

President's request for Pell Grants and other student aid programs.

There is a surge in crime wherever you go. The violence in Omaha in the mall; the violence dealing with the church and mission school out west. We now have 20 extra million dollars for Cops on the Beat.

And then, of course, the tragedy of falling bridges, an inventory in my own district that suggested the falling bridges. We have increased dollars for that.

I am very glad that there is money in here for the Texas Southern University lab for domestic violence in the City of Houston, but I am disappointed, Madam Speaker, because we have fallen on the job. And because most of America wants our troops home, now we have money for Iraq in this bill.

We have a crisis. I sat in a hearing today to listen to a woman violated, abused, sexually violated in Iraq. No control. Recklessness going on. I went down the hall to another hearing, and members or representatives of the Iraqi Parliament said, how dare the United Nations cast a vote for more troops to be in Iraq without consulting with this new democratic government.

We need to bring the troops home. Our troops deserve honor. I have authored a bill, the Military Success Act of 2007, that says the troops have done everything they have been asked to do. Give them their honor, give them their awards, have a proclamation celebrating their heroism. But the troops need to come home. And this bill does not need to be filled with Iraqi money, because the American people, over 60 percent, have said, we are done, we are finished. We have committed the greatest sacrifice, our children, our husbands, our wives, our grandmothers, our grandfathers, our family members. We have said that we have done everything that we have been asked to do by the 2002 resolution, of which I voted against. It is now finished. It is over. The troops need to come home.

So, Madam Speaker, I think it is important that we acknowledge this bill and the work that we have tried to do. But, sadly, this bill needs to fall because of the Iraq dollars.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Yesterday's Senate vote for another blank check to President Bush for the Iraq war was as wrongheaded as the Senate's original 2002 blessing for that invasion, despite the strong opposition of most House Democrats.

Of course the Iraq surge has worked. Not the surge in Iraq. That surge has failed miserably, failed to achieve any of the political objectives, the benchmarks that the President set himself. No. The only surge that has worked is the propaganda surge here in Washington. Hemorrhaging more dollars and

more blood into the sands of Iraq is not a formula for achieving success.

The taxpayers' price for Iraq is \$3 billion every week of every month of the year. Take all the money that is used to research and seek a cure for cancer at the National Institute for Cancer, that is how much money we spend in Iraq in 2 weeks. But whether deaths are up or deaths are down, "the Administration's consistent response is the troops cannot come home."

We need to learn from the courage displayed by our troops. My colleagues in this House need to learn from that courage and vote to limit any more funding in this war to a fully funded, safe, redeployment from Iraq that begins today.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I withdraw the resolution.

The SPEAKER pro tempore. The resolution is withdrawn.

#### FURTHER MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following privileged message from the Senate.

The Clerk read as follows:

In the Senate of the United States, December 19, 2007.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill and all accompanying papers relative to (H.R. 2764) entitled "An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes," and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

The SPEAKER pro tempore. Without objection, the request of the Senate for the return of the papers on H.R. 2764 is agreed to.

There was no objection.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the House of Representatives amendment numbered 1 to the Senate amendment to the bill (H.R. 2764) "An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes."

*Resolved further*, That the Senate agrees to amendment numbered 2 of the House of Representatives with an amendment to the aforesaid bill.

#### EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the

Senate bill (S. 863) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 863

*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 "Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007".

#### SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

##### "§ 1040. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

"(b) A circumstance described in this subsection is any instance where—

"(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

"(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

"(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

"(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1040. Fraud in connection with major disaster or emergency benefits."

#### SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1343 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized,

transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

**SEC. 4. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.**

Section 1341 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

**SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.**

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall—

(1) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

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

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may 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 gentleman from Michigan?

There was no objection.

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

Members of the Congress, this important legislation strengthens Federal criminal prohibitions against fraudulent misuse of emergency and disaster relief funds. It passed the Senate earlier this month without opposition. It is a good bill, and one that the House should support.

Reports of fraud surfaced almost immediately after the Federal Emergency Management Agency began distributing funds Congress had appropriated for disaster aid to victims of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma. These reports included allegations that funds had been misused to purchase luxury goods, that noneligible persons had applied for and received benefits, and that criminals had established phony Katrina-related Web sites to swindle those who wished to contribute to legitimate disaster assistance efforts.

Last year, the GAO reported that it had identified numerous instances of fraud in connection with Katrina and Rita disaster relief. Although the total amount of cost of these fraud schemes is not yet known, the GAO estimates that it will certainly be in the amounts of billions of dollars.

Despite diligent efforts by Federal law enforcement agencies to prosecute these schemes, current criminal laws are not adequate to the task. The Emergency and Disaster Assistance Fraud Penalty Enhancement Act addresses that shortcoming in several respects.

The bill creates a new Federal crime that specifically prohibits fraud in connection with any emergency or disaster relief benefit as to both Federal assistance and private charitable giving, with fines up to \$250,000 for an individual, and up to \$500,000 for an organization, and prison terms up to 30 years. The bill also increases prison terms for engaging in mail or wire fraud in connection with emergency or disaster relief to the same levels as currently apply in cases involving bank fraud.

The bill also directs the Sentencing Commission to revise its sentencing guidelines for fraud or theft in connection with a major disaster emergency declaration in light of the new statutory changes.

It is a bipartisan measure, and will help ensure that disaster assistance funds are received by their intended recipients and used for their intended purposes. I am proud of the work that the Judiciary Committee has done on

both sides of the aisle in this matter, and particularly commend the gentleman from Ohio (Mr. CHABOT) in his management of this legislation.

I reserve the balance of my time.

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

I rise in strong support of S. 863, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, and I want to thank and commend the gentleman from Michigan (Mr. CONYERS) for his leadership on this bill as well.

In January of this year, I introduced a companion bill, H.R. 846, that would create a new criminal offense and enhance current Federal penalties for fraud associated with major disasters and emergency benefits.

Madam Speaker, August 29, 2005 was a day that this country will never forget. The images of destroyed homes, neighborhoods, communities, displaced families and friends, and lives literally torn apart by Hurricane Katrina especially will not easily fade from our memories.

The devastation in the gulf coast region reminds us of a tragedy that we would expect to see in Third World countries, not in our country, and particularly not in regions known for their history and their character.

Since Hurricanes Katrina, Rita, and Wilma devastated the gulf coast more than 2 years ago, Congress has provided more than \$117 billion in relief to the region, including reconstruction efforts, medical services, human services, including funds for unemployment and housing assistance, crisis counseling, and various other needs of the victims. In addition, charities like the Red Cross and Salvation Army have contributed several billion dollars more to the effort, and many, many volunteers contributed their time.

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To no one's surprise, almost immediately after FEMA and private charities began administering funds to victims, reports of fraud began to surface, such as noneligible persons filing false claims for benefits, and the creation of phony Katrina-related Web sites designed to exploit those who wished to make legitimate disaster relief contributions.

More elaborate and organized schemes have also come to light, including a group in Bakersfield, California, which conspired with employees of a Red Cross call center to defraud the charity by obtaining false claims information in order to collect assistance payments through Western Union. These scams don't just affect disaster victims, but the charities, donors and taxpayers who provide this assistance.

Federal law enforcement officials, including the Department of Justice, responded to the problem. In September 2005, the Hurricane Katrina Fraud Task Force was formed to mobilize the resources of the Federal Government, including Department of Justice, Homeland Security, Treasury, the FBI, FDC

and other Federal partners, as well as representatives of State and local law enforcement.

Since its formation in 2005, the task force has assisted 41 United States Attorneys to prosecute more than 768 people to date. In addition, the Task Force Joint Command Center in Baton Rouge, Louisiana, continues to receive more than 700 calls each month through its nationwide hotline and has screened and referred more than 14,000 leads to law enforcement agencies and field offices across the country.

Yet, despite these efforts, it is clear that current criminal penalties are insufficient to deter disaster fraud. For example, in the U.S. Attorneys Office for the Middle District of Louisiana alone, 128 individuals have been charged with hurricane-related fraud.

S. 863 would strengthen Federal law enforcement's ability to combat and deter those who would otherwise attempt to exploit another's tragedy, preventing assistance from going to those who truly need it. How? Well, first this legislation creates a new specific criminal penalty to prohibit fraud in connection with any emergency or disaster benefit, including Federal assistance or private charitable contributions, as long as the benefit was authorized or paid in interstate commerce, transported through the mails, or is something of value. The penalty for engaging in such fraud is a fine or imprisonment of up to 30 years.

Second, the bill amends the Federal mail and wire fraud statutes to add emergency or disaster benefits fraud to the 30-year enhanced penalties in those statutes. Currently, the 30-year enhancement is reserved only for financial institutions fraud.

Finally, the bill directs the United States Sentencing Commission to review existing penalties for disaster assistance fraud, amend the sentencing guidelines as necessary, and report back to the Judiciary Committee of both the House and the Senate.

The Emergency and Disaster Assistance Fraud Penalty Enhancement Act unanimously passed the House back in the 109th Congress. Tough penalties for criminals who prey on innocent disaster victims are long overdue. I urge my colleagues to support S. 863.

I once again thank the gentleman from Michigan (Mr. CONYERS) for his leadership on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield 2 minutes to the indefatigable member of the Judiciary Committee, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the full committee. Through his leadership, we have had a number, huge numbers of solutions being put forward, and I thank him so very much for serving the American people as he has done. Let me thank the gentleman from Ohio (Mr. CHABOT) for his leadership and share some real life stories.

Madam Speaker, I lived through Hurricane Katrina and Rita and spent a good number of my days in New Orleans visiting not only with the victims of Hurricane Katrina, but also subsequently in Texas visiting with those impacted by Hurricane Rita. I also engaged extensively with small contractors and workers who indicated that in addition to trying to put themselves forward to do the best work on behalf of the victims, they were victimized. And the victims were victimized over and over again: fraudulent work being done, contracts being signed, moneys being promised, and nothing happening.

This bill will set the record straight. Not only does it send a message in times of disaster to those who come rushing in to try and provide, if you will, the saving flag or the saving grace, but hopefully it will send a message to local jurisdictions that they must have enormous oversight in ensuring that they are not subjected to criminal penalties.

As a member of the Homeland Security Committee, let me also acknowledge Chairman THOMPSON. In the early days after Hurricane Katrina, we had oversight hearings over the abuses that were occurring, the lack of oversight by FEMA. I went into some of the sites, if you will, where individuals were being signed up for work or benefits. But the aftermath of it was what the shame was. How people were not given the benefits they were promised, how contractors did not fulfill their duties, and how local jurisdictions were made to pay enormous prices to large contractors, and yet local small businesses, minority-owned businesses and women-owned businesses could not get business and could not be paid. Even today, there are small contractors who are waiting still to be paid.

I rise to support this legislation, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007. It is long overdue.

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

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

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 863.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1582

Ms. JACKSON-LEE of Texas (during S. 863 debate). Madam Speaker, I ask unanimous consent to remove my name from H.R. 1582.

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

There was no objection.

#### AMENDING COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 62) to correct the enrollment of H.R. 660.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 62

*Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:*

#### "SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

*"(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title.'"*

*"(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:*

*"(1) Magistrate judges appointed under section 631 of title 28, United States Code.*

*"(2) Magistrate judges retired under section 377 of title 28, United States Code.*

*"(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act."*

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

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this concurrent resolution.

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

There was no objection.

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

Madam Speaker, this concurrent resolution enables us to agree with the Senate on H.R. 660, the Court Security Improvement Act, and send that important bill to the President by correcting a PAYGO problem in the version of H.R. 660 that the Senate passed on Monday.

The Senate passed this concurrent resolution last night. When we pass it now, it will have the effect of removing