

## NATIONAL POW/MIA FLAG ACT

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 693) to amend title 36, United States Code, to require that the POW/MIA flag be displayed on all days that the flag of the United States is displayed on certain Federal property.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 693

*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 "National POW/MIA Flag Act".

**SEC. 2. DAYS ON WHICH THE POW/MIA FLAG IS DISPLAYED ON CERTAIN FEDERAL PROPERTY.**

Section 902 of title 36, United States Code, is amended by striking subsection (c) and inserting the following:

"(C) DAYS FOR FLAG DISPLAY.—For the purposes of this section, POW/MIA flag display days are all days on which the flag of the United States is displayed."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Virginia (Mr. CLINE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

## GENERAL LEAVE

Mr. COHEN. 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 Tennessee?

There was no objection.

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

Mr. Speaker, I rise in support of S. 693, the National POW/MIA Flag Act. This bill would effectively require that the National League of Families POW/MIA flag be flown every day at certain specified locations.

Under current law, the flag must be displayed on six designated days: Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day, and Veterans Day. In addition, the flag must be flown at the World War II Memorial, Korean War Veterans Memorial, Vietnam Veterans Memorial, Veterans Affairs medical centers, and post offices on every day the United States flag is displayed.

Current law requires that the POW/MIA flag be displayed on these designated days at the Capitol; the White House; the World War II, Korean War Veterans, and Vietnam Veterans Memorials; each national cemetery; the buildings containing offices of the Secretaries of State, Defense, and Veterans Affairs, and the Director of the Selective Service System; each major military installation; each Veterans Affairs medical center; and each post office.

This bill simply strikes the provision designating days for display of the POW/MIA flag from current law and replaces it with the mandate that the POW/MIA flag be flown on all days on which the United States flag is displayed.

Enacting this bill into law would be an appropriate tribute to all those who have served our Nation in uniform, and especially those who made the sacrifice of being held prisoner by our Nation's enemies in wartime and for those who remain missing as a result of hostile action.

The POW/MIA flag not only reminds every American of these individuals' sacrifices, but also acts as a symbol of the Nation's commitment to achieve, as the statute says, "the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for."

I will look at this flag in future years and think of Sam Johnson, a great Member of this House, and John McCain, a great American, an honest American, and a great leader.

I applaud Senator ELIZABETH WARREN for introducing this bill which passed the Senate by unanimous consent.

I also congratulate Representative CHRIS PAPPAS, who introduced an identical bill in the House and has worked tirelessly to shepherd this legislation through House passage. I thank him for his hard work and leadership on this meaningful measure that recognizes these heroes.

Mr. Speaker, I urge the House to pass this bill and the President to sign it into law, and I reserve the balance of my time.

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

Mr. Speaker, I thank the gentleman from Tennessee for his leadership on this issue. I also want to thank Congressman PAPPAS for his introduction of an identical bill in the House.

Many Americans may not be aware that more than 82,000 Americans are listed as prisoners of war, missing in action, or otherwise unaccounted for as a result of engagement in military conflicts. Displaying the POW/MIA flag alongside the American flag invites everyone to reflect on that somber number and appreciate the sacrifices people have made for the freest country on the planet.

S. 693 would require the POW/MIA flag to be displayed whenever the American flag is displayed on Federal properties, including the U.S. Capitol, the White House, the World War II Memorial, the Korean War Veterans Memorial, the Vietnam Veterans Memorial, every national cemetery and major military installation as designated by the Secretary of Defense, and every U.S. post office.

I look forward to passage of this bipartisan bill and to seeing the POW/MIA flag fly along with the Stars and Stripes to remind us that freedom comes at a cost and we owe more than

we know to the brave men and women who gave their lives and their liberty for their fellow Americans.

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

Mr. COHEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. PAPPAS), who is the author.

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his words.

As well, I thank Mr. CLINE for his words in support of this legislation.

Mr. Speaker, I rise in support of S. 693, the National POW/MIA Flag Act.

In May, I had the privilege of visiting America's longest running POW/MIA vigil, in my district, in Meredith, New Hampshire. There, on the shores of Lake Winnepesaukee, participants have been gathering every Thursday evening for more than 30 years to honor and remember servicemembers listed as prisoners of war, missing in action, or otherwise unaccounted for.

It doesn't matter if it is a night in the depths of a frigid winter or a sweltering summer, every vigil brings out a strong community of veterans, family members, and supporters who call on all of us to remember these heroes. Vigils like these happen all across this great country to ensure no servicemember's sacrifice is forgotten.

Flying over these vigils with the Stars and Stripes is the POW/MIA flag. This flag was conceived in the early 1970s during the Vietnam war by family members who awaited the return of their loved ones. It was adopted by Congress "as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation."

□ 1630

It has become an enduring national symbol of POW/MIA's from conflicts throughout our history.

That is why I was proud to introduce this bipartisan companion legislation in the House, along with my colleague, Representative BERGMAN, which would display the POW/MIA flag alongside the American flag at all Federal buildings, memorials, and all national cemeteries throughout the year.

Under current law, the POW/MIA flag is required to be displayed by the Federal Government only 6 days per year. This flag is representative of profound courage and sacrifice, and it is only right that those who served their country honorably but never returned home, are remembered appropriately at our Federal buildings, cemeteries, and memorials.

This bipartisan legislation passed the Senate unanimously, and it is endorsed by Rolling Thunder; the National League of POW/MIA Families; the Veterans of Foreign Wars; the American Legion; the National Alliance of Families for the Return of America's Missing Servicemen; and American Ex-Prisoners of War.

It is fitting that this bill has garnered such a strong show of support. I urge my colleagues to pass this legislation, to continue working with a sense of common purpose when it comes to supporting our servicemembers, military families, and veterans.

Members of Congress display this flag in front of our Washington and district offices because we believe we must honor the more than 81,000 servicemembers our government says are missing or unaccounted for since World War II.

Let's ensure these displays happen across Federal properties throughout the year. Let's ensure the words emblazoned on the POW/MIA flag continue to communicate our support and commitment for our Nation's heroes and their families. You are not forgotten.

Mr. CLINE. Mr. Speaker, again, I commend those who have pursued the introduction and passage of this important legislation. And along with the comments of my colleague from New Hampshire, "they will never be forgotten," we will continue to fly the POW/MIA flag alongside the American flag.

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

Mr. COHEN. Mr. Speaker, as the gentleman from Virginia (Mr. CLINE) said, this is a straightforward bill that rightly requires that the flag be flown effectively every day at certain locations at great significance to our country and to our Armed Forces and veterans.

It is an appropriate way to honor all those who served, and particularly, those who have been held prisoners and who remain missing because of their service to our Nation in wartime. Therefore, I urge prompt passage of S. 693.

Mr. Speaker, I thank the gentleman from New Hampshire (Mr. PAPPAS) for his work on the bill, and Senator WARREN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, S. 693.

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.

#### PREVENTING ANIMAL CRUELTY AND TORTURE ACT

Mr. DEUTCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 724) to revise section 48 of title 18, United States Code, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 724

*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 "Preventing Animal Cruelty and Torture Act" or the "PACT Act".

#### SEC. 2. REVISION OF SECTION 48.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

##### "§ 48. Animal crushing

"(a) OFFENSES.—

"(1) CRUSHING.—It shall be unlawful for any person to purposely engage in animal crushing in or affecting interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

"(2) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, if—

"(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

"(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

"(3) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce.

"(b) EXTRATERRITORIAL APPLICATION.—This section applies to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, if—

"(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

"(2) the animal crush video is transported into the United States or its territories or possessions.

"(c) PENALTIES.—Whoever violates this section shall be fined under this title, imprisoned for not more than 7 years, or both.

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—This section does not apply with regard to any conduct, or a visual depiction of that conduct, that is—

"(A) a customary and normal veterinary, agricultural husbandry, or other animal management practice;

"(B) the slaughter of animals for food;

"(C) hunting, trapping, fishing, a sporting activity not otherwise prohibited by Federal law, predator control, or pest control;

"(D) medical or scientific research;

"(E) necessary to protect the life or property of a person; or

"(F) performed as part of euthanizing an animal.

"(2) GOOD-FAITH DISTRIBUTION.—This section does not apply to the good-faith distribution of an animal crush video to—

"(A) a law enforcement agency; or

"(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

"(3) UNINTENTIONAL CONDUCT.—This section does not apply to unintentional conduct that injures or kills an animal.

"(4) CONSISTENCY WITH RFRA.—This section shall be enforced in a manner that is consistent with section 3 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-1).

"(e) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.

"(f) DEFINITIONS.—In this section—

"(1) the term 'animal crushing' means actual conduct in which one or more living non-human mammals, birds, reptiles, or am-

phibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242);

"(2) the term 'animal crush video' means any photograph, motion-picture film, video or digital recording, or electronic image that—

"(A) depicts animal crushing; and

"(B) is obscene; and

"(3) the term 'euthanizing an animal' means the humane destruction of an animal accomplished by a method that—

"(A) produces rapid unconsciousness and subsequent death without evidence of pain or distress; or

"(B) uses anesthesia produced by an agent that causes painless loss of consciousness and subsequent death."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by striking the item relating to section 48 and inserting the following:

"48. Animal crushing."

#### SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, and the amendments made by this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. DEUTCH) and the gentleman from Pennsylvania (Mr. RESCHENTHALER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. DEUTCH. 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 Florida?

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 724, the Preventing Animal Cruelty and Torture Act, or the PACT Act.

I give special thanks to the gentleman from Florida (Mr. BUCHANAN), my colleague. He is a longstanding friend of animals in Congress, and I am thrilled that he agreed to introduce this bill with me to create a Federal law punishing those who abuse animals.

I also would like to acknowledge Congressman HOLDING and the hard work by groups like the Humane Society and Humane Rescue Alliance, who have helped collect 290 bipartisan cosponsors for this bill. There are so many groups and people from across the country who have supported this