

identity theft that has beset the country. Identity theft has now topped the list of consumer complaints filed with the FTC for the last 4 years in a row, impacting millions of Americans and costing consumers and businesses billions of dollars.

My home State of California ranks number three in the number of victims of identity theft per capita with over 37,000 complaints reported by consumers, costing over \$40 million just last year alone. Nationally, California cities crowd the top ten list of metropolitan areas with the highest per capita rates of identity theft reported. The Los Angeles-Long Beach metropolitan area, which includes my district, is particularly prone to such crimes and ranks number two nationally with over 13,000 victims.

A victim of identity theft usually spends a year and a half working to restore his or her identity and good name. Many of my constituents have contacted me. Many of my colleagues have heard similar urging that Congress act quickly and effectively to crack down on this growing epidemic. For this reason, I joined the gentleman from Texas (Mr. CARTER) in introducing the Identity Theft Penalty Enhancement Act, legislation that will make it easier for prosecutors to target those identity thieves who steal an identity for the purpose of committing other serious crimes. The bill will stiffen penalties to deter such offenses and strengthen the ability of law enforcement to go after identity thieves and prove their case.

□ 1430

Our legislation also makes changes to close a number of gaps identified in current Federal law. Identical legislation was introduced by Senators FEINSTEIN and KYL, passing by unanimous consent in the Senate in January of last year. H.R. 1731 has also been endorsed by the Justice Department and the Federal Trade Commission.

I am very mindful of the reservations that my colleague, the gentleman from Virginia (Mr. SCOTT) has expressed about mandatory minimums in general, and I share those concerns about the practice of mandatory minimums. I think my difference with the gentleman from Virginia (Mr. SCOTT) comes in where there are appropriate exceptions. In this case, I believe there is an appropriate exception, and I believe the gentleman from Virginia (Mr. SCOTT) believes this is not an appropriate case for an exception. But let me outline why I believe that this is an appropriate exceptional case.

First, we have the epidemic nature of the crime, which rather than abate has merely grown and proliferated over the last several years.

Second, because the enhanced penalties are reserved for aggravated identity theft, they must be committed in connection with other serious felony offenses. But since the underlying offense and the identity theft are gen-

erally merged for sentencing purposes, prosecutors have little incentive to charge identity theft. This current sentencing structure and practice is flawed because it does not reflect the impact on the victim, in addition to the impact and loss to the financial institution.

I was pleased to work with the gentleman from Texas (Mr. CARTER) as well as sponsors from the other body in order to make some additional improvements to the bill in committee. These improvements respond to specific concerns that were raised by the Social Security Administration. In addition, we respond to the ever-growing problem of insider theft. A peer review study will be coming out later this year that will show perhaps as much as 70 percent of identity theft cases are facilitated through the workplace.

Homeland security concerns have certainly highlighted the need to protect against identity theft, given the potential ease with which a terrorist can assimilate to or move about in our society with stolen identity documents.

In order to protect the good credit of hard-working Americans and their reputations and to protect the homeland, the time to strengthen the law is now. I also support the effort of the gentleman from Virginia (Mr. SCOTT) to increase the resources for the enforcement of these laws. Merely increasing the deterrent value is not enough if the resources lag behind.

I want to thank my colleague for all his efforts along those lines, and again want to thank my colleagues, Mr. Speaker, for acting on this piece of legislation, and urge their support.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California for his remarks and also for his hard work on this legislation. As I have indicated, I agree with the purpose of the legislation. However, I disagree with the use of the mandatory minimums.

With mandatory minimums, low level offenders frequently get too much time. The more serious violators often get too little time. That is why we have the Sentencing Commission, that is why we have judges who will hear the evidence and impose the appropriate punishment in the individual case.

Mr. Speaker, I would hope that we would reject the legislation so that we could eliminate the mandatory minimums.

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

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

Mr. Speaker, the only opposition to this bill appears to come from those who are opposed in principle to mandatory minimum sentences. I think that opponents of mandatory minimums would have a much more compelling

case if they could assure Congress that the judges are faithfully following the sentencing guidelines that were passed 20 years ago at the time when Congress abolished parole and passed the law establishing determinant sentencing. Sadly, I am afraid the evidence does not support that.

The most disturbing recent example of judges deciding to ignore the sentencing guideline's recommendations comes from Supreme Court justice Anthony Kennedy's testimony before a House appropriations subcommittee in which he stated that judges who depart downward are courageous, and the judges should not have to blindly follow unjust guidelines.

Now, Congress creates crimes, Congress prescribes the penalties for crimes, and the reason that there were sentencing guidelines passed to begin with was to prevent both prosecutors and defense counsel from shopping around for judges to try cases that met with their own particular views on what the sentence should be, should the defendant be convicted.

Well, because of statements like Justice Kennedy's, we now have to have mandatory minimums when we feel the crime is important enough that somebody should at least spend a day in jail or more. That is why there are mandatory minimums in the bill that is before us that deals with identity theft and identity fraud.

I would urge the House to reject the argument that mandatory minimums are bad per se. We need a mandatory minimum in this burgeoning crime. I urge support of this bill.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1731, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 218) to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, as amended.

The Clerk read as follows:

H.R. 218

*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 "Law Enforcement Officers Safety Act of 2003".

**SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

**“§926B. Carrying of concealed firearms by qualified law enforcement officers**

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified law enforcement officer’ means an employee of a governmental agency who—

“(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

“(2) is authorized by the agency to carry a firearm;

“(3) is not the subject of any disciplinary action by the agency;

“(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

“(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(6) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) any destructive device (as defined in section 921 of this title).”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers.”.

**SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.**

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

**“§926C. Carrying of concealed firearms by qualified retired law enforcement officers**

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified retired law enforcement officer’ means an individual who—

“(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

“(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

“(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

“(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

“(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

“(5) during the most recent 12-month period, has met, at the expense of the individual, the State’s standards for training and qualification for active law enforcement officers to carry firearms;

“(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(7) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is—

“(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

“(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

“(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) a destructive device (as defined in section 921 of this title).”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement officers.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and

the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CUNNINGHAM. Mr. Speaker, is it the committee position to pass this bill?

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, the committee position is to pass the bill, and I have made the motion to do so.

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, is it the intent to divide time equally for and against the bill?

Mr. SENSENBRENNER. Mr. Speaker, if the gentleman will yield further, it is the intent of the chairman of the committee to divide time based upon requests that are made by Republican Members on this side. I have no idea how time on the Democratic side will be divided, since I would assume that the gentleman from Virginia (Mr. SCOTT), the ranking member of the subcommittee, will be recognized for 20 minutes to manage the time on the Democratic side.

The SPEAKER pro tempore. In answer to the gentleman’s previous inquiry, a motion that the House suspend the rules is debatable for 40 minutes, one-half in favor of the motion, one-half in opposition thereto.

Mr. CUNNINGHAM. Mr. Speaker, further parliamentary inquiry. Since the chairman of this committee is opposed to his own committee’s position, is it not uncommonly unfair to allow someone opposed to the bill, A, to manage the bill, and also to close? I understand the right to close at the end of the bill in favor of the committee position.

The SPEAKER pro tempore. The chairman of the committee offered the motion to pass the bill.

Mr. CUNNINGHAM. Mr. Speaker, I find this uncommonly unfair.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 218, as amended.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me time.

Mr. Speaker, as I said at the subcommittee hearing and as I said at the full committee hearing, and as I will

reiterate today, reasonable men and women have adamantly supported this bill before us, and reasonable men and women have adamantly opposed it. So that is where we are.

Today I rise in support of H.R. 218, the Law Enforcement Officers Safety Enhancement Act of 2003. H.R. 218 would exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms.

Currently, most States do not recognize within their borders concealed carry permits issued in other States. This legislation, Mr. Speaker, would allow active and retired law enforcement officers to carry a concealed weapon in any of our 50 states. There are important provisions in the bill that require such officers to maintain appropriate firearms training and to carry identification recognizing their affiliation with a law enforcement agency.

Further, the bill has garnered tremendous bipartisan support, and recently passed the House Committee on the Judiciary by a vote of 23 to 9. On June 15, the Subcommittee on Crime, Terrorism, and Homeland Security held a legislative hearing on H.R. 218, and some concerns were raised regarding States' rights, coordinating adequate training standards and the liability problems that may arise by having law enforcement officers using firearms outside of their respective jurisdictions.

While there may be room for improvement, I do believe that the bill before us is a positive step toward ensuring that law enforcement officers have the means to defend themselves and other innocent victims from potential acts of violence and crime.

Mr. Speaker, having said that, I would, at this time, like to engage in a colloquy with my good friend, the distinguished gentleman from Virginia (Mr. SCOTT), who is the ranking member on the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security.

The gentleman from Virginia (Mr. SCOTT) authored an amendment which passed the full committee, and which I supported, and I think which was supported in toto by the membership and which is included in the version of the bill we are considering today, that would exclude someone from the definition of qualified law enforcement officer if that person is under the influence of alcohol or any other intoxicating or hallucinatory drug. As I said, I supported the amendment.

I just want to clarify that the amendment only applies during the time that the officer involved is actually under the influence of the alcohol or drug. In other words, as an example, if an officer is going on a 3-day trip, for example, out of his home State, and he is going to be under the influence of alcohol or a drug during 2 hours of that trip, let us say, then he would only lose his coverage under this bill for that 2

hour period and not for the entire 3-day trip.

I just want to clarify that if he does carry his weapon during that 2-hour period, he would not be subject to any special penalty as a result of this law, but rather would just be subject to whatever the penalty is under the applicable local law.

I would ask my friend from Virginia, the ranking member, if that is his understanding as well.

Mr. SCOTT of Virginia. Mr. Speaker, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, the gentleman has correctly stated the intent of my amendment.

Mr. COBLE. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to H.R. 218. This bill authorizes so-called qualified active and retired Federal and State law enforcement officers to carry concealed weapons interstate without regard to State and local laws prohibiting or regulating such carriage.

"Law enforcement officer" includes corrections, probation, parole and judicial officers, as well as police, sheriffs and other law enforcement officials, and just about anybody who has statutory power of arrest and anyone who is engaged through employment by a government agency in the prevention, detection, investigation, supervision, prosecution or incarceration of law violators.

□ 1445

In the past, we have considered this bill under the title, Community Protection Act. The rhetoric surrounding the bill was an indication that its purpose was to aid in protecting the public by putting tens of thousands of additional armed law enforcement officers in a position to protect the public as officers travel from State to State and jurisdiction to jurisdiction.

From the name of the current bill, it appears that the emphasis now is on the safety of the officers as they travel. Yet the language is exactly the same.

One of the problems with even suggesting that purpose of a Federal law is for law enforcement officers to assist in protecting the public outside their jurisdictions is that it may give them encouragement or even a sense of obligation to do so.

I submitted for the record in the hearing before the subcommittee a long list of articles and reports in instances where, even in the same jurisdiction, off-duty plainclothes law enforcement officers have shot, or been shot by, other off-duty officers, or gotten shot by them or uniform officers, in gun battles because the plainclothes officers were mistaken as criminals.

If off-duty officers in the same jurisdiction are being shot by their fellow officers, encouraging out-of-state offi-

cers to join in such activities through a Federal law will certainly only add to the problem. Therefore, any perceived benefit that could arise from such engagement is of dubious value.

Now, this is especially true when there are officers from small jurisdictions who may not be trained in how to tell fellow police officers from criminals. Such training would be routine in large cities; but if it is a small jurisdiction where everyone knows everybody, that training would not take place.

It is this specter of individually determined engagement in law enforcement actions by out-of-state plainclothes off-duty officers who may not be trained for specific situations that gives police chiefs and local and State governments huge concern. Clearly, they see these officers as more of a challenge to law enforcement than a help.

The bill not only takes away the ability for local law enforcement leaders to manage concealed firearms activities from out-of-state officers, but it also overrides the ability of the police department to regulate its own officers.

The bill overrides a police chief's ability to regulate his own officers in what they do with their own private funds within their jurisdiction. It also eliminates control over concealed weapons activities of retired officers within their own jurisdiction.

Now, it also even overrides a police chief's ability to say what the officers can do with agency-issued guns in their possession within their own jurisdiction.

State legislatures can authorize out-of-state off-duty officers to carry concealed weapons within their jurisdictions. Some have, although most have not. I do not know what the liability implications are for local jurisdictions when officers become engaged in out-of-state shoot-outs. Which jurisdiction is liable for the conduct of the out-of-state active or retired officer who may be negligent? The jurisdiction viewed as allowing an unfamiliar, untrained officer to participate in the shoot-out or the jurisdiction that issued the gun and certified the officer to carry it or other concealed weapons across State lines? The liability insurance implications alone should give Congress pause in imposing an interstate concealed-carry provision on State and local governments.

Now, most organizations representing policymakers in law enforcement, like police chiefs, have opposed this legislation. Congress should not usurp State and local control of law enforcement activities, as this bill will do. So we should oppose this bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

Mr. Speaker, the Law Enforcement Officers Safety Act is a commonsense piece of legislation that will make our communities safer by allowing qualified law enforcement officers to carry their concealed firearms across State lines. Criminals do not recognize jurisdictional boundaries, particularly when it comes to seeking revenge against the police officers who arrested them.

If a doctor were traveling on vacation and he came across a child in a traffic accident who needed CPR to save his life, our society would expect the doctor to be a good Samaritan and save the child's life, regardless of State boundaries.

Similarly, law enforcement officers are, in effect, always on duty; and we are right to expect a police officer to come to the aid of a crime victim, and we are right to give that police officer the ability to provide that help by passing this important law.

If our airline pilots have the ability to carry firearms across jurisdictional boundaries, surely our police officers should have that same right.

Without this law, a police officer from Orlando, Florida, who wanted to take his family on a vacation to D.C. to see the monuments would have to travel through six separate States where he would face an instant patchwork of concealed weapons laws which would make it legal for him to have a gun in some jurisdictions and illegal in others. This law solves that problem and enhances the ability of that officer to defend his family and our communities.

For these reasons, I am proud to be a cosponsor of this legislation and was a vocal advocate in passing the bill through the Committee on the Judiciary in a clean form. It is a very popular bill. It has 296 cosponsors in the House. It passed the Senate by a vote of 90 to 8 as an amendment to another piece of gun legislation. It is supported by police officers and other organizations across the U.S.

In summary, Mr. Speaker, this is a good bill, and I urge my colleagues to vote "yes" on H.R. 218.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on the Judiciary and a highly respected district attorney from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, and I rise in opposition to this proposal, which I consider dangerous as well as irresponsible. I guess the question that I would pose is, what has happened to States' rights?

The gentleman from Florida indicated that criminals do not respect jurisdictional lines. That is true, they do not. However, the United States Constitution respects State lines and State boundaries, because the Founders believed that Federalism was an important concept in our democracy. It

seems that the evolution of the fundamental principle of the Reagan revolution is no longer operative in this Chamber. I would suggest that a true conservative should deplore what this proposal does to that core American concept of Federalism.

Mr. Speaker, I want to commend the chairman of the full committee, the gentleman from Wisconsin (Mr. SENBRENNER), for his opposition to this bill. I agree with his statement that it is an affront to State sovereignty and the Constitution. In fact, what we are doing is undermining the 10th amendment, which reserves so many rights to the States. We are doing it daily in this Chamber, and we are doing it in a way that should cause every American citizen, and particularly those who call themselves conservative, should cause them profound concern.

I can remember before I ran for office to this branch, in the previous election there was much to-do about a so-called Contract With America. Well, that contract seems to have been discarded. It no longer has value, presumably, at least political value. It is clear that States' rights and local control are no longer in vogue today. Washington knows best. I guess that is the current refrain. The new term is "preemption." Preemption of States' rights. Preemption is a word we have heard a lot about. It does not just apply to our foreign policy, I would suggest. It now applies to American democracy.

This bill represents a quantum leap, if you will, in terms of the erosion of the rights granted to States under the 10th amendment. It would amend title XVIII to exempt current and retired law enforcement officers from State and local laws that prohibit the carrying of concealed weapons. As the ranking member indicated, I served as the chief law enforcement officer, the elected district attorney in metropolitan Boston, for more than 20 years; and I cannot understand why Congress believes that it is in a better position than State and local law enforcement to make decisions as to what is best in their jurisdictions. It was the former Chair of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), who made the statement a while back that the best decisions on fighting crime are made at the local level, not here in Washington.

Congress has never passed a bill that gives anyone a right to carry weapons in violation of State and local laws until now, in our entire constitutional history. Purportedly, involving public safety, this bill will allow people from out of State to come into my home State with a loaded, concealed weapon without the duty to notify public safety officials in Massachusetts or in Boston or in any community in the Commonwealth of Massachusetts.

The reality is that this legislation will preempt, if you will, or supersede, the laws of 31 States that currently restrict carrying a concealed weapon to on-duty officers. That is the law in 31

States. Yet Washington knows best. Let us just discard those 31 State laws that regulate the carrying of concealed weapons by on-duty officers in their jurisdictions. Of course, it also disregards State laws that oppose conditions on how and when retired officers may carry a concealed weapon. And it ignores the reality that there has been constructive and thoughtful deliberative efforts by other State legislatures, as well as the State of New Jersey, that have addressed exactly these issues. These issues have been addressed in a thoughtful and deliberative way at the State and local level.

This bill does not limit the weapons that officers can carry, like some States do. This bill also does not limit the maximum age for an officer carrying a concealed weapon, like some States do. And this bill does not allow local departments to deny permits to retirees no matter where they come from, like some States do. Under this proposal, a retired Customs inspector from Alabama can come into Massachusetts carrying a concealed weapon, and my local sheriff or my local police chief can do nothing about it.

With the passage of this bill, Congress will enable officers who retire or resign, or resign while under investigation for domestic abuse, racial profiling, excessive force, or substance abuse to be eligible for a concealed weapon permit. It is all too easy to imagine a scenario where there will be a tragedy under these circumstances, and we will be responsible for it. The rationale often in support of this proposal is that law enforcement officers, whether active or retired, are never off duty.

Now, I have profound respect for the hard work of law enforcement officials everywhere. I was part of them. I know them. But when they go off duty and travel to my State and to my hometown, they should respect the rules and policies of the local police departments and the communities where I live and where they are visitors. The Federal Government should not strip sheriffs and police officers of the authority and discretion to determine who can carry concealed weapons within their jurisdictions. Why should Congress, of all places, why should Congress decide if an off-duty or retired police officer from another State can carry a hidden firearm into my community or into your community?

Mr. Speaker, by no means does this bill reflect Federal support for State and local law enforcement. It will not reduce violence; and I dare say, to the contrary, it very well may undermine public safety.

□ 1500

So, for all these reasons, I urge my colleagues to defeat this proposal.

Mr. SENBRENNER. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. CUNNINGHAM), the author of the bill.

Mr. CUNNINGHAM. Mr. Speaker, this bill has been a long time coming.

And for those to say that this violates States rights, when they themselves have voted for hundreds of bills on this floor against States rights, I think is an oxymoron.

I also believe that one can spend this any way they want if one is opposed to it. But look who is for it. A super majority in the Senate has already passed this bill, this House floor, over 300 votes, on this floor.

We have policemen in D.C. that gave their lives to save Members of Congress and they are waiting outside for the passage of this bill, Mr. Speaker. They are so excited. This is the number one legislative act for law enforcement, the number one. During Memorial Day, we mourned our law enforcement agents that we lost. They had us up on the stage that support this bill as recognition. Those in opposition can spin this any way they want.

Who else supports this bill? The ranking member and the chairman in the subcommittee and the committee were overridden by their own committee on the amendments. The Scott amendment, which is good, and I think it improves the bill, and it does. I wish I had thought of it. But in this body to override a chairman and a ranking minority in their own committee takes guts, and it is guts because it supports the right thing.

We all say we support law enforcement. Well, they support this, even the Retired Chiefs of Police. We had a chief of police oppose this, but the Retired Chiefs of Police support this bill.

If one looks at what this bill does, the training that is required, all of the access to anyone that would use this bill is in the bill. The liability itself is in this bill. And I would say that if one takes a look also at who supports these positions, they wrote this, the law enforcement agencies helped over the years write this bill. It helps them. If one looks to Law Enforcement Alliance of America, LEAA, the National Association of Police, NAPO, the National Law Enforcement Council, and FOP, all of them support this bill, Mr. Speaker.

Very rarely can we come across and have a bill that is passed out of the committee over the objection of the chairman and the ranking member to make it to the floor, and that time be controlled by both the people that are opposed to this bill.

Now, the chairman granted me 5 minutes. I thank the chairman for that. But I also think it is unfair for someone that is opposed to the bill be on the floor closing, because that is usually in the committee position. The committee position is to pass this bill. Even though the chairman purported the bill to pass it, he is speaking against it. He wants to close, which I do not think is fair.

And who is it not fair for? It is not fair for the millions of law enforcement agents that risk their lives every day. They give their lives for us, almost as many of those have been lost in Iraq.

When they arrest somebody that is not always a good guy, their families are getting killed when they retire. And they said, hey, we want protection. Give us protection against the bad guys. Because they do carry weapons.

I would like to submit, Mr. Speaker, the letter from the President of the United States. And I will read, "I am pleased to offer my support for the Law Enforcement Officers' Safety Act. Our Nation relies upon the men and women in law enforcement to keep the streets and neighborhoods safe. This legislation will better protect our Nation from danger by ensuring that these first responders are ready to handle an emergency, regardless of their location and duty status."

The President is saying this helps us in homeland security. We will be struck, Mr. Speaker, by some terrorist act. I think it is inevitable. And we want the people that are highly trained that protect us every day, to have the right to speak.

Mr. Speaker, I think we owe it to the very people what support this bill across the land. They are waiting outside. I am not supposed to speak about who is in the gallery, Mr. Speaker, but I was if allowed to do that, I would say that law enforcement agents are there to support this bill. And I do not know what I can do to have a position supported by the Senate super majority, a super majority of this body, a super, super majority of law enforcement agents, and someone to oppose it is just wrong.

Mr. Speaker, I thank the chairman for his courtesy of the 5 minutes and extra minute, but I also would submit my disappointment that the controlling of the time was not by the subcommittee as originally set, agreed upon, and that the right to close does not fall on someone that supports this bill.

Mr. Speaker, at this time, I will insert the letter that I referred to earlier in the RECORD.

THE WHITE HOUSE,  
Washington, DC, June 18, 2004.

Mr. CHUCK CANTERBURY,  
National President, Fraternal Order of Police,  
Grand Lodge, Washington, DC.

DEAR CHUCK:

I am pleased to offer my support for the Law Enforcement Officers' Safety Act. Our Nation relies upon the men and women in law enforcement to keep the streets and neighborhoods safe. This legislation will better protect our Nation from danger by ensuring that these first responders are ready to handle an emergency regardless of their location and duty status.

I am particularly pleased that the Senate sponsors named this provision after our mutual friend, Steven Young. I know how hard you and Steve worked for passage of this bill, and I look forward to honoring his memory by signing it.

Sincerely,

GEORGE W. BUSH.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I rise in opposition to this legislation and urge my colleagues to vote against it.

I would ask my colleagues to ignore the list of organizations that have supported the bill and read what the bill does. In Federalist Paper number 45, James Madison, in explaining the division of power between the States and the Federal Government envisioned, stated, "The powers reserved to the several States will extend to all objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."

This legislation takes away the ability of the 50 States to govern their internal order. Just look at the title of the bill: "To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed weapons." In exercising its authority to keep internal order, the State has traditionally controlled who, within its borders, may carry concealed weapons and when law enforcement officers may carry firearms.

This legislation undermines the power of the individual states and frustrates the principles of Federalism. As long as they do not infringe on the rights granted under the second amendment to the Constitution, laws regulating the carrying of concealed firearms should remain within the jurisdiction of the State government where they can be more effectively monitored and enforced.

Currently Federal law is silent on the issue of allowing State and local law enforcement officers to carry concealed weapons across State lines, allowing each individual State to decide whether or not it wishes and to what extent to allow this practice.

Additionally, current Federal law does not mandate that the States allow both active and retired State and local law enforcement officers to carry a concealed weapon without the permission of each specific State. I understand that at least six States and the District of Columbia currently forbid officers from other States to carry concealed weapons. Thirty-one States restrict carrying a concealed weapon to an officer off duty. And nine States allow an out-of-state officer to carry a concealed weapon.

H.R. 218 would override State right to carry laws and mandate that active and retired police officers could carry a concealed weapon anywhere within the United States. Such a measure is an affront to State sovereignty and the Constitution.

I have received letters from the National League of Cities and State leaders around the country objecting to this legislation because it replaces the judgment of State and local governments with the judgment of Congress on an important safety issue. The International Association of Police

Chiefs, the Major City Chiefs, and the Police Executive Research Forum also object to this legislation. So law enforcement is not unanimous in support of it.

The IACP testified at a hearing before the Subcommittee on Crime, Terrorism, and Homeland Security that H.R. 218 will create a dangerous situation for law enforcement and citizens alike because there is so much variation in training standards for law enforcement. In addition to these variations, it may be difficult for officers to recognize official badges held by legitimate officers and fake badges and fake ID cards, which are easily obtainable on the Internet.

I am also very concerned who will bear the responsibility and liability for potential actions that these officers might take while out of their State. It is a real possibility that the law enforcement agency that trained these officers could wind up being forced to defend itself against actions taken by an off duty, out-of-state officer.

I received a letter from Joseph Polisar, president of the International Association of Chiefs of Police. And I will insert it in the RECORD in total, but I would like to just read one paragraph.

"Finally, the IACP is concerned about or concerned over the liability of law enforcement agencies for the actions of off-duty officers who use or misuse their weapon while out of State. If an off-duty officer who uses or misuses their weapon while in another State, it is likely that their department will be forced to defend itself against liability charges in another State. The resources that mounting this defense would require could be better spent serving the communities we represent."

Because of all of the concerns that I have expressed, I must oppose this legislation and ask that my colleagues join me in my opposition. I realize this is a tough vote, but this is not a good bill. I believe that the issues at hand could be better addressed by the States in an appropriate manner through the use of reciprocity agreements, many of which already exist, rather than taking away the right of the States to legislate in this area which H.R. 218 does.

An approach of reciprocity agreements would allow individual States to have the final say on whether or not it believes allowing out-of-state officers to carry concealed weapons within its borders would enhance rather than undermine public safety.

The letter previously referred to follows:

INTERNATIONAL ASSOCIATION OF  
CHIEFS OF POLICE,  
*Alexandria, VA, June 23, 2004.*

Hon. JAMES SENSENBRENNER,  
*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE SENSENBRENNER: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong opposition to H.R. 218, the Law Enforcement Officers Safety Act of 2003. This bill would authorize off-duty and re-

tired law enforcement officers to carry concealed weapons throughout the country.

It is the IACP's belief that states and localities should have the right to determine who is eligible to carry firearms in their communities. It is essential that state and local governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities. This applies to laws covering private citizens as well as active and former law enforcement personnel.

The IACP strongly believes that each state should retain the power to determine whether they want police officers that are trained and supervised by agencies outside of their state carrying firearms in their jurisdictions. Why should a police chief who has employed the most rigorous training program, a strict standard of accountability and stringent policies be forced to permit officers who may not meet those standards to carry a concealed weapon in his or her jurisdiction?

However, in addition to these fundamental questions over the preemption of state and local firearms laws, the IACP is also concerned with the impact that this legislation may have on the safety of our officers and our communities.

There can be no doubt that police executives are deeply concerned for the safety of our officers. The IACP understands that the proponents of S. 253 contend that police officers need to protect themselves and their families while traveling, and that undercover officers may be targets if recognized on vacation or travel. These are considerations, but they must be balanced against the potential dangers involved. In fact, one of the reasons that this legislation is especially troubling to our nation's law enforcement executives is that it could in fact threaten the safety of police officers by creating tragic situations where officers from other jurisdictions are wounded or killed by the local officers. Police departments throughout the nation train their officers to respond as a team to dangerous situations. This teamwork requires months of training to develop and provides the officers with an understanding of how their coworkers will respond when faced with different situations. Injecting an armed, unknown officer, who has received different training and is operating under different assumptions, can turn an already dangerous situation deadly.

In addition, the IACP is concerned that the legislation specifies that only an officer who is not subject to a disciplinary action is eligible. This provision raises several concerns for law enforcement executives. For example, what types of disciplinary actions does this cover? Does this provision apply only to current investigations and actions? How would officers ascertain that an out-of-state law enforcement officer is subject to a disciplinary action and therefore ineligible to carry a firearm?

Additionally, while the legislation does contain some requirements to ensure that retirees qualify to have a concealed weapon, they are insufficient and would be difficult to implement. The legislation fails to take into account those officers who have retired under threat of disciplinary action or dismissal for emotional problems that did not rise to the level of "mental instability." Officers who retire or quit just prior to a disciplinary or competency hearing may still be eligible for benefits and appear to have left the agency in good standing. Even a police officer who retires with exceptional skills today may be stricken with an illness or other problem that makes him or her unfit to carry a concealed weapon, but they will not be overseen by a police management structure that identifies such problems in current officers.

Finally, the IACP is also concerned over the liability of law enforcement agencies for the actions of off-duty officer who uses or misuses their weapon while out of state. If an off-duty officer who uses or misuses their weapon while in another state, it is likely that their department will be forced to defend itself against liability charges in another state. The resources that mounting this defense would require could be better spent serving the communities we represent.

The IACP understands that at first glance this legislation may appear to be a simple solution to a complex problem. However, a careful review of these provisions reveals that it has the potential to significantly and negatively impact the safety of our communities and our officers.

Again, the IACP is strongly opposed to this legislation and we urge you to oppose it as well.

Thank you for attention to this important issue to law enforcement executives.

Sincerely,

JOSEPH POLISAR,  
*President.*

Mr CUNNINGHAM. Mr. Speaker, I rise today to strongly urge Members to vote "yes" on my bill, the Law Enforcement Officers Safety Act of 2003 (H.R. 218) to allow qualified off-duty and retired law enforcement officers to carry concealed weapons in any jurisdiction. The bill has broad bipartisan support with 296 cosponsors.

The benefits of the legislation are twofold—officer safety and improved public safety. Many jurisdictions do not allow off-duty officers to carry concealed weapons. Due to the unique responsibilities and dangers that come with law enforcement, off-duty officers are at a greater risk than most Americans. It is not uncommon for off-duty officers to run into people they have arrested or helped to incarcerate. There have been documented instances where felons have sought retribution against officers who helped to put them in jail or prison. It is only right that the men and women who put their lives on the line everyday when they go to work be afforded the right to protect their families and themselves while they are off duty.

These concerns apply not only to off-duty officers, but to retired officers as well. A criminal who is seeking retribution does not care that the officer who put them away is retired. It is a disservice to those men and women who risked their lives to perform a public service to be deprived of the right to defend themselves and their families simply because they retired.

Legal issues are also posed when neighboring jurisdictions have different regulations for carrying concealed weapons. An off-duty officer is faced with a problem when he is traveling state to state or even city to city. In a circumstance where his/her home jurisdiction requires off-duty officers to carry, but he is traveling to a jurisdiction where the law prohibits carrying concealed weapons, the officer is forced to choose which law to break. Does he leave his gun at home and break the law in his home jurisdiction, or take it with him and break the law when he enters the next jurisdiction?

Aside from the issues of self-defense and jurisdictional conflicts, H.R. 218 provides additional officers to prevent crime, without the cost. There are countless stories of retired and off-duty officers who have prevented crime and protected everyday citizens because they were allowed to carry concealed weapons. In



this time of heightened security, it seems only logical that additional means to prevent crime and even terrorism be implemented. Off-duty and retired law enforcement officers have the training to recognize suspicious activity and prevent crime. When qualified off-duty and retired police officers are allowed to carry, more law enforcement officers are put on the street at zero cost to taxpayers.

Mr. Speaker, I would like to take a minute to read some stories from around the United States where off-duty officers have prevented crimes, in part, because they were allowed to carry their firearm. The first story is from my hometown of San Diego.

OFFICER FINDS WORK ON HER DAY OFF  
(By Joe Hughes)

HILLCREST.—For San Diego police Officer Sandra Oplinger, it was anything but an off day. Olinger ended up capturing a suspected bank robber at gunpoint on her day off yesterday.

She happened to be in the area of Home Savings Of America on Fifth Avenue near Washington Street about 12:30 p.m. when she saw a man running from the bank, a trail of red smoke coming from an exploded red dye packet that had been inserted into a wad of the loot.

With her gun drawn, she tracked down and caught the man. Citizens helped by gathering up loose bank cash. The incident began when a man entered the bank and asked a teller if he could open an account. The teller gave him a blank form and he left. He returned 10 minutes later, approached the same teller and declared it was a robbery, showing a weapon and a demand note he had written on the same form the teller had given him.

He then grabbed some money and ran out the door. The dye pack exploded outside, leaving a trail of smoke that attracted Oplinger's attention and led to the suspect's arrest.

The names of the man and a possible accomplice in a nearby car were not immediately released. A gun was recovered.

DEPUTY APPARENT TARGET OF ROBBERY,  
CARJACKING

Gunfire was exchanged on Milwaukee's north side Wednesday during an attempted robbery and carjacking.

An off-duty Milwaukee County Sheriff's deputy was the victim of an attempted robbery and carjacking Wednesday afternoon as he was leaving the Advance Auto Parts store near Teutonia and Hampton Avenues, WISN 12 News reported Ben Tracy said. The deputy, who had a gun exchanged fire with one of the suspects. No one was injured or hit by gunfire, Tracy reported. Milwaukee Police and Milwaukee County Sheriff's deputies were on the scene. They were examining a car they believe belongs to the suspects. They were searching for two suspects.

OFF-DUTY OFFICER SHOTS ATTACKER

An off-duty Houston police officer shot a man in southwest Houston early Sunday.

The officer, whose identity was not released, was working in the parking lot of a reception hall in the 9500 block of Wilcrest. About 3 a.m., he repeatedly asked two men who were talking to two women to leave the parking lot and go inside the building, officials said.

The men refused to leave and confronted the officer. The confrontation escalated to an assault, according to the Houston Police Department, with one of the men knocking off the officer's eyeglasses.

The officer, whose vision was impaired after being hit, said he saw a man approaching him with his arms near his pockets, po-

lice said. They said the officer asked him to stop, when he didn't, the officer drew his weapon and fired. Daryl D. Gorman, 30, was taken to Ben Taub Hospital with gunshot wounds to the hip and left side investigators said. He was listed in fair condition Sunday.

The officer, a 16-year veteran of the Fondren division, received facial injuries. No charges had been filed Sunday.

OFF-DUTY POLICE OFFICER, SUSPECTED  
ROBBER SHOOT EACH OTHER

SOUTH GATE, CA. (AP).—An off-duty police officer exchanged gunfire with a would-be robber early Saturday morning. Both men were wounded but were expected to survive, police said. Fabian Mejia, a three-year veteran of the Calexico Police Department, was using a corner pay phone shortly after midnight when a 19-year-old gunman demanded money from him, said Lt. Darren Sullivan of the South Gate Police Department.

After the men shot each other, the suspect got in a car and left as Mejia called 911. Police arrested the gunman and an 18-year-old woman with him after they arrived at a nearby hospital, Sullivan said. Their names were not immediately released. Mejia was in stable condition at a hospital while the suspected robber was in serious but stable condition, said Sullivan.

Mejia was in South Gate, just southwest of Los Angeles, to visit his parents, Sullivan said.

OFFICER SHOTS AT YARD-STATUE THIEVES  
(By Peggy O'Hare)

An off-duty Houston police officer followed two men who stole concrete statues from his front yard Tuesday and fired at the driver when he pointed a gun at him, authorities said.

Officer J.H. Lynn said two men forced their way through his front yard's locked gate at 12:45 p.m., took two statues from the lawn and drove off.

The officer followed the thieves to get their license plate number. When they reached the 1000 block of West 25th, they turned around and drove toward Lynn, with the driver pointing a handgun at the officer.

Lynn fired his duty weapon one time at the driver, but the pair drove through a ditch and sped away.

TULSA POLICEMAN SHOTS INTRUDER  
(By Mick Hinton)

TULSA.—A month after joining the Tulsa police force, Mark Sole shot the hand of an intruder early Monday in the front yard of the officer's home. The intruder and an accomplice are suspected of breaking into Sole's garage. Sole and his wife were awakened about 6 a.m. by noises coming from their garage. Sgt. Wayne Allen said. The officer found two men in his garage. Allen said one man ran, but Sole held the other at gunpoint in his front yard. "He ordered the suspect to take his hands out of his pocket, and the suspect had a dark metallic object," Allen said. The officer apparently thought it was a weapon and shot the man in the hand, Allen said.

Police arrested John Warren Kays, 29, of Tulsa and took him to Tulsa Regional Medical Center, where he was being treated, Allen said.

COP SAVES TEENS FROM PIT BULLS  
(By Bradley Cole)

EAST CHICAGO.—AN EAST CHICAGO POLICE OFFICER SHOT AND KILLED TWO PIT BULLS TUESDAY AS HE CAME TO THE RESCUE OF TWO LOCAL TEENS WHO FACED SERIOUS INJURY. POLICE OFFICER JOHN MUCHA WAS ASLEEP TUESDAY AFTERNOON AFTER WORKING A MIDNIGHT SHIFT WHEN THE PIERCING SCREAM OF A 16-YEAR-OLD BOY WOKE HIM UP. MUCHA RAN TO THE WINDOW AND SAW TWO PIT BULLS ATTACK-

ING A YOUNG MAN IN THE 5000 BLOCK OF TOD AVENUE. BEFORE HE COULD REACT, MUCHA WATCHED AS THE BOY, WITH THE PIT BULLS CHASING HIM, JUMPED A FENCE TO SAFETY. THEN HE HEARD A SECOND SCREAM. AS MUCHA TURNED TO THE WINDOW AGAIN, HE SAW THE PIT BULLS PIN A 14-YEAR-OLD GIRL TO THE SIDEWALK AND BEGIN MAULING HER.

East Chicago Sgt. Joe De La Cruz said Mucha, in his underwear and T-shirt, grabbed his gun and ran barefoot into the street. As Mucha approached the girl, the two pit bulls turned their attention toward him, De La Cruz said. "Officer Mucha then positioned himself between the girl and the pit bulls," De La Cruz said. "The dogs made a pass at him, then attacked. He shot at the dogs, wounding them both, before they ran off." De La Cruz said Mucha took after the first dog, which he managed to corner. He said the dog tried to attack Mucha again, he shot it and killed it.

Within seconds, Mucha ran after and spotted the second dog on a nearby porch. Once again, as Mucha approached the dog, it tried to attack and was shot to death.

Police said the boy wasn't seriously injured, but the girl was taken to St. Catherine Hospital in East Chicago, where she was treated and released. De La Cruz said the dogs' owner, Anna Gonzalez, 24, of 5013 Tod Ave., received numerous tickets from East Chicago dog warden Steve Ruiz before the incident. He said she also received numerous tickets afterward and has prompted the city to once again crack down on pit bulls. "We passed an ordinance 10 years ago that anyone who owns a pit bull must have \$1 million in insurance," De La Cruz said. "All pit bulls must be registered at City Hall. They must be on a leash and muzzled when they're walked." De La Cruz said pit bulls are becoming a problem again, and the city plans to step up its efforts to ensure that pit bull owners are complying with the law.

Mucha will receive an official commendation from East Chicago Police Chief Frank Alcala for his bravery, De La Cruz said.

H.R. 218 is strongly supported by the Law Enforcement Alliance of America, the Fraternal Order of Police, the National Troopers Coalition, the National Association of Police Organizations, the International Brotherhood of Police Officers, and many others. In most cases, H.R. 218 is their #1 legislative priority. These groups have worked tirelessly for over 10 years to see the passage of this legislation. I want to thank them for all their hard work and diligence in seeing H.R. 218 come to the floor.

I also want to thank the 296 members who cosponsored H.R. 218 this year. Their support has been crucial in getting a vote on this bill this year.

During this time of heightened security, it makes sense to put more qualified officers in a position to prevent crime. Mr. Speaker, I strongly urge my colleagues to vote "yes" today on this crucial piece of legislation. I thank Members and so will their cops.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time, and ask for a no vote.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 218, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**INCREASING MAXIMUM AMOUNT OF HOME LOAN GUARANTY AVAILABLE UNDER HOME LOAN GUARANTY PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS**

Mr. BROWN of South Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4345) to amend title 38, United States Code, to increase the maximum amount of home loan guaranty available under the home loan guaranty program of the Department of Veterans Affairs, and for other purposes.

The Clerk read as follows:

H.R. 4345

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

**SECTION 1. INCREASE IN, AND ANNUAL INDEXING OF, MAXIMUM AMOUNT OF HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES.**

(a) MAXIMUM LOAN GUARANTY BASED ON 100 PERCENT OF THE FREDDIE MAC CONFORMING LOAN RATE.—Section 3703(a)(1) is amended by striking “\$60,000” each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting “the maximum guaranty amount (as defined in subparagraph (C))”.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subparagraph:

“(C) In this paragraph, the term ‘maximum guaranty amount’ means the dollar amount that is equal to 25 percent of the Freddie Mac conforming loan limit limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a single-family residence, as adjusted for the year involved.”.

□ 1515

The SPEAKER pro tempore (Mr. TERRY). Pursuant to the rule, the gentleman from South Carolina (Mr. BROWN) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

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

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4345. This bill would provide the largest increase in the VA home loan guaranty since 1978, increasing the maximum home purchase guaranty from \$240,000 to \$333,700. That is a 39 percent increase.

Additionally, this measure would provide for annual increases in the home loan guaranty to match rising housing prices. It would do so by linking the VA loan limit with the conforming loan rate of the Federal Home Loan Mortgage Corporation. Not only would this measure assist our veterans, but it would ensure that our courageous servicemembers fighting in Iraq, Afghanistan, and throughout the world, along with their families, can take part in the American dream of homeownership.

In fiscal year 2003, the VA guaranteed 419,717 home loans for veterans and 57,129 home loans for active duty servicemembers. Since the program's inception in 1944, the VA has guaranteed more than 17.5 million home loans, thus providing homeownership opportunities to millions of veterans and their families.

This is a good bill; and I thank my colleagues, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and the gentlewoman from California (Mrs. DAVIS), for their bipartisan cooperation.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4345. I would just like to begin by saying that managing this legislation for our side is particularly meaningful for me today because I have fought to improve the VA's home loan program since I was first elected to Congress over 3 years ago.

I also wanted to thank the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Ranking Member EVANS) for bringing this legislation before the Committee on Veterans' Affairs and for sending it to the House floor.

I certainly want to thank my colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), with whom I have been honored to serve on the Committee on Veterans' Affairs, for working with me over recent months to perfect legislation that brings significant improvements to the home loan program administered by the Department of Veterans Affairs.

Mr. Speaker, I have heard from many veterans in San Diego about the need to increase the loan amount under the VA's home loan program. Simply put, veterans living in high-cost areas cannot use the VA loan because the current limit of \$240,000 is not nearly enough to purchase a home in regions such as San Diego where the median price for a home has now reached \$500,000. Far too many of our veterans cannot take advantage of the benefits that come with a VA loan because of this low limit.

I also fear that many veterans in my community will never have the opportunity to buy a home without a subsidized VA loan. My staff heard from one disabled veteran shortly after I was elected who tried to purchase a home in San Diego; and unfortunately, with the low limit in the VA program, he was not able to find anything affordable and still lives in an apartment today.

It is my goal to let veterans know that homeownership is a real possibility for them.

The bill before Congress today, H.R. 4345, introduced by me and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), would not only increase the home loan limit to \$333,700, but it

would index the amount to the Freddie Mac criteria to guarantee automatic increases annually.

America's veterans deserve to be on an equal footing with the general public in today's competitive real estate markets. The bill before the House accomplishes exactly that. I urge my colleagues to support this important legislation.

Though passage of H.R. 4345 will be a victory for our veterans, I intend to keep working hard on this issue to ensure that they can continue to achieve homeownership and that the home loan program is effective.

Just last week, I introduced H.R. 4616 to extend a VA home loan pilot program set to expire in September of 2005, which would offer adjustable rate mortgages to veterans. Like the general public, our veterans should have the ability to choose the type of mortgage that will best suit their needs.

After fighting for the United States, our veterans deserve the opportunity to live in their own home. I am hopeful that my colleagues will continue to support improvements to our veterans home loan program.

Again, I am truly honored that the House is considering this legislation so that we may assure meaningful home loan benefits to America's veterans.

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

Mr. BROWN of South Carolina. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I am very pleased to speak on behalf of this legislation, which was introduced to improve the VA home loan program. The Veterans Housing Affordability Act, H.R. 4345, is a good government solution which will assist veterans across the Nation at no cost to the taxpayers.

Homeownership is one of the main building blocks of strong communities and also a strong economy. A home is the largest financial investment most American families will ever make, and it allows them to build financial security as the equity in their home increases. Moreover, this tangible asset provides a family with borrowing power to finance important needs such as the education of their children. It is also a nest egg with very reliable and significant returns on investment regardless of race, color, or creed.

The VA has been providing home loan guarantees to men and women who serve our country since 1944. Under this program, the veteran purchases a home through a private lender and the VA guarantees to pay the lender a portion of the loss if the veteran defaults on the loan. Because of this benefit, millions of veterans have been able to realize the American dream of owning their own home.

Since its inception in 1944, the VA has guaranteed \$748 billion in loans for 16.9 million homeowners. In 2002, the VA guaranteed more than \$40.1 billion