

of pictures, personal interests and even addresses, which they can be used, or they can use to cause harm.

Well, this dangerous trend has become a feeding ground for pedophiles and convicted sex offenders. Parents, law enforcement and legislators must work together to bring social networking Web sites into the fight to protect America's children. And I've joined with one of my cochairs of the Missing and Exploited Children's Caucus, I just mentioned Mr. CHABOT, in introducing the Securing Adolescents From Exploitation-Online, the SAFE Act.

The SAFE Act provides increased resources for law enforcement to capture and prosecute and incarcerate these criminals. By expanding the system for service providers to report child pornography found on the systems, we improve child safety and prevent future atrocities.

Currently, Internet service providers are mandated to report child pornography to the National Center for Missing and Exploited Children. Under the SAFE Act, all electronic service communications providers and remote computing service providers will have to report child pornography. For knowingly and willingly not filing a report after being made aware of a child pornography image, these providers will be subject to increased fines of \$150,000 per image per day for the first offense and up to \$300,000 per image per day for any image found thereafter.

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This bill will also increase the efficiency of the CyberTipline, making it a better investigative tool for law enforcement by mandating that all information submitted by providers is consistent. The process outlined in this bill keeps law enforcement officials in the loop by making information more readily accessible and requires providers to retain key data that law enforcement agencies can use to investigate and prosecute child predators.

Over 10 years ago, I created the bipartisan Congressional Caucus on Missing and Exploited Children after a young girl in my district was kidnapped and murdered. And since then, I have continued to work extensively with organizations such as the National Center for Missing and Exploited Children on educating Members of Congress and others on legislation such as the SAFE Act that strengthen the National Center's ability to keep children safer online and on our streets.

Many of us have watched Dateline's popular series "To Catch a Predator," and organizations such as Perverted Justice that actively look for Internet child predators. We need to become partners in this fight by talking with our children about the dangers of strangers online and making Internet use a family activity.

While parents should teach their children that the Internet may offer many different types of resources, from

entertainment to educational, it also poses many risks. Parents are the first line of defense against online predators, and the SAFE Act will reinforce their efforts.

Internet companies will need to do their part as well. When we begin to hold Web sites accountable for the images that they host, we've taken the first step toward supporting parents in their efforts to protect children. Our combined efforts will help make the Internet a safer place.

I again want to thank and recognize some of the people who have worked so hard to make this legislation what it has become, those staffers who have worked diligently in bringing this legislation to fruition: Committee on Judiciary staffers Ted Kalo and Mark Dubester; Congressman STEVE CHABOT's staffer Kim Betz; and my staffers, Dan Easley and Abby Shannon, and a very special thank you to my distinguished Republican colleague, STEVE CHABOT, who has worked tirelessly on the issue of child safety, working with me as one of the cochairs of the Congressional Caucus on Missing and Exploited Children. I have great respect for the work that he has done here in Congress as well as for the work that he has done in his congressional district, and for championing this legislation on his side of the aisle and for helping to ensure that not only are Ohio's children protected but all of America's children are as well.

Once again, I would like to thank John and Reve Walsh for all the time that they have spent in helping us make this legislation successful, and Ernie Allen, who has spent, along with the Walshes, a good part of this day making sure that others of our colleagues were aware of it, and to be willing to support it. I thank them for their magnificent contribution that they've made to protecting children across this world, not just in the United States of America. It's because of their persistent dedication to this cause that so many of our children sleep more safely at night.

Again, I ask my colleagues to support H.R. 3791.

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

Mr. Speaker, I rise today to join those voices in support of H.R. 3791, the Securing Adolescents from Exploitation-Online Act of 2007, otherwise known as the SAFE Act.

Child pornography is a profitable, global criminal enterprise and is growing rapidly in technical sophistication in response to efforts to detect and disrupt these criminal operations. It is despicable in its scope and in its vicious victimization of children.

The Federal Bureau of Investigation estimates that 50,000 child predators are online at any time searching for potential victims. The Internet is a virtual playground for sexual predators, who satiate their desire for child pornography with relative anonymity.

H.R. 3791, the SAFE Act, would, first of all, strengthen the requirements ap-

plicable to Internet service providers to report violations of child pornography laws, and second, provide limited liability to ISPs, telecommunications carriers, and the National Center for Missing and Exploited Children in connection with the reporting to law enforcement agencies of child pornography violations.

This legislation is a good first step in addressing the problem of child pornography. However, there is much more that needs to be done. In February 2007, Judiciary Committee Ranking Member SMITH and I introduced H.R. 837, the Internet SAFETY Act of 2007, a comprehensive proposal to provide law enforcement with the tools and resources needed to deal with the problem of child pornography. Unfortunately, the majority has chosen not to consider this vital proposal. I am hopeful that the majority will bring H.R. 837 up for consideration by the Judiciary Committee and then to the House floor.

Our children deserve as much protection as we can provide. They are vulnerable victims of the child pornography industry. We need to do more. A first step is good, but we cannot stop here. We must keep moving forward to keep our children safe.

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

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

The SPEAKER pro tempore (Mr. ROSS). 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. 3791, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MANAGING ARSON THROUGH CRIMINAL HISTORY (MATCH) ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1759) to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1759

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 "Managing Arson Through Criminal History (MATCH) Act of 2007".

SEC. 2. ARSONIST REGISTRATION AND NOTIFICATION PROGRAM.

(a) **REGISTRY REQUIREMENTS FOR JURISDICTIONS.**—

(1) **JURISDICTION TO MAINTAIN A REGISTRY.**—Each jurisdiction shall establish and maintain a jurisdiction-wide arsonist registry conforming to the requirements of this section.

(2) **GUIDELINES AND REGULATIONS.**—The Attorney General shall issue guidelines and regulations to interpret and implement this section.

(b) **REGISTRY REQUIREMENTS FOR CRIMINAL ARSONISTS.**—

(1) **IN GENERAL.**—A criminal arsonist shall register, and shall keep the registration current, in each jurisdiction where the arsonist resides, where the arsonist is an employee, and where the arsonist is a student. For initial registration purposes only, a criminal arsonist shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(2) **INITIAL REGISTRATION.**—The criminal arsonist shall initially register—

(A) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(B) not later than 5 business days after being sentenced for that offense, if the criminal arsonist is not sentenced to a term of imprisonment.

(3) **KEEPING THE REGISTRATION CURRENT.**—A criminal arsonist shall, not later than 10 business days after each change of name, residence, employment, or student status, appear in person in at least one jurisdiction involved pursuant to paragraph (1) and inform that jurisdiction of all changes in the information required for that arsonist in the arsonist registry involved. That jurisdiction shall immediately provide the revised information to all other jurisdictions in which the arsonist is required to register.

(4) **APPLICATION OF REGISTRATION REQUIREMENTS.**—

(A) **IN GENERAL.**—Except as provided in guidelines under subparagraph (B), the requirements of this section, including the duties to register and to keep a registration current, shall apply only to a criminal arsonist who was convicted of a criminal offense involving arson on or after the date of the enactment of this Act, and who was notified of such duties and registered in accordance with subsection (f).

(B) **APPLICATION TO CRIMINAL ARSONISTS UNABLE TO COMPLY WITH PARAGRAPH (2).**—

(i) **GUIDELINES.**—The Attorney General shall establish guidelines in accordance with the provisions of this subparagraph for each jurisdiction for the application of the requirements of this section to criminal arsonists convicted before the date of the enactment of this Act or the date of its implementation in such a jurisdiction, and shall prescribe rules for the registration of any such criminal arsonists who are otherwise unable to comply with paragraph (2).

(ii) **INFORMATION REQUIRED TO BE INCLUDED IN REGISTRY.**—With respect to each criminal arsonist described in clause (i) convicted during the 10-year period preceding the date of the enactment of this Act, the guidelines under clause (i) shall provide for the inclusion in the arsonist registry of each applicable jurisdiction (and, in accordance with subsection (j), the provision by such jurisdiction to each entity described in such subsection) of the following information:

(I) The name of the arsonist (including any alias used by the arsonist).

(II) The Social Security number of the arsonist.

(III) The most recent known address of the residence at which the arsonist has resided.

(IV) A physical description of the arsonist.

(V) The text of the provision of law defining the criminal offense related to arson for which the arsonist is convicted.

(VI) A set of fingerprints and palm prints of the arsonist.

(VII) A photocopy of a valid driver's license or identification card issued to the arsonist by a jurisdiction, if available.

(VIII) Any other information required by the Attorney General.

(iii) **NOTICE REQUIRED.**—The guidelines under clause (i) shall provide notice to each criminal arsonist included in an arsonist registry pursuant to this subparagraph of such inclusion.

(5) **STATE PENALTY FOR FAILURE TO COMPLY.**—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a criminal arsonist to comply with the requirements of this section.

(6) **AUTHORITY TO EXEMPT CERTAIN CRIMINAL ARSONISTS FROM REGISTRY REQUIREMENTS.**—A jurisdiction shall have the authority to exempt a criminal arsonist who has been convicted of the offense of arson in violation of the laws of the jurisdiction in which the offense was committed or the United States for the first time from the registration requirements under this section in exchange for such arsonist's substantial assistance in the investigation or prosecution of another person who has committed an offense. The Attorney General shall assure that any regulations promulgated under this section include guidelines that reflect the general appropriateness of exempting such an arsonist from the registration requirements under this section.

(c) **INFORMATION REQUIRED IN REGISTRATION.**—

(1) **PROVIDED BY THE ARSONIST.**—A criminal arsonist shall provide the following information to the appropriate official for inclusion in the arsonist registry of a jurisdiction in which such arsonist is required to register:

(A) The name of the arsonist (including any alias used by the arsonist).

(B) The Social Security number of the arsonist.

(C) The address of each residence at which the arsonist resides or will reside.

(D) The name and address of any place where the arsonist is an employee or will be an employee.

(E) The name and address of any place where the arsonist is a student or will be a student.

(F) The license plate number and a description of any vehicle owned or operated by the arsonist.

(G) Any other information required by the Attorney General.

(2) **PROVIDED BY THE JURISDICTION.**—The jurisdiction in which a criminal arsonist registers shall ensure that the following information is included in the registry for such arsonist:

(A) A physical description of the arsonist.

(B) The text of the provision of law defining the criminal offense for which the arsonist is registered.

(C) The criminal history of the arsonist, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the arsonist.

(D) A current photograph of the arsonist.

(E) A set of fingerprints and palm prints of the arsonist.

(F) A photocopy of a valid driver's license or identification card issued to the arsonist by a jurisdiction.

(G) Any other information required by the Attorney General.

(d) **DURATION OF REGISTRATION REQUIREMENT; EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINAL ARSONISTS.**—

(1) **DURATION OF REGISTRATION REQUIREMENT.**—A criminal arsonist shall keep the registration information provided under subsection (c) current for the full registration period (excluding any time the arsonist is in custody). For purposes of this subsection, the full registration period—

(A) shall commence on the later of the date on which the arsonist is convicted of an offense of arson in violation of the laws of the jurisdiction in which the offense was committed or the United States, the date on which the arsonist is released from prison for such conviction, or the date on which such arsonist is placed on parole, supervised release, or probation for such conviction; and

(B) shall be—

(i) five years for an arsonist who has been convicted of such an offense for the first time;

(ii) ten years for an arsonist who has been convicted of such an offense for the second time; and

(iii) for the life of the arsonist for an arsonist who has been convicted of such an offense more than twice.

(2) **EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINAL ARSONISTS.**—

(A) **IN GENERAL.**—In the case of a criminal arsonist described in subparagraph (B), a jurisdiction shall expunge the arson registry of such jurisdiction of information related to such criminal arsonist as of the date that is 5 years after the last day of the applicable full registration period under paragraph (1).

(B) **CRIMINAL ARSONIST DESCRIBED.**—For purposes of subparagraph (A), a criminal arsonist described in this subparagraph is a criminal arsonist who—

(i) was a juvenile tried as an adult for the offense giving rise to the duty to register; and

(ii) was not convicted of any other criminal felony during the period beginning on the first day of the applicable full registration period under paragraph (1) and ending on the last day of the 5-year period described in subparagraph (A).

(C) **APPLICATION TO OTHER DATABASES.**—The Attorney General shall establish a process to ensure that each entity that receives information under subsection (j) with respect to a criminal arsonist described in subparagraph (B) shall expunge the applicable database of such information as of the date that is 5 years after the last day of the applicable full registration period under paragraph (1).

(e) **ANNUAL VERIFICATION.**—Not less than once in each calendar year during the full registration period, a criminal arsonist required to register under this section shall—

(1) appear in person at not less than one jurisdiction in which such arsonist is required to register;

(2) allow such jurisdiction to take a current photograph of the arsonist; and

(3) while present at such jurisdiction, verify the information in each registry in which that arsonist is required to be registered.

(f) **DUTY TO NOTIFY CRIMINAL ARSONISTS OF REGISTRATION REQUIREMENTS AND TO REGISTER.**—

(1) **IN GENERAL.**—An appropriate official shall, shortly before release of a criminal arsonist from custody, or, if the arsonist is not in custody, immediately after the sentencing of the arsonist for the offense giving rise to the duty to register—

(A) inform the arsonist of the duties of the arsonist under this section and explain those

duties in a manner that the arsonist can understand in light of the arsonist's native language, mental capability, and age;

(B) ensure that the arsonist understands the registration requirement, and if so, require the arsonist to read and sign a form stating that the duty to register has been explained and that the arsonist understands the registration requirement;

(C) if the arsonist is unable to understand the registration requirements, the official shall sign a form stating that the arsonist is unable to understand the registration requirements; and

(D) ensure that the arsonist is registered.

(2) NOTIFICATION OF CRIMINAL ARSONISTS WHO CANNOT COMPLY WITH PARAGRAPH (1).—The Attorney General shall prescribe rules to ensure the notification and registration of criminal arsonists in accordance with paragraph (1) who cannot be notified and registered at the time set forth in paragraph (1).

(g) ACCESS TO CRIMINAL ARSONIST INFORMATION THROUGH THE INTERNET.—

(1) IN GENERAL.—Except as provided in this subsection, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to law enforcement personnel and fire safety officers located in the jurisdiction, all information about each criminal arsonist in the registry. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the National criminal arsonist Internet site established under subsection (i) and shall participate in that Internet site as provided by the Attorney General in regulations which comply with this paragraph.

(2) PROHIBITION ON ACCESS BY THE PUBLIC.—Information about a criminal arsonist shall not be made available under paragraph (1) on the Internet to the public.

(3) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure on the Internet site of the jurisdiction described in paragraph (1), with respect to information about a criminal arsonist—

(A) any information about the arsonist involving conviction for an offense other than the offense or offenses for which the arsonist is registered;

(B) any information about the arsonist if the arsonist is participating in a witness protection program and the release of such information could jeopardize the safety of the arsonist or any other individual; and

(C) any other information identified as a mandatory exemption from disclosure by the Attorney General.

(4) OPTIONAL EXEMPTIONS.—A jurisdiction is authorized to exempt from disclosure on the Internet site of the jurisdiction described in paragraph (1), with respect to information about a criminal arsonist—

(A) the name of an employer of the arsonist; and

(B) the name of an educational institution where the arsonist is a student.

(5) CORRECTION OF ERRORS.—The Attorney General shall establish guidelines for each jurisdiction for a process to seek correction of information included in the Internet site established by the jurisdiction pursuant to paragraph (1) in the case that an individual contends such information is erroneous. Such guidelines shall provide for an adequate period following the date on which the individual has knowledge of the information's inclusion in the Internet site for the individual to seek such correction of information.

(6) WARNING.—An Internet site established by a jurisdiction pursuant to paragraph (1) shall include a warning that information on the site is to be used for law enforcement purposes only and may only be disclosed in connection with such purposes. The warning

shall note that any action in violation of the previous sentence may result in a civil or criminal penalty.

(h) NATIONAL CRIMINAL ARSONIST REGISTRY.—

(1) IN GENERAL.—The Attorney General shall maintain a national database at the Bureau of Alcohol, Tobacco, Firearms and Explosives for each criminal arsonist. The database shall be known as the National Arsonist Registry.

(2) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Arsonist Registry or otherwise) that updated information about a criminal arsonist is immediately transmitted by electronic forwarding to all relevant jurisdictions.

(i) NATIONAL ARSONIST INTERNET SITE.—

(1) IN GENERAL.—The Attorney General shall establish and maintain a national arsonist Internet site. The Internet site shall include relevant information for each criminal arsonist. The Internet site shall allow law enforcement officers and fire safety officers to obtain relevant information for each such arsonist by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

(2) PROHIBITION ON ACCESS BY THE PUBLIC.—Information about a criminal arsonist shall not be made available under paragraph (1) on the Internet to the public.

(j) NOTIFICATION PROCEDURES.—Under an arsonist registration program established by a jurisdiction pursuant to subsection (a), immediately after a criminal arsonist registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by this section or by the Attorney General) about that offender to the following entities:

(1) The Attorney General, who shall include that information in the National Arsonist Registry.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate) in each area in which the offender resides, is an employee, or is a student.

(3) Each jurisdiction where the offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

(k) ACTIONS TO BE TAKEN WHEN CRIMINAL ARSONIST FAILS TO COMPLY.—Under an arsonist registration program established by a jurisdiction pursuant to subsection (a), an appropriate official of the jurisdiction shall notify the Attorney General and appropriate law enforcement agencies of any failure by a criminal arsonist to comply with the requirements of the arsonist registry for such jurisdiction, and shall revise the registry to reflect the nature of such failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

(l) DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.—

(1) DUTY TO DEVELOP AND SUPPORT.—The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform arsonist registries and Internet sites.

(2) CRITERIA.—The software described in paragraph (1) should facilitate—

(A) immediate exchange of information among jurisdictions;

(B) access over the Internet to appropriate information, including the number of reg-

istered criminal arsonists in each jurisdiction on a current basis;

(C) full compliance with the requirements of this section; and

(D) communication of information as required under subsection (j).

(3) DEADLINE.—The Attorney General shall make the first complete edition of this software available to jurisdictions not later than two years after the date of the enactment of this Act.

(m) PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.—

(1) DEADLINE.—To be in compliance with this section, a jurisdiction shall implement this section before the later of—

(A) three years after the date of the enactment of this Act; or

(B) one year after the date on which the software described in subsection (1) is made available to such jurisdiction.

(2) EXTENSIONS.—The Attorney General may authorize not more than two one-year extensions of the deadline under paragraph (1).

(n) FAILURE OF JURISDICTION TO COMPLY.—

(1) IN GENERAL.—For any fiscal year after the deadline described in subsection (m), a jurisdiction that fails, as determined by the Attorney General, to substantially implement this section shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(2) STATE CONSTITUTIONALITY.—

(A) IN GENERAL.—When evaluating whether a jurisdiction has substantially implemented this section, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this section because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction's highest court.

(B) EFFORTS.—If the circumstances arise under subparagraph (A), then the Attorney General and the jurisdiction involved shall make good faith efforts to accomplish substantial implementation of this section and to reconcile any conflicts between this section and the jurisdiction's constitution. In considering whether compliance with the requirements of this section would likely violate the jurisdiction's constitution or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(C) ALTERNATIVE PROCEDURES.—If a jurisdiction is unable to substantially implement this section because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this section if the jurisdiction has made, or is in the process of implementing, reasonable alternative procedures or accommodations, which are consistent with the purposes of this section.

(3) REALLOCATION.—Amounts not allocated under a program referred to in this subsection to a jurisdiction for failure to substantially implement this section shall be reallocated under that program to jurisdictions that have not failed to substantially implement this section or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this section.

(4) RULE OF CONSTRUCTION.—The provisions of this section that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required

to avoid the reduction of Federal funding under this subsection.

(5) **EXCEPTION FOR FAILURES TO RECEIVE CRIMINAL ARSONIST MANAGEMENT ASSISTANCE PROGRAM GRANTS.**—For any fiscal year for which a jurisdiction submits an application to the Attorney General under subsection (b) of section 3 for a grant under subsection (a) of such section and is not awarded any grant funding under such subsection such jurisdiction shall not be subject to paragraph (1).

(o) **ELECTION BY INDIAN TRIBES.**—

(1) **ELECTION.**—

(A) **IN GENERAL.**—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body, elect to carry out this subtitle as a jurisdiction subject to its provisions.

(B) **IMPLEMENTATION.**—If a tribe does not, within one year of the enactment of this Act, make an election to take on these duties, it shall, by resolution or other enactment of the tribal council or comparable governmental body, enter into a cooperative agreement to arrange for a jurisdiction to carry out any function of the tribe under this Act until such time as the tribe elects to carry out this Act.

(2) **COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.**—

(A) **NONDUPLICATION.**—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(B) **COOPERATIVE AGREEMENTS.**—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(i) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to arsonists subject to the tribe's jurisdiction; and

(ii) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to arsonists subject to the tribe's jurisdiction.

(3) **LAW ENFORCEMENT AUTHORITY IN INDIAN COUNTRY.**—Enforcement of this Act in Indian country, as defined in section 1151 of title 18, United States Code, shall be carried out by Federal, Tribal, and State governments under existing jurisdictional authorities.

(p) **IMMUNITY FOR GOOD FAITH CONDUCT.**—The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this section.

(q) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the Attorney General, to carry out subsections (h) and (i) of this section, such sums as may be necessary for each of the fiscal years 2009 through 2014.

SEC. 3. CRIMINAL ARSONIST MANAGEMENT ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—The Attorney General shall establish and implement a Criminal Arsonist Management Assistance program (in this section referred to as the "Assistance Program"), under which the Attorney General shall award grants to jurisdictions to offset the costs of implementing section 2.

(b) **APPLICATION.**—The chief executive of a jurisdiction desiring a grant under this section, with respect to a fiscal year, shall for each such fiscal year submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) **INCREASED GRANT PAYMENTS FOR PROMPT COMPLIANCE.**—A jurisdiction that, as determined by the Attorney General, has substantially implemented section 2 not later than two years after the date of the en-

actment of this Act is eligible for a bonus payment in addition to the amount of grant funds available to such jurisdiction under subsection (a). The Attorney General may, with respect to a jurisdiction, make such a bonus payment to the jurisdiction for the first fiscal year beginning after the date such determination is made. The amount of the bonus payment shall be as follows:

(1) In the case of a determination that the jurisdiction has substantially implemented such section by a date that is not later than the date that is one year after the date of the enactment of this Act, 10 percent of the total grant funds available to the jurisdiction under subsection (a) for such fiscal year.

(2) In the case of a determination that the jurisdiction has substantially implemented such section by a date that is later than one year after the date of the enactment of this Act, but not later than the date that is two years after such date of enactment, 5 percent of such total.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the Attorney General, to be available to carry out this section, such sums as may be necessary for each of the fiscal years 2009 through 2014.

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) **CRIMINAL ARSONIST.**—The term "criminal arsonist" means an individual who is convicted of any criminal offense for committing arson in violation of the laws of the jurisdiction in which such offense was committed or the United States. Such term shall not include a juvenile who is convicted of such an offense unless such juvenile was tried as an adult for such offense.

(2) **ARSONIST REGISTRY.**—The term "arsonist registry" means a registry of criminal arsonists, and a notification program, maintained by a jurisdiction.

(3) **CRIMINAL OFFENSE.**—The term "criminal offense" means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note)) or other criminal offense.

(4) **EMPLOYEE.**—The term "employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.

(5) **FIRE SAFETY OFFICER.**—The term "fire safety officer" means—

(A) a firefighter, as such term is defined in section 1204 of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796b); or

(B) an individual serving in an official capacity as a firefighter, fire investigator, or other arson investigator, as defined by the jurisdiction for the purposes of this Act.

(6) **JURISDICTION.**—The term "jurisdiction" means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 2(o), a Federally recognized Indian tribe.

(7) **LAW ENFORCEMENT OFFICER.**—The term "law enforcement officer" has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796b).

(8) **RESIDES.**—The term "resides" means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives.

(9) **STUDENT.**—The term "student" means an individual who enrolls in or attends an

educational institution (whether public or private), including a secondary school, trade or professional school, and institution of higher education.

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 and Members of the House, according to the United States Fire Administration, arson is the leading cause of fire in the United States and annually results in over 2,000 injuries, more than 400 deaths, and \$1.5 billion in property damage. Even more problematic is the fact that arson is one of the most difficult crimes to prosecute. Only 16 percent of intentionally set fires result in arrests, and only 2 percent result in conviction.

Although arson causes significant losses in lives and property each year, there is no national registry requiring convicted arsonists to notify law enforcement of their residence, place of employment, or other information that would aid law enforcement in identifying offenders with a demonstrated disposition for committing arson offenses, and that's precisely what H.R. 1759 does. We respond to several aspects of the serious concerns presented by arson.

To aid law enforcement in identifying criminal activity related to arson, we established the National Arson Registry, a comprehensive nationwide network of registry databases developed by the Attorney General that tracks convicted arsonists.

The bill also requires jurisdictions to create arson registries and mandates that convicted arsonists register in each jurisdiction in which he or she resides, is an employee, or is a student at an educational institution.

And finally, the bill requires the Bureau of Alcohol, Tobacco, Firearms, and Explosives to coordinate the various databases through the National Arson Registry and make the information available to law enforcement agencies. Armed with this information, law enforcement authorities will be able to solve many more arson crimes than they are able to now. Knowing that they're registered with and known to local authorities may deter convicted arsonists from committing new arson.

This bill rightly enjoys broad bipartisan support. I commend my colleagues in the Judiciary Committee,

LAMAR SMITH and the floor manager of the bill, and urge that we support legislation whose time has come.

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

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

Mr. Speaker, I rise in support of H.R. 1759, the Managing Arson Through Criminal History (MATCH) Act of 2007.

I want to first commend my colleagues from California, Congresswoman BONO and Congressman SCHIFF, for their hard work on this legislation.

My colleagues from California know all too well the devastation that arson causes. The wildfires that burned across much of southern California in October killed 14 people and injured as many as 70 others. The fires touched over a half million acres from Los Angeles to the Mexican border and displaced 513,000 people from their homes. Costs in San Diego County alone were projected to exceed \$1 billion.

Sadly, just 2 weeks ago, another fire in Malibu, California destroyed 35 homes and forced the evacuation of hundreds of residents. Two of the October fires, the Santiago fire in Orange County and the Buckweed fire in Los Angeles, we now know were set deliberately.

Many arsonists begin by starting small fires and then escalate to larger and larger fires to increase their sense of excitement. Unfortunately, only 17.1 percent of arson offenses result in convictions nationwide because the evidence needed to convict these arsonists is often destroyed in the fire.

As arsonists become more sophisticated in their technique, identifying them and prosecuting them becomes more challenging. Each year, an estimated 267,000 fires are caused by arson. In recent years, arson has been used to burn churches and protest urban sprawl. But the ongoing threat remains those who set fires to get a rush and feed a compulsion.

We may never be able to fully prevent wildfires, but we can implement tools to help prevent arsonists, particularly serial arsonists, from eluding law enforcement and escaping punishment.

The MATCH Act creates a national arson registry and requires criminal arsonists to report where they live, work, and go to school. In addition, the bill requires the national database to include finger and palm prints and an up-to-date photograph. The MATCH Act will assist law enforcement officials with identifying and apprehending arsonists, particularly serial arsonists and eco-terrorists.

I want to once again thank Congresswoman BONO and Congressman SCHIFF for working with the committee staff to make a number of important bipartisan changes to the original bill.

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

Mr. CONYERS. Mr. Speaker, I am pleased to recognize a distinguished member of the Judiciary Committee

from California, Mr. ADAM SCHIFF, and would grant him as much time as he may consume.

Mr. SCHIFF. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 1759, the Managing Arson Through Criminal History Act, or the MATCH Act. This is legislation that my colleague, Congresswoman MARY BONO, and I introduced earlier this year to create a national registry of arsonists that would give law enforcement officers an important tool to track arsonists and share information across jurisdictions.

I want to thank Mrs. BONO for her leadership on this issue. I also want to thank the chairman of our committee for moving this bill through the committee and the majority leader for bringing it before us today.

In October of this year, the Nation saw the destruction caused by fires in southern California. Over 1,500 homes were destroyed, half a million acres of land burned, seven people died, and more than 85 were injured, including 61 firefighters. These brave heroes put their lives on the line every day to protect people, homes and wildlife.

□ 1430

The MATCH Act would create a national registry and require convicted arsonists to report where they live, work, and go to school. And the database would include photographs, fingerprints, vehicle information and other information on the arsonist. The length of time that an arsonist would be required to register is based on how many acts of arson they have committed: 5 years for one offense, 10 years for two, and lifetime for a serial arsonist who has committed three or more offenses. The information would only be made available to law enforcement agencies, not the general public. Most important, when a convicted arsonist updates his or her information with a change of residence, notification would be sent to the appropriate law enforcement agencies.

When arson has occurred, it's critical to find and find quickly the individual involved to prevent future acts of arson and to prosecute the one responsible. Frequently arsonists use the same trademark tools, such as a unique incendiary device, a manner of starting a fire, or similar targets, such as houses of worship or even auto dealerships. In a case where the arsonist may have come from one place or a State to commit the act of arson, the information in the database will give law enforcement an important tool to identify convicted arsonists that may be connected to the very similar act of arson. Most importantly, the registration can also prevent future acts of arson by requiring convicted arsonists to update their information when they move or change jobs or schools. In addition to putting law enforcement on notice, this also lets the convicted arsonists know they can't hide from law enforce-

ment for the purpose of committing another act of arson.

When I was a prosecutor in the U.S. Attorney's office in Los Angeles, I worked on an arson investigation that really brings to mind for me the merit of this bill. That case demonstrates how an arsonist registry would be of great benefit. This was a situation where someone was setting a string of fires in the San Bernardino forest. The individual used a unique incendiary device that he could throw in the brush and drive far away before the brush would be ignited. They couldn't catch the culprit in the act and eventually succeeded in tracking him down through the use of video surveillance and a complex investigation. The suspect was arrested and interviewed and admitted to setting fires in the taped interview. However, the tape recording malfunctioned and the confession was lost along with most of the case. As we pursued the investigation, we found a probation officer of the suspect from many years earlier who found his records in his basement storage. The file on the suspect detailed that many years earlier he had set fires using the same incendiary device. When confronted with the evidence, the suspect pled guilty. If we had a national arsonist registry at the time, we would have known of convicted arsonists who lived in the region. We would have known their modus operandi. We may have been able to stop him before he committed several later fires. Keeping your records in the basement is not a successful law enforcement strategy; the national arsonist registry created through the MATCH Act is.

Again, I want to compliment my colleague MARY BONO. Thank you very much for your leadership on this. It's very important to all Californians.

And, Mr. Chairman, we are very grateful for your moving this bill through committee so quickly in such a bipartisan spirit.

Mr. FORBES. Mr. Speaker, it is now my privilege to yield such time as she may consume to the gentlewoman from California, Congresswoman BONO, who has worked so hard on this matter and seen firsthand the effects arsonists can have.

Mrs. BONO. Mr. Speaker, I am pleased to rise in support of the Managing Arson Through Criminal History, or MATCH Act, H.R. 1759.

As a Member from California, I was heartened by the support that our delegation received from this House during the tragic fires that recently swept through our State. As many of you know, some of those fires are being investigated as arson. But it was not these very recent events that inspired the legislation that we are considering today.

Just a little over a year ago, my community was devastated by what was known as the Esperanza fire. This fire not only wreaked havoc on the surrounding land and homes, but ultimately cost the lives of five very brave

United States Forest Service firefighters. The fire that cost those men their lives was a result of a despicable act of arson.

Subsequent conversations with firefighters and chiefs in my district led to the creation of this bill. They told me how a central database would provide them with invaluable information in tracking arsonists and, more especially, serial arsonists. Clearly, more help is needed in the tracking of this dangerous crime. Although arson fires account for the majority of the fires in the United States, the arrest and conviction rate is less than 20 percent.

I can share statistic after statistic about the damage caused by arson, the millions of dollars lost and grand totals of people, but what those numbers fail to convey are the stories of individuals; the hundreds of families in Southern California who will have nowhere to celebrate the holidays this year or the veteran who lost his war medals and mementos before he could share them with his grandchildren, the baby pictures, the refrigerator art, the family rocking chair, the things that no insurance policy could possibly replace and that no one else will ever truly understand.

It is our duty as Members of Congress to provide what tools and infrastructure we can to aid in both the prevention of this crime and speedy apprehension of those who choose to commit it.

The MATCH Act combines the efforts of the Federal, State, and local governments to combat the crime of arson by creating a national arson registry. The registry requires criminal arsonists to report where they live, work and go to school. In addition to that information, the database will include finger and palm prints of the arsonist and an up-to-date photograph. This legislation will provide an important tool to law enforcement officers by enabling them to effectively track arsonists regardless of where they live and to share that information across jurisdictions.

I, like all of my colleagues in this House, am anxious to provide what tools and support we can to combat the despicable crime of arson. It is my sincere belief that the MATCH Act will make a meaningful difference in the way we approach and deal with arson offenders.

I would like to especially thank Chairman SCOTT and Ranking Member FORBES of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. They worked with me and my colleague Adam Schiff to ensure that the legislation was expeditiously moved through the legislative process and that concerns were addressed. I would also like to thank Chairman CONYERS and Ranking Member SMITH, along with their terrific staff and Taryn Nader on my staff for their efforts and hard work in bringing this bill before us today. Finally, I would like to thank my good friend and colleague ADAM SCHIFF for his partnership on this important issue.

Mr. CONYERS. Mr. Speaker, it is my pleasure now to yield such time as he may consume to the chairman of the Crime Committee on the Judiciary, my good friend BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, arson is indeed a very serious problem, costing over \$1 billion in property damage annually and endangering the lives of citizens and especially our firefighters. Arson has also one of the lowest arrest and conviction rates, and law enforcement needs new tools to enhance their capabilities to solve arson crimes.

Unfortunately, the evidence presented in committee was that the State of California already has a registry similar to the one contemplated in the bill and no arsons have been solved by that database.

Furthermore, Mr. Speaker, I would need to point out another concern I have with H.R. 1759 in its current form. That concern relates to the treatment of juveniles under the proposed bill. Juveniles who are charged and convicted as adults for arson offenses would be required to register in the newly created arson offender registry. As research clearly indicates, of all offenders, juveniles are the least culpable due to immature brain development, and they have the greatest capacity for rehabilitation. Branding them as an offender in a State or national register is not only improper, it's counterproductive.

Requiring young offenders to register in a State or national offender database counters the concept of ensuring the proper development of juveniles because it is inconsistent with rehabilitative efforts. Although H.R. 1759 properly ensures that only law enforcement will have access to information on the registries, law enforcement officers will undoubtedly use the information to label and target youth for further arrests. Once law enforcement has certain youngsters on their radar, those youngsters would be targets and more likely to be arrested and prosecuted for even minor nonviolent conduct because law enforcement officials have their names on a list.

In summary, I agree that law enforcement needs effective tools to combat the devastation of arson causes, and I want to thank the gentlewoman from California for her hard work in developing the bill and making many improvements in the bill from its original form. However, I still have concerns about the cost effectiveness of the proposal in the bill as well as concerns, the impact the legislation will have on juvenile offenders.

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

Mr. CONYERS. Mr. Speaker, I would close by holding out my hand of co-operation to my chairman of the Crime Subcommittee because I know he has been working carefully with the leaders of this bill and we have accepted some of his recommendations, and it

will be my pleasure to make sure that we consider the points that he has made here this afternoon.

So with that I am very pleased to urge the support of this measure that's before us. I think it is important and timely and will be very constructive.

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. 1759, 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.

CONDEMNATION OF NOOSE INTIMIDATION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 826) expressing the sense of the House of Representatives that the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be a criminal act that should be thoroughly investigated by Federal law enforcement authorities and that any criminal violations should be vigorously prosecuted.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 826

Whereas in the past two months, nooses have been found in a North Carolina high school, a Home Depot in New Jersey, a Louisiana school playground, the campus of the University of Maryland, a Columbia University professor's office door and a factory in Houston, Texas;

Whereas the Southern Poverty Law Center has recorded between 40 and 50 suspected hate crimes involving nooses since September;

Whereas since 2001, the Equal Employment Opportunity Commission has filed more than 30 lawsuits that involve the displaying of nooses in places of employment;

Whereas nooses are reviled by many Americans as racist symbols of lynchings that were once all too common;

Whereas according to Tuskegee Institute, more than 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan;

Whereas the number of dead lynching victims in the United States exceeds the amount of people killed in the horrible attack on Pearl Harbor (2,333 dead) and Hurricane Katrina (1,836 dead) combined; and

Whereas African-Americans, as well as Italians, Jews, and Mexicans, have comprised the vast majority of lynching victims and only when we erase the terrible symbols of the past can we finally begin to move forward: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal;

(2) this conduct should be investigated thoroughly by Federal authorities; and