

The knowledge and innovation of American citizens contributes significantly to the economic strength of our nation. Intellectual property law provides the principal incentives that are calculated to lead to the creation and production of new works. This bill is needed because the effect of piracy and counterfeiting on the economy is devastating. Total global losses to United States companies from counterfeiting and copyright piracy amount to \$250 billion per year. Every company in every industry is vulnerable.

Because these illegal activities represent a growing public health, safety and law enforcement problem, H.R. 4279 provides additional targeted resources for investigation, enforcement and prosecution; requires the development and promulgation of a national Joint Strategic Plan to combat counterfeiting and piracy; and provides for enhanced Presidential level leadership and coordination among federal agencies involved with preserving and protecting intellectual property rights.

Title I of H.R. 4279 provides enhancements to civil intellectual property laws. Specifically, Title I makes it clear that a certificate of registration will satisfy registration requirements regardless of whether there is any inaccurate information on the registration application, unless the inaccurate information was included with knowledge that it was inaccurate.

Title I also broadens the civil remedies for infringement by broadening the scope of articles that may be ordered impounded by the court upon a finding that the article was made or used in violation of a copyright. This Title also directs the court to enter a protective order to ensure that confidential information is not improperly disclosed.

Title II provides enhancements to criminal intellectual property laws by addressing repeat offender penalties for criminal acts contained within the criminal copyright statute. Title II clarifies that a repeat offender is a person that commits the same criminal act twice. The bill clarifies that any property subject to forfeiture must be owned or predominantly controlled by the violator in order to be seized and directs the United States Sentencing Commission to consider whether the sentencing guidelines should be expanded to include the export of infringing items. There are enhanced maximum statutory penalties for counterfeit offenses that endanger public health and safety.

Title III of H.R. 4279 provides greater coordination and strategic planning of federal efforts against counterfeiting and piracy. Specifically, this Title establishes within the Executive Office of the President, the Office of the United States Intellectual Property Enforcement Representative and, within that Office, the United

States Intellectual Property Enforcement Representative, appointed by the President of the United States. Lastly, Titles IV and V provide international, national, and local enforcement.

The bill has several important enforcement provisions that are worthy to discuss. First, it places a 45-day time limit on the Register of Copyrights' response to a court. Second, it strikes the section allowing for multiple statutory damages for compilation infringement. Third, it clarifies that there must be a substantial nexus between the property and the crime to institute civil forfeiture proceedings. Lastly, it removes the requirements for Federal Bureau of Investigation agents to receive IP related crime training.

While I support the bill, I would have liked to consider ways to ensure diversity in the Computer Hacking and Intellectual Property (CHIPs) units that are established by this bill. I would have liked to work to ensure that minorities be represented in hiring and that special recruitment initiatives be launched at historically black colleges and universities and other minority serving institutions. We should do all within our efforts to guarantee that minorities receive the necessary training and be recruited to help in the IP enforcement at the Executive, State, and local levels.

Mr. Speaker, H.R. 4279 is a first step toward the promotion of the American economy. It ensures that American innovation will remain crucial to the United States economy and that American innovation will allow the United States to remain a global economic power. Indeed, this bill ensures that the United States IP laws are enforced and that the American intellectual property system remains one of the best in the world.

Mr. Speaker, I urge all members to support this much needed and thoughtful legislation.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in opposition to H.R. 4279.

While this administration can and should do more to protect intellectual property rights, I do not think that the answer lies in this bill's creation of new forfeiture provisions, a new "IP Czar," or a new IP-only division within the Department of Justice.

In recent civil actions pursued by some within the content industry, we have seen unduly aggressive tactics that occasionally target innocent individuals. I am concerned that given the bill's thrust toward more aggressive enforcement of copyright infringement, enhanced forfeiture provisions similarly may sweep up wholly innocent students, parents, and consumers in larger enforcement actions.

I regret that more was not done to strike the appropriate balance between protecting copyright owners from those who unlawfully benefit from infringement and ensuring that we do not inadvertently punish innocent bystanders.

I also have concerns with Title III's creation of a new office of the U.S. IP Enforcement Representative. I appreciate the work that has been done to refine the scope of Title III. Nonetheless, Title III still creates a position that is a coequal of the U.S. Trade Representative in the Department of Commerce. There is a strong possibility that the USTR and the "IP Czar" will come to conflicting policy decisions in matters affecting both IP enforcement and international trade.

The bill offers little guidance with respect to how those conflicts will be resolved. Nor does it contain adequate safeguards to ensure that the IP Czar does not target legitimate innovation out of overstated concerns about contributory infringement.

Finally, I share the authors' frustration with this administration's failure to engage in a more constructive dialogue about how best to focus the DOJ's resources on IP enforcement without harming and disrupting equally important law enforcement priorities. Nonetheless, that potential harm and disruption cannot be ignored and has not been addressed adequately.

I share the goals of the authors of this legislation but not the means by which they sought to achieve them. I thank the authors for their work to improve this bill, but regret that it was not improved further.

Mr. SMITH of Texas. I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I follow suit and yield back any time remaining on this side.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4279, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

#### AFRICAN NATIONAL CONGRESS EXEMPTION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5690) to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5690

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

#### **SECTION 1. EXEMPTION OF AFRICAN NATIONAL CONGRESS FROM TREATMENT AS TERRORIST ORGANIZATION FOR CERTAIN ACTS OR EVENTS.**

*Section 691(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161; 121 Stat. 2365) is amended by inserting "the African National Congress (ANC)," after "the Karenni National Progressive Party,".*

#### **SEC. 2. RELIEF FOR CERTAIN MEMBERS OF THE AFRICAN NATIONAL CONGRESS REGARDING ADMISSIBILITY.**

*(a) EXEMPTION AUTHORITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that paragraphs (2)(A), (2)(B), and (3)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to an alien with respect to activities undertaken in opposition to apartheid rule in South Africa.*

*(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of State and the Secretary of Homeland Security should immediately exercise in appropriate instances the authority in subsection (a) to exempt the anti-apartheid activities of aliens who are current or former officials of the Government of the Republic of South Africa.*

**SEC. 3. REMOVAL OF CERTAIN AFFECTED INDIVIDUALS FROM CERTAIN UNITED STATES GOVERNMENT DATABASES.**

*The Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall take all necessary steps to ensure that databases used to determine admissibility to the United States are updated so that they are consistent with the exemptions provided under section 2.*

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

The Chair recognizes the gentleman from Michigan.

**GENERAL LEAVE**

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and incorporate extraneous material on the bill under consideration.

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

There was no objection.

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

Members of the House, the African National Congress is a rare example of an oppressed people fighting for their freedom and then leading a successful and peaceful transition to a modern nation. The fight went on for years, underground and in exile, against the morally bankrupt apartheid system in South Africa. And once they prevailed, their response to gaining political power was not retribution and reprisals, but truth and reconciliation.

Notwithstanding this peaceful transition, the United States had not gotten around to giving ANC leaders the opportunity to enter this country because certain provisions in the Immigration and Nationality Act currently require us to consider them still as terrorists.

After the attacks on 9/11, Congress sought to exclude and remove terrorists from the United States by strengthening the terrorism bars in our immigration laws. In doing so, however, we inadvertently covered groups and individuals whom we did not intend to, including allies and even victims of terrorism. These bars have been used against the brave men and women who fought side by side with United States forces in Southeast Asia. They've been used against those who used armed resistance to defend themselves against brutal and repressive regimes, such as those in Cuba and Burma. They've even been used against women who were raped and enslaved by armed militia in Liberia. And as we recognize today, they've been used against members of the African National Congress, including the great leader, Nelson Mandela. This has had profound effects, preventing us from protecting vulnerable refugees and asylum seekers and resulting in embarrassing denials of visas for Nelson

Mandela himself and other foreign heads of state.

We all know how Mr. Mandela and other ANC leaders suffered unjust incarceration for decades at the hands of the apartheid regime. We know how the apartheid regime labeled its opponents as terrorists, as communists, and anything else they could invent to accuse them of that was negative in an attempt to deflect criticism of their own institutions of repression and racial separation. And yet these people who steadfastly fought for freedom and chose a path for peace once they came to power are now blocked from entry to the United States. And so that's where this measure comes in.

Congress has begun to take corrective action, and last year were removed a number of freedom-fighting groups from treatment as terrorist organizations. Today, we do the same for the ANC and its members. In addition to specifying that the ANC is not on the list of terrorist organizations under the Immigration and Nationality Act, the bill would also give discretionary authority to Secretaries of State and Homeland Security to admit individuals regardless of activities undertaken in opposition to apartheid rule in South Africa.

Finally, the bill would require the Secretary of State, in coordination with other agencies, to ensure that government databases are updated so that they are consistent with the exemptions provided in the bill.

I'd like to thank committee chairman of the Judiciary, HOWARD BERMAN, but also in his capacity as the Chair of the Foreign Relations Committee, and in memoriam, I'd like to remember the chairman that preceded Mr. BERMAN, Tom Lantos, for their work on this bill. I would like to insert into the RECORD at this point an exchange of letters between our two committees.

And thanks again to the ranking member from Texas, LAMAR SMITH, whose bipartisan discussions have enabled us to reach this point. This is a noncontroversial bill that repairs something that should have been taken care of earlier. It closes the books on the evils of apartheid. And so I'm very proud to bring this to the floor with the Members that I have mentioned.

HOUSE OF REPRESENTATIVES,

COMMITTEE ON FOREIGN AFFAIRS,

Washington, DC, May 5, 2008.

Hon. JOHN CONYERS, Jr.,

Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 5690, legislation to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes, which I introduced earlier this year. The bill contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs, and was referred to the Committee when introduced.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation and

clear it for the President, I am willing to waive this Committee's right mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

I would ask that you place this letter into the Congressional Record when the Committee has H.R. 5690 under consideration.

Sincerely,

HOWARD L. BERMAN,

Chairman.

HOUSE OF REPRESENTATIVES,

COMMITTEE ON THE JUDICIARY,

Washington, DC, May 6, 2008.

Hon. HOWARD BERMAN,

Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 5690, a bill to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will place a copy of your letter and this response in the Congressional Record during consideration of H.R. 5690. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,

Chairman.

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

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

Mr. Speaker, the African National Congress has played a significant role in history. Nelson Mandela and the ANC for many years fought against the unjust apartheid system in South Africa.

Through a largely peaceful transfer of power, apartheid is a thing of the past and South Africa now has a representative democratic government. Many ANC officials are now, in fact, officials of South Africa's government.

South Africa provides hope that genuine reconciliation between historically opposed groups can, in fact, be achieved. However, real terrorist acts were committed as part of the struggle against apartheid. There were deadly bombings of civilians. There were so-called "necklacings" in which car tires were put around persons' necks and set on fire.

I am pleased that the bill's sponsors, Mr. BERMAN, Ms. LOFGREN and Chairman CONYERS, were willing to ensure that this bill will provide appropriate relief for the African National Congress without excusing the perpetrators of terrorist or criminal acts.

First, the ANC is added to the list of organizations not considered terrorist

organizations for immigration purposes. Such a list was created to shield certain organizations from the broad reach of the Immigration Act of 1990.

Under the 1990 legislation, any guerrilla group would find itself under the definition of a terrorist organization. The groups currently on the exempt list include the Hmong, who fought alongside U.S. soldiers in the Vietnam War, and groups that are fighting against the repressive Burmese Government today. It is understandable that the ANC be added to that list.

Second, the administration is granted the authority to waive the criminal grounds of inadmissibility with respect to aliens for activities undertaken in opposition to apartheid rule in South Africa. Congress already granted the administration waiver authority for the terrorism-related grounds in last year's omnibus spending bill.

Third, the bill contains a sense of Congress that the administration should immediately exercise "in appropriate instances" the authority granted under the bill to waive grounds of inadmissibility for the anti-apartheid activities of aliens who are current or former officials of the Government of South Africa. I am confident that any administration will use this power wisely.

Finally, the bill directs the administration to ensure that government databases used to determine admissibility to the U.S. be updated to reflect any waivers granted.

Mr. Speaker, I urge my colleagues to support this bill. Again, I want to thank Chairman BERMAN and Chairman CONYERS and Chairman LOFGREN for working in good faith to address concerns with the bill as it was introduced.

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

Mr. CONYERS. Mr. Speaker, I am proud now to recognize the subcommittee chairman from whence this bill came, and the chairman of the Foreign Affairs Committee, HOWARD BERMAN, for as much time as he may consume.

Mr. BERMAN. Mr. Speaker, it's an honor to be part of the debate on a bill being managed by the chairman of the Judiciary Committee, who perhaps is one of the first Members of Congress to speak out and lead the effort against the old apartheid regime, going way back into the late sixties and early 1970s, and who, along with Congressman Ron Dellums and many others, led the effort in 1986, I believe it was, to override the veto and provide the first really tough sanctions against investment that helped play a part in the ultimate downfall of that apartheid regime.

Mr. Speaker, this bill is a long overdue one, and it's the direct result of a stunning and, frankly, embarrassing story for the United States. The United States, throughout the 1970s and 1980s, had a much too cozy relationship with the apartheid Government of South Af-

rica which had labeled the ANC as a terrorist organization. The apartheid government banned membership and political activity in the ANC and forced its leaders underground or into exile. A direct result of that ban was that under U.S. law individuals convicted of crimes, including the Nobel Laureate and former President of South Africa, Nelson Mandela, were deemed inadmissible for entry to the United States, along with individuals labeled as terrorists by the former South African government.

Much has changed for South Africa since those dark times. President de Klerk and Nelson Mandela negotiated an end to the conflict and an end to the apartheid system on behalf of the National Party and the African National Congress. In 1994, the country held its first democratic elections in which full enfranchisement was granted.

Today, the ANC serves as the majority party in a diverse ruling coalition. Yet, astonishingly, while South Africa completed its monumental political transition, the U.S. position regarding entry for ANC's leaders remained frozen in time. Leaders such as Nelson Mandela, Walter Sisulu and Govan Mbeki, the father of President Thabo Mbeki, were continually barred from entry to the U.S. and had to apply for special waivers to gain entry.

Even more embarrassing than the original U.S. embrace of apartheid policies was the fact that few of those who opposed apartheid in the United States Government, including many of us in Congress, were even aware of the residual terrorist designations against ANC members.

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Despite recognizing two decades ago that America's place was on the side of those oppressed by apartheid, Congress has never resolved the inconsistency in our immigration code that treats many of those who actively opposed apartheid in South Africa as terrorists and criminals, in part because the apartheid regime labeled them as such.

Increasingly, stringent security measures passed by Congress since 2001 have further ensnared ANC members. Because the ANC used armed force as part of its campaign against the repressive apartheid regime in South Africa, current law continues to regard the ANC as a terrorist organization and to deny entry to members based on their affiliation with the ANC.

The intent of H.R. 5690 is to purge the United States of any residual effect of its former policies with regard to the South African Government and to update U.S. law with regard to the ANC. The bill, as amended, specifically removes the ANC from treatment as a terrorist organization and grants the Secretary of State and the Secretary of Homeland Security the discretionary authority to determine that certain criminal- and security-related grounds of inadmissibility do not apply to an alien with respect to activities under-

taken in opposition to apartheid rule in South Africa.

I want to take a moment just to compliment again the ranking member of the Judiciary Committee, who has very strong and passionate views on the issues of immigration and, obviously, also, as we all do in this Chamber, on the issue of terrorist organizations and inadmissibility for those organizations. He has truly understood and internalized the historic transition here and the unfairness of the present situation.

And I do want to affirm one point that he raised. This bill does not have anyone close their eyes to acts committed by the ANC or by the apartheid government, and nothing here would preclude the Secretary, as she exercises her discretion, from considering whether or not civilians were targeted by an individual actor, civilians. We should, also, I think, take into account, as we decide what to do on this, the very powerful and legally binding truth and reconciliation process in South Africa which provided a restorative justice process that salved many of the wounds of the apartheid era.

Once enacted, the ANC will be removed from terrorist watch lists, and the ANC will receive treatment befitting its status as a leading party and a close ally of the United States. I encourage my colleagues to support the legislation.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to say that it's always nice when the gentleman from California (Mr. BERMAN) and I can agree on immigration issues, as we did in this particular instance.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KING), the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. I thank Mr. SMITH, the ranking member of the Judiciary Committee, for yielding, and I appreciate the privilege to address this issue before this Congress.

First, I want to point out that I believe there has been a constructive compromise that has been reached across this aisle that has not necessarily closed loopholes but made some clarifications that help protect this country from kind of a blanket waiver, so to speak, with any of those formerly potentially violent members of the ANC.

And for me, I come to this debate with more concern than many because I still maintain vivid memories of what went on in the streets of South Africa during those anti-apartheid riots and demonstrations and strategic actions that took place, black against white, white against black. I also have vivid memories, Mr. Speaker, of actions taken in this country and positions taken politically and the divesting of investments within South Africa by many American companies as an incentive to end apartheid, which was, I believe, a sin against humanity to have a policy that identified some people as

being more equal than others, and I believe it's a sin against humanity to maintain those policies, whether they are in the United States or South Africa or anywhere else.

I offered an amendment to the Judiciary Committee before this bill, and the purpose of it was to send a message because I have traveled to South Africa and I have met with people there who expressed to me some concerns, and because of that, I've also dug a little deeper into the readings in the current events. It will not be a surprise to the members of the committee that I'm concerned about the land transfer that is part of the federal policy of South Africa, to transfer a significant portion of land from, right now, under the deeds held by white South Africans into the deeds of black South Africans. I made it clear in the committee that I do not compare this to the things we see going on in Zimbabwe. That is far different and that is without benefit of the rule of law. But there still remains a concern.

I also want to point out, and I promised Ambassador Welile Nhlapo, who is the Ambassador to the United States from South Africa, that I would make this statement. And he came to my office yesterday. We sat down in my office for a good, strong hour and discussed these issues. And he assured me that there are constitutional protections that exist and statutory protections that exist to protect all property owners in South Africa and that there will not be a transfer of real estate property into the hands of black South Africans at the expense of white South Africans without due process of law and constitutional protections. I voiced my concern about that. He reassured me that that would be the case.

And I pointed out to him that it's difficult for us in this country to reach an objective position on these issues that are racially charged because it's so much wrapped up in who we are. And I would point out, Mr. Speaker, for the observation of the body, to listen to an analysis of the political campaigns that are going on now and, in fact, today to listen to an analysis of the predictions of those going to the polls in the Democrat primary in places like Indiana and North Carolina, which are taking place right now, you cannot hear a political pundit/talking-head analysis without race and gender coming into that debate.

So I challenged Ambassador Nhlapo that that's a very difficult standard, that we can't meet it here in this country. As old as our traditions are for freedom, as much sweat and toil and blood has been spilled to make people free and keep them free, we still can't extricate ourselves from being wrapped up in that debate and have our public policy identified by whom we might side with rather than how we might analyze the Constitution or the law. It's difficult here in the United States with our traditions; it's far more difficult in South Africa. We had that dis-

ussion. It was a constructive discussion.

And I rise today, Mr. Speaker, to support this bill and to encourage open dialogue globally and continuing communication and interchange with the people of South Africa and people of all nations on the Earth.

I would remind, also, the body that the record of post-colonial Africa is not a stellar record. There are many problems in the continent, many of those in the southern part of the continent of Africa. And as I travel and visit there and go into the AIDS orphanages in particular and can step into the villages where there isn't a single adult of reproductive age unless they are a missionary, it has been devastating to the continent. We need to have an open dialogue and be frank about our problems and be open in our discussion. Hiding our dialogue because we're afraid we might hurt someone's feelings only pushes the problem further downward instead of letting it surface so that we can all address it together with open eyes, open ears, and open dialogue.

That's what we did yesterday in my meeting, which I so gratefully received Ambassador Nhlapo into my office. And in that engaging conversation, I'm confident that we have opened up communications for a continued dialogue, and I trust that this bill will open communications for further dialogue, and I certainly support this.

Mr. CONYERS. Mr. Speaker, I rise to recognize the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), who has worked with STEVE KING. And I suggest that there may be a codel going to this part of the globe, and I would certainly like to invite the distinguished gentleman Mr. KING to consider joining us on such a codel.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) 3½ minutes.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the Judiciary Committee; the distinguished chairman on the Foreign Affairs Committee; and our distinguished ranking member, who has joined us in a very important and historic step that is being made on the floor of the House today. And I appreciate my good friend from Iowa, who has given us a global overview.

Mr. Speaker, I want to remind my colleagues that this is a pointed and focused legislative initiative, along with the leadership of Chairwoman ZOE LOFGREN, that we have gotten to a point that is long overdue. My good friend, Congresswoman BARBARA LEE, and Congressman DON PAYNE are part of those who initiated this effort. And it is pointedly to focus on really what we would call heroes, fighters against apartheid in South Africa, who shed their blood so that South Africa could be the reconciled nation that it is today. President Mbeki; former Presi-

dent Mandela, "Father Mandela," as he is called; and many of the seniors who are now in their retiring years, who, when they come to the United States, are detained, interrogated, and embarrassed by our own treatment of these heroes, this goes to the very point of the expanded use in the United States of the word "terrorism" and the utilization of it by preventing innocent people, people who have been heroes, to come into this country. This is not necessarily a strict immigration bill. It is people who are coming into the country legally, but because they have been freedom fighters, somewhat the way that Dr. Martin Luther King stood nonviolently for rights here in this country, these individuals had to be in the midst of an encounter, if you will, to provide the safety and security for their people.

This particular legislation is an important step forward. But I might suggest to my colleagues that I hope that on the floor today we are making a legislative statement and providing legislative history so that the Department of Homeland Security and the Secretary of State or the State Department will not dillydally around, because, unlike the previous legislation, this does not order it to be done; it gives those departments the discretion for it to be done, as they have requested. So we are entrusting to them this noble responsibility to do well by Father Mandela, to do well by former President Mbeki, and we need to ensure that we do the right thing. And as we look to give this country a different face on terrorism, let us likewise be assured that we recognize that there are other groups that are similarly situated that we should take a look at.

So I rise to support this legislation, Mr. Speaker, because it is an important step forward. It does give the ability to admit these individuals but also to renew the stigma, if you will, of the name of "terrorists" because they were freedom fighters to save and preserve and to free South Africans so that they too might live in a democracy. That is what this legislation does, and I appreciate all of the hard work that has gone on.

I close by simply saying, good day for the freedom fighters of South Africa and the ANC; good day for Father Mandela, who led the fight on reconciliation and peace, along with Bishop Tutu. Good day for all of them as we stand here acknowledging that they are heroes, freedom fighters fighting for democracy and equality.

To the Secretary of State, to the Secretary of Homeland Security, act now once this bill has passed.

Thank you, Mr. Speaker, for your leadership in convening today's markup on H.R. 5690. I support this bill and I urge my colleagues to do the same.

This bill recognizes that the ANC is a nearly 100-year-old party that was created in 1912 to advocate for the rights of black South Africans. It also recognizes that the white Afrikaner government took control of South Africa

in 1948 and at the same time instituted its system of de jure apartheid, which had the effect of disenfranchising millions of non-white Africans. The ANC joined with other groups to engage in civil disobedience and it was banned in 1960 by the South African Government. Although the ANC was banned, it led the resistance effort against apartheid in the late 1970s and 1980s.

Between 1990 and 1994, the ANC negotiated with the South African Government for the end of apartheid and the enfranchisement of black South Africans. In 1994, the ANC became a registered political party and Nelson Mandela was elected to be the first black president.

Since the recognition of the ANC as a legitimate political party, several prominent black South Africans have been denied visas to enter the United States on the basis that they were considered to be inadmissible under the INA because they were members of a terrorist group. Nelson Mandela were considered inadmissible under this same law. In the past the Department of State has provided waivers to ANC leaders to enter the United States.

H.R. 5690 would remove certain affected persons from certain U.S. databases. The bill provides that the Secretary of State, Attorney General, Secretary of Homeland Security, the Director of the FBI, and the Director of National Intelligence, shall take steps to update the database concerning admissible persons. The bill provides that the ANC is not treated as a terrorist organization for any act occurring on or before the enactment of the act. The bill still leaves the Secretary of State and the Secretary of Homeland Security with the discretion to deny people entry. Importantly, the bill does not deny present and former members of the ANC admission to the U.S. on the basis of their membership in or affiliation with the ANC or for any apartheid activities occurring from 1948 to 1990.

This bill is long overdue. The ANC has been recognized as a legitimate political party since 1994. There is no reason to treat members of that organization as a terrorist threat. I urge my colleagues to support this bill. My only concern is that the bill singles out the ANC but does not go further in clearing other political parties that were outlawed during the apartheid era from treatment as terrorist organizations.

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

Mr. CONYERS. Mr. Speaker, I rise to recognize the gentlewoman from Oakland, California (Ms. LEE), who for many years worked as chief of staff with our former colleague Ron Dellums on this subject. So in her capacity as a Member of Congress and former staffer, she has stayed on the course for all of these years, and I yield her such time as she may consume.

Ms. LEE. Let me thank you, Chairman CONYERS, for yielding and for those kind words but also for your leadership on so many issues. You are a true warrior, and we would have never been at this place today had it not been for yourself.

I also want to thank Chairman BERMAN; I want to thank our subcommittee chairman, DON PAYNE; and Chairman BENNIE THOMPSON for their

leadership on so many issues and for making sure that this bill came today to this floor in a bipartisan fashion.

As a cosponsor of this legislation and a long advocate against apartheid, I am especially pleased that we are taking this important step to finally right this inexcusable wrong. Many of us were arrested during the anti-apartheid movement, myself included.

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It wasn't until the mid 1980s that finally Congress put our country on the right side of history by overriding President Reagan's veto to impose sanctions.

This is a bill that my predecessor, a great warrior, now the mayor of Oakland, California, Ron Dellums, had introduced for 12 long years. I can remember during that period the ILWU protesting, in fact, I was arrested with them also, the unloading of ships from South Africa which kicked off much of the anti-apartheid movement. Congresswoman MAXINE WATERS, a great leader who just recently received, as did Mayor Ron Dellums, one of the highest honors by the South African Government, led the fight in California against apartheid. And I think we were one of the first States to impose sanctions.

All of us who were involved during that time had to take risks. The ANC couldn't even travel outside of New York and couldn't come to Washington, D.C. because they were considered a terrorist organization. Many of us had to go to Europe just to meet the members of the ANC to talk about how we could help end the brutal regime of apartheid which was killing so many people, dehumanizing the whole country, and was one of the most ruthless systems that we have ever known.

It has been 18 years since Nelson Mandela was released from prison and 14 years since he was elected president of South Africa. And this year he will turn 90 years old. Yet to this day, to this day, despite his legacy as a hero of the anti-apartheid movement, despite the fact that he is a Nobel Peace Prize recipient, he received the Peace Prize in 1993, despite his election as president, we still require Nelson Mandela to apply for a visa waiver to enter into the United States just for a visit. This is just plain wrong.

Last December I traveled to South Africa for World AIDS Day with our colleague, the Delegate Donna Christian. And we were asked by many people many times over and over and over again why President Nelson Mandela was still on the terrorist list. Well, we were, quite frankly, very embarrassed and shocked. And we were determined that we would do everything we could to finally, again, put our country on the right side of history. So I am pleased and I am excited that we are taking this step today.

The ANC was fundamentally involved in a war of liberation against the oppressive apartheid regime in South Af-

rica for over four decades. If they hadn't been involved in this war of liberation, apartheid would still be existing in South Africa. So instead of continuing to penalize the ANC for their political struggle against apartheid, we really should be commending them for their work in transforming South Africa into a beacon of democracy. And just look at how they have moved forward in their peace and reconciliation process. I think we could learn a heck of a lot in our own country by the leadership of President Mandela and how the people of South Africa, black and white, have come together to reconcile and to move forward to take South Africa into this new millennium and into a new South Africa.

So let me just thank again Chairman CONYERS and Chairman BERMAN for bringing this bill to the floor today. It's really the right thing to do. And for those of us who have been so long involved in the anti-apartheid movement, and now, of course, in the movement to stop the genocide that is taking place in Darfur, this is a day that we have been waiting for for a long time. This is the only thing that we can do now, to say, first of all, that we understand that this should not have taken so long, but at least it is better late than never. Thank you very much, Mr. CONYERS.

Mr. CONYERS. I thank the gentlelady, BARBARA LEE, of Oakland, California, for closing our statement.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 5690 which ensures that African National Congress (ANC) members will no longer be denied visas to enter the United States solely based on their anti-Apartheid activities.

I am proud to have introduced this long-overdue legislation that will remedy a situation that was brought to my attention by my colleague, the gentlelady from the U.S. Virgin Islands, Dr. CHRISTENSEN. A few months ago, Dr. CHRISTENSEN informed me that Nelson Mandela, the South African civil rights icon that won 1993 Nobel Peace Prize, is not eligible for a visa to enter the U.S. because he is a member of the African National Congress. I was stunned. How could one of the giants of the 20th Century who is revered for bringing peace and reconciliation to a country that was torn apart by racism be ineligible to receive a standard visa to visit the United States? I quickly learned that the ANC, which was established in 1923 to advocate for the rights of black South Africans against the brutal Apartheid regime, was designated a "terrorist organization" by the same government that subjected black South Africans to racial segregation and violence.

For decades, ANC leaders, including President Mandela, withstood great hardships to overcome the oppression of Apartheid in South Africa, risking everything for basic principles of fairness and opportunity. By 1994, the ANC was the ruling party in South Africa, yet, some ANC leaders and members are still denied entry into America—today—solely because of their affiliation. H.R. 5690 will remedy this situation and ensure that these leaders

and members are no longer deemed to be inadmissible solely because of their membership in the ANC and their anti-apartheid activities.

I am pleased to have worked with my colleague on the Foreign Relations Committee, Mr. BERMAN, to bring this timely legislation to the House floor. I urge all my colleagues to join me and pass this important bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am proud to support H.R. 5690, introduced by Chairman HOWARD BERMAN. I applaud Mr. BERMAN and LAMAR SMITH, the ranking member of the Judiciary Committee, for coming together as they have to end the absurdity that now exists with respect to South African government officials who want to visit the U.S.

Like other freedom-fighting groups that should be lauded—not penalized—members of the ANC have been effectively ensnared by the overbroad “terrorism” provisions in our immigration laws. These provisions have prevented the U.S. from admitting and offering protection to many innocent people, including some of the world’s most vulnerable refugees.

Caught up in these definitions have been the Hmong and the Montagnards, brave men and women who fought alongside our troops in Vietnam; the Alzados who fought for freedom against Castro’s regime in Cuba; and the Chin and the Karen who tried to free themselves from a repressive Burmese government.

Until recently, our immigration laws labeled all of their actions as “terrorist activity,” simply because they used weapons to fight for their freedom.

In the 2008 Consolidated Appropriations Act, we finally began to address these issues, freeing many of these groups from this problem. With today’s bill we now join the ANC to their ranks.

Like the Hmong and the Montagnards, the Alzados, the Chin and the Karen, many members of the ANC did nothing more than fight for freedom against a repressive government—in this case, a government that severely restricted the rights of its people through apartheid and used brutal and murderous tactics to stay in power.

We should commend their efforts to free themselves and their people, not to mention their spectacularly successful—and peaceful—transition to power.

I strongly support this bill.

Mr. Speaker, I have no further requests for time, and I return all unused time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5690, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

#### PROVIDING FOR COMPENSATION TO STATES INCARCERATING UNDOCUMENTED ALIENS

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1512) to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1512

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

#### SECTION 1. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting “charged with or” before “convicted”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all 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 gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. I yield myself such time as I may consume.

Mr. Speaker, today we act to restore the State Criminal Alien Assistance Program or SCAAP, to its original meaning, that which Congress originally intended it to have. Introduced by myself, H.R. 1512 will help States obtain much-needed reimbursement for the costs of detaining deportable immigrants charged with or convicted of certain criminal offenses.

SCAAP was created in 1994 to reimburse States and localities for arrest, incarceration and transportation costs incurred in detaining criminal aliens. From the program’s inception until 2003, States were able to obtain reimbursement for the costs of detaining deportable illegal immigrants charged with a felony or two or more misdemeanors.

In 2003, however, DOJ reinterpreted the SCAAP statute to require that a criminal alien be actually convicted of a felony or two misdemeanors. Moreover, the reimbursement must be requested in the year in which the conviction takes place, and is limited to that 1 year, regardless of how long the expenses are incurred.

Not surprisingly, this novel reinterpretation, which contradicted Congress’ clear intent, as well as DOJ’s consistent interpretation, from 1994 to 2003, caused every State’s reimbursement to fall dramatically.

H.R. 1512 would amend the Immigration and Nationality Act to return SCAAP to its originally intended meaning. States and localities would be reimbursed for the cost of incarcerating criminal aliens who are either “charged with or convicted” of a felony or two misdemeanors regardless of when the incarceration and conviction occur.

H.R. 1512 corrects the current administration’s errant reinterpretation of the law and provides States and localities burdened by the costs of jailing criminal aliens the opportunity to apply for and receive much-needed reimbursement for the costs they bear from detaining deportable immigrants charged with crimes.

The bill has broad bipartisan support and the support of many respected law enforcement groups.

I would like to especially commend ZOE LOFGREN, Chair of the Immigration subcommittee and STEVE KING, the Subcommittee ranking member, for their leadership in helping bring this bill to the floor today.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Government under the State Criminal Alien Assistance Program, which we refer to as SCAAP, reimburses part of the expenses that States and localities incur in incarcerating illegal immigrants who have been convicted of a felony or of two or more misdemeanors. And, in fact, I would bring the Chamber’s attention, Mr. Speaker, to a report that was issued by the GAO in April of 2005 that identifies that the Federal Government is reimbursing 25 percent of the cost of the incarceration of criminal aliens within the institutions in the United States. But H.R. 1512 expands the State Criminal Alien Assistance Program to compensate States for incarcerating illegal immigrants who are charged with, and not only convicted, which is under the current program, charged with a felony or two or more misdemeanors.

I stand here, Mr. Speaker, and applaud the gentlelady from California for bringing this legislation because I think this is a constructive change to our policy, and the language very simply adds the words “charged with or” to the existing language of compensation for those “convicted of.” And it recognizes that there are significant costs involved in processing criminal aliens in the investigation stage, the arrest stage and the indictment stage. And as those costs mount and are incurred, we need to be sure that we take this position, that it is the Federal