

of the year when the numerical cap has already been reached for H-2B visas.

Ice skaters who perform in special events in the United States find themselves in a similar predicament. Ice shows are planned many months in advance, but when ice skaters are recruited for these shows, H-2B visas are not always available. This legislation would also allow ice skaters performing in theatrical ice productions to use the P-1 visa category.

The United States is the pinnacle showground for most athletes and performers. It is where the best athletes and performers come to display their talents and skills. By moving minor league athletes and ice performers to the P-1 category, sports leagues and production teams will be able to recruit the most talented individuals from around the world and thus continue America's tradition of excellence in the professional sports arena.

I urge my colleagues to support Senate bill 3821.

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

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

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

Mr. CONYERS. Mr. Speaker, I am pleased to rise in support of S. 3821, which makes professional visas available for certain athletes and entertainers who are needed for work and competition in the United States professional athletic industries.

Historically, minor league athletes enter our country as part of the H-2B seasonal worker program. These visas are capped at 66,000 per year, and they often run out well before the year is out.

So we, through this legislation, will allow sport franchises and companies to bring minor league baseball players, hockey players and ice skating performers into the country to perform or compete when they are needed, without being barred by the visa cap. It shifts these talented people from the H visa category to the P visa category, the same one currently used by highly skilled professional athletes.

With this change, the United States will no longer lose these talented athletes to other nations because visas are not available at the right time.

This is a necessary piece of legislation to fix our visa categories, and I am glad that we are able to get the support of both Chambers in a bipartisan fashion to pass this at the very end of the 109th Congress.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CANNON. Mr. Speaker, with the admonition to my colleagues to support this bill and pass it, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON)

that the House suspend the rules and pass the Senate bill, S. 3821.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### PROHIBITION ON DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 4042) to amend title 18, United States Code, to prohibit disruptions of funerals of members or former members of the Armed Services.

The Clerk read as follows:

S. 4042

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

#### SECTION 1. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

#### “§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

“(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 60 minutes before and ending 60 minutes after such funeral, any part of which activity—

“(1)(A) takes place within the boundaries of the location of such funeral or takes place within 150 feet of the point of the intersection between—

“(i) the boundary of the location of such funeral; and

“(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

“(B) includes any individual willfully making or assisting in the making of any noise or diversion that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral with the intent of disturbing the peace or good order of that funeral; or

“(2)(A) is within 300 feet of the boundary of the location of such funeral; and

“(B) includes any individual willfully and without proper authorization impeding the access to or egress from such location with the intent to impede the access to or egress from such location.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘Armed Forces’ has the meaning given the term in section 101 of title 10.

“(2) The term ‘funeral of a member or former member of the Armed Forces’ means any ceremony or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

“(3) The term ‘boundary of the location’, with respect to a funeral of a member or former member of the Armed Forces, means—

“(A) in the case of a funeral of a member or former member of the Armed Forces that

is held at a cemetery, the property line of the cemetery;

“(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

“(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

“(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by inserting after the item related to section 1387 the following new item:

“1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

#### GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 4042, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of Senate bill 4042, which expands existing law prohibiting certain demonstrations at military funerals.

The men and women of our Armed Forces risk their lives every day to preserve America's freedom. Military funerals honor our veterans and those who have made the ultimate sacrifice for our country. Funerals are solemn occasions for family and loved ones to grieve their loss. Military funerals are important ceremonies for Americans to show their respect and gratitude for our fallen heroes.

Yet, these dignified, peaceful ceremonies are being disrupted by political demonstrations. In the last year, a fringe religious group known as Westboro Baptist Church has disrupted more than 100 military funerals across the country, claiming that the deaths of U.S. soldiers in Iraq and Afghanistan are God's punishment for America's tolerance of gays and lesbians. Over the past 15 years, Westboro Baptist Church has staged over 22,000 demonstrations nationwide.

Mr. Speaker, as Congress considers this legislation today, the Westboro Baptist Church is again staging protests to disrupt the funerals of Lance Corporal Michael A. Schwarz in New Jersey and Lance Corporal James R. Davenport in South Carolina.

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On behalf of the American people, I want to extend my sincere apologies to

the families of these soldiers, and to reassure our military servicemembers and their families that such demeaning and disgusting displays will never occur again.

In May, the President signed into law H.R. 5037, the Respect for America's Fallen Heroes Act, which prohibits demonstrations at Arlington National Cemetery and other cemeteries under the control of the National Cemetery Administration.

Approximately 650,000 funerals are conducted each year for our veterans and Active Duty military; however, only 90,000 of these are held at the Nation's 121 Federal cemeteries. Many veterans and servicemembers are laid to rest at private cemeteries. S. 4042 will expand the current law to all military funerals to ensure that all are afforded the utmost respect and dignity.

S. 4042 prohibits any person from intentionally disrupting or impeding access to a military funeral. An offense under this section is punishable by a fine of up to 1 year in jail. This bill is clearly constitutional as its predecessor was under Congress' broad authority under Article I, section 7 to raise and support armies. Congress has the authority to support America's soldiers by acting to preserve the dignity of their funeral ceremonies.

This bill is modeled after an ordinance upheld by the Supreme Court as a constitutional time, place, and manner restriction. The Senate passed S. 4042 yesterday by unanimous consent. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time

Mr. CONYERS. Mr. Speaker I yield myself such time as I may consume.

I rise in support of the Respect for the Funerals of Fallen Heroes Act, a bill that would promote respect for the funerals of fallen heroes by prohibiting disruptive activities at funerals of deceased members of the Armed Forces.

This bill would build on the respect for America's Fallen Heroes Act by providing similar protection for the funerals of all deceased members or former members of the Armed Services, not only at Federal cemeteries but also at private cemeteries, funeral homes, and houses of worship. I think that we have found that this bill is consistent with constitutional considerations, and I urge that the House support this suspension.

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

Mr. CANNON. Mr. Speaker, I have no further speakers.

Mr. CONYERS. Mr. Speaker, I would yield to the gentleman from Oregon as much time as he may consume.

Mr. WU. Mr. Speaker, I thank the gentleman from Michigan.

I was one of the Members of the House of Representatives who was originally troubled by the House version of the bill and by the balance it struck between respect for the fallen heroes of this Nation and the Federal Constitution for which they died. I am

pleased to support a much improved version of this bill returned from the other Chamber. And I thank Mr. DURBIN directly for his good work on this bill to remove the unfettered discretion of Federal officials and to limit some of the proscribed activities to include intent and intent to disturb. I am pleased to support this bill in its final form.

Mr. CANNON. Mr. Speaker, I would like to yield to the gentleman from Indiana (Mr. BUYER) such time as he may consume.

Mr. BUYER. Well, it sure hasn't taken very long. Mr. WU, I guess, would oppose a Republican bill but support Mr. DURBIN's bill. I would invite the gentleman; you know, not long ago you and I got into a debate on this floor and what I asked the gentleman to do is to read the bill. What I would welcome the gentleman again is to read the bill, because the bill that you said you didn't like then, you should like it now. Or you like this one now but you didn't like it then?

What is interesting here is that when we came to this floor, what they have done in this bill is they have essentially taken exactly what we had done earlier in the year and actually said: Okay, for Federal lands, for national cemeteries in Arlington, we already have that bill. We are going to put now a section just after it, and the very same time, manner, place, content neutral restrictions that have been constitutionally upheld are going to be in this bill. I would just ask the gentleman to remain consistent.

Mr. WU. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Oregon.

Mr. WU. In the original House version of the bill, the person in control of Federal property was given virtually unfettered discretion in determining what activities were acceptable and what activities were not.

I had hoped in the closing hours of this session that we would come together in comity to respect both the fallen dead and the Constitution, which is certainly my intent.

Mr. BUYER. I reclaim my time. Your interpretation of unfettered discretion is a great attempt at artful words, but that is not what we did in that bill.

What I am most concerned about here, and let's just pause for a second. When we came to the floor and we did the Fallen Heroes bill, we did this because we wanted to make sure it was narrowly tailored. And we said, what is our nexus? Our nexus here is Federal land of exclusive jurisdiction. So I remember a conversation about this, and Mr. CONYERS, and it is very important: Federal land. And so we said, okay, Arlington, owned by the United States Army and our national cemeteries. This now is about everything else. So the intent here is solid.

It is unfortunate that we have come to the floor to talk about the standards of dignity at a military funeral. We

really shouldn't be having to do that. That is what is sad about this. And I think we all agree that we need to set the standards of dignity. We are talking about now setting a misdemeanor with regard to, we are going to set the content out there with regard to all of these funerals; and my only concern here is, is I do not want this stricken down as overbreadth under the doctrine that the Supreme Court to do that, and I am hopeful that doesn't happen. And I will yield to the scholars of the Judiciary Committee here. But I just want to let you know when we came to the floor and did this before, we did this for it to be narrowly tailored, and hopefully the Supreme Court doesn't strike it down. But I just wanted to speak and say why we did it one way not months ago, and now obviously we are doing it a little bit differently.

Mr. CONYERS. I wanted to thank the gentleman for yielding, and recall that he was a distinguished member of the Judiciary Committee himself for a considerable period of time. We will keep in mind the conversations that we have had here tonight in the closing hours.

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

Mr. CANNON. Mr. Speaker, I would just like to make a couple comments. I thank Mr. CONYERS for his very gracious response, and want to point out that Mr. BUYER was a member of the Judiciary Committee, and himself is a scholar on these issues, and obviously emotional and concerned as he has been an active member of the military and continues, I believe, in the Reserve. And so I want to thank him for his comments and recognize the intensity of his feelings.

Mr. Speaker, I urge my colleagues to support this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 4042.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### FUNDING AGREEMENTS

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6427) to increase the amount in certain funding agreements relating to patents and nonprofit organizations to be used for scientific research, development, and education, and for other purposes.

The Clerk read as follows:

H.R. 6427

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

#### SECTION 1. FUNDING AGREEMENTS.

Section 202(c)(7)(E)(i) of title 35, United States Code, is amended—