

proceedings on this question will be postponed.

RECOGNIZING NOTARIZATIONS IN FEDERAL AND STATE COURTS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1458) 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, as amended.

The Clerk read as follows:

H.R. 1458

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

SECTION 1. 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. 2. 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. 3. 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 (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. 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

on H.R. 1458, as amended, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1458, a bill 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.

A notary public administers oaths and serves as an impartial witness when certain documents are signed. Many States require these documents, such as affidavits, deeds, and powers of attorney, be notarized before they can become legally binding on parties. Since the point of legal notarization is to deter fraud, a notary must positively identify the signatory to a document and ensure that he or she signs the document knowingly and willingly.

Notaries are currently licensed by individual States. However, legal disputes are not always confined to the geographic and judicial domain of a single State. The bill ensures that lawfully notarized documents from one State are also acknowledged by sister States in interstate commerce. The bill also clarifies standards by which electronic seals are to be recognized. This is especially important as more lawyers and business people notarize documents electronically.

I emphasize that H.R. 1458 does not conflict with the 10th amendment's defense of States' rights. In fact, the bill promotes States' rights through its compatibility with the full faith and credit clause of article IV of the Constitution.

The bill address an obscure but important subject in the legal and business realms, and I urge my colleagues to support it.

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

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

Mr. Speaker, I too rise in support of this legislation which would require Federal and State courts to recognize the validity of a document notarized in other States. It has been clearly and accurately described. It would operate to smooth out evidentiary rules which would treat notarized documents differently from public documents.

Under section 1738 of title 28, Federal and State courts must recognize the official acts of State legislatures and courts. With respect to notarized documents, however, courts must determine whether they are authentic. This can delay court proceedings and negate the entire purpose of notarization, which is to authenticate the identity of the person signing the document.

The measure before us would make it easier for notarized documents to be admitted into evidence and thus speed up court proceedings. We on this side

are in total agreement of that. I urge support of the legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ADERHOLT), the author of the bill.

Mr. ADERHOLT. Mr. Speaker, I appreciate the chairman's support in allowing this bill to be brought to the floor to the House of Representatives today. I would also like to thank my friend, Mike Turner of Freedom Court Reporting in Alabama, who first brought this matter to my attention.

I am pleased we have been able to work together with the committee of jurisdiction to find a satisfactory remedy to the issue of recognition of notarizations across State lines.

During the hearings held on this bill by the Subcommittee on Courts, the Internet and Intellectual Property, Ranking Member Berman pointed out that, “Although the topic of notary recognition between the States is not necessarily the most exciting issue, it is an extremely practical one.” To my colleague across the aisle, I would have to agree with both points.

During that hearing in March, we heard from several witnesses who all agreed that this is an ongoing and a difficult problem for interstate commerce. To businesses and individuals engaged in business across State lines, this is a matter long overdue which is being resolved.

H.R. 1458 will eliminate the confusion that arises from States who refuse to acknowledge the integrity of documents notarized out of State. H.R. 1458 would require that documents be recognized in any State or Federal court if the subject affects interstate commerce and the document is duly notarized by a seal or if a seal is tagged to an electronic document.

Currently, each State is responsible for regulating its notaries. Typically, an individual will pay a fee, will submit an application, and takes an oath of office. Some States require applicants to enroll in educational courses, pass exams, and even obtain a notary bond. Nothing in this legislation will change these steps. It shall be made clear that we are not trying to mandate how States regulate notaries public they appoint. In addition, the bill would also not preclude the challenge of notarized documents such as a will contest.

During the subcommittee hearing, the executive director of the National Notary Association stated, “We like this bill because it is talking about a standard for the legal effects of the material act, the admissibility of it, not at all interfering with the State requirements for education and regulation of the notaries themselves.”

Thank you again, Mr. Chairman, for your support of this legislation and allowing the legislation to move forward today. I urge my colleagues to support

H.R. 1458 under the suspension of the rules today.

Mr. SMITH of Texas. Mr. Speaker, Representative ADERHOLT's bill 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. 1458 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. 1458 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.

Mr. Speaker, I conclude by pointing out that much of the testimony we received at our Subcommittee hearing on the bill 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 example, 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.

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

The SPEAKER pro tempore (Mr. MORAN of Kansas). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1458, as amended.

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

A motion to reconsider was laid on the table.

PHYSICIANS FOR UNDERSERVED AREAS ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4997) to permanently authorize amendments made by the Immigration and Nationality Technical Corrections Act of 1994 for the purpose of permitting waivers of the foreign country residence requirement with respect to certain international medical graduates, as amended.

The Clerk read as follows:

H.R. 4997

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 "Physicians for Underserved Areas Act".

SEC. 2. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note; Public Law 103-416) (as amended by section 1(a)(1) of Public Law 108-441) is amended by striking "June 1, 2006." and inserting "June 1, 2008."

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall take effect as if enacted on May 31, 2006.

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

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. 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 material on H.R. 4997 currently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4997, the Physicians for Underserved Areas Act, reauthorizes for 2 years the program under which physicians on J-1 visas can work in underserved areas. The program expired on June 1 of this year.

Each year numerous foreign doctors come to the United States to complete their residency training. Many do so using the J-1 visa. One of the requirements for physicians who use the J-1 visa is that the participant return to his or her own country for 2 years upon completion of the training program in the United States. The purpose of this foreign residency requirement is to encourage U.S.-trained physicians to return to their country and to improve medical conditions there.

Since 1994, Congress has waived the 2-year foreign residency requirement for physicians who agree to work in an underserved area of the United States, as designated by the Department of Health and Human Services. Each State receives 30 such waivers a year.

The waiver program allows States to recruit physicians to areas that have trouble attracting newly trained American physicians. Because of this waiver program, many communities that might otherwise have no access to medical services now have physicians nearby. It also responds to an overall

shortage of physicians in the United States, which is a disconcerting trend.

A 2-year reauthorization of this program in its current form also gives Congress time to consider whether future changes may be needed to the program. For example, larger States like Texas have expressed a need for additional waivers beyond the 30 currently allowed. It is important that we consider ways to address this problem without putting the small States at a disadvantage. By reauthorizing the waiver program, we will provide States with some relief for the physician shortage they are facing, particularly in rural and underserved areas.

I urge Members 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 am pleased to have reached a bipartisan agreement to extend the J-1 visa waiver program for another 2-year period. This visa waiver program is critically important to bringing essential medical services to residents of underserved rural and urban areas, including my own district in Detroit, Michigan. The J-1 program allows some foreign doctors who have completed their medical training in the United States to remain here to practice medicine for 2 years if they will serve patients in a region of the country that the Federal Government defines as medically underserved. These tend to be less affluent urban areas with high population densities and insufficient access to general practitioners and specialists as well as rural areas that are far from medical centers and may have trouble attracting enough doctors to meet the communities' needs. These communities are particularly desperate for physician services because of the growing national shortage of doctors our country is facing.

This past summer a Los Angeles Times article detailed the looming crisis in medical care in the United States as the demand for medical service explodes. The article noted industry fears that shortages may even become more severe over the next decade due to the flat medical school enrollments, aging baby boomers, and the high number of doctors heading for retirement.

While some communities enjoy a glut of physicians, one in five Americans, in fact, live in rural and urban areas with so few doctors that the Federal Government has classified these regions as "medically underserved." It is these Americans that foreign doctors assist when they get a J-1 visa waiver to practice medicine in communities that don't have enough American doctors.

I believe we need to make improvements in this program so that it better meets the needs of the underserved. Right now some States who receive J-1 doctors through the "Conrad-30 program" do not lose their allotment of 30 waivers each year while other States find that 30 waivers are insufficient to meet the medical needs of their communities. In addition, some States may