

A motion to reconsider was laid on the table.

□ 1715

## INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2009

Ms. BALDWIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 3808

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Interstate Recognition of Notarizations Act of 2009”.

### SEC. 2. RECOGNITION OF NOTARIZATIONS IN FEDERAL COURTS.

Each Federal court shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the Federal court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public’s authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

### SEC. 3. RECOGNITION OF NOTARIZATIONS IN STATE COURTS.

Each court that operates under the jurisdiction of a State shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public’s authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

### SEC. 4. DEFINITIONS.

In this Act:

(1) **ELECTRONIC RECORD.**—The term “electronic record” has the meaning given that term in section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006).

(2) **LOGICALLY ASSOCIATED WITH.**—Seal information is “logically associated with” an electronic record if the seal information is securely bound to the electronic record in such a manner as to make it impracticable to falsify or alter, without detection, either the record or the seal information.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Ms. BALDWIN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Ms. BALDWIN. Madam Speaker, I ask unanimous consent that Members

have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. BALDWIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3808, the Interstate Recognition of Notarizations Act of 2009, requires all Federal and State courts to recognize documents lawfully notarized in any State of the Union when interstate commerce is involved. An identical version of this bill passed the House in 2007.

A notary public has the professional expertise to verify the identity of the signatory to a document and ensure that it was willingly signed. Notary publics are a critical first line of defense against fraud. Although notarization serves the same purposes in all States, there are differences in State laws governing notarization, and also varying technical formalities. That makes it difficult for a State to recognize an out-of-state notarization.

For example, some States dictate that ink seals must be used, while others require embossers. Some States require very specific language in the acknowledgment certificate, and thus the language used in other States may not be acceptable. Such technical differences between State law hinder the recognition of documents that were lawfully notarized in the State in which the notarization was performed, and this can cause unnecessary delays that impact important legal rights and interstate commerce.

The fact that some States do not recognize documents lawfully notarized in other States also presents a constitutional issue. The U.S. Constitution requires that each State give full faith and credit to the public acts, records, and judicial proceedings of every other State. The 21st century affords advances in transportation and telecommunications that have expanded the ability of individuals and businesses to conduct their affairs across State boundaries. The laws governing notarization should not be permitted to continue encumbering their ability to do so.

By giving those laws reciprocal recognition, effectively harmonizing them, H.R. 3808 will bring those laws within the spirit of the Constitution’s vision and bring much needed relief from antiquated formalities.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at the outset I want to thank the sponsor of the bill, Representative ADERHOLT, for his persistence and patience. This is the third time the full House has considered his

bill to streamline the use of notarized documents across State lines, and I hope this will be the last, followed by the Senate, and then enactment.

H.R. 3808 eliminates unnecessary impediments in handling the everyday transactions of individuals and businesses.

Many documents executed and notarized in one state, either by design or happenstance, find their way into neighboring or more distant states.

If ultimately needed in any one of the latter jurisdictions to support or defend a claim in court, that document should not be refused admission solely on the ground it was not notarized in the state where the court sits.

H.R. 3808 ensures this will not happen.

A notarization in and of itself neither validates a document nor speaks to the truthfulness or accuracy of its contents.

The notarization serves a different function—it verifies that a document signer is who he or she purports to be and has willingly signed the document.

By executing the notarial certificate, the notary public, as a disinterested party to the transaction, informs all other parties relying on or using the document that it is the act of the person who signed it.

Consistent with the vital significance of the notarial act, H.R. 3808 compels a court to accept the authenticity of the document even though the notarization was performed in a state other than where the forum is located.

Madam Speaker, much of the testimony we received at our Subcommittee hearing on the bill in 2006 addressed the silliness of one state not accepting the validity of another state’s notarized document in an interstate legal proceeding.

Some of the examples were based on petty reasons. For instance, one state requires a notary to affix an ink stamp to a document, an act that is not recognized in a sister state that requires documents to be notarized with a raised, embossed seal.

Passing the bill will streamline interstate commercial and legal transactions consistent with the guarantees of the Full Faith and Credit Clause of the Constitution.

Madam Speaker, I urge Members to support H.R. 3808.

I yield such time as he may consume to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Madam Speaker, I appreciate the chairman’s support for this legislation to be brought to the floor, and of course the support of Ranking Member SMITH on this legislation as well. Without it, this legislation, we would not be here today where we are.

One other person who has been very supportive and who actually brought this to my attention several years ago is my friend MIKE TURNER, from Birmingham. We’ve worked together on this to try to resolve this issue through the United States Congress, and so here we are, as mentioned, the third time to try to resolve this.

There is an old saying, “The third time’s the charm,” and I am hopeful today that saying holds true. As my colleagues who serve on the Judiciary Committee are well aware, today marks the third time that the House of

Representatives has brought up, and hopefully will pass, this bill. The key, of course, lies with our friends in the other Chamber. So I look forward to working with our colleagues in the Senate and getting the bill moved through that Chamber as well.

I was first made aware of this problem, as I say, by my friend MIKE TURNER when I was first elected to Congress back in 1997. Here we are in 2010. The issue is still not resolved. This is an issue of great frustration to people who deal with notaries on a daily basis.

Several years ago, the House Judiciary Committee worked with supporters of this issue to find a satisfactory solution to the problem of the recognition of notarizations across State lines. In March of 2006, the Subcommittee on Courts, the Internet, and Intellectual Property heard from several witnesses who all agreed that this is an ongoing and difficult problem for interstate commerce. To businesses and individuals engaged in businesses across State lines, this is a matter long overdue.

In a nutshell, as it has been stated, H.R. 3808 will expedite interstate commerce so that court documents and other notarized documents will be fully recognized from one State to another. Today States can refuse to acknowledge the integrity of notarized documents from one State to another. This legislation, H.R. 3808, will streamline the interstate, commercial, and legal transactions consistent with the guarantees of the States' rights that are called for in the full faith and credit clause of the United States Constitution.

This legislation preserves the rights of States to set standards and regulate notaries, while reducing the burden on the average citizen who has to use our court systems. Currently, as the law stands today, each State is responsible for regulating its notaries. Typically, an individual will pay a fee, they will submit an application, and they will take an oath of office. Some States require the applicants enroll in educational courses, to pass exams, and even obtain a notary bond. Nothing in this legislation will change those steps. Please know we are not trying to mandate how States regulate notaries which they appoint. The bill will not preclude the challenge of notarized documents such as a will contest.

Again, I want to stress that this is in no way trying to mandate what a State should do or what a State should not do. It simply allows there to be more free flow of commerce between States, and particularly when you are talking about the regulation of notaries themselves.

Again, I want to thank the chairman and also the ranking member for their support of this legislation to allow us to move forward. I would urge my colleagues that when this legislation is brought for a vote that they would support it under suspension of the rules.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time,

and I yield back the balance of my time.

Ms. BALDWIN. Madam Speaker, I urge my colleagues to pass H.R. 3808, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wisconsin (Ms. BALDWIN) that the House suspend the rules and pass the bill, H.R. 3808.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NATIONAL AUTISM AWARENESS MONTH

Mr. DOYLE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1033) expressing support for designation of April 2010 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1033

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, affecting individuals' ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 110 children in the United States;

Whereas autism is four times more likely to be diagnosed in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately \$80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-age children with autism is often more than \$30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of \$90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas April 2010 would be an appropriate month to designate as "National Autism Awareness Month" to increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

*Resolved*, That the United States House of Representatives—

(1) expresses support for designation of a "National Autism Awareness Month";

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing financial costs for specialized education and support services;

(3) supports the goal of devoting resources to researching the root causes of autism, identifying the best methods of early intervention and treatment, expanding programs for individuals with autism across their lifespans, and promoting understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and that early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(6) recognizes the importance of worker training programs that are tailored to the needs of people with developmental disabilities, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. DOYLE).

#### GENERAL LEAVE

Mr. DOYLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today in strong support of House Resolution 1033. This resolution expresses support for the designation of this month, the month of April, as National Autism Awareness Month.

Autism spectrum disorders are a group of developmental disabilities that affect an estimated one in 100 children nationwide. ASDs, or autism, are typically diagnosed within the first 3 years of life. Autism occurs in all racial, ethnic, and socioeconomic groups. However, we know that autism affects each person and certain groups differently.

People with Asperger's syndrome, one form of autism, typically do not have difficulty with language or intellectual disability. Others with autism have more notable language delays and social challenges, among other symptoms. This form of autism is referred to as autistic disorder, or classic autism. Autism is at least four times more likely to be diagnosed in boys than in girls.

We have made important progress in research on autism within the past few years, and I and dozens of Members of