

against women. But what is particularly troubling is a growing trend of sexual violence against women who are unknowingly drugged and then sexually assaulted. Sexual predators have found a dangerous weapon in certain kinds of drugs, and we must recognize and respond to this growing problem.

H.R. 4137 will increase criminal penalties for the possession of certain drugs with the intent to use them to commit crimes of violence, including rape, against another person. The bill puts special emphasis on a drug known as Rohypnol or "roofies," which is commonly used in date rape cases, and also directs the Justice Department to make available educational materials on the use of drugs in rape and sexual assault cases.

Mr. Speaker, the Drug-Induced Rape Prevention and Punishment Act sends a clear message that we will not tolerate crimes of violence against women. I urge my colleagues to join me in supporting this important legislation.

Ms. DUNN of Washington. Mr. Speaker, a special thanks to Mr. SOLOMON, Ms. MOLINARI and all of my colleagues who worked so diligently to move this legislation forward.

As my colleagues know, the incidence of violence and crime against women continues to escalate daily. Criminals and would-be criminals keep finding new ways to victimize women. This bill represents one of the many steps that need to be taken in order to help stop the violation of innocent women. I urge my colleagues to take this vital stride forward.

First and foremost this legislation would impose tough minimum sentences on first-time offenders who distribute what are referred to as "date-rape drugs" with the intent to rape. This is only right, Mr. Speaker. These drugs render women helpless. When criminals administer drugs like Rohypnol, their victims are not aware it has been added to their drink because the drug is tasteless and odorless. Rohypnol is intended for use in treating people with severe sleep disorders and is 10 times more powerful than Valium. Unfortunately, it can induce amnesia as a side effect, which in date-rape cases obviously impairs the victim's ability to relay what transpired and to recall who raped them. Rapists prefer Rohypnol because it is fact-acting. It's effects begin within 30 minutes, peak within 2 hours and may persist up to 8 hours or more. Often times, the effects have lasted as much as 24 hours after ingestion.

Mr. SOLOMON's "Drug-Induced Rape Prevention and Punishment Act" proposes minimum sentences of not less than 20 years for Rohypnol traffickers and would-be rapists.

Mr. Speaker, this stiff penalty is justified to combat this problem. No parent should have to send a daughter off to college afraid that she might be drugged and victimized by a rapist. We should give those parents whose children have left home reassurance that we have done all we can to deter this criminal behavior.

No woman should have to worry about this heinous act affecting her life. No woman should live in fear that the next beverage she consumes will render her a defenseless victim. That is why this House should stand up today, for women across the country, and say to the cowardly individuals who commit this crime: no more. We must establish zero-tolerance for rape and the use of drugs to commit rape.

I urge passage of this important bill.

Mr. BLILEY. Mr. Speaker. I rise in support of H.R. 4137. We recently have heard several

tragic instances of women being sexually assaulted after their drinks were laced with potent sedative drugs. The bill imposes stiff penalties for the unlawful distribution and trafficking of Rohypnol and extends criminal penalties to anyone convicted of using a controlled substance with the intent to commit a sexual battery.

I support the legislation; however, I must point out that the bill has not been fully considered by the committees of jurisdiction. H.R. 4137 was referred to both the Committee on the Judiciary and the Committee on Commerce. Neither committee had an opportunity to report the bill. Given the limited time remaining in this session of Congress, and the importance of this issue, I will not object to this bill moving forward. In doing so, however, the Committee on Commerce in no way is yielding any of its jurisdiction on this and other similar matters.

Mrs. FOWLER. Mr. Speaker, I urge my colleagues to join me in support of this important measure. This is an issue that is too important for politics—especially for someone like me, who has a college-aged daughter.

Drug-induced date rape is the ultimate crime of cowardice. It is intolerable, and this bill sends the message that it will not be tolerated—regardless of what drug is used.

By most accounts, Rohypnol is currently the drug of choice for sex offenders. It is powerful, it is odorless, it is tasteless, and it is cheap. This issue is not just confined to Rohypnol, however: Alcohol has always been and probably will remain the primary date-rape drug.

The real problem here is sex offenders—and we know that if they cannot get Rohypnol they will use something else. That is why H.R. 4137 applies schedule I penalties for the possession of Rohypnol, and also imposes tough penalties on sex offenders who use other drugs to render their victims helpless. Think about your daughters and support this bill.

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

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 4137.

The question was taken.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HUMAN RIGHTS, REFUGEE, AND OTHER FOREIGN RELATIONS PROVISIONS ACT OF 1996

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4036) to strengthen the protection of internationally recognized human rights, as amended.

The Clerk read as follows:

H.R. 4036

*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 "Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—FOREIGN RELATIONS PROVISIONS

Sec. 101. Fees for machine readable visas.

Sec. 102. Report to Congress concerning Cuban emigration policies.

Sec. 103. Extension of certain adjudication provisions.

Sec. 104. Persecution for resistance to coercive population control methods.

Sec. 105. Conduct of certain educational and cultural exchange programs.

Sec. 106. Educational and cultural exchanges and scholarships for Tibetans and Burmese.

Sec. 107. International Boundary and Water Commission.

#### TITLE II—FOREIGN ASSISTANCE PROVISIONS

Sec. 201. Human rights reports.

Sec. 202. Assistance for Mauritania.

#### TITLE I—FOREIGN RELATIONS PROVISIONS

##### SEC. 101. FEES FOR MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) by striking paragraphs (2) and (3) and inserting the following:

"(2) For fiscal years 1996 and 1997, not more than \$150,000,000 in fees collected under the authority of paragraph (1) for each fiscal year shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of the Department of State's border security program, including the costs of—

"(A) installation and operation of the machine readable visa and automated name-check process;

"(B) improving the quality and security of the United States passport;

"(C) passport and visa fraud investigations; and

"(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

Such fees shall remain available for obligation until expended.

"(3) For any fiscal year, fees collected under the authority of paragraph (1) in excess of the amount specified for such fiscal year under paragraph (2) shall be deposited in the general fund of the Treasury as miscellaneous receipts."; and

(2) by striking paragraph (5).

##### SEC. 102. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the Secretary of State shall include in the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

**SEC. 103. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.**

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 1996” and inserting “1996, and 1997”; and  
(B) in subsection (e), by striking out “October 1, 1996” each place it appears and inserting “October 1, 1997”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out “September 30, 1996” and inserting “September 30, 1997”.

**SEC. 104. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.**

(a) DEFINITION OF REFUGEE.—

(1) Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: “For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to such forced procedures, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.”

(2) Not later than 90 days after the end of each fiscal year, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate describing the number and countries of origin of aliens granted refugee status or asylum under determinations pursuant to the amendment made by paragraph (1). Each such report shall also contain projections regarding the number and countries of origin of aliens that are likely to be granted refugee status or asylum for the subsequent 2 fiscal years.

(b) NUMERICAL LIMITATION.—Section 207(a) of the Immigration and Nationality Act (8 U.S.C. 1157(a)) is amended by adding at the end the following new paragraph:

“(5) For any fiscal year, not more than a total of 1,000 refugees may be admitted under this subsection or granted asylum under section 208 pursuant to a determination under the third sentence of section 101(a)(42) (relating to persecution for resistance to coercive population control methods).”

(c) CONTINGENT REPEALER.—Subsections (a) and (b) of this section and the amendments made by such subsections shall not take effect and this section and such amendments are repealed whenever the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is enacted into law (whether before, on, or after the date of the enactment of this Act).

**SEC. 105. CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**

In carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy (including but not limited to China, Vietnam, Cambodia, Tibet, and Burma), the Director of the United States Information Agency shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.

**SEC. 106. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.**

(a) ESTABLISHMENT OF EDUCATIONAL AND CULTURAL EXCHANGE FOR TIBETANS.—The Director of the United States Information

Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

**(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—**

(1) Subject to the availability of appropriations, for fiscal year 1997 at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

(2) WAIVER.—Paragraph (1) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

(3) SCHOLARSHIP DEFINED.—For the purposes of this section, the term “scholarship” means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

**SEC. 107. INTERNATIONAL BOUNDARY AND WATER COMMISSION.**

The Act of May 13, 1924 (49 Stat. 660, 22 U.S.C. 277-277f), is amended in section 3 (22 U.S.C. 277b) by adding at the end the following new subsection:

(d) Pursuant to the authority of subsection (a) and in order to facilitate further compliance with the terms of the Convention for Equitable Distribution of the Waters of the Rio Grande, May 21, 1906, United States-Mexico, the Secretary of State, acting through the United States Commissioner of the International Boundary and Water Commission, may make improvements to the Rio Grande Canalization Project, originally authorized by the Act of August 29, 1935 (49 Stat. 961). Such improvements may include all such works as may be needed to stabilize the Rio Grande in the reach between the Percha Diversion Dam in New Mexico and the American Diversion Dam in El Paso.”

**TITLE II—FOREIGN ASSISTANCE PROVISIONS****SEC. 201. HUMAN RIGHTS REPORTS.**

(a) SECTION 116 REPORT.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs:

“(3) the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission’s annual session during the period covered during the preceding year;

“(4) the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement; and”

(b) SECTION 502B REPORT.—Section 502B(b) of such Act (22 U.S.C. 2304(b)) is amended by adding after the second sentence the following new sentence: “Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission’s annual session during the period covered during the preceding year.”

**SEC. 202. ASSISTANCE FOR MAURITANIA.**

(a) PROHIBITION.—The President may *should* not provide economic assistance, military

assistance or arms transfers to the Government of Mauritania unless the President certifies to the Congress that such Government has taken appropriate action to eliminate chattel slavery in Mauritania, including—

(1) the enactment of anti-slavery laws that provide appropriate punishment for violators of such laws; and

(2) the rigorous enforcement of such laws.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) ECONOMIC ASSISTANCE.—The term “economic assistance” means any assistance under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except that such term does not include humanitarian assistance.

(2) MILITARY ASSISTANCE OR ARMS TRANSFERS.—The term “military assistance or arms transfers” means—

(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.; relating to military assistance), including the transfer of excess defense articles under sections 516 through 519 of that Act (22 U.S.C. 2321j through 2321m);

(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training);

(C) assistance under the “Foreign Military Financing Program” under section 23 of the Arms Export Control Act (22 U.S.C. 2763); or

(D) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SMITH] and the gentleman from Virginia [Mr. MORAN] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first of all want to thank the gentleman from Florida [Mr. MCCOLLUM] for allowing us to sandwich our bill because of a scheduling conflict in between his other bills that are scheduled and to especially thank the gentleman from Virginia [Mr. MORAN] for graciously agreeing to be here tonight and to join us in hopefully passing this important legislation.

Mr. Speaker, very briefly, this legislation is nine provisions, human rights and refugee related. It is a bipartisan bill. It is cosponsored, I am happy to say, by our committee chairman, full committee chairman, the gentleman from New York [Mr. GILMAN], the ranking member, the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. LANTOS], who is ranking on my subcommittee, the gentleman from California [Mr. BERMAN], the gentleman from Illinois [Mr. HYDE], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from Pennsylvania [Mr. GOODLING], and others.

It is a consensus bill about what needs to be done in a number of important human rights areas. It also provides some authorities that the State Department would like to have, one especially dealing with machine readable fees to finance border security programs at no cost to the U.S. taxpayer and an authority of the United States to stabilize the channel of the Rio Grande River in accordance with international agreements, and there are also some provisions dealing with USIA.

Mr. Speaker, I do think it is a good bill, and again I ask to put my full statement into the RECORD.

The statement referred to is as follows:

Mr. Speaker, I am pleased to begin this discussion of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996. This act, which I am proud to sponsor along with BEN GILMAN, LEE HAMILTON, TOM LANTOS, HOWARD BERMAN, HENRY HYDE, ILEANA ROS-LEHTINEN, and BILL GOODLING, consists of nine provisions that were originally included in H.R. 1561, the Foreign Relations Act for Fiscal Years 1996 and 1997, which was passed by the House and Senate last year.

Several provisions of the act extend or enhance authority to conduct important programs that are already underway. Two of these authorities relate to the security of our Nation's borders: The State Department's authority to use machine-readable fees to finance its Border Security Program at no cost to U.S. taxpayers, and the authority of the United States to stabilize the channel of the Rio Grande River in accordance with international agreements.

The act extends the authority of USIA to include Tibetan and Burmese exiles in its scholarship programs, and requires USIA to take appropriate steps to involve pro-democracy and human rights leaders in exchange programs with countries whose people do not fully enjoy freedom and democracy. It also requires that the State Department's Country Reports on Human Rights Practices include reports on each country's votes on resolutions before the U.N. Human Rights Commission, as well as its treatment of refugees. The latter provision is designed to enhance efforts to persuade other countries in the Western Hemisphere and elsewhere to accept their fair share of the world's refugee population, rather than leaving the brunt of the burden on the United States and a few other nations.

The act extends for 1 year the current law relating to refugees in certain high-risk categories, such as Jews and evangelical Christians from the former Soviet Union and Southeast Asians who have suffered persecution for their wartime associations with the United States. It also clarifies the law with respect to forced abortion, forced sterilization, and persecution on account of resistance to such forced procedures. It requires periodic reports on the Castro government's methods of enforcing its immigration agreements with the United States and its treatment of people returned to Cuba in accordance with these agreements.

Finally, the act provides that the United States should not give foreign assistance, other than humanitarian assistance, to Mauritania unless that country rigorously enforces

its laws against human chattel slavery. This is a vicious form of persecution—it involves racial discrimination against blacks, religious persecution of Christians, and the worst forms of degradation of women and children. The policies of our Government toward Mauritania must be calculated to put a speedy end to this heinous practice.

None of these sections was a source of controversy in the conference or on the House or Senate floor, and none was alluded to in the statement accompanying the President's veto of H.R. 1561. Several sections have been modified slightly to address concerns expressed by the administration. The act does not authorize expenditures for foreign assistance. We have worked with the administration and with Democrats on the International Relations Committee to meet their concerns. I have been assured that the administration does not oppose this bill and that it actively supports several important provisions of the legislation. Major provisions of this bill are also supported by a broad range of human rights organizations and other groups including the Council of Jewish Federations, the Hebrew Immigrant Aid Society, the Union of Councils for Soviet Jewry, the Lawyers Committee for Human Rights, the U.S. Committee for Refugees, the United States Catholic Conference, the Christian Coalition, the Family Research Council, and the International Campaign for Tibet.

I urge a "yes" vote on this important human rights bill.

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

Mr. MORAN. Mr. Speaker, I yield myself such time as I may consume to say that this bill has been modified so that it is truly a bipartisan product. It is supported by a number of the senior ranking members on the Committee on International Relations. It does some good and important things in the area of international human rights, many of which have been described by the gentleman from New Jersey [Mr. SMITH]. As a result, the minority has no objection and urges passage of the bill.

Mr. GILMAN. Mr. Speaker, H.R. 4036 was introduced by my friend, the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey [Mr. SMITH]. I want at this time to thank him once again for his steadfast support in Committee during this very eventful Congress.

This bill consists largely of items culled from the conference report on H.R. 1561 that help enforce human rights around the world or make other, needed changes to the laws involved in the foreign relations of the United States.

Among the matters that are taken up are the extension of the so-called Lautenberg amendment, which provides for expedited consideration for Christians and Jews still in jeopardy in parts of the former Soviet Union, extending the authorization for the State Department to collect the special machine readable visa fee which goes for border security operations, extending certain authorities for the International Boundary and Water Commission's operations on the U.S.-Mexican Border, and several human rights provisions relating to Mauritania and other places.

This bill has wide, deserved support and I commend the gentleman from New Jersey for

his perseverance in shepherding it to this point. I urge my colleagues to support the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4036, the Human Rights, Refugees and Other Foreign Relations Provisions Act. I support the provisions of the bill that reduce the discretion of U.S. immigration authorities to deny political asylum to individuals who claim coercion by a foreign government to participate in population control programs. This provision will make it easier for immigrants to claim asylum on this basis.

Furthermore, I support the prohibition on economic and military assistance to the Government of Mauritania unless our President certifies that Mauritania has taken action to eliminate slavery.

Another important provision of the bill orders the President to submit reports to Congress regarding the voting record of the U.N. Commissioners on Human Rights on country-specific resolutions. We need to continue to make human rights a major factor in the formulation and implementation of our foreign policy. The President's report must also include information on each country's effort to protect refugees.

With respect to human rights, I would have preferred that the bill contain provisions relating to human rights problems in Ethiopia. While the current government in Ethiopia is much better than the previous government in the area of human rights, there is still much work to be done. I am concerned by reports that academicians, journalists and opposition leaders are being persecuted for their beliefs and efforts against the current government. The State Department should continue to carefully monitor human rights progress in Ethiopia as we allocate funding to Ethiopia in fiscal year 1997.

I urge my colleagues to support this legislation.

Mr. PORTER. Mr. Speaker, I am pleased to rise in support of this legislation which would ensure passage of several important provisions which are included in the Immigration bill. Should partisan differences continue to hold up the Immigration bill, we would still be able to address the serious issues of U.S. support to Tibetan and Burmese exiles and reclassification of resistance to reproductive persecution as constituting political persecution under the refugee definition. In addition, this bill will provide continued authorization for one of the most successful aspects of our refugee and asylum law: the protection of high risk refugees such as Soviet Jews.

These measures have already received the support of this House in other legislation. H.R. 4036 will provide a stop-gap to ensure their continuation. I urge my colleagues to support this most worthwhile legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 4036, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill making certain provisions with respect to internationally

recognized human rights, refugees, and foreign relations."

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4036, the bill just passed.

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

There was no objection.

#### TELEMARKETING FRAUD PUNISHMENT AND PREVENTION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1499) to improve the criminal law relating to fraud against consumers, as amended.

The Clerk read as follows:

H.R. 1499

*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 "Telemarketing Fraud Punishment and Prevention Act of 1996".

##### SEC. 2. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

"(6) The Court, in sentencing a defendant for an offense under section 2326, shall order that the defendant forfeit to the United States any real or personal property—

"(A) used or intended to be used to commit or to promote the commission of such offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense; and

"(B) constituting, derived from, or traceable to the gross receipts that the defendant obtained directly or indirectly as a result of the offense."

##### SEC. 3. SENTENCING GUIDELINES CHANGES.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense listed in section 2326 of title 18, United States Code—

(1) by at least 4 levels if the circumstances authorizing an additional term of imprisonment under section 2326(1) are present; and

(2) by at least 8 levels if the circumstances authorizing an additional term of imprisonment under section 2326(2) are present.

##### SEC. 4. INCREASED PUNISHMENT FOR USE OF FOREIGN LOCATION TO EVADE PROSECUTION.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to increase the offense level for any fraud offense by at least 2 levels if the defendant conducted activities to further the fraud from a foreign country.

##### SEC. 5. CLARIFICATION OF ENHANCEMENT OF PENALTIES.

Section 2327(a) of title 18, United States Code, is amended by striking "under this

chapter" and inserting "for which an enhanced penalty is provided under section 2326 of this title".

##### SEC. 6. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.

Section 2326 of title 18, United States Code, is amended by inserting ", or a conspiracy to commit such an offense," after "or 1344".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

#### GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, older Americans have rapidly become the preferred targets of fraudulent telemarketers. Some of them are lonely, and appreciate having someone to talk to during the day. Many of them are just trusting, and they simply cannot tell a legitimate telephone sales pitch from an illegitimate one.

These elderly victims are tricked into giving money to phony charities, applying for bogus credit cards or paying for unnecessary repairs for their homes. Worst of all, many of them are further scammed when they receive phone calls from people claiming to be private investigators or attorneys who want to help them get their lost money back. Organizers of these so-called "recovery-room scams" convince the elderly person that almost all of the already spent money can be recovered—this is, provided that a few thousands dollars are mailed up front first. The cost to consumers for these and other reprehensible telemarketing schemes is currently estimated to be about \$40 billion a year.

This past April, the Subcommittee on Crime, which I Chair, held a hearing on telemarketing fraud and victimization of the elderly. Subcommittee members heard from an elderly woman who was swindled by crooked telemarketers, and lost nearly \$75,000—practically her life's savings. Mr. Speaker, this woman was asked at the hearing why she let the phone calls go on for so long. Why didn't she tell her family that she was being targeted? This poor woman responded that she was too ashamed and embarrassed to tell her children. She had lost all the money that she and her late husband had so carefully saved, and she was too humiliated to admit it to anyone. Tragically, that woman's story is not an uncommon one.

Embarrassment is a weapon for these telefrauds, and they freely exploit it. Some even threaten their older victims

that control over their credit cards and bank accounts will be taken away from them by their children if they tell anyone how they have lost their money. Humiliation, and the fear of losing of independence, keeps these elderly victims as easy prey for scam artists.

In response to this heartless activity, Mr. HEINEMAN introduced H.R. 1499. Unfortunately he cannot be here with us today because he is at home in this district recovering from surgery, and I know we all wish him a speedy recovery.

Chief HEINEMAN's bill strikes back at those who would take advantage of trusting or vulnerable members of our society. The bill amends §982(a) of title 18, United States Code, by requiring a defendant convicted of fraud involving a telemarketing scam to forfeit property used in the commission of the offense or any proceeds received as a result of the offense. The bill also directs the U.S. Sentencing Commission to amend the sentencing guidelines to increase sentences for telemarketing fraud offenses as defined in section 2326 of title 18, United States Code. The increase shall be at least 4 levels for general telemarketing fraud, and at least 8 levels if the defendant is found to have targeted persons over the age of 55.

Under current law, telemarketers are supposed to be getting up to 10 years in prison for seeking out and victimizing persons over the age of 55. But the sentencing guidelines have never been amended regarding telemarketing fraud, even though Congress encouraged the Commission to do so in 1994. Crooked telemarketers are spending an average of only 1 year in jail. It is undeniable that criminal telemarketers are getting off easy, and this bill will ensure that their sentences are more than doubled.

The bill also adds conspiracy language to section 2336. This addition allows Federal prosecutors to seek out the masterminds behind the boiler rooms—the places where the telemarketers conduct their illegal activities. This conspiracy language will aid prosecutors by allowing them to go after the organizers of these fraudulent activities. This provision was added at the behest of the Department of Justice.

Finally, this bill makes a small, technical clarification to section 2337(a) of title 18. Currently, section 2337 directs the court to order restitution for any offense under this chapter. The bill makes it clear that section 2336 of the telemarketing fraud chapter of title 18 is merely a penalty enhancement section, and not a new Federal offense. The Department of Justice was concerned about this ambiguity, so this language makes clear that there is no new offense under chapter 113A.

Mr. Speaker, I would like to commend my good friend from North Carolina, Mr. HEINEMAN, for his commitment to this issue, and his efforts to combat this serious problem. He introduced H.R. 1499 more than a year ago,