

this bipartisan legislation forward that takes a commonsense approach to so many reports and requirements that are placed on industry and the FCC, frankly, that require a whole lot of work to produce reports that are outdated before they're even filed. The job of government and regulators should not be just to make companies go and do busy work, to file reports just for the sake of building up reams and reams of papers that nobody can read and nobody can really do anything with because the data is not useful.

So what we're doing with this legislation is taking eight reports—eight reports that all look at very specific sector areas, but don't really tell a picture of what's happening in the industry—and we consolidate those into one report rather than annual, a biannual, and reducing a lot of requirements on business that just have to have these compliance departments because when they're asked by the FCC to provide data, they've got to go provide it, even though they know this data is not going to be used, and in some cases the data is not going to be useful in the context of the report that's going to be filed.

In addition to that, we often hear about all of the laws that are passed in Congress. People say why don't you go and repeal laws that have been sitting on the books for decades that serve no purpose. So we actually do that too with this bill. We go and repeal 12 different reports that are no longer used. As the example has been given a number of times, the telegraph report that is still a law that's on the books, we repeal that as well.

So it's a commonsense approach that tells the people that are out there building this infrastructure, building these wireless networks that so many people, millions and millions of people, in our country use every single day to improve their lives, their quality of life—and frankly the effectiveness of the job creators and our small businesses out there—and it says you don't need to have massive compliance departments to comply with things that nobody reads. You can actually go out and use those resources to create more jobs, to build out that network so that we can do even more innovative things with the technology we have today and that we'll have in the future.

With that, I urge all of my colleagues to support H.R. 3310, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, Americans have demanded a more efficient government that eliminates outdated and unnecessary bureaucracy; a government that takes a hard look at the market before deciding to regulate it—in short, a government that works. The FCC Consolidated Reporting Act accomplishes those goals, all at no cost to the taxpayer.

Today, the FCC is required to write eight separate reports on discrete components of the communications marketplace. Eight separate reports multiplies the number of hours the FCC spends writing reports, multiplies the number of employees working on such re-

ports, and multiplies the number of times industry has to respond to information requests from the Commission.

The FCC Consolidated Reporting Act takes a smarter approach. It consolidates these eight reports into a single, comprehensive report on the state of the communications marketplace, and eliminates twelve other reports from the Communications Act.

I want to thank Communications and Technology Subcommittee Chairman GREG WALDEN and Representative STEVE SCALISE for working on this important legislation. I support it, and I urge my colleagues to support it as well.

Mrs. CHRISTENSEN. Mr. Speaker, although, H.R. 3310 is intended to streamline the Federal Communication Commission's reporting requirements. There are concerns that FCC's statutory authority on data collection could be affected and certain pertinent reporting requirements could be eliminated.

H.R. 3310 would consolidate eight separate reports of the FCC into a single comprehensive report in order to reduce the reporting burdens on the FCC while encouraging the agency to analyze competition in the marketplace as a whole. I believe that this bill is not only unnecessary but harmful to the process especially since under Chairman Genachowski many reforms have been made to address the issues the Republicans have indicated they want to fix.

While the FCC has sufficient existing authority to collect data for statutorily required reports, the language contained in Sec. 4 could be construed as denying the Commission its ordinary data collection authority with respect to certain provisions of the bill.

While I support the general intent of the bill to streamline FCC reporting requirements, I did not support it at committee level in its present form and no significant changes were made to improve the bill before it was brought to the House floor.

I urge my colleagues not support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. SCALISE) that the House suspend the rules and pass the bill, H.R. 3310, 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.

#### SERVICEMEMBER FAMILY PROTECTION ACT

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4201) to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4201

*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 "Servicemember Family Protection Act".

#### SEC. 2. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

##### "SEC. 208. CHILD CUSTODY PROTECTION.

"(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, then the court shall require that upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

"(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, in determining the best interest of the child.

"(c) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

"(d) PREEMPTION.—In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

"(e) DEPLOYMENT DEFINED.—In this section, the term 'deployment' means the movement or mobilization of a servicemember for a period of longer than 60 days and not longer than 18 months pursuant to temporary or permanent official orders—

"(1) that are designated as unaccompanied;

"(2) for which dependent travel is not authorized; or

"(3) that otherwise do not permit the movement of family members to that location."

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

"208. Child custody protection."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous material on H.R. 4201.

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

There was no objection.

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

I rise today in strong support of the Servicemember Family Protection Act, H.R. 4201, a bill introduced by my good friend from Ohio (Mr. TURNER).

Mr. Speaker, as our Nation's servicemembers continue to endure long deployments overseas, the Servicemembers Civil Relief Act is there to protect their interests at home. At its core, SCRA ensures that servicemembers have certain protections in the event that military service impedes their ability to meet certain financial and legal obligations.

Although the current SCRA covers everything from mortgages to cell phone contracts, it simply fails to protect one uniform framework for protecting servicemembers' rights under child custody actions by State courts. This bill would protect these rights by amending the SCRA to require that if a court gives temporary custody of a servicemember's child to someone else because of the servicemember's deployment, the servicemember has the opportunity to have the previous custody order reinstated upon their return. This would occur unless the court determines that such a move would not be in the best interest of a child. The bill would also prohibit courts from considering the absence or potential absence of a servicemember from being considered as part of the court's determination of the child's best interest. Finally, my colleagues, the bill ensures that if higher protections than that provided by the bill, H.R. 4201, exist under any State law, then the higher standard should be applied.

Mr. Speaker, in previous Congresses, Members have received anecdotal evidence of servicemembers having to make the difficult decision of choosing between their military career and the legal custody of their children because of rulings made by courts that took their military service into account when assigning custody of the child. Mr. Speaker, I believe that our servicemembers who stand guard in constant defense of our liberties should never have to make this choice. That is why this bill's revisions to SCRA are so critically important to unit morale and our Nation as a whole.

So I want to again thank Mr. TURNER from Ohio for introducing this legislation. I also want to thank Chairman JEFF MILLER and Ranking Member Mr. FILNER for their support.

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

Ms. BROWN of Florida. Mr. Speaker and Members of the House, I rise today as the House of Representatives returns from Memorial Day events around the country to honor our Nation's servicemen and their families.

On behalf of a grateful Nation, I want to thank our servicemen and -women for their sacrifices in defense of the freedoms we all hold so dear. As President Obama has said, it is important to follow these words with deeds, that we must do what we can for the veterans of past, present, and future conflicts.

I am pleased to have been a Member of Congress in 2009 when a Democratic President, Democratic House, and Democratic Senate passed the largest

budget in the history of the Department of Veterans Affairs. In addition, we made sure that the VA was not subject to the whims of government shut-down, and the subject of the health care budget of the VA to advanced appropriations, removing the worry for our veterans that their health care would be available.

I am looking forward to the ceremony to be held at the end of June to honor the Montford Point Marines. It is necessary to honor all of America's war heroes' service and sacrifice, and in particular those who served at Montford Point, the marines who were the last group to integrate who are about to be officially recognized as a rich legacy of our Marine Corps. They answered our Nation's call at a time when our society was deeply divided along racial lines.

As our servicemembers continue to deploy, we need to ensure that we're doing everything we need to do to help the families. One item that has often been overlooked is the care of our servicemembers' children when they are deployed. H.R. 4201 would amend the Servicemembers Civil Relief Act to help protect the child custody rights of servicemembers being deployed overseas. This bill would protect a servicemember's custodial rights by requiring that temporary custody orders based solely on the servicemember's deployment will be exactly that—temporary—and that when the servicemember returns, the custody order in effect before deployment will be reinstated.

This bill provides important safeguards and peace of mind to our servicemembers facing overseas deployment and puts the interests of children first. This bill was passed by the House last Congress, and we should do it again.

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

Mr. STEARNS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TURNER).

□ 1740

Mr. TURNER of Ohio. Mr. Speaker, unbelievably, across this country in family law courts, in States, our servicemembers stand before family law court judges who take custody away from our servicemembers upon their return from either, previously, Iraq or, now, Afghanistan based solely on the fact that they were away from their children serving their country.

Mr. Speaker, we should not have one arm of the government ordering our servicemembers to deploy and another arm of our government taking their children away from them based upon the fact that they were away servicing their country. One servicemember, Eva Slusher, who has been a champion of this issue, has said that she did not understand when she got back, by law, they had to give her her job back but, by law, no one had to return to her her child.

Servicemembers risk their lives in support of the contingency operations that keep our Nation safe. State courts should not be allowed to use a servicemember's previous deployments or the possibility of future deployments when making child custody determinations. State courts should not be allowed to use a servicemember's previous deployments or the possibility when making these child custody determinations.

Our bill would amend the Servicemembers Civil Relief Act to protect servicemembers against this injustice by providing a uniform national standard. The lack of uniform laws creates uncertainty that adversely affects readiness and morale.

State laws differ on the question of whether deployment or the potential for future deployment can be used as a criterion for these courts, and many States have no laws at all. The difference in State laws provides an opportunity for ex-spouses to venue shop to find a State that will alter custody agreements. Many servicemember custody battles involve up to three States: the State of the original custody order, the State where the child is residing, and the State where the servicemember is stationed.

This bill creates a protective floor to ensure that all military parents can feel confident that their service to our country will not be used against them in our courts.

In supporting this legislation, Secretary Gates stated: "I am convinced that the benefits outweigh the concerns and, thus, we should work with Congress to pursue an acceptable legislative formulation."

The language of this bill has passed the House on seven separate occasions, and the bill has strong bipartisan support. I have a letter to Leon Panetta that is signed by every member of the House Armed Services Committee that I will enter into the RECORD.

Our men and women in uniform sacrifice a great deal to serve our country. We owe it to them to provide uniform legal standards regarding child custody. Our servicemen and -women should never be in the position of having to choose between their country and their family; or while they're on service, they should not have to worry what might happen to them when they return.

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 29, 2012.

Mr. LEON PANETTA,  
Secretary of Defense,  
Washington, DC.

DEAR SECRETARY PANETTA: We appreciate your interest stated during the February 15, 2012 House Armed Services Committee (HASC) hearing in protecting child custody rights for our men and women in uniform.

As you know, legislative language addressing this issue has already passed the House of Representatives on six separate occasions. It has passed five times as part of the National Defense Authorization Act, every year from 2008 through 2012. Additionally, in 2008 this language passed the House as a standalone bill (H.R. 6048) by voice vote. Sixty members from both sides of the aisle signed

on to H.R. 6048 as co-sponsors. Most recently, the bill was included in the Managers Package in the FY12 House NDAA and was supported by the Department of Defense (DoD).

Enclosed are letters of support that both Secretary Gates and Secretary Stanley provided for this legislation last year. Also enclosed is the 2010 HASC letter to Secretary Gates. As we move forward with the current legislative session, we look forward to the same level of support from the DoD in addressing this important issue and ensuring that our men and women in uniform have their parental rights protected.

Sincerely,

MICHAEL R. TURNER,

*Member of Congress.*

ROBERT ANDREWS,

*Member of Congress.*

#### HASC SIGNATURES

Michael Turner, Rob Andrews, Howard P. "Buck" McKeon, Chairman, Adam Smith, Ranking Member, Mac Thornberry, Vice Chairman, Roscoe G. Bartlett, Walter B. Jones, W. Todd Akin, J. Randy Forbes, Jeff Miller, Joe Wilson, Frank A. LoBiondo, John Kline, Mike Rogers, Trent Franks, Bill Shuster, K. Michael Conaway, Doug Lamborn, Rob Wittman, Duncan Hunter, John C. Fleming, Mike Coffman, Thomas J. Rooney, Todd Russell Platts, Scott Rigell, Chris Gibson, Vicky Hartzler, Joe Heck, Bobby Schilling, Jon Runyan, Austin Scott.

Tim Griffin, Steve Palazzo, Allen West, Martha Roby, Mo Brooks, Todd Young, Silvestre Reyes, Loretta Sanchez, Mike McIntyre, Robert A. Brady, Susan A. Davis, James R. Langevin, Rick Larsen, Jim Cooper, Madeleine Z. Bordallo, Joe Courtney, David Loebsack, Niki Tsongas, Chellie Pingree, Larry Kissell, Martin Heinrich, William L. Owens, John Garamendi, Mark Critz, Tim Ryan, C.A. Dutch Ruppersberger, Hank Johnson, Betty Sutton, Colleen Hanabusa, Kathleen C. Hochul, Jackie Speier.

Ms. BROWN of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman has 17½ minutes remaining.

Ms. BROWN of Florida. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I would like to thank my friend from Florida for yielding and for putting deeds ahead of words when it comes serving our veterans, as I know the full committee does as well. This is an issue on which there is no Republican, Democrat, no liberal, conservative divide. There's unanimity we should put our deeds first and our words second. I commend my friend from Florida for being an exemplar of that principle.

No member of our armed services should ever be told that a custody decision involving their children depends solely on the fact that they have been deployed or will be deployed. Never should that happen.

Now, in the past, there's been arguments, frankly, from the other body against this provision on the argument that we must choose between the best interest of the child and the sovereign parental rights of our servicemembers. This is a false and inaccurate choice.

This bill starts from the premise that the best interest of the child is the

paramount value. It in no way disrupts or subverts any State law in that respect, but it adds to that provision a provision that must be added by Federal law, because there must be a uniform standard since it's the Federal Government that is deciding who will be deployed and when. So, supplemental to the guiding principle of the best interest of the child is a principle in this bill that says that deployment cannot be the sole reason for a decision to deprive a man or woman of custody of his or her child.

Now, it strikes me that this is a complex legal issue. I will confess to that. But morally, this is a distinct, clear, and open issue. We all support the best interest of the child. But I think that we all support, and I think in a few minutes we're going to have a vote that demonstrates that we all support, the principle that the sovereignty of parenthood should not be forfeited by taking the oath of office to serve one's country in uniform. This should never happen.

So, again, here is what this means. It means that no child would ever be placed in a situation that's not in his or her best interest in the decision of the decisionmaker, of the judge or the Court. None of us wants that. But it also means that any State or any judge that says the sole reason that we are depriving a man or woman of custody of his or her son or daughter is because they volunteered to serve their country and followed an order to be deployed or are about to follow an order to be deployed.

This is morally clear. It is legally correct, and I hope it will be unanimously supported by the ladies and gentlemen of the House.

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

Ms. BROWN of Florida. I don't have any other speakers, so I yield back the balance of my time.

Mr. STEARNS. Mr. Speaker, I'll close using such time as I may consume to say:

This is a very important bill. Mr. TURNER just touched on something that I think I want to bring up again. This, the language in this bill, has passed the House on seven separate occasions, six times as part of the House National Defense Authorization Act in FY 2008, 2009, 2010, 2011, 2012, and 2013, and once, my colleagues, as a stand-alone bill by voice vote in 2008. And all the while, this bill has had strong bipartisan support.

Mr. Speaker, if I can, I urge the United States Senate that, upon passage today, our colleagues over there simply take up this bill and the 10 other bills that the Veterans' Committee has passed through our committee and the House and pass those also.

With that, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4201, "Service-

member Family Protection Act." This legislation amends the Servicemember Civil Relief Act and provides protection for servicemembers who lose temporary custodial responsibility for a child from court due to deployment or anticipated deployment. Upon return from deployment, the court must reinstate the custody order that was in effect preceding the deployment provided that the reinstatement is in the child's best interest.

H.R. 4201 would prevent previous and future deployment from being considered in the determination of a child's best interest in a motion seeking a permanent order to modify custody. In addition, it also creates a uniform nationwide standard for dealing with servicemembers and deployment.

Just as our service men and women are stationed around the world fighting for our rights and freedom, we must protect their rights here at home.

According to a report from USA Today, military divorces reached an all time high in 2011. When children are involved, these divorce proceedings face even greater complications.

It is unfair to say the least, to use a servicemember's previous service to this country and possible future service against them in child custody battles.

Not only does this create division in family households, it also creates negative feelings towards military service in the minds of the dedicated men and women who protect our freedom.

Past problems in these court cases have centered on a lack of uniformity of the law. Many states even lack laws concerning deployment as a criterion by courts. In previous cases this has caused servicemembers to fight custody suits in up to three states: the state where the suit began, the state where the child is residing and the state where the servicemember is stationed. Dealing with child custody battles is difficult even in civilian life. With the additional stress many in our military face, sometimes it can become unbearable. The Department of Defense and Service has even observed a connection between child custody battles and military suicides.

There must be justice and uniformity when deciding child custody disputes for our servicemembers. I urge my colleagues to join me in supporting H.R. 3140 "Mass Transit Intelligence Prioritization Act."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 4201.

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. STEARNS. 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, further proceedings on this question will be postponed.

#### SECURE BORDER ACT OF 2011

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1299) to achieve operational control of and improve security at the international land borders of the