

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

Mr. TOWNS. Mr. Speaker, let me just make this statement, and I will yield back as well.

Let me again say how glad I am that we are taking the time to fight waste, fraud, and abuse of our precious tax dollars. With this measure, I want to thank the gentleman from California for his comments and the fact that we are working together to get rid of waste, fraud, and abuse here. This is a classic example. I want to thank him for working with me and the relationship that we have had over the years in terms of doing these kinds of things.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 3393, 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.

CLARIFY DECEPTIVE CENSUS MAILINGS LAW

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5148) to amend title 39, United States Code, to clarify the instances in which the term "census" may appear on mailable matter.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5148

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

SECTION 1. REQUIREMENT FOR MAIL BEARING THE TERM "CENSUS" ON THE ENVELOPE OR OUTSIDE COVER OR WRAPPER.

(a) MATTER SOLICITING THE PURCHASE OF A PRODUCT OR SERVICE.—Section 3001(h) of title 39, United States Code, is amended—

(1) in paragraph (1), by inserting ";; or on which the term 'census' is visible through the envelope or outside cover or wrapper" after "or which bears the term 'census' on the envelope or outside cover or wrapper"; and

(2) in paragraph (2), by inserting "or matter on which the term 'census' is visible through the envelope or outside cover or wrapper" after "In the case of matter bearing the term 'census' on the envelope or outside cover or wrapper".

(b) MATTER SOLICITING INFORMATION OR CONTRIBUTION OF FUNDS.—Section 3001(i) of title 39, United States Code, is amended—

(1) in paragraph (1), by inserting ";; or on which the term 'census' is visible through the envelope or outside cover or wrapper" after "or which bears the term 'census' on the envelope or outside cover or wrapper"; and

(2) in paragraph (2), by inserting "or matter on which the term 'census' is visible through the envelope or outside cover or wrapper" after "In the case of matter bearing the term 'census' on the envelope or outside cover or wrapper".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

I rise in support of H.R. 5148, the bill to further prohibit deceptive mailings using the word "census." Only a few weeks ago, on March 10 to be exact, the House acted unanimously to deal with the misleading fundraising mail designed to look like it is from the Census Bureau. Congresswoman MALONEY introduced H.R. 4621, the Prevent Deceptive Census Look Alike Mailing Act, which was originally cosponsored by me and Congressman CLAY, chairman of the subcommittee with jurisdiction over the census. Congresswoman MALONEY and Congressman CLAY are longtime supporters of the census, and they have worked hard to make sure we have an accurate count in 2010.

H.R. 4621 was also cosponsored by the ranking member of the committee, Congressman ISSA of California, as well as the ranking member of the subcommittee with jurisdiction over the postal service, Congressman JASON CHAFFETZ. I thank them for their support and for helping us to move it to the floor today.

The goal of the bill was simple. The United States Census, currently under way, is a critical source of information for America's future. Regrettably, scammers and con artists are trying to hijack the word "census" to confuse citizens into opening and responding to mail that is unrelated to the actual U.S. Census. We must protect the U.S. Census from this kind of fraud. H.R. 4621 simply requires mailings which have the term "census" on the envelope or cover to also include an accurate return address and the name of the sender on the envelope.

□ 1045

H.R. 4621 was drafted narrowly to avoid the First Amendment concerns and avoid interfering with the legitimate use of the mail by nonprofit organizations. The bill was intended to prevent the deceptive use of look-alike mailings by requiring transparency and disclosure. The House voted 416-0 to pass H.R. 4621. The Senate passed the same bill by unanimous consent. Not many bills pass this House unanimously, but this one did—both Houses. That's not something that happened real quick around here. You would think the message sent by that law was very clear.

Unfortunately, days after H.R. 4621 was signed into law, the RNC sent a

new mailing which includes the same deceptive practices. The new mailing is also labeled a census, and it does not include a return address or identify the sender as the RNC, as required by law, Mr. Speaker. One of these offensive mailings is dated April 12, only 5 days after the President signed H.R. 4621 into law. Apparently, the RNC cannot even let 1 week go by without deceiving the American public.

Despite the unanimous action of Congress, the RNC continues to act in defiance of Congress and plain common sense and fairness. These mailings continue to mislead citizens, confuse voters, and annoy recipients.

On that note, Mr. Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 5148. Not surprisingly, I'm the author of it. I insisted on being the author because it was the right thing to do and because there needed to be a message sent loud and clear. Deceptive advertising is already bad enough in America today. We often receive things that look like your credit card bill when, in fact, they're an offer to buy or to get something or, in fact, to apply for a credit card. We've all received cards that look like you're already getting a card when, in fact, it's John Doe on the card and it's only the opportunity to spend money to get the real card.

But when it comes to the census, there is no separation between Republicans and Democrats and Independents. There is no separation between the House and the Senate. The sanctity of this constitutional responsibility to get it right, to count everyone, cannot be allowed to be interfered with by anyone's attempt to raise money.

When the earlier bill was passed—authored by CAROLYN MALONEY and cosponsored by many of us—we thought we had ended this. As a matter of fact, for all of us on both sides of the aisle, we believed then that an independent agency, the post office, could have stopped that mail without the law. But we wanted to make the intent of Congress clear. By passing that bill, we made the intent of Congress clear. We all talked about deceptive advertising, about people seeing something, thinking it was from the Census Bureau, thinking that, in fact, it was a census form. We crafted it in a way, as the chairman said, that was intended not to cross over anyone's free speech rights, including that through the mail. We achieved that. But lawyers at the Republican National Committee made a decision that the language of the bill was such that they could continue having a piece of the successful mailing go on.

Let me make something very clear here today: You cannot say we are beyond the letter of the law when you truly are within the intent of the law and tell the American people it's okay. The four squares of the law may or may not have been violated by the

NRCC. Most of us believe, as I said before, the post office could have stopped it before the law and certainly could stop this after the law; and I have sent, along with my ranking subcommittee member, a letter to the Postmaster encouraging him to make that decision, as has Congresswoman MALONEY.

Notwithstanding their eventual action, we're making it clear here today that we will plug any perceived loopholes or any questions about whether or not you can or you cannot. The RNC sent out mailings which certainly violated the spirit of H.R. 4621. The mailings contained text visible from outside the envelope—not printed on the envelope, but effectively the same as printed on the envelope.

I would say to people who raise money, whether it's the Republican National Committee, the Democratic National Committee, other political entities, or nonpolitical entities who simply want to have their envelopes opened for an opportunity to raise money or get a message out, don't use the census. Don't even think about using the census, because it's wrong. If something is deceptive, then it is wrong under the law that we already passed. It is wrong under the law that we expect this bill to represent.

So, Mr. Speaker, I would like to thank the chairman, Congresswoman MALONEY and Congressman JASON CHAFFETZ and, more importantly, the leadership of the House, both Mr. BOEHNER and Mr. HOYER, because they made it possible for us to come to the floor quickly, get it to the Senate quickly, allow the Senate to deal with it quickly so the President can make a statement for the second time in less than a month. He shouldn't have to do it. He does have to do it. We're going to make sure that while the census is underway, that we not have anyone think that this is a time where they can continue to do fundraising that ultimately links itself to the ongoing census.

With that, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York, CAROLYN MALONEY, who has been very involved in this issue, of course, and to say to my colleague from California, I really appreciate his involvement in this as well, the ranking member of the committee, Congressman ISSA.

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership in so many ways, and I thank my good friend on the other side of the aisle for his leadership on this issue and many others.

We are united today in a bipartisan effort, Republicans and Democrats. We are united in our efforts to stop the RNC from using census mailings for political gain and to fundraise for the RNC.

Mr. Steele, in particular, the head of the RNC, 5 days after this Congress in a bipartisan vote that was unanimous on both sides of the aisle, mailed out

another partisan mailer, raising money for the RNC in an envelope that looked like it was an official document for the Census Bureau. I suggest that Mr. Steele contact the members of his own party before he acts in such a way, because the Republicans supported stopping using the census mailer in any way for partisan gain.

Specifically, this Congress passed legislation to stop mailers, fake mailers, look-alike mailers, that made the document look official, like a census document, to open it up. The RNC and others were mailing fundraisers, acting like they were the census. This is wrong. We passed legislation to stop it. It is now under review by the postal department. I have every bit of confidence that they will report that it violated not only the spirit of the law but that it violated the law.

The ink wasn't even dry from President Obama signing the legislation into law, and 5 days later the RNC leadership sent out another partisan mailer designed to look like the census to mislead people. This is dangerous because the census is important to our country. It is mandated by the Constitution. It must take place every 10 years, and the census numbers are the numbers that we use to decide representation. Practically every funding formula is based on census numbers. So we want people to respond to the census. It's important. To the degree that mock, fake mailers are out there deceiving people, it will drive down the participation.

So today we are united on enforcing the law in a bipartisan way. And I congratulate particularly the leadership on the other side of the aisle that are speaking out against the leadership of their own RNC, knowing that the census is important and should not be used for partisan reasons. So I compliment STENY HOYER and Mr. BOEHNER for moving this to the floor immediately so that another mailer doesn't go out.

This is a critical time for the census. It is in full swing. People are responding to their mail. There will be enumerators. There will be additional mail. To the extent that people are fundraising with fake look-alike documents, it will drive down the participation in the federally mandated, constitutionally required, and federally funded census. It is undercutting tax dollars from the public that are trying to get an accurate count and an accurate picture of where we are from the census data. So this is a very important action, and it's one that we are acting quickly on. And I hope the RNC and anyone else who wants to put out a deceptive, misleading mailing will stop and respect the law, respect the census, and respect this Congress.

I thank my colleagues on both sides of the aisle.

Mr. TOWNS. I reserve the balance of my time.

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

I would like to thank the gentlelady from New York. Her words are our

words; her thoughts are our thoughts. Perhaps as a proud Republican, I can do more than the thought she made.

Mr. Speaker, I want everyone to be counted in the census. I want everyone to open their envelopes from the census. As a Republican, I am particularly sensitive that I don't want Republicans to be undercounted. So I would advise, as I will do, if I receive anything and it looks like it's from the census, I'm going to open it. When I open it, if it's from the census, I'm going to fill it out. If it's not from the census, I'm going to throw it out because, ultimately, all of us, regardless of our party, should be indignant if we receive a request for money and we open it, believing it's from the census, only to find out that it is a request for money.

The census does not ask us for money. They ask us for sensitive information leading to a correct count of the American population, and from that, Congress does its work to allocate resources and, quite personally, to allocate representation here in the House. So I, for one, will open all the mail and encourage all to open all the mail. And when you open it, do the right thing if it's from the census; do the right thing if it's from somebody trying to fundraise. Let there be no doubt, this is important to us in the House. We speak with one voice. We speak today. I suspect that they will speak by tomorrow in the Senate, and we will make sure that this cannot be allowed.

In closing, I did join with the gentlelady from New York and Mr. CHAFFETZ, the gentleman from Utah, and the chairman in calling on the Postmaster to assert any jurisdiction he may believe he can, which we believe he has, to stop mailings even if they're going out today. But certainly within a matter of hours or days, we expect there will be new power without any question that would allow for the holding of that mail and its destruction.

So with that, Mr. Speaker, I encourage passage of the bill.

I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I would like to close by saying that we need to send the kind of message that will make certain this stops. However, I do believe the new RNC mailings are illegal under current law. That's number one. This bill will clarify that any use of the word "census" that is visible through the envelope would trigger a requirement to disclose the name and return address of the sender. Congress should not have to act twice to make it clear that it is wrong to imitate the census, which is mandated by our Constitution. Unfortunately, the foolishness of the RNC has forced us to act again.

Mr. Speaker, I want to thank all of my colleagues, especially the ranking member of the committee, Congresswoman MALONEY, and Mr. CHAFFETZ and others, especially their staffs, who understand and recognize how important the census is and that we should

not get involved in any kind of trickery when it comes to the census because there are so many things that depend on the census. Therefore, to play around with it, to me, is so unfair when you're talking about, really, playing around with the lives of people, because so many things are based on the fact that the count, the count is so important. So it's my hope that the RNC will recognize this and stop this trickery, because there is no place, no time do we need that today.

□ 1100

We need to make certain that everybody fills out their census form, and gets it back in as soon as possible.

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 York (Mr. Towns) that the House suspend the rules and pass the bill, H.R. 5148.

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.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 264) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 264

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the “sponsor”) shall be permitted to sponsor a public event, the 29th Annual National Peace Officers' Memorial Service (in this resolution referred to as the “event”), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2009.

(b) DATE OF EVENT.—The event shall be held on May 15, 2010, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to

erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 264.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 264 authorizes use of the Capitol grounds for the 29th annual National Peace Officers' Memorial Service, a solemn and respectful public event in our Nation's capital honoring our heroic civil servants who were killed in the line of duty in the previous year.

Mr. Speaker, 116 brave men and women were killed in the line of duty in 2009, the fewest number since 1959. The total number of officers killed in the line of duty declined 16 percent from 2008. Unfortunately, the number of officers shot and killed had a dramatic rise and increased 22 percent from the previous year. According to the National Law Enforcement Officers' Memorial Fund, the number of incidents where more than one officer was killed by a single gunman accounted for 15 deaths, nearly a third of the officers killed in firearms-related incidents.

There were three peace officers who died in Illinois in 2009, including one from my congressional district in Centreville, Illinois, Gregory Jonas.

The National Peace Officers' Memorial Service is a fitting tribute to all Federal, State and local peace officers who gave their lives in the daily work of protecting our families, our homes and our workplaces.

Consistent with all Capitol Hill events, the memorial service will be free and open to the public. I support the resolution and urge my colleagues to join me in supporting this tribute to our fallen peace officers.

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

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

Mr. Speaker, House Concurrent Resolution 264 authorizes the use of the

Capitol grounds for the 29th annual National Peace Officers' Memorial Service to be held on May 15. The memorial service will be just one event of many planned for Police Week to honor the sacrifices of the men and women who serve in law enforcement and to give special recognition of those who lost their lives in the line of duty.

In 1962, Congress established Peace Officers Memorial Day and Police Week through a joint resolution of Congress. And, in 1982, the first official memorial service took place in Senate Park with 125 people gathered to honor 91 officers. Since that time, law enforcement from around the world have come to D.C. to participate in week-long events to honor the brave service and sacrifice of officers who have fallen in the line of duty.

Today, thousands of people participate in the events, including the memorial service, and over 3,000 law enforcement officers have been honored from around our Nation. Currently, there are approximately 900,000 law enforcement officers in the United States that selflessly risk their lives so that we can be safe and protected.

Unfortunately, on average, 160 officers each year lose their lives in the line of duty. And there are approximately 16,000 assaults on police officers each year, resulting in nearly 60,000 injuries. This year, 324 fallen officers will be honored, including 116 who lost their lives in 2009. Police Week will serve to honor the service and sacrifice law enforcement officers make for us every day.

I support this resolution and encourage my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Con. Res. 264, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service on May 15, 2010. This memorable event will provide an opportunity to honor the officers who work for States, counties, Federal law enforcement, military police, correction officers, and as peace officers in the United States and its territories and to also honor those officers that have died in the line of duty in 2009.

In October 1962, President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day. Each year on this date, we, as a nation, have an opportunity to honor the commitment with which peace officers perform their daily task of protecting our local communities. Today, the National Peace Officers' Memorial Service on Capitol Hill has become one in a series of well-attended events during the annual Police Week organized by the National Law Enforcement Memorial Fund, the Fraternal Order of Police, and Concerns of Police Survivors.

The 2010 event marks the 29th time the Capitol Grounds will be used for this noteworthy event. According to the National Peace Officers' Memorial Fund, there are approximately 900,000 sworn law enforcement officers serving the American public today. Thirty-five states and Puerto Rico had officers killed in 2009. Of the 116 officers killed, 51 were killed during a traffic-related incident, 49 were killed in a firearms-related incident, and 16