

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

ANSWERED "PRESENT"—51

Baldwin	Capuano	Conyers	Dixon	McDermott	Rush	Coble	Hoekstra	Moran (KS)
Barrett (WI)	Carson	DeGette	Farr	McGovern	Sabo	Collins	Holden	Moran (VA)
Becerra	Clay	Delahunt	Baldacci	Meeks (NY)	Sanchez	Combest	Holt	Morella

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

NOT VOTING—15

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

□ 1313

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPLANATION REGARDING ROLE IN BOY SCOUTS OF AMERICA

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

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

□ 1315

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

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

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

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

The Clerk read as follows:

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

(1) fail to recognize that the fourteenth amendment to the Constitution guarantees all persons equal protection under the law; and

(2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and

(3) preclude a person convicted of murder from being sentenced to death.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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