

substantive revisions are made, including the reorganization of sections into a more coherent overall structure.

Simply put, all H.R. 1107 does is codifies into positive law as title 41, United States Code, certain general and permanent laws related to public contracts. This bill was prepared by the Office of Law Revision Counsel, as part of its functions under 2 U.S.C. Sec. 285(b).

Lawyers run into public contract law in limited circumstances. Lawyers who represent firms that operate primarily in the commercial sector, but are tangentially active in the contracting community, often find that their clients have conflicts with the federal government.

Additionally, lawyers may run into public contract issues when they represent subcontractors to large Department of Defense (DOD) contractors, who have potential or ongoing disputes with the prime contractor that they want to avoid or resolve.

H.R. 1107 simplifies, codifies, and streamlines public contract law. H.R. 1107 has already been subject to extensive agency and public review in the last Congress, and the Congress before last. Given the extensive agency and public review and the simplicity of the bill, I urge my colleagues to support this bill and vote for it in the affirmative.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 1107.

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

A motion to reconsider was laid on the table.

#### RECOGNIZING THE BORDER PATROL'S FIGHT AGAINST HUMAN SMUGGLING

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 14) recognizing the importance of the Border Patrol in combating human smuggling and commending the Department of Justice for increasing the rate of human smuggler prosecutions, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 14

Whereas human smuggling and trafficking in persons continue to threaten the United States as well as individuals in transport;

Whereas human smuggling and trafficking rings introduce numerous violent criminals to neighborhoods and communities in the United States;

Whereas human smuggling and trafficking rings expose the United States to further acts of terrorism by subverting the authority of, and safety provided by, U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement;

Whereas individuals voluntarily being smuggled are exposed to tragic and dangerous conditions, many times resulting in their injury or death;

Whereas countless individuals are abducted and trafficked against their will, con-

tinuing the grotesque practice of human slavery;

Whereas human smuggling and trafficking in persons are often conducted by organized crime rings, which expose Federal agents to increased danger in their enforcement efforts;

Whereas Department of Homeland Security personnel have, in the past, arrested many human smugglers and traffickers in persons, only to see them freed without prosecution;

Whereas many of these same human smugglers and traffickers in persons have been repeatedly arrested;

Whereas such repeated encounters have been extremely demoralizing to U.S. Customs and Border Protection at a time when the American public has been putting tremendous pressure on the agencies to do more to stop illegal border crossings;

Whereas Federal prosecutions of human smugglers and traffickers in persons have increased in recent months, resulting in decreased repeat offenses and arrests and improved morale;

Whereas U.S. Immigration and Customs Enforcement uses a global enforcement strategy to disrupt and dismantle domestic and international human smuggling and trafficking organizations;

Whereas U.S. Customs and Border Protection have worked cooperatively with U.S. Immigration and Customs Enforcement, the Federal Bureau of Investigation, and local nonprofit service providers to identify and rescue victims of human trafficking and modern slavery and to ensure their safety and continued presence in the United States pursuant to the Trafficking Victims Protection Act of 2000; and

Whereas the 110th Congress of the United States unanimously adopted the bipartisan William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, providing U.S. Customs and Border Protection and its law enforcement partners with new tools to bring human traffickers to justice and new responsibilities to identify and protect victims of modern slavery and at-risk unaccompanied alien children: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) reaffirms its support for the role and importance of the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, in combating human smuggling and trafficking in persons;

(2) commends the Department of Justice for increasing the rate of prosecutions against human smugglers and traffickers in persons; and

(3) urges the Department of Justice to continue prosecuting smugglers and traffickers at a rate that will help eliminate the trade in human beings.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

##### GENERAL LEAVE

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

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

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, this legislation, sponsored by the Honorable DARRELL ISSA of California, a member of our Judiciary Committee, and a most valuable one, recognizes the recent important steps taken by the Department of Justice and several agencies within the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, to fight human smuggling in all its forms, including human trafficking and slavery.

I am proud to say that last year the 110th Congress took decisive actions to renew the Nation's efforts against human trafficking and modern slavery. We also went so far as to issue an apology in this House for the slavery that this country condoned before 1865.

Both Houses of Congress unanimously adopted the bipartisan William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. It bears repeating that this bill, this substantial bill of 129 pages that provides a myriad of tools to protect trafficking victims and to combat human trafficking at home and around the world, passed both Houses unanimously, once again, a bipartisan effort Mr. ISSA led.

This is a strong indication that we are really serious about eradicating human smuggling in all its forms.

Building on our efforts in Congress, the Department of Justice and the Department of Homeland Security, including Customs and Border Protection and Immigration and Customs Enforcement, have also renewed their efforts against smuggling and human trafficking. Recently, we have seen a substantial increase in the prosecutions of smugglers and traffickers.

We have seen the adoption of a global enforcement strategy to disrupt and dismantle domestic and international human smuggling and trafficking organizations. And we have seen strong interagency cooperation of identifying rescue victims of human trafficking and modern slavery. These agencies should be commended for their renewed commitment in these areas.

I further commend DARRELL ISSA for his leadership on this bill. And I commend my chairman, JOHN CONYERS, and I commend him on everything he has done. He has been a wonderful member and a mentor to me; and Ranking Member LAMAR SMITH, also a great mentor to me of the Judiciary Committee; and Chairman BENNIE THOMPSON and Ranking Member PETER KING of the Homeland Security Committee for their work in improving the bill and making it a consensus, bipartisan measure.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

Mr. Speaker, I concur with everything the gentleman from Tennessee just said. Mr. COHEN and I do enjoy

working together on a bipartisan basis on a great many issues.

Today this bill, H. Res. 14, attempts to begin, if you will, a downpayment on thanking the men and women of the Border Patrol and of ICE and other portions of Homeland Security for their tireless efforts to defend America, and particularly on an issue that I find very personal, that of human smuggling.

Mr. Speaker, 5 years ago I wrote the U.S. Attorney for the Southern District of California expressing my concern after learning from a reporter that U.S. attorneys had refused to prosecute an alien smuggler apprehended while transporting a car loaded with undocumented immigrants.

The smuggler, Mr. Antonio Amparo-Lopez, had attempted to escape the arresting Border Patrol agents and, upon his recapture, the Border Patrol learned that this smuggler had 21 known aliases, had been arrested and deported more than 20 times without ever having been prosecuted once.

Mr. Speaker, this is what the Border Patrol once faced, is something that the Border Patrol no longer faces, and we would hope, on a bipartisan basis, would no longer face.

As I dug deeper into this, I learned that this was, in fact, at that time a common problem, and that Border Patrol agents had been forced to accept the reality that no matter how many times they did their job, often with people with large amounts of drugs, often with people who they knew were guilty of more heinous crimes, and, in fact, sometimes when they knew that people who perhaps had abandoned the human beings they were trafficking in to die in the desert, they could not take action.

On a bipartisan basis, I want to recognize the men and women of the Border Patrol for their willingness to do this job with personal danger, having had rocks pummeled at them, having been shot at.

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The men and women of the Border Patrol and their allied agencies do what we ask them to do even when we do not fully support them.

The San Diego Border Patrol sector chief even told the House subcommittee in a hearing how the failure to prosecute the foot soldiers in alien smuggling organizations had created an opportunity in which "what would happen then, we would apprehend people that were guiding people across the country, many times at risk. And without meeting prosecution guidelines, they were simply voluntarily return back to Mexico where they could continue to conduct their illicit activity. There is no level of consequences."

Mr. Speaker, I'm glad to say that is no longer the case. I join with my colleagues on a bipartisan basis to say, human smuggling, whether illegal immigrants or in fact victims of kidnapping around the world for purposes of

prostitution, cannot be tolerated. We must have a zero-tolerance policy, and we must support the men and women that protect our borders and our interior.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Arizona, a valuable new Member, Mrs. ANN KIRKPATRICK.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today in support of House Resolution 14, which recognizes the critical contributions that the Border Patrol and the Justice Department are making in the fight against human smuggling. Human smuggling is a serious threat to greater Arizona where country roads are targeted by cartels and smugglers. Smuggling cannot be separated from the trafficking of drugs, guns, and money across our borders.

The people controlling the human smuggling trade are the same gangs and drug cartels who are spreading violence throughout northern Mexico and are now openly threatening our law enforcement. The increased efforts to target human smugglers by Border Patrol and the Justice Department are an important part of the plan to address violence along our border, and they should be praised for this crackdown. The department, along with the entire Federal Government, needs to commit to a sustained, comprehensive effort to secure our borders and keep our communities safe. And this is one valuable step in the right direction.

Mr. ISSA. Mr. Speaker, I would now yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I appreciate my friend from California bringing this to the House floor.

The Border Patrol that patrols our borders on the north and the south are many times in isolated areas. The vastness of the land makes it lonely. And for much of the time, all they are able to do is seek and find out those who wish to sneak into the United States at the hands of a human smuggler. We call those people "coyotes." I think that insults the coyote population of south Texas.

The deadliest human smuggling attempt took place in my home State of Texas not far from Houston when a coyote bringing 70 immigrants into the United States abandoned the tractor-trailer that they were in at a truck-stop, and 19 of the people in that vehicle died from dehydration and suffocation. And now we are learning that the drug cartels are working hand-in-hand with the human smugglers, and they are both making a profit off of these humans that wish to come into the United States.

This is a multibillion-dollar-a-year industry. And that money goes to criminals, coyotes and the drug cartels.

Last week in the Senate hearing, Arizona Attorney General Terry Goddard noted that in Arizona just last year, the cartels grossed \$2 billion from

human smuggling alone. This billion-dollar industry is being stopped by the Border Patrol. And we need to applaud their work and their efforts in trying to keep the dignity and sovereignty of the United States intact and keeping out the drug cartels, the human smugglers and the outlaws that make a profit off of people who come into the United States.

Mr. COHEN. Mr. Speaker, may I inquire how many more speakers Mr. ISSA has.

Mr. ISSA. I have one more at this time.

Mr. COHEN. I reserve my time.

Mr. ISSA. At this time, I yield myself such time as I may consume.

I want to close on my side by thanking the gentleman from Tennessee. Memphis is a long way from the southern or the northern border, and yet he has helped us in moving this piece of legislation along because, in fact, our borders ultimately, once somebody is over our border in America, they can go anywhere virtually without ever being stopped. And so I thank all the Members who, whether they are a border district like myself or far inland, have seen that human trafficking is something we need to end.

And I again ask all of us to support this bipartisan legislation.

And I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I would just again like to thank Mr. ISSA for his work on this issue. And this is a very important issue. It is important for our security. But it is also important for the concept that people ought to have freedom. And they ought to have freedom in all ways. Many types of enslavement, unfortunately, have gone on in this world for a long time, and still it goes on today. And it is not just commercial slavery, there is slavery in other parts of the world where it is still something that has not been eliminated. It was only 200 years ago that we said we wouldn't import any more slaves, and 144 years ago that we ended the practice in this Nation. It was a long time that people used their power over others.

So this is an important concept and an important, substantive bill, and I thank Mr. ISSA. I ask everybody to vote for the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 14, "Recognizing the importance of the Border Patrol in combating human smuggling and commending the Department of Justice for increasing the rate of human smuggler prosecutions".

I have long been an advocate of human smuggler prosecutions. I have also worked on human trafficking. These issues particularly affect border States and Texas is no exception. I urge my colleagues to support this bill.

There are few, if any, crimes that are both more corrosive to our Nation's security and offensive to the fundamental moral impulses of its people, than the kidnapping and exploitation—whether it is for forced physical labor, for the sexual degradation, or anything else—

of our fellow human beings. It is a practice formerly, and still largely, known as slavery; in recent years, it has reemerged in a world more interconnected than ever, under the title of "human trafficking".

Human smuggling is a terrible crime. This activity attracts and creates the worst sorts of criminal—it is often conducted by organized crime and exposes Federal agents to increased danger in their enforcement efforts. Despite this, United States Customs and Border Protection has in the past, repeatedly arrested many human smugglers only to see them freed by the Federal Government without prosecution. These repeated encounters are extremely demoralizing to the Border Patrol, especially when under great pressure to do more to stop illegal border crossings.

But we are seeing signs of hope. Federal prosecutions of human smugglers have increased in recent months resulting in decreased repeat offenses and arrests and uplifted Border Patrol morale. Furthermore, the United States is one of the leaders in the fight against human trafficking, and this is reflected in a number of acts by this body that define and expand the U.S. Government's role in the war against human trafficking—laws like the Trafficking Victims Protection Act of 2000, the Trafficking Victims Protection Reauthorization Act of 2003, the Trafficking Victims Protection Reauthorization Act of 2005.

The interagency Human Smuggling and Trafficking Center, HSTC, brings together Federal agency representatives from policy, law enforcement, intelligence, and diplomatic sectors, so they can work together on a full-time basis to achieve increased effectiveness and to convert intelligence into effective law enforcement and other action. This includes the Department of State, DOS, the Department of Homeland Security, DHS, and the Department of Justice, DOJ. The HSTC also serves as a clearinghouse for trafficking information.

A week ago yesterday, in my city of Houston, a U.S. District judge passed the last sentence on one of eight defendants—a man by the name of Maximino Mondragon—in a case that illustrates much of what we condemn and commend here today. Mondragon and his conspirators lured the women to the United States with false promises of legitimate jobs. Once here, traffickers charged the women huge fees for their trip and expenses and held them as prisoners until they could work off what, for many, seemed to be impossible debts. The women were forced to wear skimpy clothes and sell high-priced drinks to men at local cantinas who were then allowed to touch them. And now many of them are beginning prison terms to last 13 or 15 years, and have been made to pay \$1.7 million in restitution, a small consolation for their ordeal.

I support this bill—praising the Department of Justice for increasing the rate of human smuggler prosecutions, urging the Department of Justice to continue to hunt down and prosecute men like Mondragon.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 14, 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. COHEN. 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.

#### FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 386

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fraud Enforcement and Recovery Act of 2009" or "FERA".

##### SEC. 2. AMENDMENTS TO IMPROVE MORTGAGE, SECURITIES, COMMODITIES, AND FINANCIAL FRAUD RECOVERY AND ENFORCEMENT.

(a) DEFINITION OF FINANCIAL INSTITUTION AMENDED TO INCLUDE MORTGAGE LENDING BUSINESS.—Section 20 of title 18, United States Code, is amended—

(1) in paragraph (8), by striking "or" after the semicolon;

(2) in paragraph (9), by striking the period and inserting "; or"; and

(3) by inserting at the end the following: "(10) a mortgage lending business (as defined in section 27 of this title) or any person or entity that makes in whole or in part a federally related mortgage loan as defined in section 3 of the Real Estate Settlement Procedures Act of 1974.".

(b) MORTGAGE LENDING BUSINESS DEFINED.—

(1) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting after section 26 the following:

##### "§ 27. Mortgage lending business defined

"In this title, the term 'mortgage lending business' means an organization which finances or refinances any debt secured by an interest in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate or foreign commerce."

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"27. Mortgage lending business defined."

(c) FALSE STATEMENTS IN MORTGAGE APPLICATIONS AMENDED TO INCLUDE FALSE STATEMENTS BY MORTGAGE BROKERS AND AGENTS OF MORTGAGE LENDING BUSINESSES.—Section 1014 of title 18, United States Code, is amended by—

(1) striking "or" after "the International Banking Act of 1978);"; and

(2) inserting after "section 25(a) of the Federal Reserve Act" the following: "; or a

mortgage lending business, or any person or entity that makes in whole or in part a federally related mortgage loan as defined in section 3 of the Real Estate Settlement Procedures Act of 1974".

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after "or promises, in" the following: "any grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, including through the Troubled Asset Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in";

(2) striking "the contract, subcontract" and inserting "such grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance"; and

(3) striking "for such property or services".

(e) SECURITIES FRAUD AMENDED TO INCLUDE FRAUD INVOLVING OPTIONS AND FUTURES IN COMMODITIES.—

(1) IN GENERAL.—Section 1348 of title 18, United States Code, is amended—

(A) in the caption, by inserting "AND COMMODITIES" after "SECURITIES";

(B) in paragraph (1), by inserting "any commodity for future delivery, or any option on a commodity for future delivery, or" after "any person in connection with"; and

(C) in paragraph (2), by inserting "any commodity for future delivery, or any option on a commodity for future delivery, or" after "in connection with the purchase or sale of".

(2) CHAPTER ANALYSIS.—The item for section 1348 in the chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting "and commodities" after "Securities".

(f) MONEY LAUNDERING AMENDED TO DEFINE PROCEEDS OF SPECIFIED UNLAWFUL ACTIVITY.—

(1) MONEY LAUNDERING.—Section 1956(c) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking the period and inserting "; and"; and

(B) by inserting at the end the following: "(9) the term 'proceeds' means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.".

(2) MONETARY TRANSACTIONS.—Section 1957(f) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) the terms 'specified unlawful activity' and 'proceeds' shall have the meaning given those terms in section 1956 of this title."

(g) SENSE OF THE CONGRESS AND REPORT CONCERNING REQUIRED APPROVAL FOR MERGER CASES.—

(1) SENSE OF CONGRESS.—It is the sense of the Congress that no prosecution of an offense under section 1956 or 1957 of title 18, United States Code, should be undertaken in combination with the prosecution of any other offense, without prior approval of the Attorney General, the Deputy Attorney General, the Assistant Attorney General in charge of the Criminal Division, a Deputy Assistant Attorney General in the Criminal Division, or the relevant United States Attorney, if the conduct to be charged as "specified unlawful activity" in connection with the offense under section 1956 or 1957 is so closely connected with the conduct to be charged as the other offense that there is no clear delineation between the two offenses.