, which holds a person criminally liable if they aid and abet in the commission of a crime. Putting a chill on a pastor's words or 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 guaranteed right to freedom of religion.

Last week, I offered an amendment before the committee that simply would have stated that nothing in this section limits the religious freedom of any person or group under the Constitution. Unfortunately, this amendment was rejected by the majority and rejected by the Rules Committee for consideration today.

We must guard against the potential for abuse of hate crimes laws. The Pence amendment would have done so by stating, once and for all, that people in groups will not have their constitutionally guaranteed right to freedom of religion taken away.

On this National Day of Prayer, let's take a stand for the right of every American to believe and speak and pray in accordance with the dictates of their conscience and reject this legislation.

Mr. Speaker, I come before the House today in strong opposition to H.R. 1592, 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 worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which 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.'' America

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 its commission; or one 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 a statement in 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-guaranteed right to freedom of religion.

Last week when the Judiciary Committee took up this bill, 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 a closed rule for 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-guaranteed 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 right 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 now to yield to a distinguished Member on the Judiciary Committee, STEVE COHEN of Tennessee, for 1 minute.

Mr. COHEN. Mr. Speaker, Mr. Chairman, I am proud to stand 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 about 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 deputy 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, factual, so-called 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 that the Matthew Shepard case shows how desperately we need hate crime legislation. Those 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.

□ 1215

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, 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 someone as a 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 Torah, imams reading from the Koran who say sexual activity outside of marriage of a man and a woman is wrong, if they have somebody from their 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, ARTUR 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 accepted in committee and that 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 man of God or woman of God who would take to any pulpit in the land, any synagogue or mosque in the land and say, do violence to another one of

God's children. And because I have confidence in people of faith and know they wouldn't do that, I know they won't be hurt by this bill. And, by the way, I say that as the only Democrat on the committee who voted against gay marriage.

This bill ought to be passed, and I ask my colleagues to do so.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman fro 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 of more 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, 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 justice 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 the opportunity, 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 you one another.'' He didn't say hate you one another.

We're one people. We're one family. We all live in the 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 now 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 timing. He said to us that time is never right; time is never wrong; that time actually 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 body today to ask us 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 hate crime 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 afoul of the law.

That's why I think it's very, very important how we carefully construct a hate crimes 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 particular protected 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 the Court on that. That's why 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 another section of 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, in the third paragraph says, or 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 and extended it far beyond that. That is another legitimate concern about this bill.

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 attitude by the perpetrator, or for reasons outside the protected class, somehow don't have the sufficiency of interest or the sufficiency of importance to be included.

Hate crimes exist in our society. Hate crimes are to be condemned in our society. As I said before, that's why 45 States have done so, most of them successfully in negotiating the shows of constitutional concern that are created by the first amendment. And therefore, one might suggest that we need to review this in far greater detail than we've been allowed thus far.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds to respond to my dear friend from California (Mr. LUNGREN).

The purpose of this hate crime bill is to supplement State and local actions. It is not to take over.

Mr. Speaker, I now yield to the gentleman from Georgia, Mr. HANK JOHNSON, member of the Judiciary Committee, 1 minute.

Mr. JOHNSON of Georgia. Mr. Speaker, we've had Federal hate crime legislation on the books since 1968. It covered violent crimes targeted against

persons based upon race, color, religion and national origin.

Now we've got folks who don't want us to extend this hate crime legislation to those who would be attacked because of their gender, sexual orientation, gender identity or disability of the victim, and this at a time, Mr. Speaker, when one in six hate crimes is motivated by the victim's sexual orientation. And yet today's Federal laws don't include any protection for these Americans.

□ 1230

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 now, 39 years later after the act was enacted.

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

Mr. PRICE of Georgia. I 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 majority continues to bring 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 motive. 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. EMANUEL. 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, most 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, Ms. SHEILA JACKSON-LEE.

(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 you. No one that may be listening had the opportunity to listen to Congresswoman BALDWIN and you speak of your existence.

So I rise today to make sure that everyone understands that this bill is about hate. Regular order is in place. It is about protecting young people who have an identity that is different from any of us. It is about reflecting the definition of hatred that says that it is an affection of the mind awakened by something regarded as evil. Can we in America regard human life as evil?

Even as Christians, and many of us are not, the Bible dictates about the instruction of loving thy neighbor. This bill reflects on the needs of African Americans and Hispanics and the disabled and those with gender identity. It reflects on the fact that brutality and viciousness because of hate cannot be tolerated by a country that believes we are all created equal.

This is a fair bill. It does not encourage you to change your faith, but it encourages you to adhere to democracy and to the Constitution.

Mr. Speaker, I rise in strong support of H.R. 1592, the ''Local Law Enforcement Hate Crimes Prevention Act of 2007.'' Mr. Speaker, as important as it is to apprehend, prosecute, convict, and punish severely those who commit hate crimes, we can all agree that in the long run it is even more important and better for society if we can increase our effectiveness in eradicating the desire to commit a hate crime in the first place. I have long believed, and research confirms, that if a person does not acquire a proclivity to hate as a juvenile, he or she is not likely to be motivated to commit crimes out of hate as an adult.

Mr. Speaker, Webster's Dictionary defines hate as a ''strong aversion; intense dislike; hate; an affection of the mind awakened by something regarded as evil.''

Mr. Speaker, before I proceed any further, I would be remiss if I failed to note that this legislation is more timely than any of us could have predicted just a month ago. Two weeks ago, at Virginia Tech University, one of the Nation's great land grant colleges, we witnessed the most senseless acts of violence on a scale unprecedented in our history. Neither the mind nor the heart can contemplate a cause that could lead a human being to inflict such injury and destruction on fellow human beings. The loss of life and innocence at Virginia Tech is a tragedy over which all Americans mourn and the thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

But the carnage at Virginia Tech also commands that we here in this body take a stand against senseless acts of violence taken against persons for no reason other than that they are different, whether in terms of race, religion, national origin, gender, or sexual orientation. It is long past time for our national community to declare that injuries inflicted on any member of the community by another simply because he or she is different poses a threat to the peace and security of the entire community. For that reason alone, such conduct must be outlawed and punished severely. That is why I have, Mr. Speaker, since 1999 introduced and supported strong legislation to deter and punish hate crimes, including as noted earlier, H.R. 254, the ''David Ray Hate Crime Prevention Act of 2007'' pending in this Congress.

Mr. Speaker, every act of violence is tragic and harmful in its consequences, but not all crime is based on hate. A ''hate crime'' is the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their race, ethnicity, national origin, religion, sexual orientation, or disability.

The purveyors of hate use explosives, arson, weapons, vandalism, physical violence, and verbal threats of violence to instill fear in their victims, leaving them vulnerable to more attacks and feeling alienated, helpless, suspicious and fearful. Others may become frustrated and angry if they believe the local government and other groups in the community will not protect them. When perpetrators of hate are not prosecuted as criminals and their acts not publicly condemned, their crimes can weaken even those communities with the healthiest race relations.

Of all crimes, hate crimes are most likely to create or exacerbate tensions, which can trigger larger community-wide racial conflict, civil disturbances, and even riots. Hate crimes put cities and towns at risk of serious social and economic consequences. The immediate costs of racial conflicts and civil disturbances are police, fire, and medical personnel overtime, injury or death, business and residential property loss, and damage to vehicles and equipment. Long-term recovery may be hindered by a decline in property values, which results in lower tax revenues, scarcity of funds for rebuilding, and increased insurance rates.

Mr. Speaker, a study funded by the Bureau of Justice Statistics released September 2000, shows that 85 percent of law enforcement officials surveyed recognize bias-motivated violence to be more serious than similar crimes not motivated by bias.

Hate crimes are destructive and divisive. A random act of violence resulting in injury or even death is a tragic event that devastates the lives of the victim and their family, but the intentional selection and beating or murder of an individual because of who they are terrorizes an entire community and sometimes the Nation. 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 a profound 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, a skinhead, 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's assailants punched him unconscious, kicked him in the head, sadistically inflicted 17 cigarette burns that still scar his body, poured bleach on his face and body, and then assaulted with a pipe taken from a patio umbrella. He was left lying 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 through a rural Black community 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-American males in 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 distinguish 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 underreported; however, 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 1,985 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 no participation by many jurisdictions 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 egregiously deficient in reporting hate crimes. Jacksonville, Florida, for example, reported only 5 incidents in 2005.

Sadly, 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 these violent 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 closer to 50,000, as opposed to the nearly 8,000 reported by the FBI.

Next, Mr. Speaker, let me address the specious 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 the appropriate 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 community unrest 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 expressive conduct 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).

H.R. 1592 does not ban religious, political, or offensive speech, or even punish expressive conduct, such as cross burning or flag burning. Rather, the legislation is only directed at criminal conduct that is independently criminal, such as assault or murder. It punishes conduct that is already criminal more severely 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 ''Homosexuals will not inherit the kingdom of heaven.'' This is because H.R. 1592 only covers violent actions committed because of a person's sexual orientation that result in death or bodily injury.

Mr. Speaker, the American public opinion strongly favors this legislation. According to a recent survey by Peter Hart and Associates, voters overwhelmingly favor expanding the definition of hate crimes to include crimes against people based on sexual orientation or gender identity. Three in four (73 percent) voters favor Congress's 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 (72 percent) favoring Congress's including 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 also pay 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 hopes 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 reserve the balance of my time.

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

Ms. 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 a liberal bias sort of thing, 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 that's it. 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, BARBARA 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 BARNEY 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 comfortable as herself, as 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.

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 strong support of H.R. 1592, and I am pleased that 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 religion, their gender, their disability, National origin, 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 at1ackers 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 two young 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 Legislature, 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 me in the California Legislature. 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, still is today and that is why we need to pass H.R. 1592 today.

Mr. Speaker, these stories are just 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. HOYER.

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 action. They kill because of the 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 be.

We serve 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, not 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 rationalize violence because of membership in another class different than they. 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.

Let me say something about that to my friends. We have come to accept in America in the 21st century that it is not respectable nor acceptable to be bigoted against those who are black, be bigoted against those who are women, be bigoted against those who are Catholic or Baptist or Jews or Muslims. It is not respectable. It is not acceptable. You don't talk about that in the restaurant anymore.

But there is a class in America that is still respectable, 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.

□ 1245

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 bed 20 years from now, 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 this 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 all 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 on the basis of 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 crimes based on prejudice.

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 orgin, 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 crimes could 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 and the National Sheriffs Association.

I urge my colleagues: Vote for this legislation, not only because it is important and necessary but also because it is the right thing to do.

Mr. CONYERS. Mr. Speaker, it is my honor now to recognize the Speaker of the House, Ms. NANCY PELOSI, for 1 minute.

Ms. PELOSI. I thank the distinguished chairman of the Judiciary Committee, Mr. CONYERS, for yielding time, but more importantly, for bringing this important legislation to the floor in his ongoing, long commitment to justice in our country. And I want to commend Congresswoman TAMMY BALDWIN and Chairman BARNEY FRANK for their leadership. It is an honor to call you colleague. Thank you for giving us the opportunity today to make America more American.

Every day we come to this floor, we honor the tradition of our Founders, that every person is created equal, and that we are all God's children. Every day that we come to this floor, we pledge allegiance to the flag, and at the end of that pledge we say "with liberty and justice for all." That is what today is about. Because in the preamble to the Constitution, which we take an oath to, we talk about forming a more perfect union. Our Founders knew that our Constitution had to be amended. They knew that we had to move to a more perfect union in terms of legislation to reflect the values of our country. And so we are here today to extend to the hate crimes legislation others who have had hate crimes committed against them. The record is clear.

What I am so interested in is the fact that so many law enforcement organizations have endorsed this legislation. My colleagues have spoken very eloquently as to why this is about the values of our country. They have spoken very clearly about the need for this legislation. And if it has been said, I think it bears repeating that the law enforcement organizations, many of them, 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, have 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 religious expression. It increases the ability of State, local and Federal law enforcement agencies to solve a wide range of violent hate crimes.

We in our country take pride in saying that we are moving to end discrimination of all kinds. Today, we have an opportunity to end discrimination and the violence that goes with it that equal a hate crime. So whatever you may think of any one of us, based on our ethnicity or our gender or whatever, you have no right to act upon that opinion in a violent way. Who would disagree with that? That is why I hope that we can send a clear message from the Congress that this Congress does not agree with that and pass this legislation.

Who of us can think of the story of the Shepard family and the Byrd family and so many examples that we have of this and not say that is wrong. And at the very least, we can pass legislation that tells Federal authorities that they can assist State and local authorities in enforcing the law. Over 100,000 hate crimes reported since 1991. There are so many more that go unreported, many of them unprosecuted.

So today, let us take this step forward that is consistent with the values of our Founders, both in terms of all being equal, and our faith that we are all God's children, but also consistent with the call and the preamble to form a more perfect union.

Again, passing this legislation makes America more American. I urge a ''yes'' vote.

Mr. CONYERS. Mr. Speaker, I yield now for a 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, whether 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; it punishes 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 hatred and discrimination that motivates these crimes.

This legislation is step towards that goal. I urge my colleagues to support H.R. 1592.

Mr. CONYERS. Mr. Speaker, I now yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, we make progress in dealing with discrimination based on sexual orientation when we're not distracted by myth and bigotry, but when we deal with the rights and needs of real people. I am pleased that that is why we will pass this hate crime legislation today which follows progress in my State of Oregon just this week, where we have provided protection for domestic partnerships and antidiscrimination legislation. I hope it will herald changes on the Federal level in the military for gays and lesbians, and in the workplace with non-discrimination protection for all Americans.

When we deal with real people, their rights and needs, we will solve these problems and America will be a better place.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 30 seconds to my dear friend from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise in strong support of this legislation because it is time to take a stand against the violence, the violent acts that flow from prejudice. This is not about the thought police, this is not about sermons on morality, this is about the status of our civilization, and it is about our humanity.

As human beings, we have the right to be safe from physical attack, no matter our race, our religion, sexual orientation or gender identity. In other words, human beings have the right to be safe from attacks based on who they are. No one should have to be afraid because of who they are.

We need to pass this legislation to ensure that this principle is embodied in our law.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize our brother from Missouri (Mr. CLEAVER), himself a minister, for 30 seconds.

Mr. CLEAVER. Mr. Speaker, as best as can be determined, I have delivered at least 15,600 sermons. I have never been investigated, I have never been indicted. I have spoken in churches and synagogues all around this country. I have spoken to thousands of pastors and clergy. I know not one who has been investigated for a sermon.

And so today I must not say I cannot, I must not, I will not sit silently and watch any injustice because in the words of my unlettered grandmother, ''The God I serve don't make no trash.''

Mr. CONYERS. Mr. Speaker, I now recognize the gentleman from Rhode Island (Mr. LANGEVIN) for 30 seconds.

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

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act. This legislation will expand the Federal definition of hate crimes to include crimes which a victim was selected because of his or her disability.

So much has been done over the years to ensure inclusion of Americans with disabilities in our communities. Sadly, though, there have been shameful instances where these Americans, who may look or speak differently than others, are victims of abuse, neglect or targeted crimes. Investigating and prosecuting hate violence against someone with a disability involves unique challenges to law enforcement. Many violent crimes against people with disabilities go unreported or unprosecuted. Providing Federal resources to law enforcement is essential to help ensure proper prosecution of these crimes.

I urge my colleagues to support this legislation.

Mr. Speaker, I rise in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. This legislation will expand the Federal definition of hate crimes, allowing for Federal resources for law enforcement in their investigations and prosecutions of hate crimes.

I come to the floor today to draw attention to the inclusion of crimes in which a victim was selected because of his or her disability.

The Supreme Court's Olmstead decision, the ADA and other progressive policies have resulted in increased inclusion of Americans with disabilities in our classrooms, workplaces and communities. As a nation, we are growing in our acceptance of those who are perceived as ''different.'' But this effort has not been without growing pains. Many people with disabilities look or speak differently or struggle with challenges like chronic seizures. We have seen too many shameful instances where these Americans are the victims of abuse, neglect and targeted crimes.

I recently learned the story of Ricky Whistnant, a mentally retarded adult man who was excited to have the opportunity to live independently at the age of 39. With the support of a local social service agency, he moved out of a Connecticut state group home and learned to cook for himself, maintain an apartment and be a part of the community. One evening, after cooking himself a chicken dinner, Ricky went to the corner store to buy some soda. He encountered a group of teenagers who mocked him, followed him back to his apartment, hurled a soda bottle at him. After he fell, striking his head on a windowsill, the boys continued to kick and taunt him. Ricky died a short time later in the hospital.

Ricky's story is extreme, but it is not isolated. It represents the reality of the challenges faced by individuals with disabilities. Investigating and prosecuting hate violence against someone with a disability involves unique challenges to law enforcement, and sadly many violent crimes against people with disabilities go unreported or unprosecuted.

As policymakers, we have a responsibility to address this problem. The inclusion of disability in the Federal hate crimes statute is a meaningful and substantive way to combat violence against Americans with disabilities. I urge my colleagues to vote in favor of H.R. 1592.

Mr. CONYERS. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas controls 4 minutes.

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 pregnant woman, 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 the 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.

□ 1300

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

For these reasons, I strongly urge my colleagues to oppose this bill. However, if my colleagues need to be reminded further, I would like to share with them the statement of the administration regarding this legislation, H.R. 1592:

''The administration favors strong criminal penalties for violent crime, including crime based on personal characteristics such as race, color, religion, or national origin. However, the administration believes that H.R. 1592 is unnecessary and constitutionally questionable. If H.R. 1592 were presented to the President, his senior advisors would recommend that he veto the bill.

''State and local criminal laws already provide criminal penalties for the violence addressed by the new Federal crime defined in section 7 of H.R. 1592, and many of these laws carry stricter penalties (including mandatory minimums and the death penalty) than the proposed language in H.R. 1592. State and local law enforcement agencies and courts have the capability to enforce those penalties and are doing so effectively.

''There has been no persuasive demonstration of any need to federalize such a potentially large range of violent crime enforcement, and doing so is inconsistent with the proper allocation of criminal enforcement responsibilities between the different levels of government. In addition, almost every State in the country can actively prosecute hate crimes under the State's own hate crimes law.''

Mr. Speaker, I include the balance of the statement of administration policy for the RECORD.

H.R. 1592 prohibits willfully causing or attempting to cause bodily injury to any person based upon the victim's race, color, religion, or national origin, gender, sexual orientation, gender identity, or disability. The Administration notes that the bill would leave other classes (such as the elderly, members of the military, police officers, and victims of prior crimes) without similar special status. The Administration believes that all violent crimes are unacceptable, regardless of the victims, and should be punished firmly. Moreover, the bill's proposed section 249(a)(1) of title 18 of the U.S. Code raises constitutional concerns. Federalization of criminal law concerning the violence prohibited by the bill would be constitutional only if done in the implementation of a power granted to the Federal government, such as the power to protect Federal personnel, to regulate interstate commerce, or to enforce equal protection of the laws. Section 249(a)(1) is not by its terms limited to the exercise of such a power, and it is not at all clear that sufficient factual or legal grounds exist to uphold this provision of H.R. 1592.

Mr. Speaker, I urge my colleagues to support the administration and oppose this legislation.

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, cowards 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.

In the not so distant past, violence motivated by hatred or discrimination towards a minority was sanctioned by our government. As we struggled to right the inequities present in our society, many used targeted violence against individual African Americans as a tactic to scare African Americans in general and discourage the Civil Rights Movement overall.

This type of targeted violence against a minority—violence specifically intended to intimidate and repress all members of that minority—was particularly reprehensible and damaging to society as a whole. Congress recognized that these particularly heinous actions warranted stronger criminal penalties, which were codified in Federal hate crimes law in 1968.

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 beaten then chased into traffic and killed because he was gay.

Under current law, the attackers in each of these cases could not be prosecuted for a hate crime for two reasons. First, in order for it to constitute a federal hate crime, a victim must be engaged in a federally protected activity such as voting. Second, the current hate crime law does not consider sexual orientation a protected class.

The Hate Crimes Prevention Act addresses both these gaps in current law by expanding the definition of a hate crime to cover all violent crimes motivated by race, color, religion, national origin, gender, sexual orientation, gender identity or disability. It also expands the instances in which federal authorities can prosecute or assist local authorities in prosecuting hate crimes.

Importantly, the bill before the House includes specific language stating that nothing in the bill can be interpreted to prohibit ''expressive conduct'' protected by the First Amendment. In doing so, we have ensured that this legislation in no way impinges on one's constitutional right to freedom of speech or religious expression.

The Hate Crimes Prevention Act enjoys the strong support of law enforcement, and has

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 are sending a clear message that hate crimes have no place in America.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the Local Law Enforcement Hate Crime Prevention Act, H.R. 1592. This legislation seeks to address 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 ''savages the community sharing the traits that caused the victim to be selected'' for the crime, Additionally, this legislation expands the hate crime statute by dropping the requirement that the victim had been engaged in six specifically defined federally protected activities, such as voting.

H.R. 1592 also creates a grant program for the federal government to assist state and local law enforcement agencies in investigating and prosecuting hate crimes. State and local law enforcement prosecute the overwhelming majority of hate crimes. However, investigating and prosecuting these acts takes more time and resources than many local and state agencies may possess. Thus, H.R. 1592 authorizes the federal government to provide tools and resources that are needed by local law enforcement.

This legislation is supported by the National Sheriffs Association, National District Attorneys Association, International Association of Chiefs of Police, International Brotherhood of Police Officers, National Coalition of Public Safety Officers, Anti-Defamation League, American Jewish Committee, Consortium of Developmental Disabilities Councils, Human Rights Campaign, NAACP, National Victim Center, United States Conference of Mayors, National Gay and Lesbian Task Force, American Association on Mental Retardation, and more than 200 other law enforcement, religious, civil rights, and civic organizations.

By making our Nation's hate crimes statutes more comprehensive, we will take a needed step in favor of tolerance and against prejudice and hate-based crime in all its forms. This legislation sends a strong message that hate-based crime cannot be tolerated and will be vigorously prosecuted.

Ms. KILPATRICK. Mr. Speaker, at the beginning of every Congress, every member of this august body takes an oath to ''defend and protect the Constitution of the United States, against all enemies, foreign and domestic.'' It is an oath that I am proud that the majority of the citizens of the 13th Congressional District of Michigan have honored me with their vote for more than 12 years. One of the most important duties that I have as a Member of the United States House of Representatives is to protect and defend its citizens, which is precisely what H.R. 1592, the Hate Crimes Prevention Act, introduced by my fellow Michigander and Detroiter, 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 provides funds so that local authorities can 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. Indeed, 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, motivated by some bias, 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 bill's 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 sermon, homily, speech or lesson 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 one of a plethora of sexual acts or activity, 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 the protections 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 demoralizes 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 measurable in real dollars and cents. 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 exile them from human memory. And in denying 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, or African American. These 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 indifferent.

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 have an investment 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 legislation 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 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 of Linden, TX, 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 25 people per day 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 to be the norm. Local news in most big cities begins 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 constitutional doctrine that individuals should not be treated differently based on their race, color, creed, nationality, gender or sexual orientation.

This Act allows the Justice Department to grant local jurisdictions up to $100,000 to help prosecute hate crimes. It also provides moneys for preventative programs to stem the growing tide of hate crimes committed by minors. In the Bible, verse 5:43 in the Gospel of Matthew, it says ''Love thy neighbor.'' That is what this bill is about.

The time is now to pass this legislation. We honor our founders, ancestors, and the people who built this great Nation by ensuring that going forward, Americans from every walk of life can walk down our streets in peace.

Mr. STARK. Mr. Speaker, I rise today in strong support of hate crime prevention.

Our laws should reflect the reality 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 a federal response and allocates the necessary resources to investigate and prosecute hate crimes when local officials are unable or unwilling to investigate incidents of hate crime. Local authorities, however, would maintain their autonomy and primary authority for these investigations. Federal intervention would be the last resort.

The bill also removes existing barriers that prohibit the FBI and the Department of Justice from fully assisting local law enforcement agencies in addressing hate crimes. This is vital because local governments often lack the resources necessary to properly conduct expensive hate crimes investigations and prosecutions. For example, the investigation of the Matthew Shepard murder in Wyoming cost over $150,000 and resulted in lay-offs at the local Sheriff's department.

Congress has a moral and constitutional obligation to offer the full protection of our Nation's laws to all individuals. This vital legislation expands existing hate crime protections to those who are targeted because of their gender, disability, or sexual orientation. These groups have been frequent targets of hate crimes. According to the FBI, 14 percent of reported hate crimes are motivated by sexual-orientation bias.

I fully support this bill. But I feel compelled to also note that it fails to address the growing number of hate crimes being committed against homeless individuals. The National Coalition for the Homeless has documented 614 hate crimes against homeless individuals since 1999, including 189 deaths. Some of these crimes against society's most vulnerable have been caught on tape, giving us a glimpse into the violence and fear of violence that many homeless people experience on a daily basis. I hope that this body will work to bring the issue of hate crimes against homeless individuals to light and move toward protections that recognize the value of all of our neighbors, including those lacking shelter.

Hate crimes impact all of us and it is our collective responsibility to actively confront the terror they cause. I urge all of my colleagues to support this important bill.

Mr. CASTLE. Mr. Speaker, today I rise in support of the Local Law Enforcement Hate Crimes Prevention Act, H.R. 1592, which will provide needed assistance to State and local law enforcement agencies and make changes to Federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes against people for no other reason than their perceived or actual race, religion, national origin, sexual orientation, gender, gender identity, or disability.

Hate crimes are alarmingly prevalent and threaten the full participation of all Americans in our democratic society. While State and local governments will maintain principal responsibility, an expanded Federal role in investigating and prosecuting serious forms of hate crimes is critical in targeting and preventing hate crime in our Nation. The measure importantly applies only to bias-motivated violent crimes and does not impinge free speech in any way. In fact, it explicitly states: ''Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clauses of, the First Amendment to the Constitution.''

H.R. 1592 is supported by virtually every major law enforcement organization in the country. I urge my colleagues to join me in supporting H.R. 1592.

Mr. JORDAN of Ohio. Mr. Speaker, I appreciate the opportunity to express my opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act.

This measure represents an unprecedented departure from the deeply rooted American principle 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 class 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'' as evidence 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 policy 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 espouse deep religious beliefs.

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, Congressman CONYERS, for his 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. Second, the bill provides for 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 other crimes.

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 anyone because of their race, religion, national origin, gender, sexual orientation, gender identity, or disability 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 jurisdiction in certain, limited cases of violent hate crime, this bill provides much-needed support to local law enforcement agencies. This piece of legislation is particularly important at a time when the number of hate groups has grown over the past years. The Southern Poverty Law Center reported that the number of hate groups has seen a 40 percent increase since 2000 and attributed much of this growth to the immigration issue.

Hate crimes that are motivated by bigotry and bias against minority populations affect entire families and communities. We must stand to protect our communities from hateful actions. I urge my colleagues to vote in support of H.R. 1592.

Mr. GINGREY. Mr. Speaker, while I was unavoidably absent from the floor today to attend the funeral of a close personal friend and great Georgian, C.W. Matthews, I want to express my strong opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. Had I been present during the actual vote, I would have voted ''no'' to H.R. 1592 because I believe all crimes should be prosecuted equally without special rights based on gender, race, ethnicity, or sexual orientation. All criminal acts are committed with the intention of harming or depriving another individual, and trying to elevate crimes against certain individuals would be an arbitrary way to punish. I absolutely believe that those who commit crimes against anyone should be punished to the fullest extent of the law. Furthermore, I would have voted ''yes'' in strong support of the motion to recommit which would have amended the legislation to protect seniors and veterans.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 1592, the Local law Enforcement Hate Crimes Prevention Act and to oppose attempts to weaken the bill by removing certain groups from its protection.

Mr. Speaker, no one knows better than a member of the African-American community in this country that hate crimes exist and have been an ugly part of this country's history. And we also know that in the face of all of the apologies offered and passed for slavery and lynching, if we cannot pass this bill today they are but empty words on a piece of worthless paper.

It is time for us to demand through this vote that this country draw the line with a zero-tolerance policy for crimes based on any characteristic of the victim.

This critically needed legislation will provide local police and sheriff's departments with vital Federal resources to address hate crimes; which are crimes against either persons or property where the offender intentionally selects the victim because of their actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation.

I fail to understand why anyone, including members of the clergy would oppose this legislation. This form of hate for one human-being to another should be repugnant to all of us and not be tolerated.

While current Federal law covers hate crimes it is very narrow in scope and does not reach many cases where individuals motivated by hate kill or injure others. H.R. 1592, would strengthen the Federal response to hate crimes by giving the U.S. Justice Department power to investigate and prosecute violence motivated by the victims race color, religion national origin gender or sexual orientation, gender identity of disability.

Sadly, the need for H.R., 1592 is underscored because this problem of violence based on hate for a person of another race, ethnicity, gender or persuasion is getting worse not better. Since 1991, the FBI has received reports of more than 113,000 hate crimes. For the year 2005 (for which the most current data are available), the FBI received reports from law enforcement agencies identifying 7,163 bias-motivated criminal incidents.

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 from violence based upon race, with 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 already provide some of the protections 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.

Remarkably, 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.

Freedoms 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 allow 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. ENGEL. Mr. Speaker, I rise today to support the Hate Crimes Prevention Act. Our country values diversity, values individuality, values different cultures and respects people for who they are. Hate crimes are simply un-American.

In 2005, there were over 7,000 Federal hate crimes committed in this country, but the current law does not cover most true hate crimes.

Late last year in New York, three men lured Michael J. Sandy to a parking lot, beat him and chased him into traffic where he was struck by a car. He died 5 days later, one day after his 29th birthday. Why did these attackers target Michael J. Sandy? Because he was gay.

Today, Mr. Sandy's attackers can not be prosecuted under Federal law for two reasons. First, in order to be a Federal hate crime, a victim must be engaged in a federally protected activity such as voting. Second, the current hate crime law does not consider sexual orientation a protected class.

The Hate Crimes Prevention Act will sensibly expand the definition of a Federal hate crime to cover all violent crimes motivated by race, color, religion, national origin, gender, sexual orientation, gender identity, or disability when the defendant causes bodily injury or attempts to cause bodily injury through the use of a firearm or an explosive device.

Thankfully, New York law has allowed this case to be prosecuted as a hate crime, but it is time to update our Federal laws to protect our citizens.

The bill will also give local law enforcement the help they need in solving and prosecuting these despicable crimes. Some of these cases can strain local resources, but under this legislation, law enforcement can reach out and secure Federal resources to pursue these complex cases.

Because the bill makes common sense reforms, the bill has enjoyed wide bipartisan support. In fact, the bill is supported by 31 State Attorneys General and over 280 national law enforcement, professional, education, civil rights, religious, and civic organizations.

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 sentencing for 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 actual or perceived 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 make 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 Chairman CONYERS and members of the House Judiciary Committee for their tireless efforts and leadership on this landmark legislation. I would also like to single out 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 division; 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 us one further step towards the kind of 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. Let me say 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 also 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 disability 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, terroristic threats, stalking, kidnapping, false imprisonment, sexual assault of an adult or child, arson, criminal mischief, and criminal trespass. Our state statutes also provide victims with 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

no need for the Federal Government to add an extra layer of bureaucracy. Crime and punishment, with few exceptions, are in the purview of state legislative authority. I am unwilling to interfere with that constitutional balance, no matter how worthy the underlying subject matter might be. For these reasons, I must oppose H.R. 1592.

Mr. UDALL of Colorado. Mr. Speaker, in my view an act of violence against one person is an act of violence against all of us Our actions toward each other should—and our policies as a nation must—be based on compassion and understanding of human experiences if we are to truly have a nation of liberty and justice for all.

In other words, I think in our country all of us, regardless of our race, ethnicity, religion, or sexual orientation, should be able to live our lives free from violence, intimidation, and discrimination.

That is why I believe Congress must pass legislation to make it more likely that people who are guilty of violent crimes based on bias are properly prosecuted, convicted, and punished.

The result will not be to end hate—nor to make hate a crime—but to establish that our government will not tolerate hate and bigotry that manifests itself in violence against anyone.

Because I support that result, since first coming to Congress I have cosponsored and voted for legislation similar to the measure now before us.

And that is why I will vote for this bill today.

The bill will amend the Federal criminal code to prohibit willfully causing bodily injury to any person because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of that person.

It also will authorize the Department of Justice to provide technical, forensic, prosecutorial, or other assistance to help local law enforcement agencies investigate and prosecute acts that are both crimes of violence under Federal law or a felony under State, local, or Indian tribal law; and also are motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim. And to further assist State, local, and tribal officials with the expenses related to hate crime cases, the bill would authorize the Attorney General to establish a grant program to be administered by the Office of Justice Programs that would have a particular focus on combating hate crime committed by juvenile offenders.

The bill also will broaden Federal coverage of hate crimes under two scenarios. First, under any circumstance, it will prohibit willfully inflicting bodily injury to any person, attempted or otherwise, through the use of fire, a firearm, explosive, or incendiary device, if such conduct were motivated on the basis of actual or perceived race, color, religion, or national origin of any person. Second, it will prohibit the same conduct, if such conduct were motivated on the basis of the victim's gender, sexual orientation, gender identity, or disability, in addition to the four bases covered by the first scenario, in circumstances involving specific jurisdictional ties to the Constitution's interstate commerce clause.

Under either scenario, offenders could be sentenced to 10 years' imprisonment and a fine, or for any term to life imprisonment if the crime resulted in the victim's death, or involved murder, kidnapping, attempted kidnapping, rape, or attempted rape.

The bill addresses two deficiencies in current law that limit the Federal Government's ability to work with State and 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 Prevention 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 cases that implicate the greatest 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, and its enactment 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 more than half being racially-motivated and others reflecting religious bias (17.1 percent), sexual orientation (14.2 percent) and ethnicity/national origin bias (13.7 percent). And, unfortunately, Colorado is not immune—in 2005 our state reported 59 crimes based on racial bias, 22 reflecting religious prejudice, 16 related to sexual orientation, 27 involving ethnic bias, and 1 involving a person's disability, and there have been more since then.

These sobering statistics demonstrate that the legislation before us is appropriate and necessary—especially because it is generally understood that hate crimes are often not reported as such.

Accordingly, I support the bill and urge its passage.

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

As Chair of the Congressional Asian Pacific American Caucus, I know that Asian Americans and Pacific Islanders have faced a long history of hate crimes, from the 1880 lynching of Chinese in Denver's Chinatown, to the brutal killing of Vincent Chin in 1982, to post-September 11 violence against Arabs, Sikhs, and Muslims, including the murder of Balbir Sigh Sodhi, and more recently, the killing of Cha Vang, a Hmong individual, in Wisconsin just this year.

Hate crimes are under-reported and under-prosecuted. The Local Law Enforcement Hate Crimes Prevention Act provides the resources necessary for all levels of government to investigate and prosecute hate crimes based on race, color, religion, national origin, gender, gender identity, sexual orientation, and disability.

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 intgrated 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 read 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, four 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 Morat. Rose 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 punished 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 does not yield.

Mr. CONYERS. Mr. Speaker, would the gentleman from Texas, Mr. SMITH, the proponent of the motion to recommit, yield for a unanimous consent request that the motion be amended by striking the word ''promptly'' and inserting the word ''forthwith?''

Mr. SMITH of Texas. Mr. Speaker, I also object to that request.

The SPEAKER pro tempore. The gentleman from Texas does not yield for that purpose.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONYERS. Mr. Speaker, I notice that the motion being offered by the gentleman provides the bill be reported back to the House ''promptly'' rather than reported back ''forthwith.''

Is it true, as I believe to be the case, that the effect of the word ''promptly'' is that the House is not being asked to amend this bill, but to send it off the Floor and back to the Judiciary Committee?

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

Does the gentleman from Michigan seek time in opposition to the motion to recommit?

Mr. CONYERS. Mr. Speaker, I do.

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Michigan yield for a parliamentary inquiry?

Mr. CONYERS. Mr. Speaker, I am not inclined to at this time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes in opposition to the motion to recommit.

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 point of fact they have 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 18 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, reauthorizing a program to provide for 100,000 local police on the beat and other safety officials. That is why I have in the past pushed for an Elder Justice Act.

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

Mr. HOYER. 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 our 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, the 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 recommit 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 noes 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

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Putnam
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—227

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Cubin
Davis, Jo Ann
Engel
Fattah
Gingrey
Graves
Hastert
Hunter
Johnson, E. B.
Lampson
McIntyre
McMorris Rodgers
Ortiz
Paul
Radanovich
Tancredo
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on the vote.

□ 1338

Messrs. HOBSON, GARRETT of New Jersey and BUYER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 237, nays 180, not voting 16, as follows:

[Roll No. 299]

YEAS—237

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Frank (MA)

Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—180

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Cubin
Davis, Jo Ann
Engel
Fattah
Gingrey
Graves
Hastert
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Radanovich
Tancredo
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain to vote.

□ 1346

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. 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 STIMULATION 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.

□ 1348

IN THE COMMITTEE OF THE WHOLE

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. SNYDER 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.

The gentleman from Oregon (Mr. WU) and the gentleman from Michigan (Mr. EHLERS) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. WU. Mr. Chairman, I rise in strong support of H.R. 1868, the Technology Innovation Manufacturing Stimulation Act of 2007. This bill authorizes programs at the National Institute of Standards and Technology, or NIST, for fiscal years 2008 through 2010, and strengthens American innovation.

For most Americans, NIST is not a household word. But since its creation more than 100 years ago, NIST has made major contributions to public safety, industrial competitiveness and economic growth. Beginning in the 1900s, when it set standards for fire hydrants that have saved countless lives, to the 1950s, when it developed the world's fastest computer, helping usher in the information age, to its groundbreaking work on the technical aspects of the collapse of the World Trade Center on 9/11, NIST has served the public interest in ways that far exceed its public fame.

Today, NIST's mission focuses on promoting innovation and industrial competitiveness by advancing measurement, science, standards and technology. This mission has never been more urgent. The recent National Academy of Sciences report coauthored by Norm Augustine, ''Rising Above the Gathering Storm,'' warns that we face major challenges in the global marketplace and recommends that we ''ensure that the United States is the premier place in the world in which to innovate.''

H.R. 1868 helps implement that recommendation by putting the NIST budget on a 10-year path to doubling as an investment in the future of American innovation. The bill increases the NIST research budget, funds key areas such as biologics, health care IT and nanotechnology. It funds the construction of a high performance laboratory at the Boulder, Colorado, campus, and upgrades the Center for Neutron Research in Gaithersburg, Maryland. This enables world class engineers and their scientists to have world class facilities for their work.

H.R. 1868 also addresses problems in the American manufacturing center, which has lost almost 3 million jobs since 2001. It expands the Manufacturing Extension Partnership, or MEP, a proven and highly successful public-private partnership that provides technical assistance to small and medium-size manufacturers to improve productivity and to remain competitive in a global marketplace.

It also establishes a competitive and collaborative grant system for MEP