

COMMEMORATING THE THIRD  
ANNUAL NATION'S TRIATHLON

**HON. JOHN A. YARMUTH**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 10, 2008*

Mr. YARMUTH. Madam Speaker, I rise today to honor the third annual Nation's Triathlon, which will take place this Sunday in Washington, DC. As with any triathlon, this competition will be a rigorous personal test of endurance, dedication, strength, and skill in biking, running, and swimming. In this case however, the competitors demonstrate a devotion to a greater cause than personal accomplishment. By partnering with the Leukemia and Lymphoma Society, they are working to defeat blood cancer.

I am proud to say that three Louisvillians—Katie Anderson, Amanda Moore, and Chad Queen—and three more Kentuckians—Ruth Adams, Jennifer Watson, and James Pelfrey—will be competing in the triathlon this weekend, and three more—Shelley Gast, Anthony Miller, and Scott Clark—are training and coaching the athletes in this worthy event.

With more than a million and a half individuals annually diagnosed with cancer, and more than half a million Americans dying from the disease each year, virtually everyone of us has been touched by cancer in some way. The good news is, here in the United States, some of the world's most brilliant and innovative scientists are hard at work developing new treatments and uncovering the mysteries that will someday lead us to a cure. In fact, researchers at the University of Louisville, in my district, recently developed a vaccine that will prevent cervical cancer and potentially save the lives of thousands of women each year.

But to achieve their objectives, researchers need resources and attention. And that's just what the Nation's Triathlon will do by using the incredible talents of the participating athletes to raise awareness and funds.

I urge my colleagues to join me in celebrating these athletes who, this weekend, will strive to complete a grueling personal challenge and also defeat our common foe. Together, we will work to create a future that has no room for cancer.

RECOGNIZING THE 350TH ANNIVERSARY OF THE FOUNDING OF  
CHARLES COUNTY, MARYLAND

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 10, 2008*

Mr. HOYER. Madam Speaker, this year marks the 350th anniversary of the founding of Charles County, Maryland, one of the five counties I have the privilege of representing in the United States Congress. I rise today to congratulate the county on this milestone and to pay tribute to its citizens—individuals who have made it such an inviting place to live, work, and visit.

One of Maryland's oldest counties, Charles County was chartered in 1658 and named in honor of Charles Calvert, the 3rd Lord of Baltimore and a royal proprietor of the Colony of Maryland. Since its establishment, the county

and its residents have played an important role in shaping the development of our State and the history of our Nation.

From its earliest days, Charles County served as a center of commerce for the region. Port Tobacco, one of the oldest English settlements in North America, was the home of Maryland's second largest port and seat of the Charles County government prior to its move to La Plata.

Charles County was the birthplace of several of our Nation's Founding Fathers. Thomas Stone, a member of the Continental Congress and one of Maryland's four signers of the Declaration of Independence, was born in Charles County. His home, Habre de Venture, still stands and is a unit of the National Park Service. His uncle, Daniel of St. Thomas Jenifer, was a Delegate to the Constitutional Convention. John Hanson, a long serving member of the Maryland assembly and the first President of the United States in Congress Assembled under a fully ratified Articles of Confederation, was born at Port Tobacco.

Residents of Charles County witnessed the landing of British troops in Benedict during the War of 1812. During the Civil War, Camp Stanton was established in Benedict for the purpose of recruiting and training African-American men for the Union Army. Following the war, John Wilkes Booth, assassin of President Lincoln, traveled through Charles County stopping at the home of Dr. Samuel Mudd to have his broken leg set—on his escape from Washington, DC.

Charles County was also the birthplace of Josiah Henson who was born a slave, escaped to Canada and later wrote his autobiography which is believed to have inspired Harriet Beecher Stowe's "Uncle Tom's Cabin." Matthew Henson, who accompanied Admiral Robert Peary on several Arctic expeditions, including the discovery of the North Pole, was also a native of Charles County. Henson, who was likely the first man to reach the spot, planted the American flag at the North Pole.

Today, Charles County continues to make history. It is home to important Federal agencies, including the Naval Surface Warfare Center, Indian Head Division which was established in 1890 and is the international leader in energetic research and development. Recently, scientists and researchers at Indian Head developed, in short order, the thermobaric "cave busting" bomb to combat terrorists abroad.

Charles County offers its residents scenic rural areas, wildlife habitats, and waterfront views with convenient access to the Washington metropolitan area and the Federal Government which helps it live up to its motto of "Where Eagles Fly." With a vibrant and robust business climate, coupled with its hardworking and dedicated residents, Charles County has strong appeal and has become one of the most diverse communities in Maryland and one of the wealthiest for its size in the Nation.

I am proud to represent Charles County in the U.S. Congress and congratulate its current County Commissioners—Commissioner Wayne Cooper, President; Commissioner Edith Patterson, Vice President; Commissioner Rueben Collins, Commissioner Gary Hodge, and Commissioner Samuel Graves as they celebrate this great milestone. Congratulations Charles County on your 350th anniversary and may your citizens have continued prosperity for years to come.

RECOGNIZING THAT WE ARE  
FACING A GLOBAL FOOD CRISIS

SPEECH OF

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of this resolution recognizing the need to combat the global food crisis.

Rising fuel prices and the effects of globalization exacerbate the problems related to the growing cost of food, causing populations of developing countries to experience great hardships in purchasing their basic necessities. This emergency has already affected millions and will increase the poverty levels endured by the most vulnerable groups worldwide. Children are especially susceptible to the effects of malnourishment, which weakens their immune systems, causing millions of children to suffer from infectious diseases, impaired brain development, and stunted growth.

The dire situation of rising food prices has already led to unrest in some parts of the world. The U.N. has created a special task force and the World Food Program has called for \$755 million in increased funding to cover the high costs of food and fuel. The United States must take an active role in coordinating international action through a world forum designed to determine what must be done to alleviate this crisis worldwide and protect the children and other vulnerable populations affected.

SECURITIES ACT OF 2008

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 9, 2008*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 6513, the Securities Act of 2008 by my colleague from Pennsylvania, Congressman PAUL KANJORSKI and the Financial Services for their work in this important area.

Ensuring our markets are functioning properly at a time when we are approaching a recession should be a priority for us all. Many of the provisions in H.R. 6513, were recommended to the committee by the Securities and Exchange Commission (SEC) and that the act has the support of the SEC and State securities regulators.

The unanimous and bipartisan passage of H.R. 6513 in committee acknowledges that we must act now to protect our Nation's financial future.

BACKGROUND AND BREAKDOWN ON THE BILL

This act would amend numerous provisions within the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. The changes potentially affect not only securities firms, but also public companies and anyone else subject to the Federal securities laws.

Penalties in cease and desist proceedings

Section 8A of the Securities Act would be amended by adding a new provision that

would provide the SEC with the authority to impose civil money penalties in cease and desist proceedings before an SEC administrative law judge, against anyone alleged to have violated the act.

It also sets out a method by which a respondent subject to the penalty provisions may offer evidence on his or her ability to pay such fines and the impact of such fines on his or her ability to continue in business. The proposed provision contains tiers for the penalties as follows:

**First Tier:** Establishes a maximum penalty of \$6,500 for each violative act or omission committed by any natural period, and a \$65,000 cap for each violative act or omission committed by any other person, that constitutes a violation of the Securities Act or any regulation.

**Second Tier:** increases the maximum penalties to \$65,000 for natural persons and \$325,000 for all other persons for each act or omission that involves fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

**Third Tier:** Sets a maximum penalty of \$130,000 for a natural person or \$650,000 for all other persons if the act or omission involves fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement and such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons.

With the many issues that come under the Securities Act—amendments to the sections dealing with fraud and reckless disregard of other people's money is a serious but necessary step in the right direction. This act would authorize the SEC to impose civil penalties in cease and desist proceedings against any defendant before administrative law judges.

The expansion of the SEC's civil money penalty authority in administrative proceedings to include all potential defendants, not just securities industry firms and professionals, will likely be the most controversial aspect of the bill. Since the Federal Rules of Evidence do not apply in administrative proceedings, the SEC may use evidence that would not be admissible in Federal district court.

SEC authority over formerly associated persons

H.R. 6513 empowers the SEC to remove from office or censure any person who is, or at time of the alleged misconduct was, a member of the Municipal Securities Rule-making Board.

It would also provide the SEC and other regulatory agencies the authority to institute disciplinary proceedings against persons associated with or seeking to become associated, or who at the time of the alleged misconduct were associated or seeking to become associated with, registered or unregistered government securities brokers and dealers.

H.R. 6513 would also provide the SEC with the authority to conduct investigations into alleged violations committed by individuals who were formerly associated with members of national securities exchanges and national securities associations, as well as former participants of registered clearing agencies.

It would expand the disciplinary authority of the regulatory agencies of the self-regulatory organizations by providing the regulatory agencies with the authority to remove from of-

fice or censure persons who, at the time of the alleged misconduct, either are or were officers of self-regulatory organizations.

Scope of exemption from State securities registration

This section allows the NYSE, AMEX, or Nasdaq to establish tiers on which stocks can be listed and traded, even if those stocks would not otherwise qualify as covered securities exempt from state registration requirements.

Collateral bars

The act would amend provisions of the Exchange Act and Advisers Act to prevent associated persons who violate the Federal securities laws in one capacity (e.g., as an associated person of a broker or dealer) from being associated with other securities businesses in a different capacity (e.g., as an associated person of an investment adviser).

Currently, the law does not permit the SEC to bar someone whose misconduct occurred while associated with a broker-dealer from associating with an investment adviser (or vice-versa), although the SEC often seeks such a collateral bar in settlements.

Exempt offerings

This amendment would clarify that States can require that notice filings for exempt securities contain all of the information required by Form D including the appendix to Form D.

Unlawful margin lending

This section of the act would add clarification to the current problematic reading of the section.

SIPA

This section amends certain provisions of the Securities Investor Protection Act of 1970 ("SIPA") to add securities futures and options on securities futures to the list of covered claims a customer can make against a broker-dealer that the Securities Investor Protection Corporation ("SIPC") will cover. These amendments are a positive step toward removing regulatory road blocks to effective portfolio margining that can fully realize the benefits of hedging securities positions with futures positions.

Application of Advisers Act to State-registered advisers

This amendment will clarify that certain hedge fund and private equity advisers, who may be subject to State (but not SEC) registration, may charge performance fees that would not be permitted for most SEC registrants.

Sharing privileged information with other authorities

The act would add a new subsection to Section 24 of the Exchange Act. The new subsection would provide that the SEC shall not be deemed to have waived any privilege by sharing information with another agency of the U.S. Government, any foreign securities authority, any foreign law enforcement authority, or any State securities or law enforcement authority.

Nationwide service of subpoenas

Under the act, when the SEC institutes a proceeding in U.S. district court in any district, subpoenas issued by the court to compel attendance of witnesses or production of documents may be served in any other district. Such subpoenas could be served and en-

forced without application to the court or a showing of cause, notwithstanding applicable provisions of the Federal Rules of Civil Procedure.

#### CONCLUSION

We are facing rising food, gas, and energy costs. Our housing markets are still reeling and we are at high levels of unemployment. We must ensure that the Securities markets are secure and able to withstand our current economic climate. Mr. Speaker, I urge my colleagues to support this important legislation.

HONORING JACK HUNTER O'DELL

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 10, 2008*

Ms. LEE. Madam Speaker, I rise today to acknowledge the life and contributions to the United States of Jack Hunter O'Dell, and to acknowledge his 85th birthday, August 11, 2008. Jack Hunter O'Dell was born August 11, 1923 in Detroit, MI. Like other Americans who worked hard during the Great Depression, Jack devoted much time and energy to selling newspapers as a youngster and playing a strong role in his extended family. At an early age Jack developed an intense curiosity toward the world and a love of reading.

At the onset of World War II Jack joined the Merchant Marine, one of the most risky and important forces in the U.S. war effort. The Merchant Marine hauled supplies for U.S. troops in unarmed ships, often being attacked by Nazi submarines. Jack joined the National Maritime Union and advocated for the rights of workers on the ships and docks. During this time Jack developed an understanding of the struggles of peoples of other nations, an understanding that helped form his consciousness and dedication to creating peace and strengthening democracy.

After the war, Jack organized tenants in the Southern States and later in New York City. He worked with Dr. Martin L. King, Jr. as an organizer in New York and throughout the South as the Director of Voter Education for the Southern Christian Leadership Conference. He wrote and became an editor for the dynamic and unifying magazine, *Freedom Ways*. He taught at Antioch College and has lectured and taught throughout the United States. He is truly the common person's intellectual, holding forth the proposition that intellectual activity, creativity and wisdom stem from all the people.

Jack has consulted on two U.S. presidential campaigns. He has served Operation PUSH and the National Rainbow Coalition as the Director of International Affairs. In that capacity he assisted in developing ties of understanding, friendship and solidarity with many peoples around the world. His international work helped free political prisoners, it helped bring unification to warring factions in various nations and helped leaders from all walks of life in the United States understand the world and America's role in providing, by example, a true commitment to fair play and magnanimity.

Mr. O'Dell has been a bold yet humble servant to the interests of the American people. He recognized the necessity for working people to have access to reliable and first-rate media. He became Board Chair of one of the most popular, independent radio networks and news services. His commitment to peace and