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recognized human rights, refugees, and foreign relations."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4036, the bill just passed.

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

There was no objection.

TELEMARKETING FRAUD PUNISHMENT AND PREVENTION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1499) to improve the criminal law relating to fraud against consumers, as amended.

The Clerk read as follows:

H.R. 1499

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 "Telemarketing Fraud Punishment and Prevention Act of 1996".

SEC. 2. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

"(6) The Court, in sentencing a defendant for an offense under section 2326, shall order that the defendant forfeit to the United States any real or personal property—

"(A) used or intended to be used to commit or to promote the commission of such offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense; and

"(B) constituting, derived from, or traceable to the gross receipts that the defendant obtained directly or indirectly as a result of the offense,".

SEC. 3. SENTENCING GUIDELINES CHANGES.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense listed in section 2326 of title 18, United States Code—

(1) by at least 4 levels if the circumstances authorizing an additional term of imprisonment under section 2326(1) are present; and

(2) by at least 8 levels if the circumstances authorizing an additional term of imprisonment under section 2326(2) are present.

SEC. 4. INCREASED PUNISHMENT FOR USE OF FOREIGN LOCATION TO EVADE PROSECUTION.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to increase the offense level for any fraud offense by at least 2 levels if the defendant conducted activities to further the fraud from a foreign country.

SEC. 5. CLARIFICATION OF ENHANCEMENT OF PENALTIES.

Section 2327(a) of title 18, United States Code, is amended by striking "under this chapter" and inserting "for which an enhanced penalty is provided under section 2326 of this title".

SEC. 6. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.

Section 2326 of title 18, United States Code, is amended by inserting ", or a conspiracy to commit such an offense," after "or 1344".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, older Americans have rapidly become the preferred targets of fraudulent telemarketers. Some of them are lonely, and appreciate having someone to talk to during the day. Many of them are just trusting, and they simply cannot tell a legitimate telephone sales pitch from an illegitimate one.

These elderly victims are tricked into giving money to phony charities, applying for bogus credit cards or paying for unnecessary repairs for their homes. Worst of all, many of them are further scammed when they receive phone calls from people claiming to be private investigators or attorneys who want to help them get their lost money back. Organizers of these so-called "recovery-room scams" convince the elderly person that almost all of the already spent money can be recovered—this is, provided that a few thousands dollars are mailed up front first. The cost to consumers for these and other reprehensible telemarketing schemes is currently estimated to be about $40 billion a year.

This past April, the Subcommittee on Crime, which I Chair, held a hearing on telemarketing fraud and victimization of the elderly. Subcommittee members heard from an elderly woman who was swindled by crooked telemarketers, and lost nearly $75,000—practically hear life's savings. Mr. Speaker, this woman was asked at the hearing why she let the phone calls go on for so long. Why didn't she tell her family that she was being targeted? This poor woman responded that she was too ashamed and embarrassed to tell her children. She had lost all the money that she and her late husband had so carefully saved, and she was too humiliated to admit it to anyone. Tragically, that woman's story is not an uncommon one.

Embarrassment is a weapon for these telefrauds, and they freely exploit it. Some even threaten their older victims that control over their credit cards and bank accounts will be taken away from them by their children if they tell anyone how they have lost their money. Humiliation, and the fear of losing of independence, keeps these elderly victims as easy prey for scam artists.

In response to this heartless activity, Mr. HEINEMAN introduced H.R. 1499. Unfortunately he cannot be here with us today because he is at home in this district recovering from surgery, and I know we all wish him a speedy recovery.

Chief HEINEMAN's bill strikes back at those who would take advantage of trusting or vulnerable members of our society. The bill amends §982(a) of title 18, United States Code, by requiring a defendant convicted of fraud involving a telemarketing scam to forfeit property used in the commission of the offense or any proceeds received as a result of the offense. The bill also directs the U.S. Sentencing Commission to amend the sentencing guidelines to increase sentences for telemarketing fraud offenses as defined in section 2326 of title 18, United States Code. The increase shall be at least 4 levels for general telemarketing fraud, and at least 8 levels if the defendant is found to have targeted persons over the age of 55.

Under current law, telemarketers are supposed to be getting up to 10 years in prison for seeking out and victimizing persons over the age of 55. But the sentencing guidelines have never been amended regarding telemarketing fraud, even though Congress encouraged the Commission to do so in 1994. Crooked telemarketers are spending an average of only 1 year in jail. It is undeniable that criminal telemarketers are getting off easy, and this bill will ensure that their sentences are more than doubled.

The bill also adds conspiracy language to section 2336. This addition allows Federal prosecutors to seek out the masterminds behind the boiler rooms—the places where the telemarketers conduct their illegal activities. This conspiracy language will aid prosecutors by allowing them to go after the organizers of these fraudulent activities. This provision was added at the behest of the Department of Justice.

Finally, this bill makes a small, technical clarification to section 2337(a) of title 18. Currently, section 2337 directs the court to order restitution for any offense under this chapter. The bill makes it clear that section 2336 of the telemarketing fraud chapter of title 18 is merely a penalty enhancement section, and not a new Federal offense. The Department of Justice was concerned about this ambiguity, so this language makes clear that there is no new offense under chapter 113A.

Mr. Speaker, I would like to commend my good friend from North Carolina, Mr. HEINEMAN, for his commitment to this issue, and his efforts to combat this serious problem. He introduced H.R. 1499 more than a year ago,

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and his dedication to protecting the elderly who are being preyed upon by greedy, heartless crooks is truly admirable. I am very sorry that he is unable to be here to see the fruits of all his efforts, and I urge my colleagues to support the bill.

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

Mr. Speaker, I rise in support of the bill. This bill strikes at one of the most cynical crimes in America, fraud against older Americans. The unscrupulous crooks who run the schemes that this bill aims at has stolen the life savings of scores of honest, hard-working older Americans. They have driven thousands of others deep into debt. These con artists have turned years that ought to be spent in well-earned hours of enjoyment into hellish nightmares. Unfortunately, many of these schemes operate not only across State lines, but even across international boundaries. Often only the Federal Government has the resources and the jurisdictions to stop a given fraud scheme and punish its perpetrators.

This bill gives the Federal Government a few additional tools to go after those who prey on our parents, grandparents and other older Americans. It allows for criminal forfeiture of property used in such schemes, enhances penalties in cases of telemarketing fraud aimed at persons over 55 years of age, and directs the Sentencing Commission to increase sentencing in cases where criminals operate from foreign countries to evade prosecution.

Mr. Speaker, this is a modest bill, but an important bipartisan blow against crime. I congratulate the chairman for working with us on this measure, and I urge my colleagues to vote for it.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE], a distinguished member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to add to the impact of this legislation as I rise to support H.R. 1499. Not only does it respond to the humiliation that occurs through our senior citizens in their sunset years of which they may be active in community life, but yet somewhat intimidated by those who might prey upon them through telephone fraud. It also impacts the mentally retarded or physically or mentally challenged and other vulnerable consumers.

If there is anything that we hear as we travel about our districts, it is some of the tragic stories that occur from some of the overly aggressive telemarketing efforts to prey upon those individuals that will be easily vulnerable to say a quick "yes," and I think that this legislation helps give a minimal amount of support to those individuals who might clearly have lost their way, well-intended, wanting to be kind, generous in spirit, and yet being preyed upon by those with sinister ideas.

I do not want to see any more of our citizens and their life savings, those individuals who are mentally regarded or mentally challenged and other vulnerable consumers fall prey to these kinds of devastating acts.

So I rise to support this, and I ask my colleagues to support H.R. 1499.

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Ms. LOFGREN. I again urge passage of this bill. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1499, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3456) to provide for the nationwide tracking of convicted sexual predators, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3456

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 "Pam Lychner Sexual Offender Tracking and Identification Act of 1996".

SEC. 2. OFFENDER REGISTRATION.

(a) ESTABLISHMENT OF FBI DATABASE.—Subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new section:

"SEC. 170102. FBI DATABASE.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'FBI' means the Federal Bureau of Investigation;

"(2) the terms 'criminal offense against a victim who is a minor', 'sexually violent offense', 'sexually violent predator', 'mental abnormality', and 'predatory' have the same meanings as in section 170101(a)(3); and

"(3) the term 'minimally sufficient sexual offender registration program' means any State sexual offender registration program that—

"(A) requires the registration of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1);

"(B) requires that all information gathered under such program be transmitted to the FBI in accordance with subsection (g) of this section;

"(C) meets the requirements for verification under section 170101(b)(3); and

"(D) requires that each person who is required to register under subparagraph (A) shall do so for a period of not less than 10 years beginning on the date that such person was released from prison or placed on parole, supervised release, or probation.

"(b) ESTABLISHMENT.—The Attorney General shall establish a national database at the Federal Bureau of Investigation to track the whereabouts and movement of—

"(1) each person who has been convicted of a criminal offense against a victim who is a minor;

"(2) each person who has been convicted of a sexually violent offense; and

"(3) each person who is a sexually violent predator.

"(c) REGISTRATION REQUIREMENT.—Each person described in subsection (b) who resides in a State that has not established a minimally sufficient sexual offender registration program shall register a current address, fingerprints of that person, and a current photograph of that person with the FBI for inclusion in the database established under subsection (b) for the time period specified under subsection (d).

"(d) LENGTH OF REGISTRATION.—A person described in subsection (b) who is required to register under subsection (c) shall, except during ensuing periods of incarceration, continue to comply with this section—

"(1) until 10 years after the date on which the person was released from prison or placed on parole, supervised release, or probation; or

"(2) for the life of the person, if that person—

"(A) has 2 or more convictions for an offense described in subsection (b);

"(B) has been convicted of aggravated sexual abuse, as defined in section 2241 of title 18, United States Code, or in a comparable provision of State law; or

"(C) has been determined to be a sexually violent predator.

"(e) VERIFICATION.—

"(1) PERSONS CONVICTED OF AN OFFENSE AGAINST A MINOR OR A SEXUALLY VIOLENT OFFENSE.—In the case of a person required to register under subsection (c), the FBI shall, during the period in which the person is required to register under subsection (d), verify the person's address in accordance with guidelines that shall be promulgated by the Attorney General. Such guidelines shall ensure that address verification is accomplished with respect to these individuals and shall require the submission of fingerprints and photographs of the individual.

"(2) SEXUALLY VIOLENT PREDATORS.—Paragraph (1) shall apply to a person described in subsection (b)(3), except that such person must verify the registration once every 90 days after the date of the initial release or commencement of parole of that person.

"(f) COMMUNITY NOTIFICATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the FBI may release relevant information concerning a person required to register under subsection (c) that is necessary to protect the public.

"(2) IDENTITY OF VICTIM.—In no case shall the FBI release the identity of any victim of an offense that requires registration by the offender with the FBI.

"(g) NOTIFICATION OF FBI OF CHANGES IN RESIDENCE.—

"(1) ESTABLISHMENT OF NEW RESIDENCE.—For purposes of this section, a person shall be deemed to have established a new residence during any period in which that person resides for not less than 10 days.

"(2) PERSONS REQUIRED TO REGISTER WITH THE FBI.—Each establishment of a new residence, including the initial establishment of a residence immediately following release from prison, or placement on parole, supervised release, or probation, by a person required to register under subsection (c) shall be reported to the FBI not later than 10 days after that person establishes a new residence.

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