

Subcommittee Chairman BOBBY SCOTT did, and the effects, as you mentioned, Mr. Chairman, of Congressman LOUIE GOHMERT, the distinguished gentleman from Texas who himself is a former judge. These three gentlemen were tireless advocates for better judicial security, and I urge my colleagues to support this critical bipartisan measure.

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

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume for these closing remarks.

I agree with HOWARD COBLE, the gentleman from North Carolina, that our Nation's court system and those who work there must function in a safe and professional environment, and that is what we are improving in this measure. We have worked together in great harmony and cooperation, and the measure helps in a substantial way to promote better security for our judiciary and other court personnel, and I urge our colleagues to support the passage of this critical measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 660, the "Court Security Improvement Act of 2007." This legislation will go a long way toward enhancing the security and integrity of our judicial system and the able men and women who comprise the Federal judiciary.

Mr. Speaker, let me quote the Chief Justice of the Texas Supreme Court: "Our democracy and the rule of law depend upon safe and secure courthouses." That is because an independent judiciary is essential for a regime based on the rule of law. Nothing can do more to undermine the independence of the judiciary than the very real threat of physical harm to members of the judiciary or their families to intimidate or retaliate. In 1979, U.S. District Court Judge John Wood, Jr., was fatally shot outside of his home by assassin Charles Harrelson. The murder contract had been placed by Texas drug lord Jamie Chagra, who was awaiting trial before the judge.

In 1988, U.S. District Court Judge Richard Daronco was murdered at his house by Charles Koster, the father of the unsuccessful plaintiff in a discrimination case. The following year, U.S. Circuit Court Judge Richard Vance was killed by a letter bomb sent to his home. The letter bomb was attributed to racist animus against Judge Vance for writing an opinion reversing a lower-court ruling to lift an 18-year desegregation order from the Duval County, Florida schools.

In this age of the global war on terror, the danger faced by Federal judges, judicial officers, and court personnel is real, as illustrated by the three murders noted above. The recent and tragic murder of U.S. District Court Judge Joan Humphrey Letkow's husband and mother reminds us that the danger has not abated.

Mr. Speaker, H.R. 660 provides a three-pronged legislative response to the security challenges facing our judicial institutions and personnel. First, it directs the U.S. Marshals Service to consult with the Judicial Conference regarding the security requirements for the judicial branch, in order to improve the implementation of security measures needed to protect judges, court employees, law enforcement officers, jurors and other members of the public who are regularly in Federal courthouses.

The bill also extends authority to redact information relating to family members from a Federal judge's disclosure statements required by the Ethics in Government Act and removes the sunset provision from the redaction authority, thus making the redaction authority permanent.

Mr. Speaker, H.R. 660 also enhances the security and protection of judicial personnel and their families by making it a criminal offense to maliciously record a fictitious lien against a Federal judge or Federal law enforcement officer. This new crime and punishment is intended to deter individuals from attempting to intimidate and harass Federal judges and employees by filing false liens against their real and personal property.

The bill also makes it a crime to publish on the Internet restricted personal information concerning judges, law enforcement, public safety officers, jurors, witnesses, or other officers in any U.S. Court. The penalty for a violation is a maximum term of imprisonment of 5 years. Additionally, the bill increases the maximum penalty for killing or attempting to kill a witness, victim, or informant to obstruct justice or in retaliation for their testifying or providing information to law enforcement by increasing maximum penalties.

All in all, Mr. Speaker, this bill makes a substantial contribution to the enhancement of security of judicial institutions and personnel. I urge all members to join me in supporting this beneficial legislation.

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

Mr. COBLE. Mr. Speaker, I have no requests for time, and I too 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. 660, 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.

INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1979) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1979

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 "Interstate Recognition of Notarizations Act of 2007".

SEC. 2. RECOGNITION OF NOTARIZATIONS IN FEDERAL COURTS.

Each Federal court shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the Federal court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 3. RECOGNITION OF NOTARIZATIONS IN STATE COURTS.

Each court that operates under the jurisdiction of a State shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC RECORD.—The term "electronic record" has the meaning given that term in section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006).

(2) LOGICALLY ASSOCIATED WITH.—Seal information is "logically associated with" an electronic record if the seal information is securely bound to the electronic record in such a manner as to make it impracticable to falsify or alter, without detection, either the record or the seal information.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from North Carolina (Mr. COBLE) 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.

□ 1615

Mr. CONYERS. Mr. Speaker, this measure is a commonsense requirement with respect to the process of notarizing documents that occur in every State, every city, every county. And what we do in H.R. 1979 is simply to require Federal and State courts to recognize documents lawfully notarized in any State of the Union when interstate commerce is, in fact, involved.

As we all know, notary publics play a critical role in ensuring that the signer of a document is, indeed, who he or she claims to be and that the person has willingly and without coercion signed the document. By performing these two tasks, the notary public serves as an indispensable first line of defense against fraudulent acts and other manipulations of contracts and other documents.

Although the purpose of notarizations is the same across our Nation, each State has, in the course of time, established its own laws governing the recognition of notarized documents. And some things are required in some places, and other things are required in others. And so the lack of consistent technical rules and the resultant formalities make it unnecessarily difficult for courts to recognize out-of-State notarizations. Some places impose certain technical requirements, such as dictating that the ink seals must be used, while others require embossers. Some States demand very particular language in the acknowledgment certificate and will, accordingly, reject out-of-State notarizations that lack the same language that they require in their State. And there are many other little details that create snafus, create problems in accepting documents that have been notarized and may be different in some small technical way. These inconsistencies, of course, do not further the goals of notarization. In fact, this problem has led to the bill that we have before us. And I'm very pleased to thank the gentleman from Alabama (Mr. ADERHOLT) and Mr. ARTUR DAVIS, also of Alabama, Mr. BRALEY of Iowa, who have all together introduced this measure. And so what we're seeing here is that we propose to grant relief to these kinds of snafus that occur in accepting out-of-State notarizations.

H.R. 1979 is supported by the National Notary Association, countless numbers of notary publics in many States, the academics that follow this arcane area of the law, and we think that they are correct, that we're making an important revision in how notarized documents are recognized by the courts, all courts. And it's in that spirit that I introduce or urge my colleagues to support H.R. 1979.

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

Mr. COBLE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Representative ADERHOLT's bill eliminates unnecessary impediments in handling the everyday transactions of individuals and businesses. Many documents executed and notarized in one State, either by design or happenstance, find their way into neighboring or more distant States. A document should not be refused admission to support or defend a claim in court solely on the ground it was not notarized in the State where the Court sits. H.R. 1979 ensures this will not result.

A notarization, in and of itself, Mr. Speaker, neither validates a document nor speaks to the truthfulness or accuracy of its contents. The notarization serves a different function. It verifies that a document's signer is who he or she purports to be and has willingly signed or executed the document.

By executing the appropriate certificate, the notary public, as a disinterested party to the transaction, in-

forms all other parties relying upon or using the document that it is the act of the person who signed it.

H.R. 1979 compels a court to accept the authenticity of the document, even though the notarization was performed in a State other than where the form is located. This reaffirms the importance of the notarial act.

Mr. Speaker, after hearing testimony on this subject before the Judiciary Committee during the 109th Congress, I have concluded that the refusal of one State to accept the validity of another State's notarized document in an intra-state legal proceeding is just plain provincial and insular.

Some of the examples were based on petty reasons. For example, one State requires a notary to affix an ink stamp to a document, an act that is not recognized in a sister State that may well require documents to be notarized with a raised, embossed seal.

Passing this bill will streamline interstate commercial and legal transactions consistent with the guarantees of the Full Faith and Credit Clause of the Constitution. Mr. Speaker, I urge its passage.

Mr. Speaker, I am pleased to recognize the chief sponsor of the bill, the distinguished gentleman from Alabama (Mr. ADERHOLT), for such time as he may consume.

Mr. ADERHOLT. Mr. Speaker, I appreciate the Chairman's support for this legislation to be brought to the floor. I also want to say that I appreciate Congressman COBLE, his lending his support for this legislation and making sure that it gets to the floor today. And as Chairman CONYERS noted, Congressman DAVIS of Alabama and Congressman BRALEY of Iowa have been very helpful in this effort as well. So I'm glad to have their support.

One other person that has been very supportive that actually called this to my attention initially was a friend of mine from Alabama, Mike Turner, some time ago brought this issue to my attention, and so I'm glad that we can work on this and try to get this resolved here on the floor of the House and through the United States Congress.

I'm pleased to have been able to work together with the committee of jurisdiction to find a satisfactory solution to this issue dealing with recognition across State lines. During the hearing that was held during the 109th Congress, which has already been mentioned, by the Subcommittee on the Courts, the Internet and Intellectual Property, then Ranking Member HOWARD BERMAN pointed out that though the topic of notary recognition between the States is not necessarily the most exciting issue, it is an extremely practical one. And to my colleague who, of course, now chairs that subcommittee, I would have to agree with him on both points.

During the hearing, which was held back in March of 2006, we heard from several witnesses who all agree that

this is an ongoing and a difficult problem for interstate commerce. To businesses and individuals engaged in businesses across State lines, this is a matter long overdue that is being resolved.

H.R. 1979, the bill today, will eliminate confusion that arises when States refuse to acknowledge the integrity of documents from another State. This act preserves the right of States to set standards and regulate notaries, while reducing the burden on the average citizen who has to use the Court system.

It will streamline the interstate, commercial, and legal transaction consistent with the guarantees of the State's rights that are called for in the Full Faith in Credit Clause of the United States Constitution.

Currently, as the law is today, each State is responsible for regulating its notaries. Typically, an individual will pay a fee, will submit an application, takes an oath of office. Some States require the applicants to enroll in educational courses, pass exams and even to obtain a notary bond. Nothing in this legislation will change these steps. We are not trying to mandate how States regulate notaries which they appoint.

In addition, the bill will also not preclude the challenge of notarized documents such as a will contest.

During the subcommittee hearings on this bill that were held back in the 109th Congress, Tim Reineger, who serves as the executive director of the National Notary Association stated, "We like this bill because it is talking about a standard for the legal effects of the material act, the admissibility of it, not at all interfering with the State requirements for education and regulation of the notaries themselves."

This is an issue that has really lagged on for many, many years. When I was first elected to Congress back in 1997, this was an issue that I was first made aware of, and here we are in 2007, and this issue is still not resolved. And this is an issue that people who deal with notaries on a daily basis deal with, to a lot of frustration.

And simply, this legislation that we have before the House today and that will be going before the United States Senate, hopefully in a very short period of time, will address this problem. It will try to expedite interstate commerce so that court documents and so that when notaries are in one State or the other, they will be fully recognized.

And again, I think it must be stressed that it is in no way trying to mandate what a State should do or should not do. It simply allows there to be more free flow of commerce between the States and particularly when you're talking about the regulation of notaries themselves.

Again, thank you, Mr. Chairman, for your support, Congressman COBLE for your support of this legislation, and allowing it to be able to move forward today. And I would urge my colleagues that when this bill comes for a vote, that they would support it under the suspension of the rules.

Mr. COBLE. In closing, Mr. Speaker, this addresses a problem that has come across my path many times. Back home, Mr. CONYERS, I don't know about you in Michigan, but in North Carolina, I hear this complaint frequently. A document properly notarized in one State, and then as I said, it must be by happenstance, crosses a State line and goes to another State, and then, of course, denial rears her ugly head, and all sorts of confusion results.

□ 1630

So this addresses a problem that needs to be fixed, and I think this legislation does it.

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

Mr. CONYERS. Mr. Speaker, I commend the author of this bill, Mr. ADERHOLT, and always I am pleased to come to the floor with the floor manager on the Republican side, Mr. COBLE.

And I only want to underscore the fact that communications interstate are so common and frequent that this is a long overdue and important improvement in the relations of legal documents between the citizens of the several States. So I am proud to sign off with you and join in urging that this matter be unanimously supported by the distinguished House of Representatives.

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. 1979, as amended.

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

The title was amended so as to read: "A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce."

A motion to reconsider was laid on the table.

TRANSITIONAL MEDICAL ASSISTANCE AND ABSTINENCE EDUCATION PROGRAM EXTENSION

Mr. GENE GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1701) to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1701

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

SECTION 1. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM THROUGH THE END OF FISCAL YEAR 2007.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432) is amended—

- (1) by striking "June 30" and inserting "September 30"; and
- (2) by striking "third quarter" each place it appears and inserting "fourth quarter".

SEC. 2. SUNSET OF THE LIMITED CONTINUOUS ENROLLMENT PROVISION FOR CERTAIN BENEFICIARIES UNDER THE MEDICARE ADVANTAGE PROGRAM.

Section 1851(e)(2)(E) of the Social Security Act (42 U.S.C. 1395w-21(e)(2)(E)), as added by section 206(a) of division B of the Tax Relief and Health Care Act of 2006, is amended—

- (1) in clause (i), by striking "2007 or 2008" and inserting "the period beginning on January 1, 2007, and ending on July 31, 2007"; and
- (2) in clause (iii)—

- (A) in the heading, by striking "YEAR" and inserting "THE APPLICABLE PERIOD"; and
- (B) by striking "the year" and inserting "the period described in such clause".

SEC. 3. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w-27a(e)(2)(A)(i)), as amended by 301 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking "the Fund during the period" and all that follows and inserting "the Fund—

- "(I) during 2012, \$1,600,000,000; and
- "(II) during 2013, \$1,790,000,000."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may 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 Texas?

There was no objection.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation that provides a 3-month extension to the transitional medical assistance program under Medicaid.

TMA provides vital support for low-income American families moving off welfare and into work. Under the TMA program, families whose earnings would otherwise make them ineligible for Medicaid can receive up to 12 months of Medicaid coverage. Without TMA, many families transitioning from welfare to work would go without health insurance and could end up back on welfare.

Families leaving welfare often encounter difficulties such as securing health insurance because they have taken low-wage jobs that do not offer employer-sponsored health coverage. In some cases this choice could serve as

a deterrent to returning to work, and we want to provide folks with as many incentives as possible to return to work. According to the Congressional Research Service, 79 percent of people with incomes of at least 200 percent of the Federal poverty level benefit from employer-sponsored health insurance, yet only 19 percent of working-age individuals with incomes below the poverty line receive health care coverage through employment. These are folks who earn \$10,210 or less a year. If they can't get coverage through their employer, it is essentially cost-prohibitive for them to purchase health insurance.

No one should be made to choose between a job and health insurance. Thanks to TMA, many Americans are spared this tough choice and allowed to move off welfare and into a job while maintaining their health coverage. Without TMA, many of our most vulnerable Americans would be unable to access the health coverage they need.

In my State of Texas, TMA helps provide more than 111,000 people each month continued treatment for ongoing health care needs. A gap in care would be particularly problematic for the one out of four mothers in the program who are in poor or fair health yet transitioning from welfare to work. The extensions of the program is critical to their continued access to necessary health care.

Again in Texas, TMA also reimburses medical providers for more than \$300 million in annual expenses for acute medical care, prescription drugs, and other approved Medicaid services. Without TMA, these costs for medically necessary services would be shifted to local governments or charitable organizations, or worse, the client may not receive needed care at all.

Mr. Speaker, TMA enjoys wide-ranging bipartisan support. The National Governors Association strongly supports TMA and its extension. According to the National Governors Association, "without access to regular health care, health problems of a new worker or the worker's family members are likely to lead to greater absenteeism and possibly job loss."

TMA is also supported by the National Conference of State Legislatures, the American Public Health Association, and the National Association of State Medicaid Directors. The administration also supports this vital program as evidenced by the fact that the President included a 1-year extension of TMA in his fiscal year 2008 budget proposal.

Mr. Speaker, in the past Congress has always acted in bipartisan fashion to extend TMA in combination with an equal extension of Federal abstinence education programs. While there is no shortage of debate or opinion on the merits of abstinence education programs, I hope my colleagues will join me in supporting this approach, at least for the short term, so we can ensure that hardworking American families don't lose their health care under