

1 MORNINGSIDE PARTNERS, LLC

2 MARKUP OF H.R. 545, THE NATIVE AMERICAN
3 METHAMPHETAMINE ENFORCEMENT AND TREATMENT
4 ACT OF 2007; H.R. 137, THE ANIMAL
5 FIGHTING PROHIBITION ENFORCEMENT ACT OF
6 2007; AND H.R. 740, THE PREVENTING
7 HARASSMENT THROUGH OUTBOUND NUMBER
8 ENFORCEMENT (PHONE) ACT OF 2007; AND
9 THE COMMITTEE OVERSIGHT PLAN
10 Wednesday, February 7, 2007
11 House of Representatives,
12 Committee on the Judiciary,
13 Washington, D.C.

14 The committee met, pursuant to call, at 10:23 a.m., in Room
15 2141, Rayburn House Office Building, Hon. John Conyers

16 [chairman of the committee] presiding.

17 Chairman Conyers. [Presiding.] Good morning, everyone.

18 While we are waiting for the gentleman from Virginia to
19 appear, we are going to take up the oversight plan first. So
20 pursuant to notice, I call up the committee's oversight plan
21 for the 110th Congress for purposes of a markup.

22 The clerk will report.

23 The Clerk. "Full Committee. Consumer Protection. The
24 committee expects to review a number of issues, including the
25 civil justice liability system, and recent federal changes to
26 it. The efforts of the Department of Justice—"

27 [The oversight plan follows:]

28 ***** INSERT *****

29 Chairman Conyers. Without objection, the oversight plan
30 will be considered as read and open for amendment at any
31 point.

32 I recognize myself for a very brief statement describing
33 the plan.

34 As the members are aware, the House requires the
35 standing committees to draft an oversight plan at the
36 beginning of each Congress and submit it to the House
37 Administration and Oversight and Government Reform Committees
38 by February 15.

39 Oversight is one of Congress's core responsibilities
40 under our Constitution and system of government. On this
41 committee, even though at times there will be strong
42 differences on particular issues, it has been a custom and we
43 have traditionally agreed on the importance of effective and
44 vigorous oversight concerning the crucial issues of law and
45 justice on which we work. It is my desire, along with the
46 ranking member, to continue this tradition.

47 In that regard, all members of the committee on both
48 sides of the aisle have been consulted through my office and
49 that of Lamar Smith's office, and based on those discussions,
50 it is my hope that we can adopt the plan that is before us.
51 As previous chairs of the committee have observed, the plan
52 is not binding in the sense that we may consider other
53 matters based upon the exigencies that we, of course, cannot

54 foresee.

55 We have accordingly written a plan with breadth and
56 flexibility, and at the same time consulting with Mr. Smith
57 to include issues that he and others on his side of the aisle
58 have raised. Regardless of the differences that members
59 appropriately have, we have tried to phrase the oversight
60 issues in the spirit of a neutral manner to accommodate the
61 differences, so that this can continue to be a consensus
62 document as it has in the past.

63 I would like now to recognize the distinguished ranking
64 minority member, the gentleman from Texas, Mr. Lamar Smith,
65 for opening remarks.

66 Mr. Smith. Thank you, Mr. Chairman.

67 This plan establishes the committee's oversight
68 priorities for the 110th Congress with regard to a number of
69 important issues. I am pleased that the majority has
70 accepted language that we submitted for consideration.

71 I am particularly pleased that the plan includes
72 language calling for an expansive view of comprehensive
73 immigration reform, as well as a review of the problem of
74 criminal gangs preying on our communities, including our
75 immigrant communities, and with smuggling of foreign
76 nationals into the United States.

77 I must express some concern about certain issues we
78 submitted for consideration that were not included in the

79 plan we consider today. Some of these issues include the
80 examination of the legal threats posed to the phrase "under
81 God" in the Pledge of Allegiance and the protection of
82 private property rights. These are issues where the majority
83 of the American people have clearly defined views. So it is
84 regrettable that the committee is not giving them the
85 attention that they deserve.

86 The plan also does not contain specific language
87 regarding oversight of the implementation of several
88 important border security laws that the committee played a
89 leading role in enacting. These include the Enhanced Border
90 Security and Visa Entry Reform Act, the Western Hemisphere
91 Travel Initiative, and the Secure Fence Act. Additionally,
92 this plan omits consideration of various immigration-related
93 issues, such as terrorist access to the United States, the
94 abuse of our immigration system, and internal enforcement of
95 our immigration laws, and immigration benefit fraud.

96 These are important issues that deserve vigorous
97 oversight by this committee. I am a little disappointed that
98 they were not included in the plan we consider today.

99 Despite these omissions, Mr. Chairman, given the broad
100 language the plan used to describe the committee's intended
101 oversight activities, I believe that oversight on these
102 issues would continue to fall within the activities
103 contemplated by this plan.

104 I also noted, Mr. Chairman, as you have, that this plan
105 is non-binding. Thus, the committee and its members may
106 consider any other matters that fall within our jurisdiction,
107 and we are not bound to consider only the items in this
108 document.

109 Chairman Conyers. Would the gentleman yield?

110 Mr. Smith. I have just a couple more paragraphs, and
111 then I will be happy to yield.

112 Chairman Conyers. All right.

113 Mr. Smith. This committee's oversight function is one
114 of its core responsibilities. In the past, we have conducted
115 robust oversight, and I hope that that will continue
116 throughout the 110th Congress.

117 Mr. Chairman, I appreciate the work of your staff with
118 my staff to draft this plan, and I support its adoption.

119 I will be happy to yield to the chairman for any
120 questions or comments he might have.

121 Chairman Conyers. I wanted to merely assure you, Mr.
122 Smith, that even those issues upon which you express some
123 disappointment are not off the table, and that our
124 discussions on them will continue.

125 Mr. Smith. I appreciate that.

126 Chairman Conyers. I thank the gentleman for yielding.

127 Mr. Smith. I appreciate the chairman's reassurance, and
128 I yield back the balance of my time.

129 Chairman Conyers. I thank the gentleman.

130 Does anyone seek recognition?

131 Mr. Goodlatte. Mr. Chairman?

132 Chairman Conyers. Yes, Mr. Goodlatte is recognized.

133 Mr. Goodlatte. Mr. Chairman, thank you very much.

134 I would like to join with the ranking member in
135 expressing concern about some of the matters that were
136 omitted.

137 In addition, I know of another matter that was submitted
138 by the ranking member for consideration, and that is one that
139 was discussed last week during the first oversight hearing,
140 dealing with presidential signing statements, in which quite
141 a bit of discussion took place about the need for oversight
142 of the use of foreign court precedents cited in decisions by
143 the United States Supreme Court and by our lower courts,
144 which was readily agreed to by two of the witnesses who
145 testified before the committee.

146 I would certainly hope that there would be ongoing
147 consideration and discussion of whether or not this is
148 deserving of some oversight by the committee as well.

149 Chairman Conyers. Would the gentleman yield?

150 Mr. Goodlatte. I would be happy to yield.

151 Chairman Conyers. I just want him to know that we have
152 been advised that it was not sent over by the staff, but we
153 would be happy to take that issue up. I share your interest

154 in it as well.

155 Mr. Goodlatte. Thank you, Mr. Chairman.

156 Mr. Cannon. Mr. Chairman?

157 Chairman Conyers. Yes? Mr. Cannon?

158 Mr. Cannon. Thank you, Mr. Chairman.

159 I note that you in paragraph VII have taken the issue of
160 privacy to the full committee level, but referred in that
161 paragraph that this would be done in conjunction with our
162 relevant subcommittees. Historically, the Subcommittee on
163 Commercial and Administrative Law has dealt with issues about
164 privacy. In fact, the issues referred to in this paragraph
165 are matters that were developed and came out of the
166 Commercial and Administrative Law Subcommittee. I am just
167 hoping to clarify that we still have a role in that issue.

168 Chairman Conyers. Absolutely, if the gentleman will
169 yield. There are three other committees involved, and that
170 is why we combined not only the Constitution Committee, but
171 the Criminal Justice Committee and the Administrative Law
172 Committee, and that is why we bundled them all. But your
173 committee is still very, very much involved and it is very
174 important to this.

175 Mr. Cannon. Thank you, Mr. Chairman. I yield back.

176 Chairman Conyers. You are welcome.

177 Are there any amendments or further discussion?

178 If not, the question occurs on the amendment, and all

179 those in favor shall signify by saying "aye."

180 All those opposed, signify by saying "no."

181 In the opinion of the chair, the ayes have it. The ayes
182 have it.

183 Before we move to the next issue, the majority having
184 voted in favor of the committee's oversight plan for the
185 110th Congress, it is ordered reported favorably to the
186 House.

187 Bobby Scott is here, so we can now begin, pursuant to
188 notice, I now call up bill, H.R. 545, the Native American
189 Methamphetamine Enforcement and Treatment Act of 2007, for
190 purposes of markup.

191 The clerk will report.

192 The Clerk. "H.R. 545, to amend the Omnibus Crime
193 Control and Safe Streets Act of 1968, to clarify that
194 territories and Indian tribes are eligible to receive grants
195 for confronting the use of methamphetamines—"

196 [The bill follows:]

197 ***** INSERT *****

198 Chairman Conyers. Without objection, the bill will be
199 considered as read and open for amendment at any point.

200 I am privileged to recognize now the gentleman from
201 Virginia, the chairman of the Crime Subcommittee, Bobby
202 Scott, for a statement describing the bill.

203 Mr. Scott. Thank you, Mr. Chairman, for holding this
204 markup of this important bill and for expediting the passage
205 of the bill.

206 The bill establishes the clear intent of Congress to
207 assist Native Americans in combating the threat of
208 methamphetamines. The threat of methamphetamines looms great
209 in our country, and no where is the threat greater than in
210 Native American communities.

211 Studies have shown that Native American communities have
212 more than double the meth use rate of other communities.
213 According to surveys performed by the Bureau of Indian
214 Affairs, over 70 percent of Indian tribes identified
215 methamphetamines as the drug that posed the greatest threat
216 to their reservation, and also estimated that at least 40
217 percent of violent crime cases investigated in Indian Country
218 involved methamphetamine in some capacity.

219 From the hearings in the House and from other reports,
220 we learned that the federal laws and programs designed to
221 prevent the spread of methamphetamine use have been proven
222 reasonably effective. However, serious gaps have been

223 identified in respect to protecting our Native American
224 communities from this dangerous drug. Thus, more help is
225 needed to better enable them to get this problem under
226 control.

227 Unfortunately, in trying to do that, we failed to do it,
228 inadvertently, by leaving out the tribal organizations as
229 eligible recipients for certain grants in the Combat
230 Methamphetamine Epidemic Act of 2005, which was passed last
231 year as part of the USA Patriot Act reauthorization. H.R.
232 545, the Native American Methamphetamine Enforcement and
233 Treatment Act of 2007 corrects that oversight.

234 Included in the Combat Meth Act were provisions that
235 authorized funding for three important grant programs within
236 the Department of Justice: the COPS Hot Spots Program, Drug
237 and Endangered Children Program, and the Pregnant and
238 Parenting Women Offenders Program. Although the Native
239 American tribes and territories were included as an eligible
240 grant recipient under the Pregnant and Parenting Women
241 Offenders Program, they were unintentionally left out of
242 possible grant recipients for the other two programs.

243 Obviously, this oversight needs to be corrected.
244 Towards that end, H.R. 545 ensures that territories and
245 Indian tribes are included as eligible grant recipients under
246 those programs. Bills have been introduced in the Senate to
247 accomplish the purpose of this Act, including an identical

248 bill, S 267, introduced by the senator from New Mexico,
249 Senator Bingaman. H.R. 545 is a bipartisan effort with 25
250 cosponsors, and no known opposition.

251 The subcommittee held a hearing and markup on the bill
252 and reported it favorably to the full committee.
253 Accordingly, Mr. Chairman, I urge my colleagues to join me in
254 supporting this legislation.

255 I yield back the balance of my time.

256 Chairman Conyers. Thank you.

257 Mr. Lamar Smith is recognized.

258 Mr. Smith. Thank you, Mr. Chairman.

259 H.R. 545, the Native American Meth Enforcement and
260 Treatment Act of 2007, provides urgently needed grant funds
261 to Native American communities for enforcement and treatment
262 of methamphetamine addiction. I support this bipartisan
263 legislation and urge my colleagues to support it as well.

264 Mr. Chairman, I yield the balance of my time to Mr.
265 Forbes, the ranking member of the Subcommittee on Crime,
266 Terrorism and Homeland Security.

267 Mr. Forbes. Thank you, Ranking Member Smith.

268 Yesterday, the Crime, Terrorism and Homeland Security
269 Subcommittee reported favorably H.R. 545, the Native American
270 Meth Enforcement and Treatment Act of 2007.

271 At a hearing and markup on this bill yesterday in the
272 Crime Subcommittee, Mr. Ben Shelley, vice president of the

273 Navajo Nation, said that meth is the drug of choice in Indian
274 Country. Seventy-four percent of Native Americans surveyed
275 in a recent study say that meth is the single biggest threat
276 to Native American communities today.

277 The Combat Meth Epidemic Act of 2005, which was passed
278 as part of the USA Patriot Act Improvement and
279 Reauthorization Act last year, included several critical
280 grant programs to assist states with the escalating meth
281 problem in this country. However, the Act omitted Native
282 American communities from participation in these grant
283 programs.

284 The Native American Meth Enforcement and Treatment Act
285 corrects this oversight and gives Native American communities
286 full access to meth-related grants. This legislation is
287 critical in our continuing fight to eliminate the meth
288 epidemic in the U.S. I hope we can pass this bill.

289 I yield back the balance of my time.

290 Mr. Scott. Mr. Chairman, I yield the balance of my time
291 as well.

292 Chairman Conyers. I thank the gentlemen for their
293 statements.

294 Are there any amendments to H.R. 545?

295 Mr. Jordan. Mr. Chairman?

296 Chairman Conyers. The gentleman from Ohio?

297 Mr. Jordan. Yes, Mr. Chairman.

298 Chairman Conyers. Mr. Jordan is recognized.

299 Mr. Jordan. Mr. Chairman, I have an amendment at the
300 desk.

301 Chairman Conyers. The clerk will report.

302 Mr. Scott. Mr. Chairman?

303 Chairman Conyers. Yes?

304 Mr. Scott. I reserve a point of order.

305 Chairman Conyers. Thank you. A point of order is
306 reserved by Mr. Scott.

307 The Clerk. "Amendment to H.R. 545, offered by Mr.
308 Jordan of Ohio. In section 2(c) of the bill, (1) at the end
309 of paragraph 2(c), strike 'and'; (2) at the end of paragraph
310 3(b)(iv), strike the period and insert 'and'; and (3) add the
311 following new paragraph: (4) by adding at the end the
312 following new subsection: '(g), restriction on use of funds.
313 Funds made available under this section to any Indian tribe
314 shall not be used to perform any abortion, except if the life
315 of the mother would be endangered if the fetus were carried
316 to term.'"

317 [The amendment by Mr. Jordan follows:]

318 ***** INSERT *****

319 Chairman Conyers. The gentleman is recognized for 5
320 minutes in support of his amendment.

321 Mr. Jordan. Thank you, Mr. Chairman.

322 Mr. Chairman, members of the committee, this amendment
323 would establish a firewall. It simply says that taxpayer
324 dollars in this program may not be used to perform an
325 abortion, except to save the life of the mother. It is a
326 precautionary step that would ensure federal dollars are used
327 as they were intended, to combat methamphetamine use.

328 We heard from the subcommittee chairman how big a
329 problem this is. I know in our state, back in 2005 the
330 Bureau of Criminal Identification and Investigation in Ohio
331 seized 427 meth labs in our state. As the subcommittee
332 pointed out in his remarks, we know how devastating this is
333 in the Native American community, double the use rate in this
334 demographic group from any other.

335 This amendment is certainly not breaking new ground. In
336 fact, our language is exactly the same language that is in
337 the Hyde amendment that was passed back in 1977, and has been
338 upheld in the courts. There are numerous other examples in
339 the federal code where we have this type of language.

340 The Department of Defense Appropriations Acts have
341 carried this language routinely since the 104th Congress.
342 Federal employee health benefit programs prohibit this type
343 of use of taxpayer dollars. And the Department of Justice

344 prohibits funding of abortions in prisons, except to save the
345 life of the mother, and that language has been here since
346 1987.

347 I guess just to sum up, if you are like me and believe
348 all life is precious and should be protected, you should
349 support the amendment. If you want to make sure that this
350 bill remains focused on what it is intended to do, to help
351 deal with the meth problem in our country and with our Native
352 American population, you should support the amendment. And
353 if you think this amendment is really all that relevant to
354 the bill, you should still support our amendment because it
355 is not going to do any harm.

356 Mr. Chairman, it is a good precautionary step. We have
357 numerous examples of this type of language in the law today,
358 and I would urge a "yes" vote from the committee.

359 Chairman Conyers. I thank the gentleman.

360 Does the gentleman from Virginia wish to pursue his
361 point of order that he has reserved?

362 Mr. Scott. Mr. Chairman, I have been advised that the
363 parliamentarian has looked at this amendment and found it to
364 be germane. "Germaneness" and "relevance" do not track
365 exactly, but apparently—

366 Chairman Conyers. So the gentleman withdraws his point
367 of order?

368 Mr. Scott. I withdraw my reservation.

369 Chairman Conyers. Thank you.

370 Does the gentleman seek to be recognized?

371 Mr. Scott. I move to strike the last word.

372 Chairman Conyers. The gentleman is recognized.

373 Mr. Scott. Mr. Chairman, as I suggested, this may be

374 technically germane, but it is not relevant to the bill.

375 This is not an abortion bill. It is a bill to allow Indian

376 tribes to money to help them with their methamphetamine

377 problem. This bill is an abortion amendment. It has nothing

378 to do with that. Furthermore, the amendment does not have a

379 health exception, which probably makes it unconstitutional

380 anyway.

381 So I would hope we would defeat the amendment.

382 Chairman Conyers. Thank you.

383 The chair recognizes the gentleman from Texas, Mr.

384 Smith.

385 Mr. Smith. Thank you, Mr. Chairman.

386 Mr. Chairman, I move to strike the last word.

387 Chairman Conyers. The gentleman is recognized.

388 Mr. Smith. Mr. Chairman, this amendment would make

389 grants for Indian tribes for methamphetamine enforcement and

390 treatment programs unavailable for abortions. The underlying

391 program is very worthwhile. It authorizes funding for three

392 important grant programs: the COPS Meth Hot Spots Program,

393 the Drug-Endangered Children Program, and the Pregnant and

394 Parenting Women Offenders Program.

395 This amendment places a reasonable restriction on the
396 use of those funds. Even the most liberal of federal courts,
397 the Ninth Circuit Court of Appeals, recently upheld as
398 constitutional a federal statutory and regulatory program
399 barring military health care programs from providing federal
400 funds for abortions, except where the life of the mother
401 would be endangered if the fetus were carried to term.

402 In that case, *Doe v. United States*, the court held that
403 such a statute was rationally related to legitimate
404 congressional interests in protecting potential life. As the
405 Ninth Circuit explained in the *Doe* case, by subsidizing the
406 medical expenses of indigent women who carry their
407 pregnancies to term, while not subsidizing the comparable
408 expenses of women who undergo abortions, Congress has
409 established incentives that make childbirth a more attractive
410 alternative than abortion for persons eligible for Medicaid.
411 These incentives bear a direct relationship to the legitimate
412 congressional interest in protecting potential life.

413 The same reasoning would apply to Mr. Jordan's
414 amendment. Mr. Chairman, I support this amendment and urge
415 my colleagues to support it as well.

416 I yield back the balance of my time.

417 Chairman Conyers. I thank the gentleman.

418 The gentleman from New York, Mr. Nadler?

419 Mr. Nadler. Thank you, Mr. Chairman.

420 Mr. Chairman, this amendment is absurd. I am not going
421 to debate the issue of abortion again, but this amendment
422 does not belong in this bill. This bill has nothing to do
423 with abortion. This bill is a methamphetamine bill. I am
424 not aware that abortions are done with methamphetamines.

425 This bill is not even a bill on the entire program. All
426 this bill does is to correct a drafting error in the
427 methamphetamine program which makes funds available to
428 address methamphetamine use to states. The normal
429 boilerplate language of adding Indian tribes was left out of
430 this. All this bill does is add the language "territorial or
431 tribal" after "state." If you want to have an amendment, if
432 this amendment passed, then you would have this only apply to
433 Indian tribes, but not to everybody else.

434 If you want to have an amendment on this subject, though
435 I think it is absurd because methamphetamine programs don't
436 generally deal with abortions, but if you wanted to have that
437 absurd amendment, you should put the amendment on the
438 underlying law, not on this bill. All this bill does is add
439 Indian tribes to the coverage of the law that we passed for
440 everybody else, but neglected, through some failure of
441 drafting, to include Indian tribes.

442 So it is absurd, and I urge its defeat.

443 Chairman Conyers. Would the gentleman yield?

444 Mr. Nadler. Yes, I will yield.

445 Chairman Conyers. Members of the committee, this
446 amendment regardless of what side you are on, is highly
447 controversial. The Judiciary Committee is going to have
448 additional hearings on the subject of abortion. To attach
449 something as sensitive as this to a very ordinary kind of
450 bill here that is merely a technical correction, more or
451 less, is to me inappropriate. It is for that reason only
452 that I withhold my support from the amendment.

453 I thank the gentleman.

454 Mr. Nadler. Reclaiming my time, I will simply observe
455 that, as the chairman said, we will have debates on abortion.
456 We will have hearings. We will have bills where it is
457 relevant not only technically, but really. We should not
458 have an abortion debate on every piece of legislation that
459 has nothing to do with abortion. Even though I disagree with
460 the substance of the amendment, even if I agreed with it, I
461 would urge defeat of the amendment. On that basis, it does
462 not belong on this bill.

463 I yield back.

464 Chairman Conyers. I thank the gentleman.

465 Is there any further discussion on the amendment?

466 Mr. Gohmert. Mr. Chairman?

467 Chairman Conyers. Yes, Mr. Gohmert?

468 Mr. Gohmert. I move to strike the last word.

469 Chairman Conyers. The gentleman is recognized.

470 Mr. Gohmert. Mr. Chairman, the underlying bill amends
471 the USA Patriot Act Reauthorization, which states, "The
472 attorney general may award competitive grants to address the
473 use of methamphetamine," and please note the next two words,
474 "among pregnant and parenting women."

475 Now, this is about money to go help address the scourge
476 of methamphetamine. When the underlying bill discusses the
477 methamphetamine use among pregnant women, and then the
478 language goes on to say, "to promote public safety and public
479 health, family permanence and well being," it is not
480 unreasonable to think that this could be utilized in abortion
481 situations.

482 That is why our parliamentarian, he did not make the
483 finding, as my good friend my New York was asserting that
484 this was absurd, but rather found that this is germane and
485 relevant because it is. When you discuss money to go to
486 pregnant women using methamphetamines for public health,
487 which this bill does, then this is not only germane, it is
488 relevant and it is worth us voting and voting for.

489 I yield back the balance of my time.

490 Chairman Conyers. Thank you, Mr. Gohmert.

491 Mr. Watt, the gentleman from North Carolina.

492 Mr. Watt. Thank you, Mr. Chairman. I move to strike
493 the last word.

494 Chairman Conyers. The gentleman is recognized.

495 Mr. Watt. First of all, obviously the amendment is
496 germane. I wouldn't even argue that it may not be relevant.
497 Unfortunately, Mr. Gohmert has failed to read the entire bill
498 that is the underlying bill here. The relevant provision
499 says this, "The attorney general shall make grants to states
500 for the purpose of carrying out programs to provide
501 comprehensive services to aid children who are living in a
502 home in which methamphetamine or other controlled substances
503 are unlawfully manufactured, distributed, dispensed or used."

504 There are other clarifying provisions, but the relevant
505 wording is to aid children. To have an abortion debate on a
506 bill that is designed to provide grants to aid children seems
507 to me to be a far, far stretch. Now, I guess we could have a
508 relevant debate on any bill in this committee that would
509 relate to abortion in some way, and maybe there are some
510 people on your side of this issue who believe that "children"
511 is anything after conception. I don't even want to get into
512 that.

513 But I don't think any reasonable reading of this bill,
514 the underlying language, makes this a grant program dealing
515 with abortion in any way. I think it is already restricted
516 to children who are walking around in environments where
517 there is methamphetamine being manufactured, distributed,
518 dispensed or used in the household.

519 So I hope we will—

520 Mr. Gohmert. Will the gentleman yield?

521 Mr. Watt. I am happy to yield to the gentleman.

522 Mr. Gohmert. As always, you are very discerning, and
523 zeroed in on that particular language about children. But
524 there is additional language that does say that while the
525 grants under this section may "provide family treatment for
526 pregnant and parenting women with clinically appropriate
527 services."

528 Mr. Watt. Reclaiming my time, you must have abortion on
529 the brain if you read that to sanction a grant that provides
530 abortion funds.

531 Mr. Gohmert. I would move to have those words taken
532 down. I do not have abortion on the brain, but I would ask
533 that those words be taken down. That is totally
534 inappropriate.

535 Chairman Conyers. Perhaps the gentleman from North
536 Carolina can withdraw the offending phrase so that we can
537 move forward.

538 Mr. Watt. You mean if I state a hypothetical, "you must
539 have abortion on the brain if you interpret this in this
540 way."

541 Mr. Sensenbrenner. Mr. Chairman, I demand the regular
542 order.

543 Mr. Nadler. Mr. Chairman, parliamentary inquiry?

544 Chairman Conyers. The gentleman is recognized. What is
545 your inquiry?

546 Mr. Nadler. Why is suggesting that someone is obsessed
547 with a subject, subject to be taken down? All he is
548 suggesting was that the gentleman is obsessed with abortion.
549 Why is that such a-

550 Mr. Sensenbrenner. Mr. Chairman, I demand the regular
551 order. When a member's words are being taken down,
552 everything stops until the chair rules on whether or not the
553 words are in order.

554 Chairman Conyers. Well, the chair is prepared to assert
555 to my good friend from Texas, Mr. Gohmert, Judge Gohmert,
556 that this phrase I don't think is offensive in the sense that
557 he interpreted it. I do not think that it insults the
558 integrity of the gentleman from Texas, and therefore the
559 chair declines to move further with his proposal that these
560 words be taken down.

561 Mr. Watt. Mr. Chairman, that having been said, I would
562 now say to the gentleman, if anything I said to him was
563 interpreted to be offensive, I withdraw it. It was not
564 intended that way. I merely stated a hypothetical. If you
565 interpret everything in life to be a statement on abortion,
566 you are obsessed with abortion. If that is offensive to you,
567 then I am merely stating a fact, but I certainly apologize to
568 the gentleman for offending his sensibilities.

569 Chairman Conyers. The time of the gentleman has
570 expired. We accept his apologies.

571 Who seeks recognition now, if anyone?

572 Mr. Franks. Mr. Chairman, I move to strike the last
573 word.

574 Chairman Conyers. The gentleman is recognized for 5
575 minutes.

576 Mr. Franks. Mr. Chairman, let me, if I can, try to let
577 us step down here a little bit and be a little calmer here.
578 I think that the suggestion that the gentleman from Texas has
579 abortion on the brain or is somehow obsessed with abortion, I
580 think first of all that that is not true, but if indeed it
581 were, would not the gentleman be justified?

582 The entire essence of this country is based on the
583 notion that all are created equal, endowed by their creator
584 with the first civil right, that being life itself. In this
585 Congress, though the debate continues, the fact is that there
586 is a tremendous effort on the part of those holding abortion-
587 on-demand as a policy of government, to continue to fund it
588 in many different ways, to the end result that there are now
589 45 million dead children in our history. Every fourth unborn
590 child in this country is killed by abortion.

591 So if indeed the gentleman is somewhat obsessed by that
592 problem, would he not be held to be somewhat heroic in the
593 process?

594 Mr. Watt. Would the gentleman yield?

595 Mr. Franks. Certainly.

596 Mr. Watt. That may have been part of the point that I
597 was trying to make to him. If he is, he might be heroic or
598 obsessed. Either one of those would be a value statement,
599 but neither one of them has anything to do with the
600 underlying bill. That is the point I am trying to make.

601 Mr. Franks. Reclaiming my time.

602 Chairman Conyers. The gentleman from Arizona?

603 Mr. Franks. Mr. Chairman, indeed this issue goes on for
604 a long time, but we have to remember that we have dealt with
605 issues like this in the past. We have dealt with issues
606 where the Supreme Court summarily took away the rights of a
607 certain group of people in our society, that being slaves,
608 and the country dealt with it a long time. They even had a
609 little unpleasantness called the Civil War over it.

610 So there were some people obsessed by the notion that
611 their fellow human beings would be desecrated. So the fact
612 that the gentleman from Texas is somewhat concerned that tax
613 dollars of the American people, based on the premise that
614 they would be used to promote the killing of unborn children,
615 certainly I think that obsessed or otherwise, I hold him to
616 be heroic in his concern.

617 With that, I yield back.

618 Chairman Conyers. I thank the gentleman from Arizona.

619 The chair will now recognize the gentleman from
620 Tennessee, Mr. Cohen. I hope he will be the last speaker on
621 the subject.

622 Mr. Cohen. Thank you, Mr. Chairman.

623 Would the sponsor of the amendment yield for a question?
624 This is an amendment to a law that has already been passed on
625 methamphetamines. How much money has been spent under this
626 methamphetamine program for abortions?

627 Mr. Jordan. To the questioner, I am not sure. What I
628 do know is that in section 3, as my colleague from Texas
629 pointed out, any of those receiving grants under this section
630 may provide, "family treatment for pregnant and parenting
631 women offenders with the appropriate services." And if you
632 remember in my remarks explaining the amendment, I said this
633 is a precautionary step.

634 Mr. Cohen. It is a prophylactic.

635 Mr. Jordan. It is a precautionary step. You can call
636 it what you want.

637 [Laughter.]

638 I will all it making sure that tax dollars are used for
639 their intended purposes.

640 Mr. Cohen. Thank you, Mr. Chairman. Apparently since
641 he doesn't know this, there has apparently been no money
642 spent on this program, therefore it is kind of a-

643 Mr. Weiner. Would the gentleman yield for a question?

644 Mr. Cohen. Yes, sir.

645 Mr. Weiner. The underlying bill is the Patriot Act in
646 this case?

647 Mr. Cohen. Yes, sir.

648 Mr. Weiner. Wouldn't it be consistent for my colleagues
649 who are so concerned about this to ask us to review the
650 Patriot Act in toto, to scrub it at every single section to
651 make sure that it does not touch on anything that is
652 offensive to their sensibilities? Wouldn't that be wise?

653 Mr. Cohen. I believe that would be correct.

654 Mr. Weiner. Wouldn't we agree, Mr. Cohen, that if my
655 colleagues were being consistent in their concerns for this
656 matter, they wouldn't just seek to do it on Indian
657 reservations. They would be concerned. Frankly, we should
658 review the Patriot Act in toto, and the gentleman wasn't
659 here, but I think that anyone who is truly concerned about
660 abortion should repudiate their support for the Patriot Act.
661 Wouldn't you agree?

662 Mr. Cohen. Yes, sir. I would think so.

663 Mr. Weiner. Thank you very much.

664 Chairman Conyers. I thank the gentleman from Arizona
665 for his amendment.

666 There being no further discussion, the question occurs
667 on the amendment.

668 All those in favor of the amendment shall signify by

669 saying "aye."

670 All those opposed shall signify by saying "no."

671 In the opinion of the chair, the noes seem to have it.

672 The noes have it.

673 Mr. Jordan. Mr. Chairman, could I have a roll call?

674 Chairman Conyers. A roll call is requested. When your

675 name is called, those in favor will signify by saying "aye";

676 all opposed, by "no."

677 And the clerk will call the roll.

678 The Clerk. Mr. Chairman?

679 Chairman Conyers. No.

680 The Clerk. Mr. Chairman votes no.

681 Mr. Berman?

682 Mr. Berman. No.

683 The Clerk. Mr. Berman votes no.

684 Mr. Boucher?

685 [No response.]

686 Mr. Nadler?

687 Mr. Nadler. No.

688 The Clerk. Mr. Nadler votes no.

689 Mr. Scott?

690 Mr. Scott. No.

691 The Clerk. Mr. Scott votes no.

692 Mr. Watt?

693 Mr. Watt. No.

694 The Clerk. Mr. Watt votes no.
695 Ms. Lofgren?
696 Ms. Lofgren. No.
697 The Clerk. Ms. Lofgren votes no.
698 Ms. Jackson Lee?
699 Ms. Jackson Lee. No.
700 The Clerk. Ms. Jackson Lee votes no.
701 Ms. Waters?
702 Ms. Waters. No.
703 The Clerk. Ms. Waters votes no.
704 Mr. Meehan?
705 [No response.]
706 Mr. Delahunt?
707 Mr. Delahunt. No.
708 The Clerk. Mr. Delahunt votes no.
709 Mr. Wexler?
710 Mr. Wexler. No.
711 The Clerk. Mr. Wexler votes no.
712 Ms. Sanchez?
713 Ms. Sanchez. No.
714 The Clerk. Ms. Sanchez votes no.
715 Mr. Cohen?
716 Mr. Cohen. No.
717 The Clerk. Mr. Cohen votes no.
718 Mr. Johnson?

719 Mr. Johnson. No.

720 The Clerk. Mr. Johnson votes no.

721 Mr. Gutierrez?

722 Mr. Gutierrez. No.

723 The Clerk. Mr. Gutierrez votes no.

724 Mr. Sherman?

725 [No response.]

726 Mr. Weiner?

727 Mr. Weiner. No.

728 The Clerk. Mr. Weiner votes no.

729 Mr. Schiff?

730 Mr. Schiff. No.

731 The Clerk. Mr. Schiff votes no.

732 Mr. Davis?

733 Mr. Davis. No.

734 The Clerk. Mr. Davis votes no.

735 Ms. Wasserman Schultz?

736 Ms. Wasserman Schultz. No.

737 The Clerk. Ms. Wasserman Schultz votes no.

738 Mr. Ellison?

739 Mr. Ellison. No.

740 The Clerk. Mr. Ellison votes no.

741 Mr. Smith?

742 Mr. Smith. Aye.

743 The Clerk. Mr. Smith votes aye.

744 Mr. Sensenbrenner?
745 Mr. Sensenbrenner. Aye.
746 The Clerk. Mr. Sensenbrenner votes aye.
747 Mr. Coble?
748 Mr. Coble. Aye.
749 The Clerk. Mr. Coble votes aye.
750 Mr. Gallegly?
751 Mr. Gallegly. Aye.
752 The Clerk. Mr. Gallegly votes aye.
753 Mr. Goodlatte?
754 Mr. Goodlatte. Aye.
755 The Clerk. Mr. Goodlatte votes aye.
756 Mr. Chabot?
757 [No response.]
758 Mr. Lungren?
759 Mr. Lungren. Aye.
760 The Clerk. Mr. Lungren votes aye.
761 Mr. Cannon?
762 Mr. Cannon. Aye.
763 The Clerk. Mr. Cannon votes aye.
764 Mr. Keller?
765 Mr. Keller. Aye.
766 The Clerk. Mr. Keller votes aye.
767 Mr. Issa?
768 [No response.]

769 Mr. Pence?
770 [No response.]
771 Mr. Forbes?
772 Mr. Forbes. Aye.
773 The Clerk. Mr. Forbes votes aye.
774 Mr. King?
775 Mr. King. Aye.
776 The Clerk. Mr. King votes aye.
777 Mr. Feeney?
778 Mr. Feeney. Aye.
779 The Clerk. Mr. Feeney votes aye.
780 Mr. Franks?
781 Mr. Franks. Aye.
782 The Clerk. Mr. Franks votes aye.
783 Mr. Gohmert?
784 Mr. Gohmert. Aye.
785 The Clerk. Mr. Gohmert votes aye.
786 Mr. Jordan?
787 Mr. Jordan. Aye.
788 The Clerk. Mr. Jordan votes aye.
789 Chairman Conyers. Are there members who have not cast
790 their vote?
791 Mr. Meehan?
792 Mr. Meehan. No.
793 Chairman Conyers. Mr. Issa?

794 Mr. Issa. Aye.

795 The Clerk. Mr. Meehan votes no. Mr. Issa votes aye.

796 Chairman Conyers. The clerk will report.

797 The Clerk. Mr. Chairman, 15 members voted "aye," and 20
798 members voted "nay."

799 Chairman Conyers. A majority having voted against the
800 amendment, it is not agreed to.

801 We now are prepared to vote on the pending measure
802 before the committee. A reporting quorum is present, so the
803 question is on reporting the bill favorably to the House.

804 Those in favor will signify by saying "aye."

805 Those who are opposed, signify by saying "no."

806 In the opinion of the chair, the ayes have it, and the
807 bill, H.R. 545, is ordered reported favorably to the House.

808 Ladies and gentlemen, we move now to our second and last
809 measure, H.R. 137, the Animal Fighting Prohibition
810 Enforcement Act, for purposes of markup and ask the clerk to
811 read the bill.

812 The Clerk. "H.R. 137, a bill to amend Title 18, United
813 States Code, to strengthen prohibitions against animal
814 fighting and for other purposes."

815 [The bill follows:]

816 ***** INSERT *****

817 Chairman Conyers. Without objection, the bill will be
818 considered as read and open for amendment at any point.

819 The chair recognizes the Subcommittee on Crime chairman,
820 the gentleman from Virginia, Bobby Scott.

821 Mr. Scott. Thank you, Mr. Chairman, and thank you for
822 your leadership in moving the bill expeditiously through
823 committee in a bipartisan manner, with regular order
824 consideration.

825 This is a bipartisan effort in the Judiciary Committee,
826 led by Judiciary Committee member Gallegly as its chief
827 sponsor, and Representative Blumenauer of Oregon as the lead
828 Democratic sponsor. Both have worked long and hard on this
829 issue.

830 I would also like to express my appreciation to Ranking
831 Member Smith and Ranking Subcommittee Member Forbes for their
832 leadership and support in moving this matter forward.

833 H.R. 137, the Animal Fighting Prohibition Enforcement
834 Act of 2007, addresses the growing problem of staged animal
835 fighting in this country. Such fighting represents a
836 compelling and unique federal interest because it crosses
837 state and international borders, and additionally poses
838 public health concerns.

839 The bill increases penalties under current federal law
840 for transporting animals in interstate commerce for the
841 purpose of fighting, and for interstate and foreign commerce

842 in knives and gas designed for use in cockfighting.

843 Specifically, H.R. 137 makes violations of the law a felony

844 punishable by up to 3 years in prison. Currently, these

845 offenses are limited to misdemeanor treatment, with the

846 possibility of a fine and up to 1 year of imprisonment.

847 Most states already make all staged animal fighting

848 illegal. Just two states allow cockfighting. One is

849 Virginia, but even Virginia effectively prohibits

850 cockfighting by prohibiting wagering or admissions fees to

851 any cockfighting event. But even recently, a bill passed the

852 state senate in Virginia to prohibit staged cockfighting in

853 any instance.

854 The transport of game birds for the purpose of animal

855 fighting and the implements of cockfighting are already

856 prohibited by federal law. The current penalties allow only

857 misdemeanor treatment and a fine. In 1976, Congress amended

858 the federal code, the Animal Welfare Act, to make illegal to

859 knowingly sell, buy, transport, deliver or receive a dog or

860 other animal in interstate and foreign commerce for the

861 purposes of participation in an animal-fighting venture or

862 knowingly sponsor or exhibit an animal in a fighting venture

863 if the animal in the venture is moved in interstate or

864 foreign commerce.

865 Amendments to the Animal Welfare Act contained a

866 loophole, however, that allowed shipments of birds across

867 state lines for fighting purposes if the destination state
868 allowed cockfighting. While Congress did amend section 26 of
869 the Animal Welfare Act to close this loophole in 2002, the
870 penalty section and other provisions of the act have not been
871 updated since their original enactment in 1976.

872 H.R. 137 is designed to address these shortfalls to more
873 effectively cover modern problems associated with animal-
874 fighting ventures. The Act establishes criminal penalties
875 under Title 18, authorizing a federal conviction and prison
876 time of up to 3 years for violations of the federal animal-
877 fighting law. One of the primary reasons for enacting
878 increased penalties under Title 18 is the reluctance cited by
879 U.S. attorneys to pursue animal-fighting cases under current
880 misdemeanor provisions because they view the penalties as
881 ineffective against an animal-fighting industry which has
882 continued unabated nationwide.

883 H.R. 137 makes it a felony to transport cockfighting
884 implements in interstate and foreign commerce. These
885 implements take the form of razor-sharp knives known as
886 "slashers" or "gaffs," instruments shaped in the form of a
887 curved ice-pick that are attached to the bird's legs for
888 fighting. Proponents of these implements within the game
889 community contend that they inflict cleaner wounds upon the
890 birds, which are quicker and easier to heal.

891 Since penalties against animal fighting were codified in

892 1976, federal authorities have pursued less than half-dozen
893 animal-fighting cases despite the fact that USDA has received
894 innumerable tips from informants and requests to assist with
895 state and local prosecutions.

896 In addition, the fact that all 50 states have banned
897 dog-fighting, and all but two states have banned
898 cockfighting, the animal-fighting industry continues to
899 thrive within the United States. Numerous nationally
900 circulated animal-fighting magazines advertise fighting
901 animals and paid lobbyists continue to advocate for animal
902 fighters' interests.

903 The Subcommittee on Crime, Terrorism and Homeland
904 Security held a hearing and markup on H.R. 137 and reported
905 the bill favorably to the full committee. It is reasonably
906 designed to more effectively get at animal cruelty activities
907 already banned by the federal government. The bill has close
908 to 300 cosponsors, and I urge my colleagues to support the
909 bill.

910 I yield back.

911 Chairman Conyers. I thank the gentleman from Virginia.

912 The chair recognizes the ranking member from Texas, Mr.
913 Smith.

914 Mr. Smith. Thank you, Mr. Chairman.

915 H.R. 137, the Animal Fighting Prohibition Enforcement
916 Act of 2007, creates federal felony penalties for animal

917 fighting. My colleague and classmate from California, Mr.
918 Gallegly, is the lead sponsor on this bill in the 110th
919 Congress. I am pleased to be a cosponsor of this
920 legislation, along with 285 other members of the House from
921 both sides of the aisle.

922 I urge my colleagues to support the bill, and yield the
923 balance of my time to Mr. Gallegly, the ranking member of the
924 Crime Subcommittee.

925 That is inaccurate. Sorry. Randy Forbes might be
926 disturbed by that. I yield to my colleague, Mr. Gallegly.

927 Mr. Gallegly. Thank you very much, Mr. Smith, for
928 yielding.

929 Thank you, Mr. Chairman and Mr. Scott, for agreeing to
930 move this legislation so quickly.

931 As you know, I have been trying to federally criminalize
932 the brutal and inhumane practice of animal fighting for the
933 past several congresses. Congress needs to finish the job it
934 started years ago when it enacted legislation to tighten
935 federal law and close some loopholes that were allowing the
936 barbaric practices of animal fighting to thrive nationwide,
937 in spite of bans in virtually every state.

938 We left in place weak penalties that have proven
939 ineffective. Misdemeanor penalties simply don't provide a
940 meaningful deterrent. We have heard from U.S. attorneys that
941 they are reluctant to pursue animal-fighting cases with just

942 a misdemeanor penalty. Those involved in animal-fighting
943 ventures consider misdemeanor penalties a slap on the wrist,
944 or in most cases, merely a cost of doing business.

945 In recent years, we have seen a marked rise in animal-
946 fighting busts in communities across the country. Local
947 police and sheriffs are increasingly concerned about animal
948 fighting, not only because of the animal cruelty involved,
949 but also because of the other crimes that often go hand-in-
950 hand, including illegal gambling, drug trafficking, money
951 laundering, and acts of human violence.

952 Furthermore, there is an inherent danger for children of
953 animal fighters to be close to these animals. Children are
954 often brought to these gruesome spectacles. Some dog-
955 fighters steal pets to use as bait for training their dogs.
956 Some allow trained fighting dogs to roam our neighborhoods
957 and endanger the public.

958 There is the additional concern that cockfighting
959 spreads diseases that jeopardize poultry flocks and even
960 public health. We in California experienced this first-hand
961 when cockfighters spread exotic Newcastle disease, which was
962 so devastating to many of our poultry producers in 2003 and
963 2004. In fact, that outbreak cost U.S. taxpayers nearly \$200
964 million to eradicate and cost the U.S. poultry industry many
965 millions more in lost exports.

966 Cockfighting has been identified as the major

967 contributor of the spread of avian flu throughout Thailand
968 and other parts of Asia, where the strain originated. At
969 least nine people who contracted avian flu and died from it
970 reportedly contracted it from fighting birds. Fortunately,
971 bird flu has not jumped the species barrier in this country,
972 but we ought to be vigilant to minimize the risk.

973 We need to help state and local enforcement officials
974 who have requested the strengthening of federal laws to rid
975 animal fighting from communities that do not want it. The
976 legislation makes violations of federal animal-fighting laws
977 a felony punishable by up to 3 years in prison; makes it a
978 felony to transport an animal across state and international
979 borders for the purpose of animal fighting; and prohibits the
980 interstate and foreign commerce in knives and gaffs designed
981 for cockfighting.

982 This is, Mr. Chairman, a perfect example of a bipartisan
983 bill. The bill I cosponsored in the last Congress, the
984 Animal Fighting Prohibition Act of 2006, had 324 cosponsors,
985 and by the way, passed under unanimous consent in the Senate.
986 For this bill, 300-plus Democrats and Republicans have
987 cosponsored this bill in 3 short weeks. I ask my friends on
988 this committee to support this legislation so we can end this
989 deplorable practice and all the destructive behavior
990 associated with it.

991 Again, thank you, Mr. Chairman. Thank you, Mr. Smith,

992 and particular thanks to you, Mr. Scott.

993 I yield back.

994 Chairman Conyers. I thank the gentleman from
995 California.

996 I would recognize the gentleman from Wisconsin, if he
997 chooses.

998 Mr. Sensenbrenner. I have an amendment in the nature of
999 a substitute at the desk.

1000 Chairman Conyers. All right. The clerk will report.

1001 Mr. Scott. Mr. Chairman?

1002 Chairman Conyers. The gentleman from Virginia?

1003 Mr. Scott. I reserve a point of order.

1004 Chairman Conyers. The gentleman reserves a point of
1005 order.

1006 The Clerk. "An amendment in the nature of a substitute
1007 to H.R. 137, offered by Mr. Sensenbrenner of Wisconsin.
1008 Strike all after the enacting clause and insert the
1009 following—"

1010 [The amendment by Mr. Sensenbrenner follows:]

1011 ***** INSERT *****

1012 Mr. Sensenbrenner. Mr. Chairman, I ask unanimous
1013 consent that the amendment in the nature of a substitute be
1014 considered as read.

1015 Chairman Conyers. Without objection, so ordered. The
1016 gentleman is recognized in support of his substitute.

1017 Mr. Sensenbrenner. Mr. Chairman, my amendment in the
1018 nature of a substitute would incorporate the Child Interstate
1019 Abortion Notification Act, or CIANA, in H.R. 137. CIANA
1020 overwhelmingly passed the House in September of last year
1021 with 49 Democrats voting—

1022 Chairman Conyers. I am having trouble hearing you, Mr.
1023 Sensenbrenner.

1024 Mr. Sensenbrenner. Okay. The amendment would
1025 accomplish two tasks.

1026 First, under the amendment if a minor were transported
1027 across state lines for the purpose of getting an abortion in
1028 another state or foreign country in order to evade a state
1029 law requiring parental involvement in the minor's abortion
1030 decision, that action would be a federal crime.

1031 The amendment would also make it a federal crime for an
1032 abortion provider to fail to give a minor's parent or legal
1033 guardian 24 hours notice of the minor's decision to have an
1034 abortion before the procedure is performed, even if the minor
1035 crosses state lines to do so.

1036 When the Constitution Subcommittee held a hearing on

1037 CIANA in 2005, we heard the tragic testimony of Ms. Marcia
1038 Carroll, whose 14-year-old daughter was coerced by her
1039 boyfriend's family into traveling from her home state of
1040 Pennsylvania to New Jersey to have an abortion against her
1041 will.

1042 Now, I recognize we are meeting here to consider a bill
1043 to protect chickens, but isn't protecting our nation's young
1044 women like Mr. Carroll's daughter and their unborn equally,
1045 if not more important than our dinner entree or a bird that
1046 would be involved in an illegal cockfight somewhere in the
1047 United States?

1048 The answer to the age-old question of which came first,
1049 the chicken or the egg, I would argue that it doesn't matter
1050 which came first. Both deserve our protection. Without this
1051 amendment, we will give more protection to chickens than we
1052 will be giving to minor children, their parents and their
1053 unborn babies. I would urge support for the amendment.

1054 Chairman Conyers. Does the gentleman from Virginia wish
1055 to pursue his point of order?

1056 Mr. Scott. Yes, Mr. Chairman.

1057 Chairman Conyers. The gentleman is recognized.

1058 Mr. Scott. Mr. Chairman, rule 16, clause 7 of the rules
1059 of the House prohibit this committee from taking up and
1060 considering amendments that are non-germane to the underlying
1061 proposition under debate.

1062 In establishing this test of germaneness, the rules seek
1063 to determine not only that the two competing propositions are
1064 related in subject matter, but they also seek to prevent the
1065 consideration of amendments that vastly expand the scope of
1066 the underlying bill under consideration.

1067 This bill deals with animal fighting. It does not have
1068 anything to do with humans or abortion. I would think that
1069 it is clearly not germane to the underlying bill.

1070 Mr. Sensenbrenner. Mr. Chairman?

1071 Chairman Conyers. I recognize the gentleman from
1072 Wisconsin, who I take is opposed to the point of order?

1073 Mr. Sensenbrenner. The gentleman is opposed to the
1074 point of order.

1075 Chairman Conyers. You are recognized.

1076 Mr. Sensenbrenner. The amendment in the nature of a
1077 substitute is germane, just as the fundamental purpose of the
1078 underlying bill is, to close a loophole in state laws. The
1079 amendment closes loopholes in state laws for animal fighting
1080 and taking minors across state lines for abortions.

1081 Furthermore, the underlying bill amends the criminal
1082 code. I would remind the chair in his capacity as ranking
1083 member in the last Congress that he offered an amendment to
1084 establish a federal hate-crimes law as an amendment to the
1085 Adam Walsh Children's Safety Act as a motion to recommit,
1086 when the Adam Walsh bill came up on the floor. That motion

1087 to recommit and the amendment on the hate-crimes law, which
1088 was entirely a separate and distinct proposition, was ruled
1089 germane by the acting speaker because the Adam Walsh bill
1090 made several amendments to the criminal code.

1091 What was good enough in the last Congress for amending
1092 the Adam Walsh bill with a hate-crimes law ought to be good
1093 enough in this committee and this Congress by amending the
1094 cockfighting bill with CIANA. They both amend the criminal
1095 code. They both close loopholes in state laws, and the
1096 fundamental purpose of both the amendment and the underlying
1097 bill is the same.

1098 Mr. Weiner. Mr. Chairman?

1099 Chairman Conyers. Who seeks recognition?

1100 Mr. Weiner. Over here, Mr. Chairman, Mr. Weiner.

1101 Chairman Conyers. Mr. Weiner, the gentleman from New
1102 York.

1103 Mr. Weiner. Mr. Chairman, I concur on the point of
1104 order. The point of order goes to germaneness. As the
1105 former chairman knows, germaneness speaks to the subject
1106 matter under consideration, not whether it amends the
1107 criminal law. If you take that to its logical extension,
1108 virtually everything is germane.

1109 It also obviously closes loopholes, but that, too, does
1110 not speak to germaneness. It speaks to the objective of the
1111 law. The germaneness motion that was made, the point of

1112 order that was made, speaks to the subject matter. The offer
1113 of the amendment is very skillful, but it would be very
1114 difficult to argue that the subject matter of the base bill
1115 is abortion and reproductive freedom.

1116 We should have a discussion about that, and we are going
1117 to have many opportunities for that to happen, but in terms
1118 of the germaneness, Mr. Chairman, it is clear to me that the
1119 subject matter being considered is different, and therefore
1120 it is not germane.

1121 Chairman Conyers. Would the gentleman yield?

1122 I would recognize the gentleman from North Carolina, who
1123 wishes to speak on the point of order.

1124 Mr. Watt. I was just wishing that the gentleman, Mr.
1125 Sensenbrenner, were nearly as liberal in his interpretation
1126 of points of order and germaneness when he was in the chair,
1127 but also observing that it was my recollection that the Rules
1128 Committee waived points of order to make motions to recommit
1129 germane. That would not necessarily have anything to do with
1130 whether it was germane within the committee anyway. Even on
1131 the point that he was making, it took a waiver of the rules
1132 of the House to make that motion to recommit germane.

1133 Chairman Conyers. Are there any other members that wish
1134 to speak to the point of order? If not, the chair, with a
1135 great deal of research on the part of the staff, is ready to
1136 rule on this point of order.

1137 Clause 7, rule 16 or House rules is pretty clear on
1138 this. The amendment must be germane. This amendment fails
1139 to meet that test, as it would introduce a new subject matter
1140 to the bill with a different fundamental purpose. Therefore,
1141 the gentleman from Virginia's point of order is sustained.

1142 Mr. Sensenbrenner. Mr. Chairman, I appeal the decision
1143 of the chair.

1144 Chairman Conyers. All right.

1145 Mr. Weiner. Mr. Chairman, I move to table the appeal.

1146 Chairman Conyers. A motion to table has been made. It
1147 is not debatable.

1148 Those who support a motion to table, signify by saying
1149 "aye."

1150 Those who oppose the motion to table, signify by saying
1151 "no."

1152 In the opinion of the chair, the motion to table
1153 prevails.

1154 Mr. Sensenbrenner. Mr. Chairman, I ask for a roll call.

1155 Chairman Conyers. All right. The gentleman requests a
1156 roll call. When your name is called, if you favor the motion
1157 to table, signify by saying "aye." If opposed, signify by
1158 saying "no."

1159 The clerk will call the roll.

1160 The Clerk. Mr. Chairman?

1161 Chairman Conyers. Aye.

1162 The Clerk. Mr. Chairman votes aye.
1163 Mr. Berman?
1164 [No response.]
1165 Mr. Boucher?
1166 [No response.]
1167 Mr. Nadler?
1168 Mr. Nadler. Aye.
1169 The Clerk. Mr. Nadler votes aye.
1170 Mr. Scott?
1171 Mr. Scott. Aye.
1172 The Clerk. Mr. Scott votes aye.
1173 Mr. Watt?
1174 Mr. Watt. Aye.
1175 The Clerk. Mr. Watt votes aye.
1176 Ms. Lofgren?
1177 [No response.]
1178 Ms. Jackson Lee?
1179 [No response.]
1180 Ms. Waters?
1181 [No response.]
1182 Mr. Meehan?
1183 [No response.]
1184 Mr. Delahunt?
1185 [No response.]
1186 Mr. Wexler?

1187 [No response.]

1188 Ms. Sanchez?

1189 Ms. Sanchez. Aye.

1190 The Clerk. Ms. Sanchez votes aye.

1191 Mr. Cohen?

1192 Mr. Cohen. Aye.

1193 The Clerk. Mr. Cohen votes aye.

1194 Mr. Johnson?

1195 [No response.]

1196 Mr. Gutierrez?

1197 Mr. Gutierrez. Aye.

1198 The Clerk. Mr. Gutierrez votes aye.

1199 Mr. Sherman?

1200 [No response.]

1201 Mr. Weiner?

1202 Mr. Weiner. Aye.

1203 The Clerk. Mr. Weiner votes aye.

1204 Mr. Schiff?

1205 Mr. Schiff. Aye.

1206 The Clerk. Mr. Schiff votes aye.

1207 Mr. Davis?

1208 Mr. Davis. Aye.

1209 The Clerk. Mr. Davis votes aye.

1210 Ms. Wasserman Schultz?

1211 Ms. Wasserman Schultz. Aye.

1212 The Clerk. Ms. Wasserman Schultz votes aye.
1213 Mr. Ellison?
1214 Mr. Ellison. Aye.
1215 The Clerk. Mr. Ellison votes aye.
1216 Mr. Smith?
1217 Mr. Smith. No.
1218 The Clerk. Mr. Smith votes no.
1219 Mr. Sensenbrenner?
1220 Mr. Sensenbrenner. No.
1221 The Clerk. Mr. Sensenbrenner votes no.
1222 Mr. Coble?
1223 Mr. Coble. No.
1224 The Clerk. Mr. Coble votes no.
1225 Mr. Gallegly?
1226 Mr. Gallegly. No.
1227 The Clerk. Mr. Gallegly votes no.
1228 Mr. Goodlatte?
1229 Mr. Goodlatte. No.
1230 The Clerk. Mr. Goodlatte votes no.
1231 Mr. Chabot?
1232 Mr. Chabot. No.
1233 The Clerk. Mr. Chabot votes no.
1234 Mr. Lungren?
1235 Mr. Lungren. No.
1236 The Clerk. Mr. Lungren votes no.

1237 Mr. Cannon?

1238 Mr. Cannon. No.

1239 The Clerk. Mr. Cannon votes no.

1240 Mr. Keller?

1241 Mr. Keller. No.

1242 The Clerk. Mr. Keller votes no.

1243 Mr. Issa?

1244 Mr. Issa. No.

1245 The Clerk. Mr. Issa votes no.

1246 Mr. Pence?

1247 [No response.]

1248 Mr. Forbes?

1249 Mr. Forbes. No.

1250 The Clerk. Mr. Forbes votes no.

1251 Mr. King?

1252 Mr. King. No.

1253 The Clerk. Mr. King votes no.

1254 Mr. Feeney?

1255 Mr. Feeney. No.

1256 The Clerk. Mr. Feeney votes no.

1257 Mr. Franks?

1258 [No response.]

1259 Mr. Gohmert?

1260 [No response.]

1261 Mr. Jordan?

1262 Mr. Jordan. No.

1263 The Clerk. Mr. Jordan votes no.

1264 Chairman Conyers. Are there other members that have not
1265 voted? The gentlelady from California, Ms. Lofgren?

1266 Ms. Lofgren. Aye.

1267 The Clerk. Ms. Lofgren votes aye.

1268 Chairman Conyers. The gentlelady from California, Ms.
1269 Waters?

1270 Ms. Waters. Aye.

1271 The Clerk. Ms. Waters votes aye.

1272 Chairman Conyers. The gentleman from California, Mr.
1273 Berman?

1274 Mr. Berman. Aye.

1275 The Clerk. Mr. Berman votes aye.

1276 Chairman Conyers. The gentleman from Massachusetts, Mr.
1277 Meehan?

1278 Mr. Meehan. Aye.

1279 The Clerk. Mr. Meehan votes aye.

1280 Chairman Conyers. The gentlelady from Texas, Ms. Sheila
1281 Jackson Lee?

1282 Ms. Jackson Lee. Aye.

1283 The Clerk. Ms. Jackson Lee votes aye.

1284 Chairman Conyers. The gentleman from Massachusetts, Mr.
1285 Delahunt?

1286 Mr. Delahunt. Aye.

1287 The Clerk. Mr. Delahunt votes aye.

1288 Chairman Conyers. Are there other members that wish to
1289 have their vote recorded?

1290 If not, the clerk will report.

1291 The Clerk. Mr. Chairman, 18 members voted "aye," and 14
1292 members voted "nay."

1293 Chairman Conyers. So the substitute motion is tabled.

1294 Are there any other amendments?

1295 Mr. King. Mr. Chairman?

1296 Chairman Conyers. The gentleman from Iowa, Mr. King?

1297 Mr. King. I move to strike the last word.

1298 Chairman Conyers. The gentleman is recognized.

1299 Mr. King. Thank you, Mr. Chairman.

1300 I rise in opposition to this bill. It is a bad piece of
1301 legislation. The issues involving animal welfare belong
1302 before the Committee on Agriculture, not the Committee on the
1303 Judiciary. Yet this legislation has been carefully crafted
1304 to take jurisdiction of animal welfare concerns away from the
1305 Agriculture Committee, which has jurisdiction over Title 7,
1306 and put it in Title 18, which is under the jurisdiction of
1307 the Judiciary Committee.

1308 Normally, I would not argue that we should yield
1309 jurisdiction in this committee. It exists before Ag. Ag is
1310 where the expertise is. That is where all the rest of the
1311 animal welfare language is. I expect PETA and their

1312 associated organizations to continue their efforts to
1313 transfer jurisdiction from the animal welfare experts, the Ag
1314 Committee, to the Judiciary Committee.

1315 Right now, 48 of the 50 states have laws that address
1316 the issue of chicken fighting and all 50 states outlaw dog
1317 fighting. I believe these state laws are adequate, making
1318 this legislation unnecessary. I believe that it diminishes
1319 human life if we make it a felony to transport animals for
1320 fighting, but it is not a felony to take a girl across a
1321 state line for abortion, as Mr. Sensenbrenner has pointed out
1322 with his amendment.

1323 It is a strong conviction of mine that we need to fight
1324 for the sanctity of life. While I believe that it is
1325 important that we are humane in how we treat animals, I do
1326 not believe that we should put their welfare ahead of unborn
1327 humans. I oppose making animal fighting a 3-year felony
1328 because it degrades the value of human life by proportion.
1329 We have a higher standard for protection for animals under
1330 this bill than we have for human beings.

1331 In short, Mr. Chairman, I would put it this way, that if
1332 a sexual predator can pick up a teenage girl, perhaps a 13-
1333 year-old girl, whom he has impregnated by statutory rape,
1334 from the playground perhaps, and haul her across the state
1335 line for the purposes of inducing her to get an abortion, to
1336 eradicate the evidence of his sex crime, and pick her back up

1337 and bring her back to the playground and put her on the
1338 swing-set, and he has not committed a crime? But if someone
1339 picks up a chicken and hauls it across the state line and
1340 someone finds out that that chicken was there and there was
1341 going to be a physical altercation between those two
1342 chickens, and someone might bet on the outcome, that becomes
1343 a 3-year felony in this country.

1344 I will not sit here and lend my vote to a piece of
1345 policy that elevates chickens above the life of humanity, not
1346 teenage girls, not unborn babies. I think it is cockeyed to
1347 think that we should set this kind of priority.

1348 Mr. Chairman, I do have an amendment a little later, but
1349 I would yield back the balance of my time on that statement.

1350 Chairman Conyers. Well, I think we ought to recognize
1351 the gentleman's amendment, because we don't have any further
1352 amendments.

1353 The gentleman is recognized.

1354 Mr. King. Thank you, Mr. Chairman. I have an amendment
1355 at the desk.

1356 Mr. Scott. Mr. Chairman?

1357 Chairman Conyers. Yes, the gentleman from Virginia?

1358 Mr. Scott. I reserve a point of order.

1359 Chairman Conyers. A point of order is reserved by Mr.
1360 Scott.

1361 The clerk will read.

1362 The Clerk. "Amendment to H.R. 137 offered by Mr. King
1363 of Iowa. Page 4, beginning in line 13, strike 'or' and all
1364 that follows through 'hunting' on line 14."

1365 [The amendment by Mr. King follows:]

1366 ***** INSERT *****

1367 Chairman Conyers. Mr. King, you are recognized for 5
1368 minutes.

1369 Mr. King. Thank you, Mr. Chairman.

1370 I bring this amendment with a slightly different tone
1371 than my remarks on the overall bill. I would say that my
1372 amendment simply states that an animal-fighting venture shall
1373 not include hunting. My amendment leaves no question that
1374 hunting animals will not be outlawed by this bill. I offer
1375 my amendment because I am concerned about how this bill might
1376 affect the sport of hunting.

1377 While certain kinds of hunting are exempted from the
1378 definition of an animal-fighting venture on page four,
1379 certain kinds of hunting are not exempted. This bill
1380 specifically exempts water fowl, bird, raccoon or fox
1381 hunting, but it does not exempt all other kinds of legal
1382 sport hunting like using dogs to hunt cougars or bobcats or
1383 feral swine, rabbits or coyotes.

1384 This bill should exempt the use of dogs in any type of
1385 hunting. We cannot make 3-year felons out of law-abiding
1386 hunters. The use of falcons is exempted in the bill, so the
1387 bill could be interpreted as outlawing them, but the other
1388 exceptions are still specific.

1389 Chairman Conyers. Would the gentleman yield for a
1390 moment?

1391 Mr. King. I would yield.

1392 Chairman Conyers. I would like you to know that the
1393 chair is prepared to accept your amendment. I think it is an
1394 excellent one. It clarifies and ends duplication. If the
1395 gentleman would yield back the balance of his time?

1396 Mr. King. Mr. Chairman, I would compliment your
1397 judgment and yield back the balance of my time.

1398 Chairman Conyers. Does the gentleman withdraw his point
1399 of order?

1400 Mr. Smith. I withdraw, Mr. Chairman.

1401 Chairman Conyers. Is there any further discussion on
1402 the gentleman's amendment from Iowa?

1403 Mr. Watt. Mr. Chairman, could I just ask the gentleman,
1404 does this mean he is planning to vote for this bill now,
1405 since he couldn't sit here a minute ago and tolerate being in
1406 the room while we were discussing it without joining to
1407 another bill. Is the gentleman now planning to vote for it?

1408 Mr. King. I would respond that I will vote "no" on the
1409 bill, but with a less contentious attitude.

1410 Mr. Weiner. Will Mr. Watt yield for a moment?

1411 Mr. Watt. Yes, sir. I would be happy to yield.

1412 Mr. Weiner. Mr. Watt, I have to tell you, as a city
1413 guy, I am outraged to learn that chicken hunting is a big
1414 problem in this country.

1415 [Laughter.]

1416 I have long been concerned about the cultural gulf

1417 between my urban constituents and those who are hunters, but
1418 to learn that chickens are hunted is shocking to me. I hope
1419 that we take this up in future legislation.

1420 [Laughter.]

1421 Mr. Watt. I yield back, Mr. Chairman.

1422 Chairman Conyers. If there is no further discussion on
1423 H.R. 137, the question occurs on the passage of this measure.
1424 All those in favor, signify by saying "aye."

1425 All those opposed, signify by saying "no."

1426 In the opinion of the chair, the ayes have it. The ayes
1427 have it, and the measure is passed.

1428 We are now pleased to move to the last bill for the
1429 morning. Without objection, pursuant to notice, I call up
1430 H.R. 740, Preventing Harassment Through Outbound Number
1431 Enforcement—that spells "PHONE," P-H-O-N-E—for the purposes
1432 of markup.

1433 The clerk is asked to read the bill.

1434 The Clerk. "H.R. 740, a bill to amend Title 18, United
1435 States Code, to prevent caller ID spoofing and for other
1436 purposes."

1437 [The bill follows:]

1438 ***** INSERT *****

1439 Chairman Conyers. Without objection, the bill will be
1440 considered open for amendment at any point and as been read.

1441 I recognize now Bobby Scott, chairman of the Crime
1442 Subcommittee, for a statement describing the bill.

1443 Mr. Scott. Thank you, Mr. Chairman.

1444 The Subcommittee on Crime, Terrorism and Homeland
1445 reports favorably the bill, H.R. 740, and moves its favorable
1446 recommendation to the full House. I thank you, Mr. Chairman,
1447 for holding the markup on the bill, and for your leadership
1448 in moving the bill expeditiously through the committee
1449 process on a bipartisan basis.

1450 I also commend the leadership and assistance of the full
1451 ranking committee member, Mr. Smith, and the ranking
1452 subcommittee member, Mr. Forbes, and their staffs, in
1453 developing and moving the bill forward through the committee
1454 process.

1455 H.R. 740 is aimed at the practice called "spoofing,"
1456 which occurs when a caller uses a fake caller ID to hide the
1457 caller's true identity in order to commit fraud or some other
1458 abusive act. Spoofing also occurs when a caller knowingly
1459 uses the caller ID of another person or business without
1460 permission.

1461 One of the witnesses at the hearing on the predecessor
1462 bill in the last Congress was Phil Kiko, the Judiciary
1463 Committee's chief counsel at the time, who had been a victim

1464 of such caller ID spoofing. While he had not suffered any
1465 theft of money or tangible property at the time, and was not
1466 directly harassed by the person who uses caller ID, Phil and
1467 his family members were understandably irritated by numerous
1468 calls from people who were calling him back as a result of
1469 his caller ID being left on their caller ID systems.

1470 This kind of spoofing is also used to commit identity
1471 theft. Call recipients sometimes divulge personal and
1472 private information to the spoofer under the mistaken belief
1473 that the call is legitimate based on the caller ID
1474 information. For example, the AARP has reported cases in
1475 which people receive phone calls that made false claims that
1476 they had missed jury duty. These individuals were told that
1477 to avoid prosecution, they needed to provide their Social
1478 Security number and other personal information. The phone
1479 number that appeared on their caller ID was that from the
1480 local courthouse, so people assumed that the caller was
1481 telling the truth.

1482 H.R. 740 was intended to help protect consumers from
1483 harassment, identity theft, and other privacy intrusions.
1484 Recently, technology needed to spoof has become readily
1485 available, either through the purchase of Internet telephone
1486 equipment or through Web sites specifically set up to do
1487 this.

1488 The bill allows spoofing for law enforcement purposes.

1489 Subparagraph (c) of section 2 in the bill provides a defense
1490 to prosecutions for lawfully authorized activities of law
1491 enforcement.

1492 Finally, section 3 of the bill has a provision which
1493 adds caller spoofing to the list of unlawful activities
1494 associated with money laundering. Existing law provides that
1495 comparable crimes, such as violation of the Computer Fraud
1496 and Abuse Act constitute specified unlawful activities for
1497 the purpose of money laundering statutes.

1498 Not all use of fake caller ID information is considered
1499 spoofing. Actually, when you receive a call from the U.S.
1500 House of Representatives on an outside line, the number that
1501 appears on the outside line is a fake caller ID number. This
1502 kind of non-malicious fake ID use is used by some businesses
1503 as well, and is not prohibited by the bill, while the bill we
1504 considered in last Congress made even this non-abusive fake
1505 caller ID use illegal. That bill also failed to make the
1506 distinction in penalties for spoofing that did not involve
1507 fraud or gain. Further, the comments of the Department of
1508 Justice were not available when last year's bill was being
1509 developed. That is why I opposed the bill last year, though
1510 I supported the concept of the bill.

1511 We have since considered the Department of Justice's
1512 input and have constructed a bill that makes fraudulent
1513 commercial use of caller ID a felony with fines and

1514 imprisonment up to 5 years. It makes abusive use of another
1515 person's caller ID, without fraud or commercial gains, a
1516 misdemeanor, and exempts the use of non-abusive fake ID
1517 information.

1518 The subcommittee held a hearing on the bill yesterday,
1519 and the Department of Justice provided further testimony and
1520 recommendations which we have not had a chance to consider.
1521 Ranking Member Forbes and I have agreed to work to see which,
1522 if any, of those recommendations ought to be considered in
1523 the bill as a manager's amendment as the bill moves to the
1524 floor.

1525 The subcommittee held a markup on the bill and reported
1526 it favorably to the full committee. Ranking Member Forbes
1527 and I will review the further recommendations of the
1528 Department of Justice as it goes forward. As I indicated,
1529 this is important and helpful legislation for preventing
1530 identity theft and other abusive uses of phone technologies.

1531 Accordingly, Mr. Chairman, I urge my colleagues to
1532 support the bill, and yield back the balance of my time.

1533 Chairman Conyers. Thank you, Chairman Scott.

1534 Ranking Member Lamar Smith?

1535 Mr. Smith. Thank you, Mr. Chairman.

1536 H.R. 740, the Preventing Harassment Through Outbound
1537 Member Enforcement Act, or PHONE Act, addresses spoofing.
1538 Spoofing is a new and increasingly used method of obtaining a

1539 victim's personal and financial information in order to
1540 commit identity theft or other similar fraud. This
1541 legislation is a proactive measure to prevent spoofing before
1542 it escalates further.

1543 Similar legislation passed the House with bipartisan
1544 support at the end of the 109th Congress. I urge my
1545 colleagues to support this bill, and I yield the balance of
1546 my time to Mr. Forbes, the real ranking member of the Crime
1547 Subcommittee.

1548 Mr. Forbes. Thank you, Ranking Member Smith.

1549 As an original cosponsor of this bill, I join my
1550 colleague from Virginia, Crime Subcommittee Chairman Scott,
1551 in supporting adoption of this bill, and also in thanking the
1552 staff members that worked so long on this bill.

1553 The PHONE Act of 2007 imposes criminal penalties for a
1554 new form of fraud known as caller ID "spoofing," in which
1555 those called disclose personal information to the caller, who
1556 in turn uses this information to commit identity theft or
1557 similar types of fraud. Some people disguise themselves as
1558 banks or courts of law in order to obtain personal
1559 information from their victims. Even members of Congress are
1560 not immune. Congressman Tim Murphy sponsored this bill in
1561 the 109th Congress, and explained to the Crime Subcommittee
1562 yesterday that the caller ID of his congressional office was
1563 used to disguise calls to his constituents.

1564 Spoofing is becoming so popular that one can purchase
1565 the technology on the Internet, which now even allows the
1566 spoofer to select either a male or female voice when placing
1567 the phone calls. This is important legislation. It is
1568 supported by the Department of Justice, and I urge my
1569 colleagues to support the bill.

1570 I yield back.

1571 Chairman Conyers. I thank the ranking member of the
1572 subcommittee.

1573 Are there any amendments?

1574 Mr. Goodlatte. Mr. Chairman?

1575 Chairman Conyers. Yes, the gentleman from Virginia?

1576 Mr. Goodlatte. I move to strike the last word.

1577 Chairman Conyers. The gentleman is recognized.

1578 Mr. Goodlatte. Thank you, Mr. Chairman. I will be very
1579 brief.

1580 I want to thank you, Mr. Chairman, as well as Chairman
1581 Scott and Mr. Forbes and Mr. Smith for their support and
1582 leadership on this issue. This issue is an important one.
1583 It is very much related to legislation that this committee
1584 passed out last year that passed the House by near-unanimous
1585 support, dealing with a related problem that takes place not
1586 on telephones, but on the Internet, dealing with phishing and
1587 pharming, various individuals posing with Web sites that look
1588 the real Web site for banks and other financial institutions

1589 and other organizations.

1590 I strongly support this legislation, and I hope the
1591 chairman will make it a priority when that legislation is
1592 reintroduced soon, to move the spyware and phishing
1593 legislation that we passed through the last Congress as well.

1594 I thank the chairman and yield back.

1595 Chairman Conyers. I thank the gentleman.

1596 Are there any amendments?

1597 If not, let us consider reporting H.R. 740. All those
1598 in favor of reporting the measure, signify by saying "aye"
1599 please.

1600 All those opposed, signify by voting "no."

1601 The ayes have it, and so we will report this measure the
1602 House for further consideration.

1603 Without objection, the staff is authorized to make
1604 technical and conforming changes to all matters approved by
1605 the committee today.

1606 All members will have 2 days to submit any additional
1607 dissenting, supplemental or minority views.

1608 Pursuant to committee rule 2(j), the chair is authorized
1609 to offer such motions as may be necessary in the House to go
1610 to conference with the Senate on any bill the committee has
1611 ordered favorably reported today.

1612 There being no further business before the committee
1613 today, without objection, the committee stands adjourned.

1614 I thank the gentlemen for their cooperation.

1615 [Whereupon, at 11:42 a.m., the committee was adjourned.]