

whites. And there is still a glaring wage gap confronting minorities in the workforce. Black men earned 73.9 percent of what white men earned in 2002, measured by median full-time wages and salaries. That's barely up from 73.4 percent a decade ago.

In our health system, minorities still repeatedly receive inferior care. Last year's Institute of Medicine report found that health care delivery is very unequal depending on the race or ethnicity of the patient. That inequality is thought to be a major reason that African-Americans frequently have worse health outcomes than whites. The black infant mortality rate in fact remains twice as high as the white rate, and 20 percent of black Americans lack regular access to health care compared with less than 16 percent of whites.

Without early and advanced education, individuals face a great handicap in this world. Yet in our school system today separate and unequal is still the reality in far too many places. Even in higher education, there exists a large gap between the percentage of whites with a college degree and the percentage of blacks.

So Mr. Speaker, today let us acknowledge that the Civil Rights Acts we passed in Congress was a crucial step forward for our Nation. Our laws require vigilance so that every citizen has an equal shot at the American dream. As Dr. Martin Luther King, Jr., said, "Human progress is neither automatic nor inevitable . . . Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals."

Today, we must redouble our commitment to the Civil Rights Act and the America envisioned by JOHN LEWIS and every citizen who fought for equal rights four decades ago, and continue the effort for justice and equality. We have not yet reached the Promised Land, but it is up to us to ensure that America achieves the full measure of its promise.

Mr. PAUL. Mr. Speaker, I rise to explain my objection to H. Res. 676. I certainly join my colleagues in urging Americans to celebrate the progress this country has made in race relations. However, contrary to the claims of the supporters of the Civil Rights Act of 1964 and the sponsors of H. Res. 676, the Civil Rights Act of 1964 did not improve race relations or enhance freedom. Instead, the forced integration dictated by the Civil Rights Act of 1964 increased racial tensions while diminishing individual liberty.

The Civil Rights Act of 1964 gave the federal government unprecedented power over the hiring, employee relations, and customer service practices of every business in the country. The result was a massive violation of the rights of private property and contract, which are the bedrocks of free society. The federal government has no legitimate authority to infringe on the rights of private property owners to use their property as they please and to form (or not form) contracts with terms mutually agreeable to all parties. The rights of all private property owners, even those whose actions decent people find abhorrent, must be respected if we are to maintain a free society.

This expansion of federal power was based on an erroneous interpretation of the congressional power to regulate interstate commerce. The framers of the Constitution intended the interstate commerce clause to create a free trade zone among the states, not to give the

federal government regulatory power over every business that has any connection with interstate commerce.

The Civil Rights act of 1964 not only violated the Constitution and reduced individual liberty; it also failed to achieve its stated goals of promoting racial harmony and a color-blind society. Federal bureaucrats and judge's cannot read minds to see if actions are motivated by racism. Therefore, the only way the federal government could ensure an employer was not violating the Civil Rights Act of 1964 was to ensure that the racial composition of a business's workforce matched the racial composition of a bureaucrat or judges defined body of potential employees. Thus, bureaucrats began forcing employers to hire by racial quota. Racial quotas have not contributed to racial harmony or advanced the goal of a color-blind society. Instead, these quotas encouraged racial balkanization, and fostered racial strife.

Of course, America has made great strides in race relations over the past forty years. However, this progress is due to changes in public attitudes and private efforts. Relations between the races have improved despite, not because of, the 1964 Civil Rights Act.

In conclusion, Mr. Speaker, while I join in sponsors of H. Res. 676 in promoting racial harmony and individual liberty, the fact is the Civil Rights Act of 1964 did not accomplish these goals. Instead, this law unconstitutionally expanded federal power, thus reducing liberty. Furthermore, by prompting race-based quotas, this law undermined efforts to achieve a color-blind society and increased racial strife. Therefore, I must oppose H. Res. 676.

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

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 676.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### IDENTITY THEFT PENALTY ENHANCEMENT ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1731) to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1731

*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 "Identity Theft Penalty Enhancement Act".*

#### SEC. 2. AGGRAVATED IDENTITY THEFT.

(a) *IN GENERAL.*—Chapter 47 of title 18, United States Code, is amended by adding after section 1028, the following:

#### "§ 1028A. Aggravated identity theft

"(a) *OFFENSES.*—

"(1) *IN GENERAL.*—Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.

"(2) *TERRORISM OFFENSE.*—Whoever, during and in relation to any felony violation enumerated in section 2332b(g)(5)(B), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person or a false identification document shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 5 years.

"(b) *CONSECUTIVE SENTENCE.*—Notwithstanding any other provision of law—

"(1) a court shall not place on probation any person convicted of a violation of this section;

"(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used;

"(3) in determining any term of imprisonment to be imposed for the felony during which the means of identification was transferred, possessed, or used, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

"(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28.

"(c) *DEFINITION.*—For purposes of this section, the term 'felony violation enumerated in subsection (c)' means any offense that is a felony violation of—

"(1) section 641 (relating to theft of public money, property, or rewards), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), or section 664 (relating to theft from employee benefit plans);

"(2) section 911 (relating to false personation of citizenship);

"(3) section 922(a)(6) (relating to false statements in connection with the acquisition of a firearm);

"(4) any provision contained in this chapter (relating to fraud and false statements), other than this section or section 1028(a)(7);

"(5) any provision contained in chapter 63 (relating to mail, bank, and wire fraud);

"(6) any provision contained in chapter 69 (relating to nationality and citizenship);

"(7) any provision contained in chapter 75 (relating to passports and visas);

"(8) section 523 of the Gramm-Leach-Bliley Act (15 U.S.C. 6823) (relating to obtaining customer information by false pretenses);

"(9) section 243 or 266 of the Immigration and Nationality Act (8 U.S.C. 1253 and 1306) (relating to willfully failing to leave the United States after deportation and creating a counterfeit alien registration card);

"(10) any provision contained in chapter 8 of title II of the Immigration and Nationality Act