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2 CONTINUATION OF MARKUP OF H.R. 1913,
3 THE "LOCAL LAW ENFORCEMENT HATE CRIMES
4 PREVENTION ACT OF 2009"
5 Thursday, April 23, 2009
6 House of Representatives,
7 Committee on the Judiciary,
8 Washington, D.C.

9 The committee met, pursuant to call, at 10:05 a.m., in Room
10 2141, Rayburn House Office Building, Hon. John Conyers
11 [chairman of the committee] presiding.

12 Present: Representatives Conyers, Berman, Nadler,
13 Scott, Lofgren, Jackson Lee, Waters, Delahunt, Wexler, Cohen,

14 Johnson, Pierluisi, Gutierrez, Sherman, Baldwin, Gonzalez,
15 Weiner, Sanchez, Wasserman Schultz, Maffei, Sensenbrenner,
16 Coble, Gallegly, Goodlatte, Issa, Forbes, King, Franks,
17 Gohmert, Jordan, Poe, Chaffetz, Rooney, and Harper.

18 Staff present: Perry Apelbaum, Staff Director/Chief
19 Counsel; Ted Kalo, General Counsel/Deputy Staff Director;
20 George Slover, Legislative Counsel/Parliamentarian; Sean
21 McLaughlin, Minority Chief of Staff/General Counsel; Allison
22 Halataei, Minority Deputy Chief of Staff/Parliamentarian; and
23 Anita L. Johnson, Clerk.

24 Chairman Conyers. [Presiding.] Ranking Member? The
25 clerk will report. Clerk will report. How many members
26 present?

27 The Clerk. Mr. Chairman, we have a total of 13 members
28 responding to the quorum call.

29 Chairman Conyers. Working quorum. Pending the Steve
30 King amendment which there was page 11, line 17 after
31 identity, insert status as possessing any immutable
32 characteristic. A roll call vote has been requested. The
33 clerk will call the roll.

34 The Clerk. Mr. Conyers?

35 Chairman Conyers. No.

36 The Clerk. Mr. Conyers votes no.

37 Mr. Berman?

38 [No response.]

39 Mr. Boucher?

40 [No response.]

41 Mr. Nadler?

42 Mr. Nadler. No.

43 The Clerk. Mr. Nadler votes no.

44 Mr. Scott?

45 Mr. Scott. No.

46 The Clerk. Mr. Scott votes no.

47 Mr. Watt?

48 [No response.]

49 Ms. Lofgren?
50 [No response.]
51 Ms. Jackson Lee?
52 [No response.]
53 Ms. Waters?
54 [No response.]
55 Mr. Delahunt?
56 [No response.]
57 Mr. Wexler?
58 Mr. Wexler. No.
59 The Clerk. Mr. Wexler votes no.
60 Mr. Cohen?
61 [No response.]
62 Mr. Johnson?
63 [No response.]
64 Mr. Pierluisi?
65 Mr. Pierluisi. No.
66 The Clerk. Mr. Pierluisi votes no.
67 Mr. Gutierrez?
68 [No response.]
69 Mr. Sherman?
70 [No response.]
71 Ms. Baldwin?
72 Ms. Baldwin. No.
73 The Clerk. Ms. Baldwin votes no.

74 Mr. Gonzalez?

75 Mr. Gonzalez. No.

76 The Clerk. Mr. Gonzalez votes no.

77 Mr. Weiner?

78 Mr. Weiner. No.

79 The Clerk. Mr. Weiner votes no.

80 Mr. Schiff?

81 [No response.]

82 The Clerk. Ms. Sanchez?

83 [No response.]

84 Ms. Wasserman Schultz?

85 WASSERMANSCHULTZ? No.

86 The Clerk. Ms. Wasserman Schultz votes no.

87 Mr. Maffei?

88 Mr. Maffei. No.

89 The Clerk. Mr. Maffei votes no.

90 Mr. Smith?

91 [No response.]

92 Mr. Goodlatte?

93 Mr. Goodlatte. Aye.

94 The Clerk. Mr. Goodlatte votes aye.

95 Mr. Sensenbrenner?

96 Mr. Sensenbrenner. Aye.

97 The Clerk. Mr. Sensenbrenner votes aye.

98 Mr. Coble?

99 Mr. Coble. Aye.

100 The Clerk. Mr. Coble votes aye.

101 Mr. Gallegly?

102 [No response.]

103 Mr. Lungren?

104 [No response.]

105 Mr. Issa?

106 [No response.]

107 Mr. Forbes?

108 [No response.]

109 Mr. King?

110 Mr. King. Aye.

111 The Clerk. Mr. King votes aye.

112 Mr. Franks?

113 Mr. Franks. Aye.

114 The Clerk. Mr. Franks votes aye.

115 Mr. Gohmert?

116 [No response.]

117 Mr. Jordan?

118 Mr. Jordan. Yes.

119 The Clerk. Mr. Jordan votes yes.

120 Mr. Poe?

121 [No response.]

122 Mr. Chaffetz?

123 Mr. Chaffetz. Aye.

124 The Clerk. Mr. Chaffetz votes aye.
125 Mr. Rooney?
126 Mr. Rooney. Yes.
127 The Clerk. Mr. Rooney votes yes.
128 Mr. Harper?
129 [No response.]
130 Mr. Issa. Mr. Chairman?
131 The Clerk. Mr. Issa is not recorded.
132 Mr. Issa. Yes.
133 The Clerk. Mr. Issa votes yes.
134 Chairman Conyers. Any others want to vote?
135 Clerk will report.
136 The Clerk. Mr. Chairman, nine members voted aye. Ten
137 members voted nay.
138 Chairman Conyers. The amendment is unsuccessful.
139 The chair would like to direct the question to the
140 gentleman from Iowa, Steve King. If you would disclose to
141 the chair your four remaining amendments, we may be able to
142 expedite this more favorably.
143 Mr. King. Mr. Chairman, I appreciate the inquiry. I
144 actually was looking at six, but I don't know that they would
145 all need to be something I need to run. And I wonder if we
146 couldn't start down through this. And I think there is a
147 place we are going to be able to reach an agreement. And I
148 might not feel the compulsion to offer the last two or three.

149 Chairman Conyers. I hope so. And my doors are open to
150 you if you would like a hot chocolate or a cup of coffee or
151 tea or water, cold water.

152 Mr. King. I am being persuaded, Mr. Chairman.

153 Chairman Conyers. The whole machine.

154 Mr. King. And I think you understand the bubble of
155 conviction on both sides of the aisle here on this
156 legislation. But—

157 Chairman Conyers. Would you like someone else, if there
158 are any other amendments, to go in front of you this time?
159 Or do you want to proceed?

160 Mr. King. I think I would like to proceed and be
161 recognized.

162 Chairman Conyers. All right, the gentleman is
163 recognized.

164 Mr. King. Thank you, Mr. Chairman.

165 Mr. Scott. Mr. Chairman? Mr. Chairman? Has the
166 amendment been reported by the clerk?

167 Chairman Conyers. No.

168 Mr. Scott. Okay.

169 Mr. King. I would offer amendment number five.

170 Chairman Conyers. Clerk will report.

171 The Clerk. Amendment to H.R. 1913 offered by Mr. King
172 of Iowa.

173 [The amendment by Mr. King follows:]

174 ***** INSERT *****

175 Mr. Scott. Mr. Chairman, I reserve a point of order.

176 Chairman Conyers. Mr. Scott reserves a point of order.

177 The gentleman is recognized in support of his amendment.

178 Mr. King. Thank you, Mr. Chairman. First, I want to
179 assure you that the list of amendments that I had yesterday
180 have not been expanded by my staff. That was part of our
181 discussions yesterday. And I have pulled a couple of
182 amendments out of the list.

183 Then this amendment is one that is refined to fit the
184 parliamentary objections yesterday. And what it does is they
185 objection on the parliamentary argument that was addressed
186 yesterday had to do with the illegal immigrant committing a
187 crime against an American national. And because we did not
188 have the motive as a component of this amendment, I
189 understood that to be the parliamentarian's ruling.

190 This is crafted to fit the parliamentary issue because
191 we have included on the amendment the language that says that
192 if the motive is because the U.S. national's status as a U.S.
193 national or a U.S. citizen. So that is the motive that I
194 have included and just in a sentence or two and addressed
195 this for the benefit of the members that are trying to
196 analyze the language of this amendment.

197 And what it does is it brings in an American national
198 into the category of crime victims that could be the victim
199 of a crime if there is an illegal alien who willfully and

200 knowingly as part of their motivation attacks an American
201 citizen and commits a crime against an American citizen, that
202 type of prejudicial action fitting consistently within the
203 intent of this legislation. However much I disagree with the
204 underlying premise, I think that American citizens, American
205 nationals need the same level of protection as anyone else
206 under this bill.

207 And so, I urge the adoption of this amendment. I
208 believe it is crafted to be—to fit the parliamentarian's
209 objections. And I would yield back the balance of my time.

210 Chairman Conyers. I thank the gentleman.

211 The chair recognizes Ms. Baldwin of Wisconsin.

212 Mr. Scott of Virginia?

213 Mr. Scott. Thank you, Mr. Chairman. Mr. Chairman, I
214 would insist on a point of order. The bill describes crimes
215 based on the victim's selection based on hatred. This
216 amendment is out of that scope because it defines the
217 defendant, not the victim. And for that reason, Mr.
218 Chairman, I would insist on a point of order.

219 Chairman Conyers. Could I ask the gentleman from Iowa
220 if he wishes to respond to the charge of the gentleman from
221 Virginia?

222 Mr. King. Thank you, Mr. Chairman. That argument of
223 defining the defendant, not the victim—this legislation is
224 about what is in the head of the perpetrator. I presume that

225 is the defendant that the gentleman from Virginia is
226 referencing.

227 And we had dialogue on this yesterday about whether it
228 was in the head of the perpetrator or the head of the victim.
229 And I think actually we are analyzing what is in each—what is
230 going on in the minds of each the perpetrator and the victim.

231 But this is drafted to be consistent specifically for
232 the purposes of conforming with identifying the motive of the
233 perpetrator, which is the direction of the underlying
234 legislation in this hate crimes legislation. So I believe
235 that, not only does it fit the parliamentarian's rulings
236 yesterday, I think it is entirely germane and consistent with
237 the theme and philosophy of the underlying legislation. And
238 I yield back.

239 Chairman Conyers. I thank the gentleman.

240 This just in from the parliamentarian. It is germane.
241 And I hope the gentleman from Virginia does not appeal the
242 ruling of the chair.

243 The gentleman may proceed.

244 Mr. Scott. Well, Mr. Chairman?

245 Chairman Conyers. Well, okay.

246 Mr. Scott. Could I be recognized to strike the last
247 word?

248 Chairman Conyers. Of course.

249 Mr. Scott. Mr. Chairman, for the reasons that—just very

250 briefly, for the reasons—I didn't think it was germane. I
251 think it is inappropriate. This is a hate crimes bill. We
252 are trying to focus attention on crimes where—

253 Chairman Conyers. But, Mr. Scott, you made a point of
254 order. It was—

255 Mr. Scott. Well, it is germane. I am speaking to the
256 amendment now.

257 Chairman Conyers. Well, all right.

258 Mr. Scott. Thank you.

259 Chairman Conyers. The gentleman is recognized in
260 opposition to the amendment.

261 Mr. Scott. Thank you, Mr. Chairman. As I have
262 indicated, for the reasons that I felt it was inappropriate—
263 but procedurally. I think it is inappropriate substantively.
264 We are trying to focus attention on those that target certain
265 victims because of hatred. That is why it is called a hate
266 crimes bill.

267 This does not, and therefore, I think it just waters
268 down the bill, waters down the focus. And therefore, the
269 amendment should be defeated. I yield back.

270 Chairman Conyers. Well, I just wanted, before we vote,
271 to observe that this amendment broadens the scope of the
272 bill, defines the class of perpetrators and that the national
273 origin of the victim is already covered by the legislation.
274 So I guess the word I would sum up is redundant.

275 Mr. Cohen?

276 Mr. Cohen. Thank you, Mr. Chair. Are we on amendment
277 that starts at page 13 after line 14?

278 Chairman Conyers. Yes.

279 Mr. Cohen. Isn't this totally different than what we
280 are discussing? What we are discussing is the victim and if
281 the victim is of a certain type, then there is an offense.
282 This isn't talking about the victim. This is talking about
283 the perpetrator. And it is saying if the perpetrator is an
284 illegal alien, then. Everything else is if the victim is a
285 particular religion, gender, et cetera, et cetera then. This
286 is totally—it is apples and oranges. And I don't want to
287 talk, you know, vegetables and fruits, but that is what it
288 is.

289 Chairman Conyers. We thank the gentleman for his
290 contribution.

291 The question occurs on the King amendment. All in
292 favor, say "aye."

293 [A chorus of ayes.]

294 Chairman Conyers. All opposed, say "no."

295 [A chorus of noes.]

296 Chairman Conyers. The noes have it.

297 Mr. King. Mr. Chairman?

298 Chairman Conyers. Yes.

299 Mr. King. I would ask a recorder vote, please.

300 Chairman Conyers. The clerk will call the roll.
301 The Clerk. Mr. Conyers?
302 Chairman Conyers. No.
303 The Clerk. Mr. Conyers votes no.
304 Mr. Berman?
305 [No response.]
306 Mr. Boucher?
307 [No response.]
308 Mr. Nadler?
309 Mr. Nadler. No.
310 The Clerk. Mr. Nadler votes no.
311 Mr. Scott?
312 Mr. Scott. No.
313 The Clerk. Mr. Scott votes no.
314 Mr. Watt?
315 [No response.]
316 Ms. Lofgren?
317 [No response.]
318 Ms. Jackson Lee?
319 [No response.]
320 Ms. Waters?
321 Ms. Waters. No.
322 The Clerk. Ms. Waters votes no.
323 Mr. Delahunt?
324 [No response.]

325 Mr. Wexler?
326 [No response.]
327 Mr. Cohen?
328 Mr. Cohen. No.
329 The Clerk. Mr. Cohen votes no.
330 Mr. Johnson?
331 [No response.]
332 Mr. Pierluisi?
333 Mr. Pierluisi. No.
334 The Clerk. Mr. Pierluisi votes no.
335 Mr. Gutierrez?
336 [No response.]
337 Mr. Sherman?
338 [No response.]
339 Ms. Baldwin?
340 Ms. Baldwin. No.
341 The Clerk. Ms. Baldwin votes no.
342 Mr. Gonzalez?
343 Mr. Gonzalez. No.
344 The Clerk. Mr. Gonzalez votes no.
345 Mr. Weiner?
346 Mr. Weiner. No.
347 The Clerk. Mr. Weiner votes no.
348 Mr. Schiff?
349 [No response.]

350 The Clerk. Ms. Sanchez?
351 Ms. Sanchez. No.
352 The Clerk. Ms. Sanchez votes no.
353 Ms. Wasserman Schultz?
354 WASSERMANSCHULTZ? No.
355 The Clerk. Ms. Wasserman Schultz votes no.
356 Mr. Maffei?
357 Mr. Maffei. No.
358 The Clerk. Mr. Maffei votes no.
359 Mr. Smith?
360 [No response.]
361 Mr. Goodlatte?
362 Mr. Goodlatte. Aye.
363 The Clerk. Mr. Goodlatte votes aye.
364 Mr. Sensenbrenner?
365 Mr. Sensenbrenner. Aye.
366 The Clerk. Mr. Sensenbrenner votes aye.
367 Mr. Coble?
368 [No response.]
369 Mr. Gallegly?
370 [No response.]
371 Mr. Lungren?
372 [No response.]
373 Mr. Issa?
374 Mr. Issa. Aye.

375 The Clerk. Mr. Issa votes aye.
376 Mr. Forbes?
377 Mr. Forbes. Yes.
378 The Clerk. Mr. Forbes votes yes.
379 Mr. King?
380 Mr. King. Aye.
381 The Clerk. Mr. King votes aye.
382 Mr. Franks?
383 Mr. Franks. Aye.
384 The Clerk. Mr. Franks votes aye.
385 Mr. Gohmert?
386 Mr. Gohmert. Aye.
387 The Clerk. Mr. Gohmert votes aye.
388 Mr. Jordan?
389 [No response.]
390 Mr. Poe?
391 [No response.]
392 Mr. Chaffetz?
393 Mr. Chaffetz. Aye.
394 The Clerk. Mr. Chaffetz votes aye.
395 Mr. Rooney?
396 Mr. Rooney. Yes.
397 The Clerk. Mr. Rooney votes yes.
398 Mr. Harper?
399 [No response.]

400 Chairman Conyers. Mr. Delahunt?
401 Mr. Delahunt. No.
402 The Clerk. Mr. Delahunt votes no.
403 Chairman Conyers. Mr. Poe?
404 Mr. Poe. Yea.
405 The Clerk. Mr. Poe votes yea.
406 Chairman Conyers. Mr. Wexler?
407 Mr. Wexler. No.
408 The Clerk. Mr. Wexler votes no.
409 Chairman Conyers. Mr. Coble?
410 Mr. Coble. Aye.
411 The Clerk. Mr. Coble votes aye.
412 Chairman Conyers. Clerk will report.
413 The Clerk. Mr. Chairman, 11 members voted aye.
414 Fourteen members voted nay.
415 Chairman Conyers. The amendment is unsuccessful.
416 Anyone before we have a final—
417 Mr. King. Mr. Chairman?
418 Chairman Conyers. Okay. Mr. Steve King?
419 Mr. King. Thank you, Mr. Chairman. I have an amendment
420 at the desk, amendment number six.
421 Chairman Conyers. Clerk will report amendment six.
422 Mr. Scott. Mr. Chairman, I reserve a point of order.
423 Chairman Conyers. Point of order is reserved by Mr.
424 Scott.

425 The Clerk. Amendment number six to H.R. 1913 offered by
426 Mr. King of Iowa.

427 [The amendment by Mr. King follows:]

428 ***** INSERT *****

429 Chairman Conyers. The gentleman is recognized in
430 support of his amendment.

431 Mr. King. Thank you, Mr. Chairman. This is the
432 amendment that we had some discussion with yesterday with
433 regard to the ambiguity of the language that is in the bill
434 and the total lack of definitions of language in the bill
435 that exists nowhere in the code.

436 And so, the gentlelady from Wisconsin and I had an
437 exchange with regard to gender identity and the word gender.
438 And though we lost the effort here to add some specificity to
439 it, this amendment just simply replaces the word gender with
440 the word sex because gender is what you think you are, and
441 sex is what you actually are. And I think we need to be real
442 certain about what we are talking about here if we are going
443 to lock people up in prison.

444 And I will expand this a little bit into the discussion
445 of the other terms that are there, although this amendment
446 illustrates other problems with language in the bill. And
447 that is gender identity. We don't have a definition of
448 gender identity. We don't really have a definition of
449 gender. We don't have a definition of sexual orientation.
450 That is here in the bill, sexual orientation.

451 If I look at the definitions that I can find of sexual
452 orientation, it has a list of about 30 different things that
453 people do under the definition of sexual orientation. And

454 so, are we really going to cover all of those behaviors,
455 those behaviors that no one on this committee will discuss
456 into the record? That is what sexual orientation covers.

457 Or does it mean—or is sexual orientation homosexual
458 versus heterosexual? If that is the definition, I think we
459 need to know it, and it needs to go into the bill. Gender
460 identity needs to be defined. We need to know it, and it
461 needs to go into the bill.

462 This amendment, though, is very tight, very precise.
463 And it just simply replaces the ambiguous word gender with
464 the very specific, well-understood word, sex, Mr. Chairman.

465 Chairman Conyers. Would the gentleman yield?

466 Mr. King. I would yield.

467 Chairman Conyers. Would he agree to each member being
468 assigned one of those definitions?

469 Mr. King. I think that has to be felt alleged, Mr.
470 Chairman, by, as I understand this bill. I don't know anyone
471 else that can objectively verify that.

472 Chairman Conyers. Could this be done in open session or
473 closed session?

474 Mr. King. I would prefer a closed session, Mr.
475 Chairman, with the hot chocolate.

476 Chairman Conyers. I thank the gentleman.

477 Mr. King. Thank you.

478 Ms. Baldwin. Mr. Chairman?

479 Mr. King. That concludes my remarks. I am going to
480 leave you the last word on that. And I will yield back the
481 balance of my time after urging adoption.

482 Ms. Baldwin. Mr. Chairman?

483 Chairman Conyers. Ms. Baldwin?

484 Ms. Baldwin. Thank you, Mr. Chairman. We did have a
485 discussion about the issue of the use of the word gender as
486 opposed to the use of the word sex in the underlying bill.
487 And as I explained yesterday and my position remains the same
488 a day later, they are, I think, legally interchangeable, same
489 definition. But we modernize our language over time.

490 There were words that we have used in the past that we
491 wouldn't use to draft legislation. I think, of ways of
492 referring to race where we have changed our nomenclature over
493 the years and our language over the years.

494 My understanding—and I did not look into this overnight
495 since I thought we had dispensed with this issue—is that we
496 first started replacing the word sex with the word gender
497 around the time we passed the Violence Against Women Act in
498 this committee. It was prior to the time I joined the
499 Congress. But it was viewed as a more modern word, a more
500 appropriate word. But it is legally interchangeable, meant
501 to be a synonym, gender and sex.

502 And so, since we have made that change over a decade ago
503 when the first Violence Against Women Act was enacted, I

504 think we should be consistent and keep that, you know, newer,
505 more modern usage and be consistent as past practice of this
506 committee. It is not with strong vehemence that I say that,
507 but I think that if we are making a change and using gender
508 versus using the word sex over—when was VAWA first passed—
509 over about a decade-and-a-half of practice, that we should
510 keep with that practice as we pass new legislation. And so,
511 I would urge the opposition to the amendment.

512 Ms. Jackson Lee. Would the gentlelady yield?

513 Ms. Baldwin. I would be happy to yield to Ms. Jackson
514 Lee.

515 Ms. Jackson Lee. I think that the gentlelady has
516 analyzed it very eloquently. But I would also add that the
517 premise of this—underlying premise of the bill is to thwart
518 discrimination or hateful acts. I think the utilization of
519 the term gender allows us to ensure that a definition is not
520 narrow, but that it represents the elements that might be
521 discriminated against or might have the unfortunate results
522 of having hateful acts perpetrated against them on the basis
523 of the term gender.

524 So I do think that if we are to adhere to your
525 principles of modernizing, using a term that we are familiar
526 with, we also need to protect those potential victims who may
527 be the recipients of hateful words or hateful acts or even
528 violent acts. And I think that the amendment would diminish

529 the legislation and take it away from what it is supposed to
530 be, which is to address the question of hate crimes in
531 America.

532 I yield back to the gentlelady.

533 Mr. Goodlatte. Would the gentlelady yield?

534 Ms. Baldwin. I would yield back.

535 Chairman Conyers. Thank you.

536 Does Mr. Goodlatte seek recognition?

537 Mr. Goodlatte. Mr. Chairman, I move to strike the last
538 word.

539 Chairman Conyers. The gentleman is recognized.

540 Mr. Goodlatte. Thank you, Mr. Chairman. I would speak
541 in support of this very sensible amendment offered by the
542 gentleman from Iowa. You know, we spent a long time
543 yesterday rejecting some very clear definitions of some very
544 clearly and appropriately protected classes of people, senior
545 citizens, our military, pregnant women and even all immutable
546 characteristics. And everyone was rejected.

547 Here the gentleman offers a very sensible amendment that
548 gives a very clear definition of who would be protected as
549 opposed to the use of the term gender, which the gentleman
550 correctly notes can be used to characterize a whole host of
551 different types of thought processes and behaviors that
552 would, I think, make this law exceedingly difficult for our
553 judiciary to comprehend and enforce. And yet the majority

554 seems bent upon rejecting this common sense amendment as
555 well.

556 I would urge my colleagues to support the amendment and
557 yield to the gentleman from Iowa.

558 Mr. King. I thank the gentleman from Virginia. And I
559 would like to take this a little bit further. His analysis
560 is correct. And I mentioned yesterday that I have been to
561 court over the definitions of this subject matter of sexual
562 orientation, gender identity and gender. Those terms are
563 ambiguous terms. And when we are drafting legislation, they
564 should be specific terms that the courts can analyze.

565 I would submit that this panel, this Judiciary
566 Committee, including the authors of the bill either don't
567 know or won't say what the definitions are, for example,
568 gender identity, sexual orientation. The sexual orientation—
569 does it include, does it include—does it include trans-
570 gendered? Are those two that are also part of sexual
571 orientation? And if so, that is two of 30.

572 What are the other 28 that are part of sexual
573 orientation? Shouldn't this panel know what it is that we
574 are giving special protective status to under this proposed
575 hate crimes legislation that is before us today? And the
576 definitions don't exist in the bill. Gender identity doesn't
577 exist in the law. It may exist in some case precedent
578 somewhere out there in the judicial stratosphere. But we are

579 the people that tell the courts what to think, not the other
580 way around.

581 Ms. Baldwin. Would the gentleman yield?

582 Mr. King. I would yield. I am very curious.

583 Ms. Baldwin. Okay, first of all, the definition of
584 gender identity is in the bill. It is on page 14 at the
585 bottom, lines 23 through 25.

586 Secondly, I would note that the underlying hate crimes
587 bill that—or law that has been in existence since the late
588 1960s does not define the terms race, color, national origin
589 or—

590 Mr. King. Reclaiming my time, that is because they are
591 immutable characteristics, and they can be independently
592 verified. And the definition that you have here on page 14
593 for gender identity says gender identity means the actual or
594 perceived gender-related characteristics. So this is self-
595 perceived characteristics, but perceived in the mind of the
596 perpetrator again. This is absolutely ambiguous.

597 Ms. Baldwin. I am just drawing your attention to—

598 Mr. King. I would be happy to yield.

599 Ms. Baldwin. —the definitions. And then finally, the
600 definition of—there is one occurrence, I believe, in the U.S.
601 code of the definition of sexual orientation. That is in the
602 Hate Crimes Statistics Act, because we do actually collect
603 statistics on hate crimes against people on the basis of

604 their sexual orientation. And I don't have the code in front
605 of me, but I was just told that it is defined as consensual
606 homosexuality or heterosexuality.

607 Mr. King. Okay. So we have at least—reclaiming my
608 time, and thank you. That is a piece of clarity that I am
609 very interested in. Then sexual orientation—if I heard this
610 right—is either homosexuality or heterosexuality, not another
611 behavior that I don't know about. And I would yield. That
612 is the definition that we are approving here if this bill
613 passes this committee.

614 Ms. Baldwin. I refer the gentleman to the section of
615 code that I just discussed, which is the definition of sexual
616 orientation in the Hate Crimes Statistics Act.
617 Unfortunately, we don't have more definitions because,
618 frankly, this Congress has never recognized the
619 discrimination and violence faced by the trans-gender
620 community, the gay and lesbian community in any legislation,
621 except for the Hate Crimes Statistics Act and counting
622 violent acts against people on the basis of their sexual
623 orientation.

624 Mr. King. Reclaiming my time, if I might ask the
625 gentlewoman. Is there a reason why that definition of sexual
626 orientation was not placed in this legislation or even a
627 reference to the Hate Crimes Statistics definition. I mean,
628 because this leaves it much more open in this legislation to

629 what sexual orientation is. For example, would a pedophile
630 qualify for protection under this legislation where a senior
631 citizen would not because of that individual's sexual
632 orientation toward children?

633 Chairman Conyers. The gentleman's time has expired.

634 Mr. King. Mr. Chairman?

635 Chairman Conyers. Yes.

636 Mr. King. Mr. Chairman, I would ask unanimous consent
637 for an initial minute to allow the gentlewoman to explain. I
638 think it is important to clear this up, regardless of one's
639 perception the merits of the bill.

640 Chairman Conyers. Okay.

641 Ms. Baldwin. To get to the question, the—

642 Mr. King. Why isn't sexual orientation defined in the
643 bill?

644 Ms. Baldwin. My belief is that it is to be consistent
645 with the fact that the other protected classes are also not
646 defined. We have not in the underlying hate crimes law
647 defined race. We have not in the underlying hate crimes law
648 defined color. We have not in the underlying hate crimes law
649 defined national origin.

650 Mr. King. And yet—

651 Ms. Baldwin. And we have not in the underlying
652 legislation defined religion.

653 Mr. King. Well, reclaiming—

654 Ms. Baldwin. So we in this legislation, have not—

655 Mr. King. Reclaiming my time, the other issue—

656 Chairman Conyers. The gentleman's time has expired.

657 Mr. Goodlatte. Mr. Chairman?

658 Mr. King. —is defined in the bill. Gender is defined.

659 Why isn't sexual orientation defined?

660 Mr. Gohmert. Mr. Chairman? Mr. Chairman?

661 Chairman Conyers. The gentleman's time is expired.

662 Don't you have an amendment of your own?

663 Mr. Gohmert. I don't right now, but I thought we had an

664 amendment we were debating right now.

665 Chairman Conyers. No, the time is expired. And the

666 chair is going to call the question.

667 Mr. Gohmert. Then I do have an amendment.

668 Chairman Conyers. All right, perhaps let me dispose of

669 the pending amendment.

670 This is amendment number six. All in favor of King

671 amendment number six say "aye."

672 [A chorus of ayes.]

673 Chairman Conyers. All opposed to amendment number six,

674 say "aye."

675 Mr. Gohmert. What?

676 Chairman Conyers. Say "no."

677 [A chorus of noes.]

678 Chairman Conyers. Excuse me. The noes have it.

679 Mr. King. Mr. Chairman?
680 Chairman Conyers. Yes, sir?
681 Mr. King. I request a recorded vote, please.
682 Chairman Conyers. A recorded vote is requested.
683 The Clerk. Mr. Conyers?
684 Chairman Conyers. No.
685 The Clerk. Mr. Conyers votes no.
686 Mr. Berman?
687 [No response.]
688 Mr. Boucher?
689 [No response.]
690 Mr. Nadler?
691 Mr. Nadler. No.
692 The Clerk. Mr. Nadler votes no.
693 Mr. Scott?
694 Mr. Scott. No.
695 The Clerk. Mr. Scott votes no.
696 Mr. Watt?
697 [No response.]
698 Ms. Lofgren?
699 Ms. Lofgren. No.
700 The Clerk. Ms. Lofgren votes no.
701 Ms. Jackson Lee?
702 Ms. Jackson Lee. No.
703 The Clerk. Ms. Jackson Lee votes no.

704 Ms. Waters?
705 [No response.]
706 Mr. Delahunt?
707 Mr. Delahunt. No.
708 The Clerk. Mr. Delahunt votes no.
709 Mr. Wexler?
710 [No response.]
711 Mr. Cohen?
712 Mr. Cohen. No.
713 The Clerk. Mr. Cohen votes no.
714 Mr. Johnson?
715 [No response.]
716 Mr. Pierluisi?
717 Mr. Pierluisi. No.
718 The Clerk. Mr. Pierluisi votes no.
719 Mr. Gutierrez?
720 Mr. Gutierrez. No.
721 The Clerk. Mr. Gutierrez votes no.
722 Mr. Sherman?
723 [No response.]
724 Ms. Baldwin?
725 Ms. Baldwin. No.
726 The Clerk. Ms. Baldwin votes no.
727 Mr. Gonzalez?
728 Mr. Gonzalez. No.

729 The Clerk. Mr. Gonzalez votes no.
730 Mr. Weiner?
731 [No response.]
732 Mr. Schiff?
733 [No response.]
734 Ms. Sanchez?
735 Ms. Sanchez. No.
736 The Clerk. Ms. Sanchez votes no.
737 Ms. Wasserman Schultz?
738 WASSERMANSCHULTZ? No.
739 The Clerk. Ms. Wasserman Schultz votes no.
740 Mr. Maffei?
741 Mr. Maffei. No.
742 The Clerk. Mr. Maffei votes no.
743 Mr. Smith?
744 [No response.]
745 Mr. Goodlatte?
746 Mr. Goodlatte. Aye.
747 The Clerk. Mr. Goodlatte votes aye.
748 Mr. Sensenbrenner?
749 Mr. Sensenbrenner. Aye.
750 The Clerk. Mr. Sensenbrenner votes aye.
751 Mr. Coble?
752 Mr. Coble. Aye.
753 The Clerk. Mr. Coble votes aye.

754 Mr. Gallegly?
755 [No response.]
756 Mr. Lungren?
757 [No response.]
758 Mr. Issa?
759 [No response.]
760 Mr. Forbes?
761 Mr. Forbes. Aye.
762 The Clerk. Mr. Forbes votes aye.
763 Mr. King?
764 Mr. King. Aye.
765 The Clerk. Mr. King votes aye.
766 Mr. Franks?
767 Mr. Franks. Aye.
768 The Clerk. Mr. Franks votes aye.
769 Mr. Gohmert?
770 Mr. Gohmert. Aye.
771 The Clerk. Mr. Gohmert votes aye.
772 Mr. Jordan?
773 [No response.]
774 Mr. Poe?
775 Mr. Poe. Yes.
776 The Clerk. Mr. Poe votes yes.
777 Mr. Chaffetz?
778 Mr. Chaffetz. Aye.

779 The Clerk. Mr. Chaffetz votes aye.
780 Mr. Rooney?
781 Mr. Rooney. Yes.
782 The Clerk. Mr. Rooney votes yes.
783 Mr. Harper?
784 Mr. Harper. Aye.
785 The Clerk. Mr. Harper votes aye.
786 Chairman Conyers. Mr. Wexler?
787 Mr. Wexler. No.
788 The Clerk. Mr. Wexler votes no.
789 Chairman Conyers. Mr. Weiner?
790 Mr. Weiner. No.
791 The Clerk. Mr. Weiner votes no.
792 Chairman Conyers. Clerk will report.
793 The Clerk. Mr. Chairman, 11 members voted aye. Fifteen
794 members voted nay.
795 Chairman Conyers. The amendment is unsuccessful.
796 Are there any other amendments?
797 Mr. King?
798 Okay, yes, Judge Gohmert has an amendment.
799 Mr. Gohmert. I had asked if we were on an amendment
800 because I was going to—I wish to speak for 5 minutes on the
801 King amendment. And then I understood Chairman to say we are
802 not on an amendment currently. That is why I said—
803 Chairman Conyers. Would you prefer to strike the last

804 word?

805 Mr. Gohmert. I would at this point like to propose an
806 amendment. And it is amendment number four to H.R. 1913.

807 And you don't have that?

808 Chairman Conyers. Sorry. Are there any other
809 amendments?

810 Mr. Gohmert. -Mr. Chairman, and so does Mr. King.

811 Chairman Conyers. Okay. Well, okay, Mr. King?

812 Mr. Gohmert. No, he is not here. Mr. Goodlatte.

813 Chairman Conyers. All right, Mr. Goodlatte?

814 Mr. Goodlatte. Mr. Chairman, I had preferred to save
815 this for the last amendment.

816 Chairman Conyers. It may be.

817 Mr. Goodlatte. It may be, and it may not be. Yes, Mr.
818 King has an amendment.

819 Chairman Conyers. Mr. King has an amendment. The
820 gentleman is recognized.

821 Mr. King. Thank you, Mr. Chairman. I would offer
822 amendment number eight.

823 Chairman Conyers. The clerk will report number eight.

824 Mr. Scott. Mr. Chairman, I reserve a point of order.

825 Chairman Conyers. Mr. Scott reserves a point of order.

826 The Clerk. Amendment to H.R. 1913 offered by Mr. King.

827 [The amendment by Mr. King follows:]

828 ***** INSERT *****

829 Chairman Conyers. Clerk will report the amendment.

830 You did already?

831 All right, the gentleman is recognized in support of his
832 amendment.

833 Mr. King. Thank you, Mr. Chairman. This amendment adds
834 an intent requirement to the new hate crime in Section 7 of
835 the bill. Under the proposed bill, it is unclear whether a
836 person who kills a person for multiple reasons, one of which
837 is prohibited, or for no reason at all other than the intent
838 to commit a senseless act of violence whether they could be
839 held liable under the new statute.

840 And so, for example, if an offender robs another person
841 who is from a protected group but did so for both the money
842 and because the person was from a protected group, then he
843 could be held liable. At the subcommittee hearing in the
844 last Congress, witnesses in favor of the bill argued that
845 heightened punishment for hate crimes was warranted because
846 of the impact that such crimes have on the community and
847 especially those members of the community who belong to the
848 same group as the victim.

849 The proposed amendment simply makes that intent a
850 requirement for a criminal prosecution. A criminal who kills
851 a member of a group will have to act with the intent to
852 intimidate or terrorize the group from which the victim is a
853 member. This amendment reflects the testimony of the

854 witnesses at the subcommittee hearing, and it will protect
855 against improper expansion of the crime by prosecutors who
856 might charge offenders who should not fall within the intent
857 of the statute.

858 And that is a number of the reasons why I think this is
859 a good amendment, Mr. Chairman. And you know that I don't
860 think that this underlying bill is good law, that it takes us
861 down a path that crosses a line. And once we cross the line
862 and we start to identify what goes on in a person's head,
863 then we have to be very careful about being more precise
864 about that definition.

865 And I would bring to mind as I read through case law—and
866 I mean "judge-made law." And I put that in quotes because I
867 think we should make the laws here, not the judges. And I
868 think the ambiguity as we have in this legislation give them
869 a huge license to make law. And many people in this
870 committee have for a long time heard me talk about how the
871 license of the courts has been expanded under language such
872 as our Constitution supposedly carrying within it special
873 protections and rights in it hidden in the emanations and in
874 the penumbras.

875 Now, as I watch this as it unfolds and I see the
876 evolution of the thinking of the courts, I get more and more
877 concerned about ambiguous legislation. And I am looking at a
878 case now that is known as Varnum vs. Brien. It is the Iowa

879 Supreme Court.

880 And they allege this, that—here is a quote from that
881 decision. "Our responsibility is to protect rights of
882 individuals even when the rights were unimagined," close
883 quote. I have never read anything that was such an
884 outrageous, breathtaking reach on the part of a court. But
885 it has the force and affect of a law. Next week it will have
886 that. That is a judge-made law.

887 Also in that case it says that, "homosexuals have a
888 right to public affirmation," close quote. And so, we see
889 that the courts take upon themselves about any imaginary
890 authority. I don't know that they actually would retreat
891 from making the calls that God makes. But I really see no
892 limitations on their own human constraints that are there.

893 And so, this amendment, I think, is one that takes us
894 down the path where we need to go. It tightens up the
895 language a little bit, and it makes sure that there is intent
896 and that that intent requirement for the hate crimes section
897 would be utilized. And it gives less latitude on the part of
898 judicial activists to expand this into the whole list of
899 things that we still aren't certain what it includes,
900 including sexual orientation.

901 I don't know what that is. I think we think it is
902 heterosexuality and homosexuality and nothing else. If that
903 is the consensus of the committee, we ought to say so into

904 the record. I say so. I understand sexual orientation to
905 mean heterosexuality and homosexuality and nothing else. If
906 that is the intent, I hope that we find a way to put it in
907 the bill. And the Rules Committee can review an application
908 for an amendment.

909 But this amendment is about the intent requirement for
910 the utilization of hate crime legislation. And I would urge
911 its adoption.

912 And I would yield back the balance of my time, Mr.
913 Chairman.

914 Chairman Conyers. I thank the gentleman.

915 And, Mr. Scott, do you insist upon your point of—your
916 reservation?

917 Mr. Scott. No, Mr. Chairman. I have reviewed it, and
918 it appears to be germane.

919 Chairman Conyers. The chair recognizes Mr. Nadler.

920 By the way, the president of the United States will be
921 in the House of Representatives. We are going to have to
922 stop at 11 o'clock.

923 The gentleman from New York?

924 Mr. Nadler. I thank the chairman. I rise in opposition
925 to this amendment as both unnecessary and harmful, period.

926 Right now in the bill in order to charge an offense
927 under the section, you have to show both that someone
928 assaulted somebody and that he did it because of the actual

929 or perceived race, color, religion, et cetera. You have to
930 show the bias, and you have to show the act.

931 You could infer from the act and the bias the intent or
932 the affect of terrorizing the entire class, which is the
933 purpose of the legislation. By adding a third thing that you
934 have to prove, intent to intimidate or terrorize the class of
935 persons—adding that mens rea as an element of the offense
936 that must be proven—you are making it much more difficult to
937 prove the case. You are narrowing the scope of coverage
938 under the bill.

939 You are saying that because I attacked somebody because
940 of that person's perceived race, color, class, you cannot,
941 per say, infer any intent from that. I don't know how you
942 would then ever—unless the guy as he picked up the knife said
943 I am doing this in order to intimidate the class of citizens
944 to which you belong.

945 But if he didn't articulate that out loud, I don't know
946 how you would ever meet the burden of proof that this
947 amendment intends to put on the bill. I think that the
948 author probably realizes that that would be the affect of the
949 intent. It would gut the bill. It would eliminate the whole
950 point of the bill.

951 And you should oppose the bill, as you do. But this
952 amendment is not an honest attempt to strengthen the bill or
953 to elucidate the intent of the bill, but simply to eliminate

954 its impact and therefore, should be defeated.

955 Mr. Goodlatte. Mr. Chairman? Mr. Chairman?

956 Chairman Conyers. Yes, Mr. Goodlatte?

957 Mr. Goodlatte. I move to strike the last word.

958 Chairman Conyers. The gentleman is recognized.

959 Mr. Goodlatte. Thank you, Mr. Chairman. Mr. Chairman,
960 this is a very good amendment. And to require a showing of
961 intent—obviously the purpose of the legislation is to impose
962 greater penalties on people who intimidate or terrorize
963 people who are in a protected class of persons.

964 If somebody says something very controversial about that
965 class of persons and then subsequently takes an act against a
966 particular person, it may or may not have any relationship
967 between the bias of the individual making the statement and
968 the subsequent violent act. And yet you are going to add 10
969 years, up to 10 years imprisonment if somebody can simply
970 make the connection between the two without any showing of
971 any actual intent on the part of the person to connect their
972 bias with their violent act.

973 This is something that I think would help to preserve
974 the operation of justice in our criminal system. And I would
975 urge my colleagues to—

976 Ms. Jackson Lee. Would the gentleman yield?

977 Mr. Goodlatte. I would be happy to yield.

978 Ms. Jackson Lee. Would the gentleman yield? I am on

979 this side. I am here.

980 Mr. Goodlatte. I see you.

981 Ms. Jackson Lee. Let me just—if you would yield for an
982 inquiry and a point. Living in Texas and living through the
983 Jasper killing, which was an atrocity and a blight on
984 humanity—that is the individual who was dismembered.

985 Mr. Goodlatte. Agreed.

986 Ms. Jackson Lee. I don't believe that there was
987 evidence that could have been carried past his death to
988 document intimidation or terrorizing. The man was
989 dismembered, dead, dragged. He was not there to give
990 evidence of such.

991 And so, what this does is that it undermines heinous
992 cases like that. The law needs to be as clear and precise—
993 and as it reads in this legislation now, it speaks to bodily
994 injury. And that is clear on race or sexual—or gender as it
995 is defined. And I would only conclude my remarks and yield
996 back to you by saying I think the question has to be asked of
997 all of us.

998 Are we here to protect those who are victims? People
999 are victims because of their gender, orientation. They are
1000 victims because of race and ethnicity. That is what the hate
1001 crime is supposed to be. And I think we have to ask
1002 ourselves that question. I yield back.

1003 Mr. Goodlatte. Reclaiming my time, that is exactly the

1004 question that I have asked and I think everyone on this side
1005 of the aisle has asked because we believe that anybody who is
1006 the victim of an act of violence should be fully protected
1007 and the perpetrator of such an act of violence should be
1008 fully prosecuted under the law.

1009 But at the very least, if you are going to add in this
1010 element of the thought process of the perpetrator of the
1011 crime, you ought to at least have to make a connection
1012 between the thought process and the fact that the violent
1013 crime was committed on the basis of the bias, not simply to
1014 establish that the person had a bias and that subsequently
1015 they acted against the person against whom they had a bias,
1016 whether that was related to that or totally unrelated.

1017 It might have been related to a dispute or simply an
1018 intent to rob that person or a whole host of other types of
1019 criminal activity, all of which should be fully prosecuted
1020 under the law, but not all of which would be necessarily
1021 connected to the bias that is held by the individual. And I
1022 think the amendment serves a very, very good purpose to
1023 perfect the legislation.

1024 And I would yield back, Mr. Chairman.

1025 Chairman Conyers. I think the gentleman. I noticed
1026 that the judge seeks to be recognized. And because of that,
1027 we are now going to suspend so that those who wish to hear
1028 the president of the United States will be able to do it. I

1029 recognize Mr. Scott—

1030 Mr. Scott. Thank you, Mr. Chairman.

1031 Chairman Conyers. —for a unanimous consent request.

1032 Mr. Scott. May I ask unanimous consent that—first, I
1033 understand that the members of the minority will offer two
1034 more amendments, one by the gentleman from Virginia, Mr.
1035 Goodlatte, and the other by the gentleman from Iowa, Mr. King
1036 or Mr. Gohmert.

1037 Chairman Conyers. Yes.

1038 Mr. Scott. And I ask unanimous consent that the
1039 committee agree not to consider other amendments to the bill
1040 and to proceed with the question of reporting the bill
1041 immediately after those amendments, if they are offered, are
1042 dispensed with.

1043 Chairman Conyers. Shouldn't this be after 12 o'clock?

1044 Mr. Scott. After we come back.

1045 Chairman Conyers. After we come back at 12 o'clock.

1046 Mr. Goodlatte. Mr. Chairman?

1047 Chairman Conyers. Yes, Mr. Goodlatte?

1048 Mr. Goodlatte. Mr. Chairman, I think that is a fair
1049 design of how to proceed and to allow members to proceed to
1050 the floor and return on that basis. And I have no objection.

1051 Chairman Conyers. And as quickly as we can, we will
1052 begin at 12 o'clock. Without objection, so ordered. We will
1053 stand in recess until 12 o'clock.

1054 [Recess.]

1055 Chairman Conyers. Clerk will call the roll for a
1056 quorum.

1057 The Clerk. Mr. Conyers?

1058 [No response.]

1059 Mr. Berman?

1060 [No response.]

1061 Mr. Boucher?

1062 [No response.]

1063 Mr. Nadler?

1064 [No response.]

1065 Mr. Scott?

1066 [No response.]

1067 Mr. Watt?

1068 [No response.]

1069 Ms. Lofgren?

1070 [No response.]

1071 Ms. Jackson Lee?

1072 [No response.]

1073 Ms. Waters?

1074 [No response.]

1075 Mr. Delahunt?

1076 [No response.]

1077 Mr. Wexler?

1078 [No response.]

1079 Mr. Cohen?
1080 [No response.]
1081 Mr. Johnson?
1082 [No response.]
1083 Mr. Pierluisi?
1084 [No response.]
1085 Mr. Gutierrez?
1086 [No response.]
1087 Mr. Sherman?
1088 [No response.]
1089 Ms. Baldwin?
1090 [No response.]
1091 Mr. Gonzalez?
1092 [No response.]
1093 Mr. Weiner?
1094 [No response.]
1095 Mr. Schiff?
1096 [No response.]
1097 Ms. Sanchez?
1098 [No response.]
1099 Ms. Wasserman Schultz?
1100 [No response.]
1101 Mr. Maffei?
1102 Mr. Maffei. Here.
1103 Mr. Smith?

1104 [No response.]
1105 Mr. Goodlatte?
1106 [No response.]
1107 Mr. Sensenbrenner?
1108 [No response.]
1109 Mr. Coble?
1110 [No response.]
1111 Mr. Gallegly?
1112 [No response.]
1113 Mr. Lungren?
1114 [No response.]
1115 Mr. Issa?
1116 [No response.]
1117 Mr. Forbes?
1118 [No response.]
1119 Mr. King?
1120 [No response.]
1121 Mr. Franks?
1122 [No response.]
1123 Mr. Gohmert?
1124 [No response.]
1125 Mr. Jordan?
1126 [No response.]
1127 Mr. Poe?
1128 [No response.]

1129 Mr. Chaffetz?
1130 [No response.]
1131 Mr. Rooney?
1132 [No response.]
1133 Mr. Harper?
1134 [No response.]
1135 Mr. King?
1136 [No response.]
1137 Mr. Forbes?
1138 [No response.]
1139 Mr. Scott?
1140 [No response.]
1141 Mr. Gohmert?
1142 Mr. Gohmert. Here.
1143 The Clerk. Mr. Weiner?
1144 Mr. Weiner. Present.
1145 Chairman Conyers. We resume the discussion on the King
1146 amendment.
1147 And I recognize Judge Gohmert.
1148 Mr. Gohmert. At this time, we will just—we have got a
1149 couple more amendments, and I will use my time there. Thank
1150 you.
1151 Chairman Conyers. That is right. Call the question.
1152 All those in favor of the King amendment, say "aye."
1153 [A chorus of ayes.]

1154 All those opposed to the King amendment, say "no."
1155 [A chorus of noes.]
1156 The ayes have it.
1157 Mr. Gohmert. Mr. Chairman?
1158 Chairman Conyers. Record vote is requested.
1159 The Clerk. Mr. Conyers?
1160 Chairman Conyers. No.
1161 The Clerk. Mr. Conyers votes no.
1162 Mr. Berman?
1163 [No response.]
1164 Mr. Boucher?
1165 [No response.]
1166 Mr. Nadler?
1167 [No response.]
1168 Mr. Scott?
1169 Mr. Scott. No.
1170 The Clerk. Mr. Scott votes no.
1171 Mr. Watt?
1172 [No response.]
1173 Ms. Lofgren?
1174 Ms. Lofgren. No.
1175 The Clerk. Ms. Lofgren votes no.
1176 Ms. Jackson Lee?
1177 [No response.]
1178 Ms. Waters?

1179 [No response.]
1180 Mr. Delahunt?
1181 [No response.]
1182 Mr. Wexler?
1183 [No response.]
1184 Mr. Cohen?
1185 [No response.]
1186 Mr. Johnson?
1187 [No response.]
1188 Mr. Pierluisi?
1189 [No response.]
1190 Mr. Gutierrez?
1191 [No response.]
1192 Mr. Sherman?
1193 [No response.]
1194 Ms. Baldwin?
1195 Ms. Baldwin. No.
1196 The Clerk. Ms. Baldwin votes no.
1197 Mr. Gonzalez?
1198 [No response.]
1199 Mr. Weiner?
1200 Mr. Weiner. No.
1201 The Clerk. Mr. Weiner votes no.
1202 Mr. Schiff?
1203 [No response.]

1204 Ms. Sanchez?
1205 [No response.]
1206 Ms. Wasserman Schultz?
1207 [No response.]
1208 Mr. Maffei?
1209 Mr. Maffei. No.
1210 The Clerk. Mr. Maffei votes no.
1211 Mr. Smith?
1212 [No response.]
1213 Mr. Goodlatte?
1214 Mr. Goodlatte. Aye.
1215 The Clerk. Mr. Goodlatte votes aye.
1216 [No response.]
1217 Mr. Coble?
1218 Mr. Coble. Aye.
1219 The Clerk. Mr. Coble votes aye.
1220 Mr. Gallegly?
1221 [No response.]
1222 Mr. Lungren?
1223 [No response.]
1224 Mr. Issa?
1225 [No response.]
1226 Mr. Forbes?
1227 [No response.]
1228 Mr. King?

1229 Mr. King. Aye.

1230 The Clerk. Mr. King votes aye.

1231 Mr. Franks?

1232 [No response.]

1233 Mr. Gohmert?

1234 Mr. Gohmert. Aye.

1235 The Clerk. Mr. Gohmert votes aye.

1236 Mr. Jordan?

1237 Mr. Jordan. Yes.

1238 The Clerk. Mr. Jordan votes yes.

1239 Mr. Poe?

1240 Mr. Poe. Aye.

1241 The Clerk. Mr. Poe votes aye.

1242 Mr. Chaffetz?

1243 [No response.]

1244 Mr. Rooney?

1245 [No response.]

1246 Mr. Harper?

1247 [No response.]

1248 Chairman Conyers. Mr. Sherman?

1249 Mr. Sherman. No.

1250 The Clerk. Mr. Sherman votes no.

1251 Chairman Conyers. Mr. Wexler?

1252 Mr. Wexler. No.

1253 The Clerk. Mr. Wexler votes no.

1254 Chairman Conyers. Mr. Forbes?

1255 Mr. Forbes. Aye.

1256 The Clerk. Mr. Forbes votes aye.

1257 Chairman Conyers. Clerk will report.

1258 The Clerk. Mr. Chairman, seven members voted aye.

1259 Eight members voted nay.

1260 Chairman Conyers. I haven't accepted the announcement

1261 of the vote yet.

1262 So, Mr. Gutierrez?

1263 Mr. Gutierrez. No.

1264 Chairman Conyers. Mr. Pierluisi?

1265 The Clerk. Mr. Gutierrez votes no.

1266 Chairman Conyers. Mr. Sensenbrenner?

1267 The Clerk. Mr. Sensenbrenner votes aye.

1268 Mr. Pierluisi?

1269 Mr. Pierluisi. No.

1270 The Clerk. Mr. Pierluisi votes no.

1271 Chairman Conyers. Clerk will report.

1272 The Clerk. Mr. Chairman, eight members voted aye. Ten

1273 members voted nay.

1274 Chairman Conyers. The amendment is unsuccessful. We

1275 are running against the floor votes that will start in about

1276 15 minutes.

1277 The chair recognizes Steve King of Iowa.

1278 Mr. King. Thank you, Mr. Chairman. I have an amendment

1279 at the desk.

1280 Chairman Conyers. Clerk will report the amendment.

1281 Mr. Scott. Chairman, reserve a point of order.

1282 Chairman Conyers. Mr. Scott reserves the point of
1283 order.

1284 The Clerk. Amendment to H.R. 1913 offered by Mr. King
1285 of Iowa.

1286 [The amendment by Mr. King follows:]

1287 ***** INSERT *****

1288 Chairman Conyers. The gentleman is recognized in
1289 support of his amendment.

1290 Mr. King. Thank you, Mr. Chairman. This amendment goes
1291 to the end of the bill. And it simply says, since we have
1292 apparently waived the reading of it, which I do. It is very
1293 short. It says the term sexual orientation as used in this
1294 act or any amendments to this act does not include
1295 pedophilia. And we have gone through in this debate
1296 significant discussion about what sexual orientation means
1297 and does not mean. And yet I have not heard from the
1298 proponents of this bill into the record the definition of
1299 sexual orientation.

1300 I would like to have defined sexual orientation
1301 precisely. I recognize, Mr. Chairman, that we can't—we are—
1302 it is unlikely that we will get that done in this committee,
1303 given the reticence on the part of the majority party to
1304 consider any of the changes that we have offered here, I
1305 think, in a fashion that is determined to bring this bill out
1306 of this committee. And I am frustrated that we are not able
1307 to add better definitions to the ambiguous terms that will be
1308 used to lock people up in penitentiaries if this bill becomes
1309 law.

1310 And so, this amendment that I have addresses the issue
1311 of pedophiles. And under the term sexual orientation, it
1312 includes those types of proclivities, particularly the one

1313 that is the most egregious of all. And that is victimizing
1314 children for the sake of sexual activity with them. The
1315 pedophiles shall not be protected under this legislation if
1316 we are able to adopt this language that is in my amendment.

1317 So it would not—my amendment does not specifically
1318 define sexual orientation, although I have tried to do that.
1319 But what it does do is say it doesn't include pedophiles
1320 because I think the intent of this committee is clearly that
1321 we don't want to provide a, let us just say, a sexual—a
1322 special protected status for pedophiles.

1323 There are others that I would put in that list as well,
1324 but this is the one that stands out to me that should be
1325 beyond question that this committee should be able to take a
1326 look at this amendment and conclude that whatever we might
1327 think about proclivities, pedophiles is not one that should
1328 be included.

1329 And so, that is what my—I would yield.

1330 Chairman Conyers. Would the gentleman yield? I want to
1331 compliment him on the tenacity in which he has pursued
1332 specificity and the seeking of the definitions of many of
1333 these terms that are generally frequently taken for granted
1334 or thought to be somewhere in the law already existing.

1335 Mr. King. Reclaiming, and I thank the gentleman
1336 chairman for recognizing that. And I will point out again
1337 that I do have some history with these terms. And having

1338 been involved in litigation of these terms, I understand, I
1339 think, from that experience the implications that might come
1340 forward with this kind of language that seem to be accepted
1341 by a lot of members of this panel.

1342 And so, I would urge adoption of my amendment that
1343 defines clearly that whatever sexual orientation is, it is
1344 not and does not include pedophiles. And with that, Mr.
1345 Chairman, I would urge adoption of my amendment. And I would
1346 yield back the balance of my time.

1347 Chairman Conyers. The chair recognizes the gentlelady
1348 from Wisconsin.

1349 Ms. Baldwin. Thank you, Mr. Chairman. I move to strike
1350 the last word in opposition to this amendment that—well, the
1351 gentleman claims that we have not pinned down a definition
1352 for sexual orientation. And indeed, in our earlier session
1353 yet today, I drew his attention to the fact that there is a
1354 definition with regard to the Hate Crimes Statistics Act.

1355 I, during the break, searched to just confirm that what
1356 I had articulated earlier today was, indeed, the definition.
1357 And it is. Sexual orientation means consensual homosexuality
1358 or heterosexuality. That is the definition.

1359 Now, as you have noted earlier, there is only one term
1360 defined in this legislation. And that is gender identity on
1361 page 14. And the reason for that is that that definition
1362 exists nowhere else in federal law. This is the first time

1363 it is occurring in federal law.

1364 But in every other case, gender, disability, sexual
1365 orientation, race, national origin, color and—I am missing
1366 one—the architecture of the hate crimes statutes in the
1367 United States is those definitions do not lie within that
1368 architecture. They exist elsewhere in federal law, and we
1369 rely on them. So there is a clear, concise definition of
1370 sexual orientation.

1371 Your amendment is unnecessary and also, I would add,
1372 inflammatory in terms of insinuations, I would say. But
1373 given the definition of sexual orientation meaning consensual
1374 homosexuality or heterosexuality, it is absolutely clear that
1375 that could not include pedophilia.

1376 Chairman Conyers. I thank the gentlelady.

1377 The vote occurs on the King amendment. All those in
1378 favor, say "aye."

1379 [A chorus of ayes.]

1380 Chairman Conyers. All those opposed, say no.

1381 [A chorus of noes.]

1382 Mr. Goodlatte. Mr. Chairman? Mr. Chairman, there are
1383 others who wanted to speak on this amendment.

1384 Chairman Conyers. I am sorry. I did not, I did not
1385 hear anybody seek to be recognized. I apologize for that. I
1386 never ignore anyone to seek recognition. But we have taken
1387 the vote already. As a matter of fact, the vote prevailed.

1388 Mr. King. Mr. Chairman?

1389 Chairman Conyers. Yes, sir?

1390 Mr. King. I would ask to record a vote.

1391 Chairman Conyers. I said it had prevailed.

1392 You asked for it? Yes. A recorded vote is ordered.

1393 The Clerk. Mr. Conyers?

1394 Mr. King. I hope one day I have that equal influence,
1395 Mr. Chairman.

1396 Chairman Conyers. No.

1397 The Clerk. Mr. Conyers votes no.

1398 Mr. Berman?

1399 [No response.]

1400 Mr. Boucher?

1401 [No response.]

1402 Mr. Nadler?

1403 [No response.]

1404 Mr. Scott?

1405 Mr. Scott. No.

1406 The Clerk. Mr. Scott votes no.

1407 Mr. Watt?

1408 [No response.]

1409 Ms. Lofgren?

1410 Ms. Lofgren. No.

1411 The Clerk. Ms. Lofgren votes no.

1412 Ms. Jackson Lee?

1413 [No response.]
1414 Ms. Waters?
1415 [No response.]
1416 Mr. Delahunt?
1417 [No response.]
1418 Mr. Wexler?
1419 [No response.]
1420 Mr. Cohen?
1421 Mr. Cohen. No.
1422 The Clerk. Mr. Cohen votes no.
1423 Mr. Johnson?
1424 Mr. Johnson. No.
1425 The Clerk. Mr. Johnson votes no.
1426 Mr. Pierluisi?
1427 Mr. Pierluisi. No.
1428 The Clerk. Mr. Pierluisi votes no.
1429 Mr. Gutierrez?
1430 Mr. Gutierrez. No.
1431 The Clerk. Mr. Gutierrez votes no.
1432 Mr. Sherman?
1433 Mr. Sherman. No.
1434 The Clerk. Mr. Sherman votes no.
1435 Ms. Baldwin?
1436 Ms. Baldwin. No.
1437 The Clerk. Ms. Baldwin votes no.

1438 Mr. Gonzalez?
1439 [No response.]
1440 Mr. Weiner?
1441 Mr. Weiner. No.
1442 The Clerk. Mr. Weiner votes no.
1443 Mr. Schiff?
1444 [No response.]
1445 Ms. Sanchez?
1446 Ms. Wasserman Schultz?
1447 Mr. Maffei?
1448 Mr. Maffei. No.
1449 The Clerk. Mr. Maffei votes no.
1450 Mr. Smith?
1451 [No response.]
1452 Mr. Goodlatte?
1453 Mr. Goodlatte. Aye.
1454 The Clerk. Mr. Goodlatte votes aye.
1455 Mr. Sensenbrenner?
1456 Mr. Sensenbrenner. Aye.
1457 The Clerk. Mr. Sensenbrenner votes aye.
1458 Mr. Coble?
1459 Mr. Coble. Aye.
1460 The Clerk. Mr. Coble votes aye.
1461 Mr. Gallegly?
1462 [No response.]

1463 Mr. Lungren?
1464 [No response.]
1465 Mr. Issa?
1466 [No response.]
1467 Mr. Forbes?
1468 [No response.]
1469 Mr. King?
1470 [No response.]
1471 Mr. Franks?
1472 Mr. King. Aye.
1473 The Clerk. Mr. King votes aye.
1474 Mr. Franks?
1475 [No response.]
1476 Mr. Gohmert?
1477 Mr. Gohmert. Aye.
1478 The Clerk. Mr. Gohmert votes aye.
1479 Mr. Jordan?
1480 Mr. Jordan. Yes.
1481 The Clerk. Mr. Jordan votes yes.
1482 Mr. Poe?
1483 Mr. Poe. Aye.
1484 The Clerk. Mr. Poe votes aye.
1485 Mr. Chaffetz?
1486 [No response.]
1487 Mr. Rooney?

1488 [No response.]

1489 Mr. Harper?

1490 [No response.]

1491 Chairman Conyers. Mr. Forbes?

1492 Mr. Forbes. Aye.

1493 The Clerk. Mr. Forbes votes aye.

1494 Chairman Conyers. Mr. Wexler?

1495 Mr. Wexler. No.

1496 The Clerk. Mr. Wexler votes no.

1497 Chairman Conyers. Mr. Gallegly?

1498 Mr. Gallegly. Aye.

1499 The Clerk. Mr. Gallegly votes aye.

1500 Chairman Conyers. Ms. Waters?

1501 Ms. Waters. No.

1502 The Clerk. Ms. Waters votes no.

1503 Chairman Conyers. Mr. Franks?

1504 Mr. Franks. I vote aye.

1505 The Clerk. Mr. Franks votes aye.

1506 Chairman Conyers. Clerk will report.

1507 The Clerk. Mr. Chairman, 13 members voted aye. I am

1508 sorry. Mr. Chairman, 10 members voted aye, 13 members voted

1509 nay.

1510 Chairman Conyers. Then the amendment is unsuccessful.

1511 We have one more amendment before we vote to report H.R.

1512 1913.

1513 Judge Gohmert?

1514 Mr. Goodlatte. No, actually I believe I have the
1515 amendment, Mr. Chairman.

1516 Chairman Conyers. Okay, Mr. Goodlatte?

1517 Mr. Goodlatte. Mr. Chairman, may I ask what your
1518 intention is if we do not finish this? Are we going to—if we
1519 finish this, are we coming back afterwards—

1520 Chairman Conyers. No, we will work on the others
1521 tomorrow if we can get this through.

1522 Mr. Goodlatte. All right, well, I will offer this
1523 amendment.

1524 Chairman Conyers. The gentleman's amendment—Mr.
1525 Goodlatte—

1526 Mr. Scott. I reserve a point of order, Mr. Chairman.

1527 Chairman Conyers. The clerk will report the amendment
1528 of Mr. Goodlatte. And Mr. Scott reserves the point of order.

1529 The Clerk. Amendment to H.R. 1913 offered by Mr.
1530 Goodlatte of Virginia.

1531 [The amendment by Mr. Goodlatte follows:]

1532 ***** INSERT *****

1533 Chairman Conyers. The gentleman is recognized in
1534 support of his amendment.

1535 Mr. Goodlatte. Thank you, Mr. Chairman. I will be as
1536 prompt as I can.

1537 The underlying bill imposes an up to 10-year prison
1538 sentence for inflicting physical harm on individuals in
1539 specific protected classes only. However, as Republicans
1540 have said throughout the debate on this issue, the law should
1541 treat all victims equally by punishing their attackers
1542 equally. There should be no consideration by prosecutors and
1543 the courts that one individual is more deserving of
1544 protection than another.

1545 My amendment applies the increased penalties in the
1546 underlying bill to those who inflict harm, regardless of the
1547 actual or perceived characteristics of their victim. It does
1548 this by taking out the specific references to special classes
1549 of individuals altogether. All individuals who are members
1550 of protected classes in the underlying bill would still
1551 receive the same protections under my amendment.

1552 In addition, all individuals who are not members of
1553 protected classes in the underlying bill would receive these
1554 protections. In addition, the concerns about punishing
1555 thoughts that have been brought up and debated during this
1556 markup would be eliminated because my amendment would apply
1557 the increased penalties for inflicting bodily injury,

1558 regardless of the state of mind of the perpetrator.

1559 Justice should be blind. We have made this point over
1560 and over again during this markup. And my amendment would
1561 correct the underlying bill to ensure that justice continues
1562 to be blind, continues to be fair to all, continues to
1563 protect all victims of violent crimes.

1564 I yield back, Mr. Chairman.

1565 Chairman Conyers. Thank you, Mr. Goodlatte.

1566 Ms. Baldwin?

1567 Ms. Baldwin. Thank you, Mr. Chairman. I will be brief.
1568 This guts the bill. The bill is brought forward to add
1569 protections in our hate crimes laws for groups of people who
1570 have experienced a dreadful pattern of heinous violence,
1571 well-documented. And this strikes at the heart of that. And
1572 we should defeat it and pass the bill.

1573 Mr. Gohmert. Mr. Chairman?

1574 Ms. Baldwin. Thank you, Mr. Chairman.

1575 Mr. Goodlatte. Mr. Chairman?

1576 Chairman Conyers. Just a moment. No one asks for the
1577 gentleman from Virginia to yield when he returned to his
1578 time. The chair is calling for a vote on the Goodlatte
1579 amendment. All in favor, say "aye."

1580 [A chorus of ayes.]

1581 All opposed, say "no."

1582 Mr. Goodlatte. Mr. Chairman, a point of order?

1583 Chairman Conyers. What do you mean, order?

1584 Mr. Goodlatte. Point of order.

1585 Chairman Conyers. No, they don't have—look, we are
1586 working under a 10-minute time limit before we are required
1587 to go to the floor.

1588 Mr. Goodlatte. Well, Mr. Chairman, I asked a moment ago
1589 that we were not returning. We have just heard from your
1590 staff that we are returning. If we are returning, we should
1591 be able to continue the debate. If we are not returning,
1592 then I agree with you, we should proceed—

1593 Mr. Gohmert. Mr. Chairman, we had an agreement for two
1594 amendments. I agreed to that. I forewent other agreements
1595 because I thought I would be given a chance to speak on the
1596 two amendments that I wasn't making.

1597 Chairman Conyers. Okay.

1598 Mr. Gohmert. I forewent one so I could speak on the
1599 other. I knew we were in a time crunch, but I thought I
1600 would surely be given a chance to speak once before—and that
1601 is what I—the concession I was given. I misunderstood when
1602 we agreed.

1603 Chairman Conyers. No, I think your point is well-made.
1604 Do you seek recognition at this point?

1605 Mr. Gohmert. Yes, I do, Mr. Chairman.

1606 Chairman Conyers. Mr. Franks?

1607 Judge Gohmert, you are recognized.

1608 Mr. Gohmert. Thank you. I forewent a couple of
1609 amendments here under this agreement, let these two make
1610 these amendments and felt like I could make my points if you
1611 gave me the 5 minutes. So I very much appreciate this.

1612 My friend from Wisconsin says the facts are well-
1613 documented of the abuse of these cases. But the facts that
1614 are well-documented from 2007, the FBI's statistics, show
1615 there were 1,521 victims of sexual assault—or sexual
1616 orientation bias, 335 crimes of intimidation, shouting or
1617 name calling, 448 crimes of simple assault that can include
1618 pushing or shoving without physical, actual injury, 242
1619 crimes of aggravated assault defined as bodily harm.

1620 Now, of the 240—there were only 242 crimes where there
1621 was actually some truly—an assault. And we just rejected an
1622 amendment to include pedophilia from being part of this
1623 protected class.

1624 Do you realize what that means? If a mother hears that
1625 their child has been raped and she slaps the assailant with
1626 her purse, she is now gone after as a hate criminal because
1627 this is a protected class. There are other protected classes
1628 in here. I mean, simple exhibitionism—I have female friends
1629 who have told me over the years that some guy flashed them
1630 and their immediate reaction was to hit them with the purse.

1631 Well, now, he has committed a misdemeanor. She has
1632 committed a federal hate crime because the exhibitionism is

1633 protected under sexual orientation.

1634 Now, I know my friend said that we have a definition in
1635 the law. But there is nothing in this bill that references
1636 the definitions in the Hate Crimes Statistical Act. It is
1637 not there.

1638 We asked that it be added so we could get a specific
1639 definition. It is not there. And having reviewed cases as
1640 an appellate judge, I know that when the legislature has the
1641 chance to include a definition and refuses, then what we
1642 looked at was the plain meaning of those words.

1643 The plain meaning of sexual orientation is anything to
1644 which someone is sexually oriented. That could include
1645 exhibitionism. It can include necrophilia. It could include
1646 urophelia, voyeurism. You see somebody spying on you
1647 changing clothes and you hit them, they have committed a
1648 misdemeanor. You have committed a federal felony under this
1649 bill.

1650 It is so wrong. And I heard my friend from Texas bring
1651 up the James Byrd case, one of the most atrocious cases. The
1652 two most culpable defendants have already been put to death
1653 under state law. There was no hate crime law necessary to
1654 punish that. It was egregious.

1655 And our friends across the aisle wouldn't even agree to
1656 put the death penalty in ads part of this hate crime
1657 legislation, so there is no additional punishment, unless, of

1658 course, under this bill we could add 10 years to their
1659 sentence after they were put to death. It makes no sense.
1660 It is unnecessary.

1661 Every human being in the world deserves to be equally
1662 protected, no matter who they are, no matter who they want to
1663 go to bed with. This is not the bill to be passing.

1664 I appreciate the time. I just had to get that off my
1665 heart.

1666 Chairman Conyers. I hope you are feeling better now,
1667 Judge Gohmert. You did a good job.

1668 The question is on the amendment at hand. All those
1669 that support it, please indicate by saying "aye."

1670 [A chorus of ayes.]

1671 All those that oppose it, please indicate by saying
1672 "no."

1673 [A chorus of noes.]

1674 The noes have it.

1675 There is a vote. There is a vote.

1676 Mr. Goodlatte. Chairman, could we do a quick recorded
1677 vote on that and then on final passage?

1678 Chairman Conyers. Yes, sir.

1679 The Clerk. Mr. Conyers?

1680 Chairman Conyers. No.

1681 The Clerk. Mr. Conyers votes no.

1682 Mr. Berman?

1683 Mr. Berman. No.

1684 The Clerk. Mr. Berman votes no.

1685 Mr. Boucher?

1686 [No response.]

1687 Mr. Nadler?

1688 [No response.]

1689 Mr. Scott?

1690 Mr. Scott. No.

1691 The Clerk. Mr. Scott votes no.

1692 Mr. Watt?

1693 [No response.]

1694 Ms. Lofgren?

1695 Ms. Lofgren. No.

1696 The Clerk. Ms. Lofgren votes no.

1697 Ms. Jackson Lee?

1698 [No response.]

1699 Ms. Waters?

1700 Ms. Waters. No.

1701 The Clerk. Ms. Waters votes no.

1702 Mr. Delahunt?

1703 [No response.]

1704 Mr. Wexler?

1705 Mr. Wexler. No.

1706 The Clerk. Mr. Wexler votes no.

1707 Mr. Cohen?

1708 Mr. Cohen. No.

1709 The Clerk. Mr. Cohen votes no.

1710 Mr. Johnson?

1711 Mr. Johnson. No.

1712 The Clerk. Mr. Johnson votes no.

1713 Mr. Pierluisi?

1714 Mr. Pierluisi. No.

1715 The Clerk. Mr. Pierluisi votes no.

1716 Mr. Gutierrez?

1717 Mr. Gutierrez. No.

1718 The Clerk. Mr. Gutierrez votes no.

1719 Mr. Sherman?

1720 Mr. Sherman. No.

1721 The Clerk. Mr. Sherman votes no.

1722 Ms. Baldwin?

1723 Ms. Baldwin. No.

1724 The Clerk. Ms. Baldwin votes no.

1725 Mr. Gonzalez?

1726 [No response.]

1727 Mr. Weiner?

1728 Mr. Weiner. No.

1729 The Clerk. Mr. Weiner votes no.

1730 Mr. Schiff?

1731 [No response.]

1732 Ms. Sanchez?

1733 [No response.]

1734 Ms. Wasserman Schultz?

1735 Mr. Maffei?

1736 Mr. Maffei. No.

1737 The Clerk. Mr. Maffei votes no.

1738 Mr. Smith?

1739 [No response.]

1740 Mr. Goodlatte?

1741 Mr. Goodlatte. Aye.

1742 The Clerk. Mr. Goodlatte votes aye.

1743 Mr. Sensenbrenner?

1744 Mr. Sensenbrenner. Aye.

1745 The Clerk. Mr. Sensenbrenner votes aye.

1746 Mr. Coble?

1747 Mr. Coble. Aye.

1748 The Clerk. Mr. Coble votes aye.

1749 Mr. Gallegly?

1750 Mr. Gallegly. Aye.

1751 The Clerk. Mr. Gallegly votes aye.

1752 Mr. Lungren?

1753 [No response.]

1754 Mr. Issa?

1755 [No response.]

1756 Mr. Forbes?

1757 Mr. Forbes. Aye.

1758 The Clerk. Mr. Forbes votes aye.
1759 Mr. King?
1760 Mr. King. Aye.
1761 The Clerk. Mr. King votes aye.
1762 Mr. Franks?
1763 Mr. Franks. Aye.
1764 The Clerk. Mr. Franks votes aye.
1765 Mr. Gohmert?
1766 Mr. Gohmert. Aye.
1767 The Clerk. Mr. Gohmert votes aye.
1768 Mr. Jordan?
1769 Mr. Jordan. Yes.
1770 The Clerk. Mr. Jordan votes yes.
1771 Mr. Poe?
1772 Mr. Poe. Yes.
1773 The Clerk. Mr. Poe votes yes.
1774 Mr. Chaffetz?
1775 [No response.]
1776 Mr. Rooney?
1777 Mr. Rooney. Yes.
1778 The Clerk. Mr. Rooney votes yes.
1779 Mr. Harper?
1780 [No response.]
1781 Chairman Conyers. The clerk will report.
1782 The Clerk. Mr. Chairman, 11 members voted aye, 14

1783 members voted nay.

1784 Chairman Conyers. The amendment is unsuccessful.

1785 All those—in terms of voting to report H.R. 1913, the
1786 question is on reporting the bill as amended favorably to the
1787 House. Those in favor, say "aye."

1788 [A chorus of ayes.]

1789 Those opposed, say "no."

1790 [A chorus of noes.]

1791 The ayes have it.

1792 Mr. Goodlatte. Mr. Chairman, we ask for a recorded
1793 vote.

1794 Chairman Conyers. The bill as amended as ordered
1795 reported favorably. And a recorded vote has been required.

1796 The clerk will call the roll.

1797 The Clerk. Mr. Conyers?

1798 Chairman Conyers. Aye.

1799 The Clerk. Mr. Conyers votes aye.

1800 Mr. Berman?

1801 Mr. Berman. Aye.

1802 The Clerk. Mr. Berman votes aye.

1803 Mr. Boucher?

1804 [No response.]

1805 Mr. Nadler?

1806 [No response.]

1807 Mr. Scott?

1808 Mr. Scott. Aye.

1809 The Clerk. Mr. Scott votes aye.

1810 Mr. Watt?

1811 [No response.]

1812 Ms. Lofgren?

1813 Ms. Lofgren. Aye.

1814 The Clerk. Ms. Lofgren votes aye.

1815 Ms. Jackson Lee?

1816 [No response.]

1817 Ms. Waters?

1818 Ms. Waters. Aye.

1819 The Clerk. Ms. Waters votes aye.

1820 Mr. Delahunt?

1821 [No response.]

1822 Mr. Wexler?

1823 Mr. Wexler. Aye.

1824 The Clerk. Mr. Wexler votes aye.

1825 Mr. Cohen?

1826 Mr. Cohen. Aye.

1827 The Clerk. Mr. Cohen votes aye.

1828 Mr. Johnson?

1829 Mr. Johnson. Aye.

1830 The Clerk. Mr. Johnson votes aye.

1831 Mr. Pierluisi?

1832 Mr. Pierluisi. Aye.

1833 The Clerk. Mr. Pierluisi votes aye.
1834 Mr. Gutierrez?
1835 Mr. Gutierrez. Aye
1836 The Clerk. Mr. Gutierrez votes aye.
1837 Mr. Sherman?
1838 Mr. Sherman. Aye.
1839 The Clerk. Mr. Sherman votes aye.
1840 [Ms. Baldwin?
1841 Ms. Baldwin. Aye.
1842 The Clerk. Ms. Baldwin votes aye.
1843 Mr. Gonzalez?
1844 [No response.]
1845 Mr. Weiner?
1846 Mr. Weiner. Aye.
1847 The Clerk. Mr. Weiner votes aye.
1848 Mr. Schiff?
1849 [No response.]
1850 Ms. Sanchez?
1851 [No response.]
1852 Ms. Wasserman Schultz?
1853 [No response.]
1854 Mr. Maffei?
1855 Mr. Maffei. Aye.
1856 The Clerk. Mr. Maffei votes aye.
1857 Mr. Smith?

1858 [No response.]
1859 Mr. Goodlatte?
1860 Mr. Goodlatte. No.
1861 The Clerk. Mr. Goodlatte votes no.
1862 Mr. Sensenbrenner?
1863 Mr. Sensenbrenner. No.
1864 The Clerk. Mr. Sensenbrenner votes no.
1865 Mr. Coble?
1866 Mr. Coble. No.
1867 The Clerk. Mr. Coble votes no.
1868 Mr. Gallegly?
1869 Mr. Gallegly. No.
1870 The Clerk. Mr. Gallegly votes no.
1871 Mr. Lungren?
1872 [No response.]
1873 Mr. Issa?
1874 [No response.]
1875 Mr. Forbes?
1876 Mr. Forbes. No.
1877 The Clerk. Mr. Forbes votes no.
1878 Mr. King?
1879 Mr. King. No
1880 The Clerk. Mr. King votes no.
1881 Mr. Franks?
1882 Mr. Franks. No.

- 1883 The Clerk. Mr. Franks votes no.
- 1884 Mr. Gohmert?
- 1885 Mr. Gohmert. No.
- 1886 The Clerk. Mr. Gohmert votes no.
- 1887 Mr. Jordan?
- 1888 Mr. Jordan. No.
- 1889 The Clerk. Mr. Jordan votes no.
- 1890 Mr. Poe?
- 1891 Mr. Poe. No.
- 1892 The Clerk. Mr. Poe votes no.
- 1893 Mr. Chaffetz?
- 1894 [No response.]
- 1895 Mr. Rooney?
- 1896 Mr. Rooney. No.
- 1897 The Clerk. Mr. Rooney votes no.
- 1898 Mr. Harper?
- 1899 Mr. Harper. No.
- 1900 The Clerk. Mr. Harper votes no.
- 1901 Chairman Conyers. Mr. Gonzalez?
- 1902 Mr. Gonzalez. Yes.
- 1903 The Clerk. Mr. Gonzalez votes aye.
- 1904 Chairman Conyers. The clerk will report.
- 1905 The Clerk. Mr. Chairman, 15 members voted aye, 12
- 1906 members voted nay.
- 1907 Chairman Conyers. The bill is reported favorably and

1908 with a single amendment in the nature of a substitute. And
1909 staff is authorized to make technical and conforming changes.
1910 And members have 2 additional days to submit views. And we
1911 will not meet any further today. The meeting is adjourned.
1912 [Whereupon, at 12:51 p.m., the committee was adjourned.]