

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1913) TO PROVIDE
FEDERAL ASSISTANCE TO STATES, LOCAL JURISDICTIONS, AND INDIAN
TRIBES TO PROSECUTE HATE CRIMES, AND FOR OTHER PURPOSES

APRIL 28, 2009.—Referred to the House Calendar and ordered to be printed

Mr. HASTINGS of Florida, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 372]

The Committee on Rules, having had under consideration House Resolution 372, by a record vote of 7 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1913, the “Local Law Enforcement Hate Crimes Prevention Act of 2009,” under a closed rule. The resolution provides for one hour and twenty minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, who may yield control of blocks of that time.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by the amendment printed in this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against the bill, as amended. This does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any points of order against the bill’s consideration. The waiver of all points of order against consideration of the bill is prophylactic. Although the rule waives all points of order against the bill, as amended, the Committee is not aware

of any points of order against the bill, as amended. The waiver of all points of order against the bill, as amended, is prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 60

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Rooney, Tom (FL), #1, which would add status as a member of the Armed Forces as a protected class under the bill.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 61

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Goodlatte, Bob (VA), #2, which would add status as a pregnant women as a protected class under the bill.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Yea; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 62

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #6, which would bar prosecution of hate crimes based on victim's actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability if the state has no law prohibiting the conduct instead of if the state does not have jurisdiction or does not intend to exercise jurisdiction.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 63

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #7, which would define “sexual orientation” as not including apotemnophilia, asphyxophilia, autogynephilia, coprophilia, exhibitionism, fetishism, frotteurism, gerontosexuality, incest, kleptophilia, klismaphilia, necrophilia, partialism, pedophilia, sexual masochism, sexual sadism, telephone seatalogia, toucherism, transgenderism, transsexual, transvestite, transvestic fetishism, urophilia, voyeurism, or zoophilia.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 64

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Goodlatte, Bob (VA), #3, which would add status as a senior citizen who has attained the age of 65 years as a protected class under the bill.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Yea; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 65

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #8, which would include status as a law enforcement officer as a protected class under the bill.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 66

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #9, which would include the death penalty as a punishment under the bill.

Results: Defeated 4–6.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Yea; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 67

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Franks, Trent (AZ), #10, which would bar prosecutions if the offender was at the time of the offense engaged in expressive conduct such as speech or other lawful activity, including the right to associate with other religious groups or members.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 68

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #11, which would add the general category of any person with an “immutable characteristic” to the hate crime protected categories.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 69

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #12, which would increase the threshold of a hate crime to those with the “intent to intimidate or terrorize the class of persons.”

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 70

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #13, which would replace the term “gender” with the term “sex” in the bill, and strike the term “gender identity.”

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 71

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Dr. Foxx.

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #14, which would strike the short title and replace it with “Local Law Enforcement Thought Crimes Prevention Act of 2009.”

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 72

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Dr. Foxx.

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #15, which would provide that when an undocumented worker willfully causes bodily injury to a U.S. national, the crime shall be considered a hate crime and punished as a hate crime.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 73

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Dr. Foxx.

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #16, which would eliminate pedophilia from any definition of sexual orientation.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 74

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #17, which would protect religious leaders from prosecution for preaching beliefs drawn from the Bible, Tanakh, or Koran.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay;

Rules Committee record vote No. 75

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #18,

which would apply the Act to crimes committed against people while they attend religious services.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 76

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gohmert, Louie (TX), #19, which would add military recruiters to the list of protected classes.

Results: Defeated 3–7.

Vote by Member: McGovern—Nay; Hastings—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 77

Date: April 28, 2009.

Measure: H.R. 1913.

Motion by: Mr. McGovern.

Summary of motion: To report the rule.

Results: Adopted 7–3.

Vote by Members: McGovern—Yea; Hastings—Yea; Cardoza—Yea; Arcuri—Yea; Perlmutter—Yea; Pingree—Yea; Dreier—Nay; Sessions—Nay; Foxx—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

The amendment clarifies that the bill covers tribal lands. It also extends from 30 days to 180 days the period for the Attorney General to approve or deny applications for grants to cover expenses related to state, local, and tribal investigation and prosecution of hate crimes. It clarifies that offenses committed with dangerous weapons can be considered hate crimes. The amendment clarifies that those that engage in prohibited conduct in the special maritime or territorial jurisdiction of the bill shall be covered. The amendment also clarifies that the District of Columbia, Puerto Rico, and other territories and possessions are covered jurisdictions. It bars prosecutions, trials, and punishment for offenses not resulting in death unless the indictment is found or the information is instituted not later than 7 years after the offense. Finally, the amendment makes technical changes to the bill.

TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Page 4, line 8, strike “Indian” and insert “Tribal”.

Page 4, beginning on line 20, strike “local, and Indian” and insert “local, or Tribal”.

Page 5, beginning on line 7, strike “local, and Indian” and insert “local, or Tribal”.

Page 5, line 18, strike “local, and Indian” and insert “local, or Tribal”.

Page 6, line 6, strike “30” and insert “180”.

Page 8, line 2, after “firearm,” insert “a dangerous weapon,”.
 Page 8, line 25, after “firearm,” insert “a dangerous weapon,”.

Page 10, after line 22, insert the following:

“(3) ADDITIONAL FEDERAL NEXUS FOR OFFENSE.—Whoever, in the special maritime or territorial jurisdiction of the United States, or in Indian country, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as those provided for offenses under those paragraphs.

Page 12, line 3, strike “and”.

Page 12, line 5, strike the period and insert “; and”.

Page 12, after line 5 insert the following:

“(C) the term ‘State’ includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

Page 12, after line 8, insert the following new subsection (and redesignate the succeeding subsection accordingly):

“(d) STATUTE OF LIMITATIONS.—

“(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

“(2) DEATH RESULTING OFFENSES.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.

Page 13, line 5, strike “by the” and insert “by, the”.