

Senate; my colleagues, Mr. PEARCE and Mr. UDALL, for cosponsoring the House version of the bill; Secretary John Garcia of New Mexico for first suggesting to all of us that it might be appropriate to name the VA medical center after Jerry; the chairman and ranking member of the Veterans Affairs Committee, Mr. BUYER and Mr. FILNER, for their leadership and willingness to bring this legislation forward.

Mr. Speaker, I urge passage of this bill.

Mr. HARE. Mr. Speaker, I continue to reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from Florida for yielding.

Mr. Speaker, I thank the chairman of the committee for his work on this important bill; Senator DOMENICI, Senator BINGAMAN, Secretary Garcia, Governor Richardson, Congressman UDALL, and Congresswoman WILSON for their lead in recognizing Jerry Murphy's life of service.

We have heard about his exploits. We have heard about the valor that he displayed under fire. Many of us too often believe that heroism can only be exhibited in those extreme circumstances. But I would say that it takes more courage to live a life of service that he chose to live after his heroic exploits where he was awarded the Nation's highest award for valor where he received the Silver Star, the Purple Heart, the Korean Service Medal, the Bronze Stars. This was a true hero. Yet, he wasn't faced with multi-million dollar book signing deals, no movie contracts; just a quiet life serving other veterans who are often overlooked.

The Korean War is often referred to in New Mexico by veterans of that conflict as "the Forgotten War," because so many of the veterans of that time have simply been overlooked. Yet, Jerry Murphy chose to live a life where he remembered each and every one of them. So, it is entirely appropriate today that we would name a facility in New Mexico for the guy who worked at the facility, always remembering those forgotten veterans. That is the kind of life that takes real valor and real heroism to live day after day.

For his quiet life of service, we are simply saying, Thank you for a job well done, Mr. Murphy. God bless you and keep you.

Mr. HARE. Mr. Speaker, I continue to reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, at each opportunity granted us to consider a bill honoring the service of a Medal of Honor recipient, I stand in awe of the dedication to country and comrades these people displayed through their lives, whether those lives extended beyond their act of bravery or were ended in that the act.

Of the four Medal of Honor recipients to whom we have paid tribute today,

one made the ultimate sacrifice for his comrades and his Nation. Three survived the battle to return home where they continued to serve their Nation through service in the military and through service to the Federal Government. Many who lived and worked with them had no knowledge that these men had received America's highest award for valor in combat. Their lives of quiet humility only accentuated their moments of resounding achievement.

The great example of those lives and those moments will, with passage of these bills, Mr. Speaker, be enshrined in the namings that we are now considering.

We must remember that we are voting not simply to name four buildings; we are consecrating the gift of four lives lived well.

Mr. Speaker, I urge my colleagues to support S. 229.

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

Mr. HARE. Mr. Speaker, in closing, I have had the opportunity I think twice now to be able to manage bills on the floor of the House. I want to say that today is a very proud day for me. These are four great, great men; heroes they are, one and all. I am honored, and I thank the committee for allowing me the opportunity to do this.

As my colleague said, this isn't just naming buildings after somebody. This is really a lasting memory of people who have given everything they have ever had. Everything we are as a Nation we owe to these four great people.

I urge my colleagues to unanimously support Senate bill 229.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HARE) that the House suspend the rules and pass the Senate bill, S. 229.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HARE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

#### DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1281) to amend title 18, United States Code, to prohibit certain decep-

tive practices in Federal elections, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1281

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Deceptive Practices and Voter Intimidation Prevention Act of 2007".

#### SEC. 2. PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following:

##### "§ 618. Deceptive practices in Federal elections

"(a) Whoever, before or during a Federal election knowingly communicates election-related information about that election, knowing that information to be false, with the intent to prevent another person from exercising the right to vote in that election, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) the term 'Federal election' means any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession; and

"(2) the term 'election related information' means information regarding—

"(A) the time, place, or manner of conducting the election;

"(B) the qualifications for or restrictions on voter eligibility for the election, including—

"(i) any criminal penalties associated with voting in the election; or

"(ii) information regarding a voter's registration status or eligibility;

"(C) with respect to a closed primary election, the political party affiliation of any candidate for office, if the communication of the information also contains false information described in subparagraph (A) or (B); or

"(D) the explicit endorsement by any person or organization of a candidate running for any office voted on in the election."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

"618. Deceptive practices in Federal elections."

#### SEC. 3. MODIFICATION OF PENALTY FOR VOTER INTIMIDATION.

Section 594 of title 18, United States Code, is amended by striking "one year" and inserting "5 years".

#### SEC. 4. SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 90 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under sections of title 18, United States Code, that are added or modified by this Act.

(b) AUTHORIZATION.—The United States Sentencing Commission may, for the purposes of the amendments made pursuant to this section, amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the

authority under that section had not expired.

#### SEC. 5. REPORTING VIOLATIONS AND REMEDIAL ACTION.

(a) **REPORTING.**—Any person may report to the Attorney General any violation or possible violation of section 594 or 618 of title 18, United States Code.

(b) **CORRECTIVE ACTION.**—

(1) **IN GENERAL.**—Immediately after receiving a report under subsection (a), the Attorney General shall consider and review such report and, if the Attorney General determines that there is a reasonable basis to find that a violation has occurred, the Attorney General shall—

(A) undertake all effective measures necessary to provide correct information to voters affected by the false information; and

(B) refer the matter to the appropriate Federal and State authorities for criminal prosecution or civil action after the election.

(2) **REGULATIONS.**—

(A) **IN GENERAL.**—The Attorney General shall promulgate regulations regarding the methods and means of corrective actions to be taken under paragraph (1). Such regulations shall be developed in consultation with the Election Assistance Commission, civil rights organizations, voting rights groups, State and local election officials, voter protection groups, and other interested community organizations.

(B) **STUDY.**—

(1) **IN GENERAL.**—The Attorney General, in consultation with the Federal Communications Commission and the Election Assistance Commission, shall conduct a study on the feasibility of providing the corrective information under paragraph (1) through public service announcements, the emergency alert system, or other forms of public broadcast.

(ii) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report detailing the results of the study conducted under clause (i).

(3) **PUBLICIZING REMEDIES.**—The Attorney General shall make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities, contact information, and complaint procedures applicable under this section.

(c) **REPORTS TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 90 days after any primary, general, or run-off election for Federal office, the Attorney General shall submit to Congress a report compiling and detailing any allegations of false information submitted pursuant to subsection (a) and relating to such election.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) detailed information on specific allegations of deceptive tactics;

(B) statistical compilations of how many allegations were made and of what type;

(C) the geographic locations of and the populations affected by the alleged deceptive information;

(D) the status of the investigations of such allegations.

(E) any corrective actions taken in response to such allegations;

(F) the rationale used for any corrective actions or for any refusal to pursue an allegation;

(G) the effectiveness of any such corrective actions;

(H) whether a Voting Integrity Task Force was established with respect to such election, and, if so, how such task force was staffed and funded;

(I) any referrals of information to other Federal, State, or local agencies;

(J) any suit instituted under section 2004(b)(2) of the Revised Statutes (42 U.S.C.

1971(b)(2)) in connection with such allegations; and

(K) any criminal prosecution instituted under title 18, United States Code, in connection with such allegations.

(3) **REPORT MADE PUBLIC.**—On the date that the Attorney General submits the report required under paragraph (1), the Attorney General shall also make the report publicly available through the Internet and other appropriate means.

(d) **DELEGATION OF DUTIES.**—

(1) **IN GENERAL.**—The Attorney General shall delegate the responsibilities under this section to a Voting Integrity Task Force established under paragraph (2).

(2) **VOTING INTEGRITY TASK FORCE.**—

(A) **IN GENERAL.**—The Attorney General shall establish a Voting Integrity Task Force to carry out the requirements of this section with respect to any general, primary, run-off, or special election for Federal office.

(B) **COMPOSITION.**—Any Voting Integrity Task Force established under paragraph (1) shall be under the direction of the Assistant Attorney General for the Civil Rights Division and the Assistant Attorney General for the Criminal Division, jointly.

(e) **FEDERAL OFFICE.**—For purposes of this section, the term “Federal office” means the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession of the United States.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. FORBES) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased to join the lead sponsors, the gentleman from Illinois, RAHM EMANUEL; the gentleman from New Jersey, RUSH HOLT; the gentleman from California, XAVIER BECERRA; the gentleman from California, MIKE HONDA; and the gentleman from Minnesota, KEITH ELLISON, with more than 50 other cosponsors of this important legislation to protect the right to vote. Obviously there is no more important issue that comes before this Congress than protecting the right to vote. It is the cornerstone right of our democracy. Without it, all other rights and privileges enjoyed by us are in jeopardy.

Protecting this right, however, has not been an easy task. Historically, it was not until passage of the 1965 Voting Rights Act that we began to accord the highest meaning to that right. Less than 40 years later, however, we endured the debacle of the Florida 2000 presidential election.

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And the problems continue. In the most recent midterm and presidential elections, we learned of numerous incidents in which deceptive practices were used to thwart and frustrate citizens from exercising the right to vote. Some voters were, believe it or not, told to vote on the wrong day. Wednesday is not the right day to vote in congressional or presidential elections. Others were told that they could not vote without paying outstanding parking tickets. Others were told that they would be imprisoned if they voted without paying overdue utility bills. Ultimately, eligible voters were misled, deceived and disenfranchised in a number of other ways.

It is our collective intent in the Judiciary Committee to end this practice, and we are here talking about seriously protecting the right to vote.

I believe every Member of the House of Representatives cares deeply about this issue, and that is why we must pass the measure under consideration, for this bill explicitly prohibits deceptive practices, provides voters with greater Federal protection and increases the penalty for voter intimidation and misinformation in campaigns.

What makes me proud of this measure is that so many of our organizational friends in the voting rights community and the civil rights community as well have joined us in support of this legislation. Among them are the People For the American Way, the very historic Lawyers Committee For Civil Rights Under Law, the NAACP, the ACLU, the Jewish Council For Public Affairs, and the New York City Bar itself.

This is not an entire solution for reforming and improving the election process. Among other things, we also need to reduce our reliance on unverifiable electronic voting machines, which undermine accountability and our citizens' confidence in election results. We also need to ensure a fair allocation of voting machines in polling places, as well as a unified system of educating those who work the polls as to the rules and procedures. We should make election day a national holiday, so no one has to choose between their responsibilities as citizens and their responsibilities to their employers.

But this legislation is an important step and one that we should take today. Let's face it: If we allow the infrastructure of our democracy to remain frazzled and to decay, our citizens will rightly lose confidence in the legitimacy of the voting process, and we should work to keep that from ever happening.

Mr. Speaker, I am proud to join with all of my colleagues on both sides of the aisle to support this measure.

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

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

Mr. CONYERS. Mr. Speaker, I am proud to yield such time as he may

consume to the gentleman from Illinois, Mr. RAHM EMANUEL, whose genius brought this measure into existence. He thought long and hard about this before we all got on board.

Mr. EMANUEL. Mr. Speaker, I want to thank the chairman and my colleagues Mr. HOLT from New Jersey, Mr. BECERRA from California, Mr. HONDA from California and Mr. ELLISON from Minnesota in joining me in sponsoring this legislation and bringing it to the floor today.

Mr. Speaker, I remember when we had this legislation in the full committee by Chairman CONYERS. About a week earlier than that, I had taken my 10-year-old down to Selma for the anniversary of the March over the bridge. It was his birthday gift, and we went on that march with JOHN LEWIS. And through the museums we walked through, my son and I were reminded of how the State was used to intimidate voters from exercising their right to vote. America reached out and widened the circle of democracy by ensuring that those who wanted to exercise their right to vote had a chance to vote.

That week, when I came back from Selma, we were in the full committee marking up this legislation. What had happened, and I noted then in the committee and others had noted, and it was not unique, was that the baton of intimidation had been transferred from the State to parties. They intimidated voters using leaflets to falsify voting places, days of voting and what information was required to vote. Phone calls had been used, all types of information, to basically dissuade Americans from exercising their right to vote. Through the 1950s, 1940s, 1930s, et cetera, that was the voice of our State governments and apparatus, to intimidate voters.

That insane act of intimidation, in communities across America and neighborhoods, now that baton had been passed to State parties, who were doing the same thing, suppressing people's right to exercise their right to vote.

Three years ago in this hall in the President's State of the Union, he recognized a young woman from Iraq who voted. She held up her purple finger. Colleagues, on the Republican side of the aisle, they also marked their finger purple, recognizing the importance of voting. Iraq and the people of Iraq, Sunni, Shia and Kurd, had taken that step of courage and voted. She came here in the State of the Union in this hall, the hall of democracy that people around the world look at, and said, you protected our right to vote.

This legislation is intended to ensure that individuals do not receive phone calls lying and deceiving about where they vote; they do not receive leaflets telling them they need other information than they properly need to vote; and, most importantly, that the location of where they are voting had been changed, when it never had been

changed, all in an attempt to suppress the voting by individuals across communities and to depress the turnout of people who wanted to vote on Election Day.

The chairman of the committee noted other things we have to do, like a paper trail for voting to ensure the integrity on election day.

This legislation ensures that if you try to use acts of intimidation to deprive people of the right to vote, the United States Government, with the full force of its laws, will say there is a higher penalty and you will pay a price for that act of deception.

I commend Members on both sides of the aisle for bringing up this legislation. It is bipartisan in nature and in its finest sense it speaks to the voice of democracy. Whatever our policy differences on other subjects, we ensure that when people want to vote, they have a right to vote, and that the agencies of both our parties and our government don't try to intimidate people from exercising that right, but encourage them to vote.

That is what the Act here is. I am proud that this legislation not only receives bipartisan support, but wide support across both parties, because it speaks to what is so appropriately the American way and what is right about voting.

Mr. Speaker, nothing is more American than voting and nothing could be more un-American than deceiving one from taking the right to vote.

I want to thank the chairman for bringing this legislation to the floor today.

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

Mr. Speaker, I was delighted to hear the gentleman from Illinois talk about having made the trip to Selma with JOHN LEWIS this year. I had the privilege of doing that several years ago and learned the experiences that you can learn only by being there and walking down the avenues that great men like JOHN LEWIS traveled.

One of the things that is important for us to remember is we have heard discussions here today about the denial of the right to vote, and that denial changes from generation to generation in the methodology used to deny people.

At one time we heard discussions about the denial by the State of individuals' right to vote. We have also heard discussions about it is a denial to vote if you fraudulently give information to individuals about their voting rights. But it is equally a denial if you are here illegally and you are voting by non-citizen, and that is a denial to individuals legally voting in elections, and that is just as much of a problem. It is also a denial if we have people voting in elections when they are not legally entitled to do so.

So, Mr. Speaker, H.R. 1281 addresses the very serious issue of integrity in the election system and it provides that whoever knowingly communicates

false election-related information about that election with intent to prevent another person from exercising the right to vote in that election or attempts to do so shall be fined under this title or imprisoned not more than 5 years or both.

We all want fair elections and we all want people to vote based on facts and not false rumors. I hope one day we will be able to reach the point where we are able to take away those false rumors. This legislation can't do that. But I am glad this legislation addresses the problem of knowingly and intentionally trying to give false information, and I support that approach.

I am also glad to see that ranking member SMITH's amendment to strike the part of the bill as it was originally introduced that would limit its prohibition on voting fraud to fraud committed within 60 days of a Federal election was adopted by the committee. If it is fraud, it is fraud, and it shouldn't have been limited to just 60 days. That amendment is included in this legislation on its floor here today.

Illegal voting by non-citizens can occur when voting registration forms are filled out more than 60 days before a Federal election. It is illegal for non-citizens to vote in Federal elections, and that raises an important issue of interpretation that I would like to take just a moment to address, Mr. Speaker.

We have to ensure that the courts give this bill its full intended scope to protect our elections from all fraud, all denial of people's right to vote.

The National Voter Registration Act of 1993 requires that a person registering to vote affirm that they are a U.S. citizen. If a non-citizen signs or attempts to sign any form that can be used for voting purposes, including a voter registration form, and that form states that they are a citizen when they are not, then that is a false statement.

This bill specifically defines election-related information to include "information regarding a voter's registration status or eligibility." If a non-citizen fraudulently votes for, say, candidate Jones, they will necessarily negate the legitimate vote of a legal voter that voted for candidate Brown. That effectively denies the legal voter's right to vote.

In the landmark case *Reynolds v. Sims*, the Supreme Court stated "the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." So an illegally voting non-citizen in that case would violate the clear terms of H.R. 1281 and be subject to up to 5 years in jail.

Regarding the issue of intent, Black's Law Dictionary defines "constructive intent" as "a legal principle that actual intent will be presumed when an act leading to the result could have been reasonably expected to cause that result."

If someone knows they are not a citizen but they sign a voter registration form that states that they are a citizen, and then that person votes illegally and knows they are voting illegally, then they obviously know that their illegal vote is going to cancel out the vote of another legally voting citizen. That knowledge constitutes intents to deny another voter their right to exercise their vote, and it is properly punished under this legislation.

I certainly support that result, and I believe the court should interpret this legislation accordingly. After all, the bill is designed to protect the rights of legal voters, not illegal ones.

At the committee's markup, I offered a sentencing enhancement amendment to enforce this principle. However, I was deeply disappointed that it was ruled nongermane. It provided that, "if the offense results in voting in a Federal election by more than 10 persons who are not citizens of the United States, the offender shall be fined under this title or imprisoned not more than 10 years or both."

If we really want to stop this, we can get serious by making those penalties meet the crime. I believe that this was an incorrect germaneness ruling based on the rules and precedents of the House. I had certainly hoped to have a vote on this amendment before we got to final consideration here on the floor.

Increasing the penalties for those whose fraudulent, illegal voting negates the legal votes of more than 10 citizens is common sense, and I thought it would have bipartisan support.

Despite my disappointment on that score, I support this legislation because it provides another mechanism for punishing illegal non-citizen voting and other forms of fraud. However, this legislation does not go nearly far enough. It fails to address what the American people want, more reliable and accurate forms of voter identification. A better system of voter identification would increase confidence in the integrity of elections by preventing more illegal voters from denying citizens the right to vote by negating their legal votes with fraudulently cast ballots.

I hope some day both sides of the aisle can work toward that end. But, Mr. Speaker, as to today, we support this legislation and we are especially pleased with the fact that it reminds us that if we are denying the right to vote, it doesn't matter if it is the State denying it, it doesn't matter if it is done because of fraudulent information, it doesn't matter if it is done because someone is illegally voting and negating the vote of someone who is legally voting, or if someone is entering a voting booth who is not legally entitled to do so and they cast an illegal vote.

With that, Mr. Speaker, I encourage my colleagues to support this legislation.

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

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT), the coauthor of this bill, who has worked in this area with the Committee on the Judiciary across the years. I have been very pleased about his work in trying to create an effective paper trail and other voter rights initiatives, and I am so happy that he is with us today.

Mr. HOLT. Mr. Speaker, I thank the distinguished Chair, and I commend him for his work in this area, and I rise today to urge my colleagues to support the Deceptive Practices and Voter Intimidation Prevention Act.

This important legislation, as you have heard, would make it a crime knowingly to communicate false information about an election with the intention of preventing another person from exercising the right to vote and would require the Department of Justice to take immediate corrective action on behalf of affected voters, as well as to refer such matters for appropriate prosecution.

It pains me deeply, as I think it does all here, that this is necessary still four decades after the enactment of the Voting Rights Act. It should pain us all that when the United States looks in the mirror, what we see staring back at us is an electoral system still rife with abuses. It embarrasses me to say this, but it is what we must do, take an honest look to begin to correct.

This legislation is essentially the legislation that I introduced in the previous Congress, along with a companion bill in the other body by Senator OBAMA. I am pleased that Representative EMANUEL and Chairman CONYERS and many others have joined to advocate this bill now.

Now, consider just a few examples. In the 2004 elections in Milwaukee, Wisconsin, fliers attributed to a non-existent organization called the Milwaukee Black Voters League were distributed in minority neighborhoods warning residents that "if anyone in your family has ever been found guilty of anything, even a traffic violation, you can't vote in the presidential election," and that "if you violate any of these laws, you can get 10 years in prison." It sounds like nonsense, but to those voters, that was intimidation.

It was no better in 2006. In a documented case in Virginia, a registered voter received a telephone message from a caller claiming to be from the Virginia Board of Elections informing him that he was not registered, and that if he showed up at the polls to vote, he would be criminally prosecuted. Again, it is easy to dismiss that as nonsense, but it is coercion.

□ 1730

It is disenfranchisement, it is deception.

Now there is no way to know exactly how many voters were deterred or led astray by such deceptive practices, but such practices are no less criminal than outright threats or intimidation.

Now as you've heard from the chairman and others, this is not the be all and end all of election reform legislation. We still have to prevent disenfranchisement that results from the shortage of equipment, equipment inequitably distributed among precincts. We still have to prevent disenfranchisement by manipulation of the registration lists. We still need to require that provisional ballots be counted if they are legitimate because under the Help America Vote Act, they must be offered to voters who are not on the registration list, but if it turns out that the voter is a legitimate voter, the provisional ballot is not required under law to be counted.

We must make sure that tabulation of results after the polls close is more transparent. I have various legislation that would deal with these things, as well as legislation that would ensure that every voter has a voter-verified paper ballot and that audits would apply in every Federal election. Those are some of the things we need to do.

But this is an important step to beat back, to subdue the cynicism about our government. When I talk with students, I often ask them what they think is the most ingenious invention of humans. And they, knowing that I am a scientist, often come up with some technological answer. I would argue that it is our constitutionally democracy. It has transformed not just America but the world, demonstrating that peaceful and productive government by the consent of the governed is possible.

That consent, the very cornerstone of the system, is given by the vote. And the Supreme Court has held that the right to vote is the most fundamental right as it is the preservative of all others. The measure before us will criminalize knowing acts of deception designed to prevent voters from voting.

Our democratic government works only if the people believe it does. Think about that. If we are to let people work their will at the polling place, we must remove coercion, deception, distortion and disenfranchisement. Cynicism about the process, cynicism about our ability to govern ourselves is at a critically high level. By passing this legislation, we can help to reduce that cynicism and help to realize the promise of the genius of Philadelphia 220 years ago.

Mr. FORBES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am just delighted today that we can come in here on an issue that we agree on and recognize, as the gentleman just stated, that this is not the end all legislation. It is a small step, but it is a step. No matter what the legislation is that we pass, it is only going to be as good as the enforcement that goes behind, and we want to send out a message to prosecutors across the country who might get an opportunity to enforce this of how excited we are to put at least another tool in their hand where they can have

the possible imprisonment of up to 5 years for denying people the right to vote, whether it is by fraudulent information, or whether it is individuals that are illegally voting by noncitizens.

We have had reports to our committee of thousands of voters who are registered in as many as four States. While this may not be a perfect piece of legislation, it at least takes us a step in the direction we want to go.

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

Mr. CONYERS. Mr. Speaker, I merely want to close by thanking the distinguished ranking member on the Crime Subcommittee, RANDY FORBES, for the excellent work that he performs all the time, but especially on this bill. I want no misunderstanding about our appreciation of this bill being about prohibiting deceptive practices against eligible voters.

This is not a measure that deals with prosecuting ineligible voters unless they try to deceive eligible voters. The issue of voter fraud is a very serious one, well publicized, and it is the intention of the Chair of the committee that the Subcommittee on Crime hold hearings on this subject because we think it is an important one that needs to be examined very clearly.

But today, we move forward from the 15th amendment in the Constitution, we move forward from the Voter Rights Act of 1965 that has been amended several times, and we now come to a specific set of practices that have been very detrimental in coercing and intimidating and confusing many voters.

I am so pleased that this committee at this day and time is prepared to deal with preventing voters from being disenfranchised by being misled on their way to polling. It has been documented and we are directly prohibiting these kinds of tactics and we are turning many of them from a misdemeanor into a felony. I congratulate all the members of the Committee on the Judiciary and particularly the sponsors of this piece of legislation, and urge support of the bill.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act. I am proud to be a cosponsor of this important bill.

We have come a long way since the Jim Crow era of voter disenfranchisement and intimidation, but we still have a long way yet to go to ensure an equal right to vote for all citizens. Every election, we hear shocking and disgraceful stories of voters being lied to about their voter registration or citizenship status, polling place information, or even the date of the election, in order to suppress the vote in certain areas. The targets of these tactics seem to always be the same: racial minorities, immigrants and poor communities.

Thomas Paine once said, "Voting is the right upon which all other rights depend." Throughout our nation's history, Congress has acted to ensure that right, granting African Americans and women the right to vote, prohibiting states from requiring the payment of

poll taxes to vote, and the passage and reauthorization of the Voting Rights Act of 1965. Today, we continue in that grand tradition with passage of this important legislation to make it unlawful to knowingly communicate false information with the intent to prevent another person from casting a ballot.

The right to vote may be the most basic right we have as Americans, but we must remain vigilant in protecting this right in order to ensure that it is not weakened or undermined by those who seek political gain at the expense of this basic tenet of democracy.

I urge my colleagues to join me in supporting H.R. 1281.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today in strong support of the Deceptive Practices and Voter Intimidation Prevention Act.

Tactics that attempt to deceive or mislead voters regarding elections, candidates, or voting procedures chip away at the very cornerstone of our democracy: the right to vote. I strongly support this legislation because it will track and expose these tactics for what they are in order to continue to prove that we are not living up to the true meaning of democracy. Every vote is not being considered. Every vote is not being counted.

Before and during the last election, there were reports of mass disenfranchisement and voter intimidation across the country. My district was subject to all types of deceptive flyers and phone calls targeted to black voters with misinformation designed to discourage them from voting. Mr. Speaker, as you know such tactics designed to prevent citizens from exercising their right to vote are not new. I am pleased that this legislation will make these types of acts a federal crime and set a penalty of up to 5 years in prison for any type of voter intimidation.

I urge my colleagues to value and protect the right to vote by voting for this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act of 2007. H.R. 1281 will hopefully go a long way in addressing a variety of election irregularities that have arisen in recent elections, including deceptive practices, voter intimidation, voter disenfranchisement, and an overall lack of trust in the electoral process.

Mr. Speaker, protecting the right to vote of all Americans is of paramount importance to me. The most fundamental aspect of American citizenship is the right to vote and to have full confidence that the vote is counted. Thousands of people have bled and died for the right to vote and their sacrifices shall not be in vain. Whenever this body is presented with inquiries to determine whether our voting system has been compromised in any manner, we have a solemn duty to investigate such matters.

As many of you know, election reform became a central issue in the wake of the irregularities identified in Florida in the 2000 Presidential Election. In June 2001, the U.S. Commission on Civil Rights, an independent bipartisan agency charged with monitoring and protecting voting rights, reported that "credible evidence shows many Floridians were denied the right to vote." After analyzing the 179,855 ballots that were invalidated, and finding that fifty-three percent (53%) were cast by black voters, the Commission concluded that in Flor-

ida, African-Americans were 10 times as likely to have a vote rejected as a white voter. This concern helped lead to the passage in 2002 of the Help America Vote Act (HAVA). The Judiciary Committee held hearings on the legislation, and members of our Committee participated in the Conference Committee. Since the enactment of HAVA, concern about deceptive practices and election irregularities have not abated. There have been numerous published reports about these incidents in both the 2004 and 2006 elections. There are also a number of reported incidents that were not addressed by the HAVA legislation. These include the following:

Ohio—There were numerous reported irregularities in Ohio in the 2004 election, which led me to conduct a review and issue a much-cited report entitled, "What Went Wrong in Ohio." The irregularities identified included:

1. Newly registered voters in Lake County received letters informing them that their registrations were illegal and that they would be unable to vote. The letter was sent on falsified Lake County Board of Elections letterhead.

2. An elderly couple living on the North Side of Columbus received a call informing them that their polling place had changed and that they should vote "on the other side of town." The caller claimed to be a representative of the Franklin County Board of Elections. When the elderly couple called the board to verify the change, they learned that others in the area had received deceptive phone calls, including offers to hand-deliver absentee ballots to the Board of Elections office.

3. The misallocation of voting machines led to lines of 10 hours or more that disenfranchised scores if not hundreds of thousands of predominantly minority voters. In Franklin County, 27 of the 30 wards with the most machines per registered voter showed majorities for Bush, while 6 of the 7 wards with the fewest machines delivered large margins for Kerry.

4. Then-Secretary of State Kenneth Blackwell's decision to restrict provisional ballots resulted in the purging of tens if not hundreds of thousands of voters. In Hamilton County, this resulted in the result where hundreds of voters who showed up at the right polling place, but were directed to the wrong table by election workers, had their ballots thrown out.

5. Mr. Blackwell's rejected voter registration applications based on paper weight. Ironically, forms obtained from the Secretary of State's office did not comply with his own paper weight directive.

6. Preelection "caging" tactics, selectively targeting 35,000 predominantly minority voters for intimidation. The Third Circuit has previously found these activities to be illegal and indirect violation of consent decrees barring the targeting of minority voters for poll challenges.

North Carolina—In 2004, more than 4,500 votes were lost because of a mistake in voting machine capacity. In Carteret County, these votes were lost because officials believed that a computer that stored ballots electronically could hold more data than it did.

Louisiana—In 2002, flyers stating voters may cast their ballots 3 days after the election "if the weather is bad," were distributed in public housing complexes in New Orleans.

South Dakota—In 2004 in South Dakota, Native American voters were prevented from

voting for failing to provide photographic identification upon request, despite the lack of such requirements under state or federal law.

Arizona—Latino voters in Pima County, Arizona were reportedly met at multiple polling places with a man who claimed he was “bent on discovering” how many illegal immigrants were voting in the 2004 primary election. Dressed in a black shirt with the image of a badge and the words “U.S. Constitution Enforcement” on his back, the man carried a camera and video recorder holstered in a tool belt as he entered polling places, looking for “anomalies.”

Wisconsin—In the days leading up to the 2004 presidential election, voters in Milwaukee’s African American neighborhoods received fliers from the fictional “Milwaukee Black Voters League.” The flier falsely claimed that individuals could be found ineligible to vote due to traffic violations, the criminal records of family members and voting in a previous election during the year.” Voters were also warned that violations of such “laws” could result in a ten-year prison sentence or forced separation from one’s children.

Virginia—Voters in eight Virginia counties were apparent victims of attempts at intimidation just before the 2006 election. Some received messages from callers claiming to be from the non-existent “Virginia Elections Commission,” telling them of incorrect voter registration information and possible criminal charges for voting. Other callers falsely claimed to represent a federal campaign and told voters that their polling places had changed, sometimes to addresses that did not exist.

California—In 2006, Latino voters in Orange County, California, received mailings from the “California Coalition for Immigration Reform,” falsely warning them in Spanish that “if you are an immigrant, voting in a federal election is a crime that can result in incarceration.”

Maryland—In 2006 certain candidates distributed fliers in predominantly African-American neighborhoods falsely claiming that the candidates had been endorsed by their opponents’ party and by prominent African American figures.

Florida—In 2004, over 4,000 potential voters, including students at the University of Florida and Florida A&M University, discovered their party registrations had been switched and their addresses changed. Changed addresses could have barred them from voting because they would have shown up at the wrong polling place.

Pennsylvania—In Pittsburgh, fliers printed on county letterhead stated that “due to immense voter turnout expected on Tuesday,” the election had been extended: Republicans vote on November 2, and Democrats vote on November 3. Across the country, voters received similar fliers in the 2004 presidential election.

1. Pennsylvania and Illinois/Abusive Robo-Calls—The media also detailed numerous instances of prerecorded phone calls designed to confuse voters. These misleading calls were made late in the evening, or during the night, in an apparent effort to generate anger at particular candidates. According to the Associated Press, one individual “received three prerecorded messages in four hours. Each began, ‘Hello, I’m calling with information about [candidate] Lois Murphy [in the Philadelphia area].’” The Philadelphia Daily News re-

ported that “[t]he calls, which begin by offering ‘important information about Lois Murphy,’ are designed to mislead voters into thinking the message is from her.” In Illinois, The Barrington Courier-Review reported that a resident received the following phone call—“Hi. I’m calling with information about [Candidate] Melissa Bean.” She received the same call a total of 21 times since October 24. Others reported receiving the same calls, none of which were paid for by Ms. BEAN’s campaign.

Mr. Speaker, I urge my colleagues to join me in support of H.R. 1281 to make the necessary changes that will ensure the highest level of voter integrity.

Mr. HOYER. Mr. Speaker, I rise in strong support of H.R. 1281 to make it unlawful for anyone to disseminate false election-related information about an election in order to prevent another person from exercising the right to vote. I commend Chairman CONYERS and Representative EMANUEL for their leadership in bringing this critical bill to the floor.

The pernicious practices that H.R. 1281 would combat are not just academic to me. During the Maryland governor’s race last year, there were numerous and substantiated reports of political operatives distributing false campaign materials on Election Day to confuse voters about the candidates, including endorsements they had allegedly received.

In recent elections in Maryland, including the 2006 elections, operatives have also spread false information about the time, place or manner of voting or qualifications for, or restrictions on, voting, or the political affiliations of candidates.

These grotesque practices are a direct assault on the most fundamental right of Americans: the right to vote and have that vote counted.

Over the past 40 years, tremendous progress has been made removing the most conspicuous obstacles and impediments to voting in order to guarantee that all Americans, regardless of their race or color, can vote. Unfortunately, there exists in our Nation a small but committed group of individuals who will sink to any low if they believe it will produce a victory. H.R. 1281 goes after these people, who are a disease on our democratic system.

I am hopeful that the House will overwhelming pass H.R. 1281 and send the message that deceptive campaign practices are un-American and anti-democratic.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today as an original cosponsor and strong supporter of H.R. 1281, the Deceptive Practices and Voter Intimidation Act of 2007.

This is an issue that is close to my heart. I am grateful to my colleagues Mr. EMANUEL, for introducing this legislation, and Chairman CONYERS, for his consideration or H.R. 1281 in the Judiciary Committee.

The great promise of America is that every citizen has a vote, a voice in how our government is run. And we’ve seen in recent years where 100 or 50 or 5 or even 1 vote has changed the outcome of an election. So making sure that every U.S. citizen is able to vote is one of our most fundamental responsibilities.

When most people think of Voting Rights Act violations they think of the 1960s, when African Americans were prevented from voting because of the color of their skin. Many do not

realize that voter suppression still occurs today.

The targets of intimidation remain the same. This last election, minority and naturalized immigrant communities were the targets of deception, misinformation and voter intimidation designed to abridge their right to vote.

In the district I represent, California’s 47th, concerns were raised when about 14,000 registered Hispanic voters received a written letter, in Spanish, from the “California Coalition for Immigration Reform” informing voters that immigrants voting in a federal election were committing a crime “that could result in incarceration and possible deportation. . .”

It also went on to advise voters that “the U.S. government is installing a new computerized system to verify names of all the newly registered voters who participate in the elections in October and November. Organizations against immigration will be able to request information from this new computerized system.”

The intent of the letter was to intimidate. Families were afraid that their personal information would be shared with anti-immigration groups if they voted. They were afraid of retaliation for exercising their right to vote.

Revisiting and reforming the voting rights laws will send a clear message to potential violators that deceptive practices are unacceptable and will be prosecuted to the full extent of the law.

H.R. 1281 will strengthen the prohibition and punishment of deceptive practices that aim to keep voters away from the polls on Election Day.

I urge my colleagues to support this legislation, which will go a long way in preventing future acts of voter intimidation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1281, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2643, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110-211) on the resolution (H. Res. 514) providing for consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.