

not even ask whether a person on whose behalf burial is sought is a convicted capital offender. While I understand that finding out such information needs to be handled delicately and with tact, to have no screening process at all is unacceptable.

Finally, we heard the unified testimony of 5 veterans' organizations, who reminded us that decisions to take away benefits earned by virtue of honorable military service should never be made without careful, reasoned deliberation.

Based on the testimony from the Committee's hearing, I have joined with my colleagues from Kansas—Senators ROBERTS and BROWBACK—in introducing this legislation today. Section 1 of the legislation would remove the language in law that provides capital offenders—like Wagner and the BTK Killer—with their continued burial eligibility. Furthermore, to address situations where a capital offender may have plea-bargained his or her way out of a death or life sentence, section 1 would remove the language in statute that ties the prohibition of cemetery burial to a capital crime sentence that was received and would replace it with language tying the prohibition to a capital crime sentence that may be received. This statutory language change would recognize that while the actual sentence for those who commit heinous acts may vary, the underlying action meriting those criminal sentences should be treated equally for purposes of burial prohibition.

Section 2 of the legislation would deny the provision of military honors and burial at a military cemetery of a person convicted of a Federal capital crime or a State capital crime for which a life sentence or the death penalty may be imposed. Section 3 would deny funeral honors—where at least two members of the Armed Forces are made available at veterans' funerals to fold and present the American flag, and play Taps—to those same persons, irrespective of whether burial is sought at national, state, or private cemeteries.

Finally, section 4 of the legislation would require the appropriate military service and VA to each prescribe regulations to ensure that a person is neither buried, nor provided funeral honors, before a good-faith effort is made to determine whether such person is ineligible as a capital offender.

This legislation is a necessary reform to the 1997 law. Let me be clear that while the effect of the legislation would be to take away benefits that were otherwise earned by honorable military service, the intent of it is not punitive. Rather, my intention is to preserve the dignity of America's national cemeteries.

President Lincoln delivered his Gettysburg Address at one of our Nation's first, and most revered, national cemeteries. Then he spoke of the "honored dead" who gave their "last full measure of devotion." My legislation will ensure that we bring no dishonor to

those who belong in our national cemeteries by inappropriately honoring those who, by their own actions, do not.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1813

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

SECTION 1. PROHIBITION AGAINST INTERMENT IN NATIONAL CEMETERY.

Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "for which the person was sentenced to death or life imprisonment"; and

(B) in paragraph (2), by striking "for which the person was sentenced to death or life imprisonment without parole"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "the death penalty or life imprisonment" and inserting "a life sentence or the death penalty"; and

(B) in paragraph (2), by striking "the death penalty or life imprisonment without parole may be imposed" and inserting "a life sentence or the death penalty may be imposed".

SEC. 2. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS.

Section 985 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole." and inserting "described in section 2411(b) of title 38.";

(2) in subsection (b), by striking "convicted of a capital offense under Federal law" and inserting "described in section 2411(b) of title 38"; and

(3) by amending subsection (c) to read as follows:

"(c) DEFINITION.—In this section, the term 'burial' includes inurnment."

SEC. 3. DENIAL OF FUNERAL HONORS.

Section 1491(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking " means a decedent who—" and inserting the following: "

"(1) means a decedent who—";

(3) in subparagraph (B), as redesignated, by striking the period at the end and inserting " and"; and

(4) by adding at the end the following:

"(2) does not include any person described in section 2411(b) of title 38."

SEC. 4. RULEMAKING.

(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.

(b) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall prescribe regulations to ensure that a person is not interred in any cemetery in the National Cemetery System unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 263—COM-
MENDING THE EFFORTS OF THE
DEPARTMENT OF VETERANS AF-
FAIRS IN RESPONDING TO HUR-
RICANE KATRINA

Mr. CRAIG (for himself and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 263

Whereas Hurricane Katrina physically devastated many areas in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs operates 11 medical centers, 18 community-based outpatient clinics, 3 regional offices, and 8 national cemeteries in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs evacuated over 1,000 patients, employees, and their families from facilities in the affected areas without any loss of life due to the evacuations;

Whereas over 1,000 employees of the Department of Veterans Affairs are volunteering to assist veterans and their families affected by Hurricane Katrina throughout the United States;

Whereas the Department of Veterans Affairs is providing shelter to over 550 staff and their families who have been displaced as a result of Hurricane Katrina;

Whereas patients and employees of the Department of Veterans Affairs in Texas provided extraordinary support and medical assistance to veterans, staff, and families affected by Hurricane Katrina and coordinated numerous medical efforts as part of the overall Federal Government response and recovery efforts in the Gulf Region; and

Whereas heroic actions and efforts on the part of numerous employees and volunteers of the Department of Veterans Affairs saved countless lives and provided immeasurable comfort to the victims of Hurricane Katrina: Now, therefore, be it

Resolved, That the Senate commends the employees and volunteers of the Department of Veterans Affairs, who risked life and limb to assist veterans, staff, and their respective families who were affected by Hurricane Katrina.

AMENDMENTS SUBMITTED AND
PROPOSED

SA 1929. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1930. Mr. LEVIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1931. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1932. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1933. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1934. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1935. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1936. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1937. Ms. STABENOW (for herself, Mr. JOHNSON, Mr. THUNE, Mr. AKAKA, Mrs. MURRAY, Mr. DAYTON, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SALAZAR, Mrs. LINCOLN, Mr. CORZINE, Mr. BAUCUS, Ms. LANDRIEU, Mr. JEFFORDS, Mr. BAYH, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1938. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1939. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1940. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1941. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1942. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1943. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1944. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1945. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1946. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1947. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1948. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1949. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1950. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1951. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1952. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1953. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1954. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1955. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1956. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1955 submitted by Mr. WARNER (for himself and Mr. LEVIN) and intended to be proposed to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1957. Mr. HARKIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1958. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1959. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1960. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1961. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1962. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1963. Mr. LAUTENBERG submitted an amendment intended to be proposed by him

to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1964. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1965. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1966. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1967. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1783, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; which was ordered to lie on the table.

SA 1968. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1969. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1970. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1971. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1972. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1973. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1974. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1975. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1976. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1977. Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. HAGEL, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2863 supra; which was ordered to lie on the table.

SA 1978. Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1979. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1980. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1981. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1982. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1983. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1984. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1985. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. DURBIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1986. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1987. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1988. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1989. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1990. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1991. Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CLINTON, Mrs. DOLE, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. REED, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1992. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1993. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1994. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1929. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be used for Medium Tactical Vehicle Modifications.

SA 1930. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) ADDITIONAL AMOUNT FOR FORMER SOVIET UNION THREAT REDUCTION ACCOUNT.—The amount appropriated by title II under the heading "FORMER SOVIET UNION THREAT REDUCTION ACCOUNT" is hereby increased by \$50,000,000.

(b) OFFSET.—The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby reduced by \$50,000,000, with the amount of the reduction to be applied to amounts available for ballistic missile defense and allocated as follows:

(1) \$30,000,000 shall be derived from amounts for long-lead procurement of Ground-Based Interceptors (PE#0603882C).

(2) \$20,000,000 shall be derived from amounts for the initial construction of silos associated with Ground-Based Interceptors.

SA 1931. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle F—Servicemembers Civil Relief Matters

SEC. 671. CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT OF SERVICEMEMBERS CIVIL RELIEF ACT.

(a) GENERAL CIVIL LIABILITY AND ENFORCEMENT.—

(1) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT

"SEC. 801. CIVIL LIABILITY FOR NONCOMPLIANCE.

"(a) IN GENERAL.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this Act with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

"(1) any actual damages sustained by such servicemember or dependent as a result of the failure;

"(2) such amount of punitive damages as the court may allow;

"(3) such amount of consequential damages as the court may allow;

"(4) such additional damages as the court may allow, in an amount not less than \$100 or more than \$5,000 (as determined appropriate by the court), for each violation; and

"(5) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

"(b) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.

"SEC. 802. ADMINISTRATIVE ENFORCEMENT.

"(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—(1) Except as provided in subsections (b), (c), and (d), compliance with the provisions of this Act shall be enforced by the Federal Trade Commission in accordance with the Federal Trade Commission Act with respect to entities and persons subject to the Federal Trade Commission Act.

"(2) For the purpose of the exercise by the Commission under this subsection of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed by this Act shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act, and shall be subject to enforcement by the Commission with respect to any entity or person subject to enforcement by the Commission pursuant to this subsection, irrespective of whether such person or entity is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.

"(3) The Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed by this Act and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this Act.

"(4) Any person or entity violating any provision of this Act shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act as though the applicable terms and provisions of the Federal Trade Commission Act were part of this Act.

"(5)(A) The Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person or entity that has engaged in such violation. In such action, such person or entity shall be liable, in addition to any amounts otherwise recoverable, for a civil penalty in the amount of \$5,000 to \$50,000, as determined appropriate by the court for each violation.

"(B) In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

"(b) ENFORCEMENT BY OTHER REGULATORY AGENCIES.—Compliance with the requirements imposed by this Act with respect to financial institutions shall be enforced under—

"(1) section 8 of the Federal Deposit Insurance Act, in the case of—

"(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Office of the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organization operating under section 25 or 25A of the Federal Reserve Act, and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Governors of the Federal Reserve System; and