

services following the assassination of President McKinley in 1901. The Service's protection responsibilities have since expanded to include the First Family, the Vice President, former Presidents, heads of state, and others. This Service also provides protection at special events of national significance.

To address this vital responsibility, the Secret Service must anticipate, recognize, and assess threat situations and initiate strategies to eliminate and reduce threats or security vulnerabilities.

Key components to the Service's protection mission is securing the buildings and grounds where protectees work or visit. From the White House to a hotel ballroom, the Secret Service must provide a secure environment for the President and other protectees.

H.R. 2780 ensures that the Secret Service has the ability to secure all necessary areas surrounding the restricted buildings and grounds that house our leaders, their families, and foreign heads of state.

The bill clarifies section 1752 of title 18, which sets penalties for knowingly entering or remaining in any restricted building or grounds without the lawful authority to do so. Currently written, the code does not distinguish between those who are there lawfully, such as Secret Service agents and other authorized staff, and those who are there without permission.

This bill does not create any new authorities for the Secret Service and does not restrict the liberties of American citizens. H.R. 2780 simply clarifies and improves existing criminal statutes that are necessary for the Secret Service to resolve security issues and implement prevention strategies before tragedy strikes.

There have been enough climbing incidents at the White House fence for at least one Web site to dedicate itself to chronicling the escapades of "White House fence jumpers." While some of these individuals are attempting a collegiate prank, other such breaches could be catastrophic.

This bill will enable the United States Secret Service to continue to deliver the highest level of protective services, consistent with their proud tradition. I urge my colleagues to join me in supporting this important legislation.

I yield back the balance of my time. Mr. SCOTT of Virginia. 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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 2780, 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.

□ 1910

SIMPLIFYING THE AMBIGUOUS LAW, KEEPING EVERYONE RELIABLY SAFE ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5662) to amend title 18, United States Code, with respect to the offense of stalking, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5662

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 "Simplifying The Ambiguous Law, Keeping Everyone Reliably Safe Act of 2010" or the "STALKERS Act of 2010".

SEC. 2. STALKING.

(a) IN GENERAL.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§ 2261A. Stalking

"(a) Whoever, with intent to kill, physically injure, harass, or intimidate a person, or place under surveillance with the intent to kill, physically injure, harass, or intimidate a person, travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, and in the course of, or as a result of, such travel—

"(1) causes or attempts to cause bodily injury or serious emotional distress to a person other than the person engaging in the conduct; or

"(2) engages in conduct that would be reasonably expected to cause the other person serious emotional distress; shall be punished as provided in subsection (c).

"(b) Whoever, with intent to kill, physically injure, harass, or intimidate a person, engages in a course of conduct in or substantially affecting interstate or foreign commerce that—

"(1) causes or attempts to cause bodily injury or serious emotional distress to a person other than the person engaging in the conduct; or

"(2) occurs in circumstances where the conduct would be reasonably expected to cause the other person serious emotional distress; shall be punished as provided in subsection (c).

"(c) The punishment for an offense under this section is the same as that for an offense under section 2261, except that—

"(1) if the offense involves conduct in violation of a protection order; and

"(2) if the victim of the offense is under the age of 18 years or over the age of 65 years, the offender has reached the age of 18 years at the time the offense was committed, and the offender knew or should have known that the victim was under the age of 18 years or over the age of 65 years;

the maximum term of imprisonment that may be imposed is increased by 5 years over the term of imprisonment otherwise provided for that offense in section 2261."

(b) CLERICAL AMENDMENT.—The item relating to section 2261A in the table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

"2261A. Stalking."

SEC. 3. BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS TO BE INCLUDED IN ANNUAL REPORT OF THE ATTORNEY GENERAL.

In the annual report under section 529 of title 28, United States Code, the Attorney General shall—

(1) include an evaluation of Federal, tribal, State, and local efforts to enforce laws relating to stalking; and

(2) identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.

SEC. 4. PAYGO COMPLIANCE.

The budgetary effects of 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 Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. 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 Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the STALKERS Act of 2010 makes a number of changes in the United States Code with respect to the offense of stalking. It clarifies, strengthens, and enhances the current law.

First it allows law enforcement to intervene in cases where a victim may not be aware of the seriousness of the threat before it's too late. The existing statute requires a person have reasonable fear of bodily injury or to undergo emotional distress. These injuries are difficult to demonstrate, often frustrating both victims and prosecutors.

H.R. 5662 addresses this problem by permitting law enforcement to intervene in any event of stalking that might reasonably be expected to cause another person serious emotional distress. This small change will go a long way towards both effective law enforcement and justice for victims.

Second, the bill reaches criminals who make use of new technologies to stalk their victims. It extends the law to any course of conduct in or substantially affecting interstate commerce, which will apply to cyberstalking, acts of surveillance and other forms of stalking that employ emerging technologies.

Third, the bill takes several steps towards more effective enforcement of the Federal stalking statute and other

stalking laws. It increases the maximum term of imprisonment by 5 years if a criminal violates a protection order or if the victim is under the age of 18 or over the age of 65.

The bill also requires the Attorney General to conduct a annual study of best practices and enforcement of stalking laws nationwide. In short, this legislation updates current law to target the full range of behavior that stalkers direct towards their victims. It will help law enforcement seek justice, help victims seek closure, and increase protections of the most vulnerable amongst us.

I want to thank the gentlewoman from California (Ms. LORETTA SANCHEZ) for her hard work and advocacy on behalf of victims of stalking. I ask my colleagues to join me in supporting this bipartisan legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

First, let me say, Mr. Speaker, both as a Member of Congress and as the former attorney general of the State of California, I have long been concerned with the plight of those who have been victimized by crime. The anti-stalking law we had in the State of California was one that we worked with local law enforcement on and the agents that worked for me also worked on that in coordination with the local law enforcement officers. Certainly, those who have suffered from the threats of stalkers warrant our concern and our action.

I also would like to acknowledge the work, the pioneering work, that was done by the gentleman from California (Mr. ROYCE) on this with the original Federal anti-stalking legislation.

I certainly appreciate the motivations and efforts of the gentlewoman from California who brings this bill here today in an effort to respond to this serious issue.

However, I must suggest that legislation of this magnitude is of sufficient importance that it warrants attention by our committee commensurate with the serious nature of the stalking issue. Regrettably, we have had no hearings on this bill, no markups, no legislative process of any kind. Until this evening, we did not even know the full contents of this bill, and now Members are being asked to vote on it.

Further, it's my understanding the bill was added to the suspension calendar late last night. I understand that we may need to revisit the Federal statute now if this is not adequate to protect the victims of stalking. But having just received a copy of the final version of this legislation this evening, I do wish we had had more time to devote to this important bill.

Certainly, victims of emotionally and physically devastating crimes like stalking deserve the very best this Congress can produce, rather than us perhaps making some errors in the bill that we are considering, particularly a

bill that was finalized an hour before votes. Although this bill comes to the floor under suspension of the rules, the lack of process surrounding this vote seems to have suspended all of the rules, unfortunately.

Nevertheless, the proposal does address issues of legitimate concern to stalking victims.

I, therefore, support this measure, and I would argue that all Members should support this measure. However, I do feel it necessary to register strong disappointment considering the method with which this bill has been brought to the floor.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to a strong advocate for victims of stalking, the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank our chairman, BOBBY SCOTT, for bringing this forward and to Chairman CONYERS for bringing this forward.

You know, about a year and a half ago we put the first stalking legislation together for what we call the UCMJ, the Uniform Code of Military Justice. That is the code or the laws that govern our military. Since I am the ranking woman on all military issues here, I was the author of that.

Having looked at that and done that for the military code, I thought about all the issues that were still outstanding in the current Federal civil code. So I am here today to thank you, Mr. Chairman, for allowing me to bring this long overdue piece of legislation, the STALKERS Act of 2010.

Representative VIRGINIA FOXX of North Carolina and I have bridged party lines to introduce H.R. 5662, and I want to thank her for her leadership on this issue. There is also a companion bill that will be introduced in the Senate, we hope, next week.

No one can deny that the Internet is a remarkable tool, capable of connecting billions of people throughout the world. Unfortunately, it has also proven to be an effective weapon for stalkers to prey on innocent people.

Current Federal stalking statutes simply have not caught up with what is going on with the new tools and the emerging technologies that criminals have at their disposal. So the STALKERS Act would bring our lives into the 21st century by giving law enforcement the tools that it needs to combat stalking in the digital age.

The STALKERS Act would protect victims and empower prosecutors by increasing the scope of existing laws to cover acts of electronic monitoring, including spyware, bugging, video surveillance and other new technologies as they develop. Currently, Federal laws cannot be enforced unless stalking victims can demonstrate that they are in reasonable fear of physical injury. Because stalking is often a gateway to more violent acts, by the time a victim

can actually demonstrate that they have "reasonable fear," it may be too late.

So the STALKERS Act lowers the threshold for action by permitting law enforcement to prosecute any act of stalking that is reasonably expected to cause another person serious emotional distress. Our laws should help to protect the victims, not serve as a roadblock to their safety.

This legislation helps to do that. At its core, stalking is about power and control. It is a violation of the worst kind and our justice system needs every single tool available to combat this crime.

I am proud to have introduced this STALKERS Act, and I urge my colleague to pass this bill. It is time we fight against stalking and other forms of harassment and intimidation and be on the side of victims.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise in support of this bill. Anybody who has spoken with or in any way had an opportunity to meet with those who have been the victims of stalkers understands the terrible emotional impact that this illegal activity can have. Oftentimes, it is an act precedent to actual physical harm; but even when actual physical harm is not done, the emotional toll is, in fact, real and extensive.

This bill, I think, furthers the interest that we have in the Federal anti-stalking law, but at the same time I do register my reservation about the manner in which it was brought forward without full consultation with those of us on this side of the aisle on the committee.

□ 1920

Nonetheless, it's a good idea. I urge my colleagues to support it, and I hope it gets unanimous support.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from California (Mr. DANIEL E. LUNGREN) for his support and the gentlelady from California (Ms. LORETTA SANCHEZ) for her strong advocacy on behalf of victims of stalking. I hope that we will pass the bill.

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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5662, 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.

PROTECTING GUN OWNERS IN
BANKRUPTCY ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5827) to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5827

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 "Protecting Gun Owners in Bankruptcy Act of 2010".

SEC. 2. EXEMPTIONS.

Section 522 of title 11, the United States Code, is amended—

(1) in subsection (d) by adding at the end the following:

"(13) The debtor's aggregate interest, not to exceed \$3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof," and

(2) in subsection (f)(4)(A)—

(A) in clause (xiv) by striking "and" at the end,

(B) in clause (xv) by striking the period at the end and inserting ";; and", and

(C) by adding at the end the following:

"(xvi) The debtor's aggregate interest, not to exceed \$3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof."

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. 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 Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield all of the time to the sponsor of the bill, the gentleman from Ohio (Mr. BOCCIERI), and ask unanimous consent that he be allowed to control the time.

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

There was no objection.

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

Mr. Speaker, while Congress works to pull our Nation out of this economic

recession, many people across our great country continue to struggle with depleted savings and financial hardship, but those financial challenges should not affect a person's individual constitutional rights and their ability to protect their family. That is why I stand here today in strong support of H.R. 5827, Protecting Gun Owners in Bankruptcy Act. My legislation ensures families hit hard by the recent economic downturn in the recession and forced to file bankruptcy do not hand over their right to protection or their right to possess a firearm.

H.R. 5827 provides an exemption in the Federal Bankruptcy Code for personal firearms. Since 2005, debtors who file bankruptcy could retain household goods such as radios, TVs, VCRs and linens, but not firearms. Currently, bankruptcy for gun owners not only means the seizure of family heirlooms, but perhaps the inability for them to protect their own family. This means that families who file bankruptcy are left without this constitutionally provided right.

H.R. 5827 ensures a person who files for bankruptcy will not lose a treasured family heirloom or sporting equipment passed down from one generation to the next.

I happen to have a weapon that was passed down that my grandfather used in the Second World War, an M1 Carbine rifle that is a family heirloom. And as a small arms expert in the United States Air Force and a hunter in Ohio, I know that firearms are not just mere possessions but family heirlooms as well.

My fellow sportsmen in Ohio want to see the protection of their constitutionally protected rights. The Protecting Gun Owners in Bankruptcy Act will ensure that families can keep these prized possessions and continue to pass them on for generations to come.

The right protected by the Second Amendment is deeply rooted in our Nation's history and tradition. One needs to look no further than the woods of Ohio during autumn to know that this is true.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of H.R. 5827 and yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the Protecting Gun Owners in Bankruptcy Act of 2010 because the bill does recognize that an individual's Second Amendment right to lawful self-defense is not suspended during periods of financial hardship.

The Second Amendment confirms the right of every American to keep and bear arms in self-defense. Neither Federal nor any State legislature is permitted to enact a law infringing on this most basic right. In 2008, the Supreme Court confirmed in its Heller decision that "There seems to us no doubt, on the basis of both text and

history, that the Second Amendment conferred an individual right to keep and bear arms."

This fundamental right to defend oneself and one's family with lawful and responsible gun ownership was reinforced just this year when, in McDonald, the court prohibited State and local legislatures from passing laws infringing on an individual's Second Amendment rights.

Following passage of this bill, gun owners will be protected against overreaching legislatures but also from the harsh realities of the current economic crisis. Americans need not be reminded that our Nation is still mired in some of the worst economic conditions since the Great Depression. In my home State of California, bankruptcy filings in the first quarter of 2010 have increased approximately 41 percent over the first quarter of 2009.

The bill we're considering today, recognizing that constitutional rights do not halt in the face of financial difficulty, creates a new Federal exemption that places a personal firearm beyond the reach of creditors and allows the debtor to avoid liens on the firearm if they would otherwise prohibit him from taking the new exemption.

The Bankruptcy Code already exempts a variety of other basic items like linens and household goods that a debtor needs during a bankruptcy case to live a modest life and reorganize his or her financial affairs. The bill confirms that a debtor can maintain his or her own safety while the bankruptcy case is pending. The Federal bankruptcy exemption we are creating today is consistent with the principles embodied in the Second Amendment.

I would urge my colleagues to join with me in supporting the bill.

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

Mr. BOCCIERI. Mr. Speaker, I yield 5 minutes to the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank my colleague.

Mr. Speaker, I rise in strong opposition to H.R. 5827. I fail to see why we need to protect guns in a bankruptcy proceeding.

This bill had no hearings. It was not marked up. It only had 21 cosponsors. Suspension bills should be reserved for noncontroversial items. I know for a fact anywhere from 80 to 100 of our Members will be voting against this. This bill should have gone through regular order.

Bankruptcy is a tough time for everybody. I sympathize greatly with individuals and families who are facing a bankruptcy. But as part of a bankruptcy proceeding, personal assets are turned over to bankruptcy trustees. The trustees collect assets—cars, boats, and so on. Bankruptcy calls for all of these items.

The process is designed to provide some protections for both the bankrupt individual and the one who is owed money. Some items are exempt as they