

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

Mr. HERGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. I thank my friend from California for leading on the issue of health care and for yielding me time.

Mr. Speaker, as a physician, I have passionately worked, since the moment I began in public service and even before then, for positive solutions in the area of health care, solutions that allow patients to have the highest quality of care. And in debate here on the floor of the House especially in the area of health care, Americans are anxious for open and honest deliberation and discussion, which is why what occurred on the floor last night was so very, very troubling.

Mr. Speaker, as you may know, Representative GRAYSON from Florida came to the floor for a speech and said that the Republican plan for health care is for Americans to, and I quote, "die quickly." In fact, he concluded his remarks by saying, "Remember, the Republican plan: Don't get sick. And if you do get sick, die quickly."

Mr. Speaker, it's that type of presentation that debases and denigrates our proceedings here in the House and it does a disservice to all Americans.

I have a privileged resolution that I'm not going to introduce today, but it's a resolution that parallels the previous resolution that was handled here in the House, that calls on the House to recognize that that kind of behavior is disapproved of by the House of Representatives. But in an effort to try to give the Representative from Florida, Mr. GRAYSON, an opportunity to recognize that his comments were, in fact, a breach of decorum, we respectfully request that he apologize to our leader. And I call on all Democrat Members of the House and all Democrat leaders to demand that he apologize, just as one of our Members did earlier.

Mr. Speaker, the American people want open and honest discussion, yes, but they want respectful discussion. We call on Mr. GRAYSON to apologize. Mr. Speaker, it's the right thing to do.

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

Mr. HERGER. Mr. Speaker, this is a good, commonsense bill with broad support from both Democrats and Republicans. This is an example of the way that health care policy should be handled in this Congress. I urge an "aye" vote.

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

Mr. PALLONE. Mr. Speaker, in closing, I just want to mention that my colleague Mr. STARK, from the Ways and Means Committee, wanted to speak in favor of this bill but was unable to be here. I also neglected to thank Mr. TERRY, who was the lead Republican sponsor of the legislation.

I urge passage of the bill.

Mr. POMEROY. Mr. Speaker, I rise in support of H.R. 3663, bipartisan legislation that I introduced with Congressmen ZACH SPACE (D-OH) and LEE TERRY (R-NE) which will delay implementation of flawed accreditation requirements imposed on America's pharmacies who offer service to Medicare beneficiaries.

Starting tomorrow pharmacies will be required to meet new accreditation requirements in order to participate in Medicare's Durable Medical Equipment Prosthetics, Orthotics and Supplies (DMEPOS) program. This program ensures that seniors covered under Medicare have access to critical medical supplies and Part B medications.

I have heard first hand from pharmacists across my state of North Dakota about the negative impact saddling these new costly and burdensome accreditation requirements will have on seniors' access to supplies and medications that pharmacists provide, especially diabetes testing strips. These local pharmacists have been faced with the tough choice of spending thousands of dollars they do not have to fulfill these accreditation requirements or leave seniors will no affordable access to the critical supplies and medications they need.

Both the House and Senate have included in their health care reform proposals important changes to these flawed regulations that will protect seniors' access to their medications and supplies. However, we have not yet been able to complete consideration of this legislation before the October 1st effective date.

By enacting H.R. 3663, which provides a three month extension of the DMEPOS accreditation requirement date for pharmacies, we will be providing Congress the additional time it needs to reform these important rules. Doing so will enable seniors to continue receiving valuable health care products at community pharmacies without disruption.

H.R. 3663 is important legislation that will protect America's Medicare beneficiaries. Leadership did the right thing bringing this important legislation to the House floor and I urge my colleagues to support it.

Mr. PALLONE. 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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 3663.

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

A motion to reconsider was laid on the table.

#### FOREIGN EVIDENCE REQUEST EFFICIENCY ACT OF 2009

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1289) to improve title 18 of the United States Code.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1289

*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 "Foreign Evidence Request Efficiency Act of 2009".

#### SEC. 2. IMPROVEMENTS TO TITLE 18.

Title 18 of the United States Code is amended—

(1) in section 2703—

(A) in subsection (a), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction";

(B) in subsection (b)(1)(A), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction"; and

(C) in subsection (c)(1)(A), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction";

(2) in section 2711(3), by striking "has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation; and" and inserting the following: "includes—

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that—

"(i) has jurisdiction over the offense being investigated;

"(ii) is in or for a district in which the provider of a wire or electronic communication service is located or in which the wire or electronic communications, records, or other information are stored; or

"(iii) is acting on a request for foreign assistance pursuant to section 3512 of this title; or

"(B) a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants; and";

(3) in section 3127(2)(A), by striking "having jurisdiction over the offense being investigated;" and inserting the following: "that—

"(i) has jurisdiction over the offense being investigated;

"(ii) is in or for a district in which the provider of a wire or electronic communication service is located;

"(iii) is in or for a district in which a landlord, custodian, or other person subject to subsections (a) or (b) of section 3124 of this title is located; or

"(iv) is acting on a request for foreign assistance pursuant to section 3512 of this title;";

(4) in chapter 223, by adding at the end the following:

#### "§ 3512. Foreign requests for assistance in criminal investigations and prosecutions

"(a) EXECUTION OF REQUEST FOR ASSISTANCE.—

"(1) IN GENERAL.—Upon application, duly authorized by an appropriate official of the Department of Justice, of an attorney for the Government, a Federal judge may issue such orders as may be necessary to execute a request from a foreign authority for assistance in the investigation or prosecution of criminal offenses, or in proceedings related to the prosecution of criminal offenses, including proceedings regarding forfeiture, sentencing, and restitution.

"(2) SCOPE OF ORDERS.—Any order issued by a Federal judge pursuant to paragraph (1) may include the issuance of—

"(A) a search warrant, as provided under Rule 41 of the Federal Rules of Criminal Procedure;

"(B) a warrant or order for contents of stored wire or electronic communications or

for records related thereto, as provided under section 2703 of this title;

“(C) an order for a pen register or trap and trace device as provided under section 3123 of this title; or

“(D) an order requiring the appearance of a person for the purpose of providing testimony or a statement, or requiring the production of documents or other things, or both.

“(b) APPOINTMENT OF PERSONS TO TAKE TESTIMONY OR STATEMENTS.—

“(1) IN GENERAL.—In response to an application for execution of a request from a foreign authority as described under subsection (a), a Federal judge may also issue an order appointing a person to direct the taking of testimony or statements or of the production of documents or other things, or both.

“(2) AUTHORITY OF APPOINTED PERSON.—Any person appointed under an order issued pursuant to paragraph (1) may—

“(A) issue orders requiring the appearance of a person, or the production of documents or other things, or both;

“(B) administer any necessary oath; and

“(C) take testimony or statements and receive documents or other things.

“(c) FILING OF REQUESTS.—Except as provided under subsection (d), an application for execution of a request from a foreign authority under this section may be filed—

“(1) in the district in which a person who may be required to appear resides or is located or in which the documents or things to be produced are located;

“(2) in cases in which the request seeks the appearance of persons or production of documents or things that may be located in multiple districts, in any one of the districts in which such a person, documents, or things may be located; or

“(3) in any case, the district in which a related Federal criminal investigation or prosecution is being conducted, or in the District of Columbia.

“(d) SEARCH WARRANT LIMITATION.—An application for execution of a request for a search warrant from a foreign authority under this section, other than an application for a warrant issued as provided under section 2703 of this title, shall be filed in the district in which the place or person to be searched is located.

“(e) SEARCH WARRANT STANDARD.—A Federal judge may issue a search warrant under this section only if the foreign offense for which the evidence is sought involves conduct that, if committed in the United States, would be considered an offense punishable by imprisonment for more than one year under Federal or State law.

“(f) SERVICE OF ORDER OR WARRANT.—Except as provided under subsection (d), an order or warrant issued pursuant to this section may be served or executed in any place in the United States.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude any foreign authority or an interested person from obtaining assistance in a criminal investigation or prosecution pursuant to section 1782 of title 28, United States Code.

“(h) DEFINITIONS.—As used in this section, the following definitions shall apply:

“(1) FEDERAL JUDGE.—The terms ‘Federal judge’ and ‘attorney for the Government’ have the meaning given such terms for the purposes of the Federal Rules of Criminal Procedure.

“(2) FOREIGN AUTHORITY.—The term ‘foreign authority’ means a foreign judicial authority, a foreign authority responsible for the investigation or prosecution of criminal offenses or for proceedings related to the prosecution of criminal offenses, or an authority designated as a competent authority or central authority for the purpose of mak-

ing requests for assistance pursuant to an agreement or treaty with the United States regarding assistance in criminal matters.”; and

(5) in the table of sections for chapter 223, by adding at the end the following:

“3512. Foreign requests for assistance in criminal investigations and prosecutions.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SCHIFF) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. SCHIFF. 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 California?

There was no objection.

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

Mr. Speaker, I introduced the Foreign Evidence Request Efficiency Act in July with my colleague Representative DAN LUNGREN from California.

The bill before us today, S. 1289, is an identical companion bill introduced by Senators WHITEHOUSE, SESSIONS, and LEAHY, and passed by the Senate on July 10, 2010. I would like to commend Senator WHITEHOUSE for his leadership on this issue and thank him for the opportunity to work with him, given our shared experience as former Federal prosecutors, to address this matter.

Mr. Speaker, as we know, crime knows no borders. A fraud committed in France may involve banks and financial records located here in the United States. Modern technology links the countries of the world more and more, and the need for international cooperation in fighting crime increases.

The U.S. routinely assists foreign law enforcement agencies in the investigations in the same way that foreign law enforcement entities assist the United States with its investigations. When a foreign law enforcement agency makes a request for evidence in the United States, such as financial records or Internet records or other evidence, U.S. attorneys review the requests and, upon approval, seek warrants for the evidence. When the evidence is collected, it is then transmitted to foreign authorities.

The current process, though, is very cumbersome. Under existing law, international requests for evidence are processed under civil practice rules that require prosecutors to file in every district in which evidence or a witness may be found. For example, evidence sought for one criminal matter may involve financial records housed in banks in several different Federal judicial districts, in several different States, Internet records in more than one dis-

trict, and other evidence spread over many districts and States. So, under current law, over a dozen different U.S. attorneys' offices could have to work on an evidence request for a single case. Several district courts would also have to be involved. This process is inefficient, it's burdensome, and makes little sense for Federal prosecutors across the country or for the interests of justice.

The Foreign Evidence Request Efficiency Act would rectify this situation by allowing foreign evidence requests to be handled centrally, ideally by one or two U.S. attorney offices. Specifically under the proposal, a legitimate request for assistance can be filed in the District of Columbia, in any of the districts in which any of the several records or witnesses are located, or in any district in which there is a related Federal criminal case already being conducted. Courts will continue to act as gatekeepers to make sure that requests for foreign evidence meet the same standards as those required in domestic cases.

But by streamlining the evidence collection process, the U.S. will be able to more quickly respond to foreign evidence requests. These efforts will assist us with our investigations as foreign authorities will be urged to respond in kind to our evidence requests in a speedy manner.

In addition, the current authority to respond to foreign evidence requests is found in a patchwork of treaties, the inherent power of the courts, and analogous domestic statutes. This legislation would provide clear statutory authority in one place.

The legislation before us is strongly supported by the Department of Justice. The Department believes the changes in this bill will facilitate the ability of the United States to assist in foreign investigations, prosecutions, and related proceedings involving organized crime, trafficking in child pornography, intellectual property violations, identity theft, and all other serious crimes.

Mr. Speaker, the important changes in this bill will greatly improve our crime-fighting abilities and that of our allies. I urge my colleagues to support this important legislation.

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

□ 1230

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

I rise in support of S. 1289, the Foreign Evidence Request Efficiency Act of 2009. I would like to commend Congressman SCHIFF and Congressman LUNGREN for sponsoring the companion bill in the House, H.R. 3133.

S. 1289 improves the ability of the United States to assist foreign governments with criminal investigations. Drug trafficking, organized crime and international child pornography rings

utilize a complex web of bank accounts, Internet sites and other techniques to hide their illegal, criminal acts.

These foreign conspiracies often use financial institutions and Internet providers across the globe, including in the United States. Foreign governments enlist the assistance of Federal prosecutors to gather evidence from U.S. companies. These foreign governments routinely do the same for us in their countries.

Unfortunately, this process is not as easy as it may seem. Under current American law, foreign evidence requests must be processed in the district where the evidence resides. So an international fraud scheme that funneled money through a dozen banks across the United States would require assistance from a dozen U.S. Attorney's Offices and Federal courts. This imposes an unnecessary and costly burden on our criminal justice system.

The Foreign Evidence Request Efficiency Act simplifies this process by allowing foreign evidence requests to be streamlined through one single U.S. Attorney's office or perhaps a few offices if necessary. The act amends the Federal criminal code to allow evidence requests to be processed through a court with jurisdiction over the evidence, including where a bank or a communication provider is located. Under current law, only courts with jurisdiction over the offense may grant an order for disclosure of records.

S. 1289 does not change the types of evidence that may be requested by foreign governments nor weaken the procedures for obtaining the evidence. The act reduces paperwork, red tape and bureaucracy for obtaining the evidence. The bill also allows prosecutors to process foreign evidence requests more quickly. Delays in evidence collection can mean the difference between shutting down a criminal enterprise or watching it fade into the shadows.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, may I inquire of my colleague from Texas how many speakers he has remaining.

Mr. POE of Texas. We have one, Mr. LUNGREN, if he gets here, but other than that, he is the only other speaker.

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

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

Mr. SCHIFF. Mr. Speaker, I would be happy to engage in a colloquy with my colleague if it would help Mr. LUNGREN. I appreciate his support on this legislation, and I have enjoyed the opportunity to work with Mr. LUNGREN on this. Of course, I want to particularly acknowledge my colleague in the Senate, SHELDON WHITEHOUSE, for his leadership as well as Senators SESSIONS and LEAHY. I'm hoping that this will take some of the burden off the U.S. Attorney's offices around this country and

speed our ability to handle these foreign requests, and thereby I hope we will see reciprocity in our requests of these other countries that they act expeditiously.

I would be happy to yield to my colleague.

Mr. POE of Texas. I thank the gentleman for yielding. As a former judge, sometimes the bureaucracy gets in the way of justice because of the fact that there are so many entities involved. Streamlining the process in this legislation will allow foreign governments to help us on international organized crime rings, yet protect the dignity of the Constitution as well.

I do not expect that Mr. LUNGREN will be here, so I would yield back to the gentleman.

Mr. SCHIFF. I thank the gentleman for yielding, and I know if Mr. LUNGREN were here, he would make some unnecessarily gracious remarks in my direction. They are reciprocated. Once again, I thank him for his work.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today we live in a interconnected world where United States law enforcement agencies routinely help foreign law enforcement as they pursue criminal conduct outside their borders within the United States. I might add that U.S. law enforcement has an identical need for cooperation from their foreign counterparts. This cooperation is essential as we work together to build cases against international organized crime organizations, drug cartels, purveyors of child pornography on the Internet, and other criminal threats from outside our borders.

On a regular basis the United States receives requests for assistance in gathering evidence within our borders. For example, when French authorities collect relevant domestic evidence they may discover the likelihood of critical evidence within the United States. In such a case they would submit a request to us for financial records, Internet records, and various other kinds of evidence which they have determined to be relevant to making their case. U.S. Attorneys review the requests and then seek warrants for the evidence as appropriate. When the evidence is collected, the United States transmits it to French authorities, leading to prosecution in French courts.

Unfortunately, what should be a simple process is compounded by bureaucratic rules with unintended consequences. This is because under the existing rules, any foreign evidence request must be split up and sent to each district where the evidence exists. So take the French example I just gave, and imagine that the financial records sought are in banks in six different federal judicial districts, that the Internet records are in another five federal judicial districts, and that other documentary evidence is spread over another five districts. Under existing law, sixteen different U.S. Attorneys' Offices would have to work on the evidence request.

The Foreign Evidence Request Efficiency Act would address this problem by allowing such foreign evidence requests to be handled centrally, by a single or more limited number of U.S. Attorneys' offices as appropriate. Rather than sixteen U.S. Attorneys' offices being involved the entire operation would be coordinated by one United States Attorney's office.

S. 1289 would not alter the type of evidence which may be sought and would therefore have no adverse impact on civil liberties. This legislation would merely eliminate an entirely unnecessary paperwork burden currently imposed on United States Attorneys.

Finally, I would suggest that our ability to better assist foreign law enforcement agencies will serve the interests of reciprocity when we ask for their assistance. We need to establish standards of evidence collection here in the United States as an example of what we ourselves expect in our own requests for cooperation of foreign agencies in our criminal investigations which involve foreign jurisdictions.

I ask for your support of this important bipartisan legislation.

Mr. Speaker, I urge passage of the bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SCHIFF) that the House suspend the rules and pass the bill, S. 1289.

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

A motion to reconsider was laid on the table.

#### MANAGING ARSON THROUGH CRIMINAL HISTORY (MATCH) ACT OF 2009

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1727) to establish a national criminal arsonist and criminal bomber registry program and establish guidelines and incentives for States, territories and tribes to participate in such program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1727

*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 2009".

#### SEC. 2. CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRATION AND NOTIFICATION PROGRAM.

(a) NATIONAL CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRY AND INTERNET SITE.—

(1) NATIONAL CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRY.—

(A) IN GENERAL.—The Attorney General shall maintain a national database at the Bureau of Alcohol, Tobacco, Firearms and Explosives for each criminal arsonist or criminal bomber. The database shall be known as the National Criminal Arsonist and Criminal Bomber Registry and shall be referred to in this section as the "National Registry". Such registry shall be used for law enforcement purposes only and information maintained in such registry may only be disclosed in connection with such purposes.

(B) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the national registry or otherwise) that updated information about a criminal arsonist or criminal bomber is immediately available to all relevant jurisdictions.