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American companies are barred from entering foreign markets, competitors from Asia and Europe are poised to take advantage. Without multilateral support for sanctions, then, the punitive effect of banning American business from a country may be minimal at best.

Second, imposing unilateral sanctions means lost American jobs. It is self-evident that keeping American companies out of foreign markets means lost American wealth.

Third, imposing unilateral sanctions will not necessarily end a foreign government's use of terrorism. In fact, in cases where terrorist regimes are generally supported by their subjects, imposing sanctions is likely only to increase anti-American sentiment and strengthen the hold of those in power.

I do support unilateral sanctions in certain targeted instances, for example with Iran. But taking away the President's prerogative to choose, and Congress's ability to assess whether to use this blunt policy tool, as the bill before us would do, will make our antiterrorism foreign policy worse, not better.

Mr. Speaker, we should do everything in our power to end all forms of terrorism. We are right to lead international efforts to isolate and punish terrorists. But imposing the automatic one-size-fits-all response to terrorism contained in H.R. 748 will be ineffective and costly. I urge my colleagues to defeat this bill.

Mr. MCCOLLUM. Mr. Speaker, I have no further speakers. If the gentleman does not, I am prepared to yield back the balance of my time.

Mr. DELAHUNT. No, I do not, Mr. Speaker, and I want to thank the gentleman from Florida for his reassurances.

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

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

The SPEAKER pro tempore (Mr. GOODLING). 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. 748, as amended.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

LAW ENFORCEMENT TECHNOLOGY ADVERTISEMENT CLARIFICATION ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1840) to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

The Clerk read as follows:

H.R. 1840

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 "Law Enforcement Technology Advertisement Clarification Act of 1997".

SEC. 2. EXCEPTION TO PROHIBITION ON ADVERTISING CERTAIN DEVICES.

Section 2512 of title 18, United States Code, is amended by adding at the end the following:

"(3) It shall not be unlawful under this section to advertise for sale a device described in subsection (1) of this section if the advertisement is mailed, sent, or carried in interstate or foreign commerce solely to a domestic provider of wire or electronic communication service or to an agency of the United States, a State, or a political subdivision thereof which is duly authorized to use such device.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] 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 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, H.R. 1840, the Law Enforcement Technology Advertisement Clarification Act, makes a small change to section 2512 of title 18, United States Code. The section states that any person who places in any newspaper, magazine, handbill, or other publication, any advertisement of any electronic, mechanical, or other device primarily useful for the purposes of surreptitious interception shall be fined and imprisoned. Thus, current law rightfully prohibits the widespread advertisement of electronic interception devices.

Unfortunately, this blanket prohibition against all advertisements includes advertisements to legitimate law enforcement users. Police departments may not receive mailings from companies which manufacture electronic equipment informing them that such equipment has been updated and improved.

Advances in the technology of electronic devices are being made at a staggering pace. One example is body microphones which are used frequently by undercover officers. These devices have been miniaturized and disguised through technological advancements and it is now almost impossible to tell if an officer is wearing one. Technological improvements like these specially in the area of undercover work can quite literally save police officers' lives. It is therefore essential that the manufacturers or distributors of this technology be able to contact law enforcement agencies and make them aware of improvements. That is the only purpose of this legislation.

It is certainly very important to protect privacy rights of every citizen in this country, and this bill does not grant any new authority to law enforcement in the area of electronic interception. Although law enforcement may already legally use devices intended for surreptitious interception, nothing in this bill expands existing law. This change only relates to advertisement of such equipment though subcommittee staff and industry representatives who work closely with the Federal Bureau of Investigation to ensure that this language will only provide relief to companies that manufacture law enforcement related equipment, and I would like to thank Director Freeh for his assistance with this legislation.

Again the sole purpose of this bill is to allow for the advertisement of such equipment to police departments. It is a very small change but one which could have a very big impact for police departments around the country, and I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume, and I will be very brief.

I want to congratulate the gentleman from Florida [Mr. MCCOLLUM] for introducing this bill. It is straightforward, it is a sensible exception to that broad prohibition which he alluded to on the advertising of electronic surveillance technology. As he indicated, current law prohibits manufacturers from advertising such devices even to legitimate law enforcement agencies. This bill would simply allow such advertising as long as the recipient of the advertising is duly authorized to use these particular devices.

Mr. Speaker, I support the legislation.

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

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

The SPEAKER pro tempore. 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. 1840.

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

A motion to reconsider was laid on the table.

TELEMARKETING FRAUD PREVENTION ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers, as amended.

The Clerk read as follows:

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H.R. 1847

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 Prevention Act of 1997".

SEC. 2. FORFEITURE OF FRAUD PROCEEDS.

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

"(8) 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 proceeds 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. SENTENCING COMMISSION DUTIES.

The Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in sections 3 and 4 are appropriately severe and reasonably consistent with other relevant directives and with other guidelines.

SEC. 6. 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. 7. 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 gentleman from Massachusetts [Mr. DELAHUNT] 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 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, in September 1996 the House of Representatives passed by a voice vote an identical version of H.R. 1847, the Telemarketing Fraud Prevention Act. The Senate failed to act on that legislation before final adjournment, and the gentleman from Virginia [Mr. GOODLATTE], a dedicated member of the Committee on the Judiciary, has picked up the flag and is now advancing this important issue.

Mr. Speaker, the Subcommittee on Crime, which I chair, held a hearing a year ago on telemarketing fraud particularly as it related to our Nation's elderly. The Federal Trade Commission estimates that telemarketing fraud costs consumers about $40 billion a year. It is a sad fact that crooked telemarketers prey especially on our senior citizens. Telemarketing fraud is devastating for older persons because they often lose their entire life savings. As the American Association of Retired Persons has noted, many of this Nation's elderly are too trusting, they are very much too trusting, and cannot distinguish between a legitimate telephone pitch and a fraudulent one. Unfortunately, those who fall prey unintentionally aid the criminals because they are too humiliated to tell anyone of their drastic financial losses.

In the hands of a fraudulent telemarketer, a phone is a very dangerous weapon. They will use every trick possible to get their victims to send money. Examples of such deceptions include offering phony investment schemes, claiming to work for charitable organizations while promising grand trips and prizes. These telephone thieves are ruthless in their pursuit of someone else's hard-earned paycheck.

The most heinous part of the telemarketing fraud crime, however, is the final step. After a crooked telemarketer has wrung every last dime possible out of a victim, he then sells the victim's name to a so-called recovery room operation. The victim is contacted by a recovery room operator who pretends to be a private investigator or an attorney. The crook, masquerading as a legitimate investigator, tells the victim that he can help recover all the lost money, but first the victim needs to mail in some more money to cover the cost of the investigation. The victim is so desperate that anything seems reasonable, even a few hundred dollars to cover a private investigator's fee. Of course once the money is sent, the hopeful victim never hears from the scammer again. The recovery room operator is a true bully, kicking the victim when the victim is already down.

H.R. 1847 is designed to strengthen Federal law enforcement's fight against telemarketing fraud. Since money is all that matters to a fraudulent telemarketer, H.R. 1847 strikes back where it hurts, by requiring that any defendant convicted of a telemarketing scam forfeit all property used in the offense or any proceeds received as a result of the offense.

This bill also directs the U.S. Sentencing Commission to amend the guidelines to increase sentences for telemarketing fraud offenses defined in section 2326 of title 18 of the United States Code. Furthermore, the bill includes conspiracy language to allow prosecutors to seek out and punish the organizers of these illegal activities.

Again I thank my good friend from Virginia [Mr. GOODLATTE] for not allowing this issue to go unnoticed. I am going to yield to him in a moment but I am going to first of all withhold the balance of my time and let my good friend from Massachusetts have some time on this bill.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I am pleased to join with the gentleman from Florida and my friend, the gentleman from Virginia [Mr. GOODLATTE] in supporting this measure which would increase penalties for telemarketing fraud, particularly when such fraudulent schemes victimize older Americans. While I ordinarily feel that Congress should allow the U.S. Sentencing Commission to determine when sentences and what sentences are appropriate, I am very glad that the bill takes steps to address what has become a serious and growing problem.

□ 1600

What family has not had the unpleasant experience of sitting down to a quiet dinner at home, only to have the telephone ring with some obnoxious telemarketer on the other end? Only this morning I received from a constituent of mine on Martha's Vineyard a letter who spoke of being plagued by telemarketing. Every third call is someone trying to sell something unsolicited.

For most of us, this sort of occurrence is a recurring nuisance. We may not want to hear the sales pitch but we usually know when to hang up. Unfortunately, when the caller is a sophisticated scam artist, things are rarely so clear. We have all heard from constituents who were tricked into contributing to nonexisting charities, or conned into throwing away their hard-earned money on phony real estate schemes. The situation is especially serious for older Americans, who are the favorite targets of these criminals.

Older people are especially vulnerable because many of them are lonely, homebound, and infirm. For them, that unwanted telephone call can mean the loss of everything they have managed to save over a lifetime. Predators who take advantage of other peoples' weaknesses should be held to account.

I urge support for H.R. 1847, and again extend my congratulations to

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the gentleman from Florida and the gentleman from Virginia.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary and the author of this bill.

Mr. GOODLATTE. I thank the gentleman for yielding time to me, Mr. Speaker, and I especially thank him as chairman of the Subcommittee on Crime for his leadership in helping to move this important legislation forward.

Mr. Speaker, I want to begin by reading from an article in last week's New York Times dated June 29. The article describes a recent investigation by Federal prosecutors targeting fraudulent telemarketers based out of Chattanooga, TN.

According to Federal officials, at least 100,000 people, most of them elderly, sent $35 million to fraudulent telemarketers based there from 1992 to 1995. According to the Times, and I quote,

These scams were connected loosely, if at all. They ranged from single operators to 30-person phone banks. Typically, the lonely grandmothers and grandfathers were told that they had won one of four prizes: a new car, a Hawaiian vacation, $25,000 in cash, or $100.

They were then asked to send a check, usually for hundreds or thousands of dollars, by overnight mail to cover taxes, postage, and handling for the winnings. If the taxes were this high, the telemarketer would say, "Then the prize must be wonderful." According to one 80-year-old woman from New York who had fallen prey to the slick criminals, "I have been a widow for 19 years. It is very lonely. They were nice on the phone. They became my friends."

Fortunately, Federal prosecutors succeeded in winning convictions of 50 people as a result of their investigation. However, the average sentence in those 50 cases was less than 3 years for each person. Many of these people will be eligible for parole even sooner. The legislation I am offering today will send a loud and clear message to fraudulent telemarketers: the punishment for destroying the lives of our Nation's most vulnerable citizens will fit the crime, and it will be severe.

Telemarketing fraud has become a critical problem across the country, but especially in my home State of Virginia, where it has made victims of countless unsuspecting folks and their families.

Who are these victims? They are most often the elderly and disabled, those who have contributed so much to our society over the years. They are veterans of World War II and Korea, they are our retired schoolteachers, they are our parents and grandparents. Many of these victims, longtime residents of southwestern and central Virginia, come from a time when one's word was his or her bond, and they are often deceived by a con artist who will say whatever it takes to separate victims from their money. It has been estimated by the FBI that nearly 80 percent of all targeted telemarketing fraud victims are elderly.

Who are these people who victimize our Nation's elderly? They are white-collar thugs who contribute nothing to our society but grief. They choose to satisfy their greed by bilking others instead of doing an honest day's work. They strip victims not only of their hard-earned money but also of their dignity. They are swindlers who con our senior citizens out of their life savings by playing on their trust, sympathy and, if that does not work, their fear.

These criminals have said that they do not fear prosecution because they count on their victims' physical or mental infirmity or the embarrassment that victims feel from being scammed to prevent them from testifying at trial. Even if they are brought to trial, they are currently not deterred from engaging in telemarketing fraud because the penalties are so weak.

My bill raises the risk for criminals by directing the U.S. Sentencing Commission to increase by four levels the sentencing guidelines for fraudulent telemarketers and by eight for those who defraud those most vulnerable in our society, those over the age of 55.

My bill also includes conspiracy language to help put a stop to the targeting of Virginia as a victim State. Virginia is currently called a victim State by telemarketing criminals because very few of them have set up their boiler room operations here. Instead, they set up their operations in other States or even other countries, in particular Canada, to target Virginia's citizens as part of their scams. The addition of conspiracy language to the list of enhanced penalties will enable prosecutors to seek out the masterminds behind these boiler rooms and bring them to justice.

Of the top 11 company locations in 1996, four were Canadian provinces, Quebec 3d, Ontario 8th, British Columbia 9th, and Nova Scotia 11th. My bill will increase by two levels the penalty for those who use international borders to further their scams or evade prosecution.

Finally, my bill addresses the problem of victims who are unable to recoup any of their losses after the criminal is caught and convicted. It includes provisions requiring criminal asset forfeiture, to ensure that the fruits of crime will not be used to commit further crimes.

The Telemarketing Fraud Prevention Act will serve as a vital tool in the Federal arsenal of weapons available to law enforcement officials in the fight against telemarketing fraud. Since its introduction it has attracted several cosponsors from both parties, as well as the enthusiastic support of various seniors' groups, consumer protection groups, and law enforcement officials.

I thank my colleague for his assistance in advancing this important legislation, and urge my colleagues to support its passage this afternoon.

Mr. DELAHUNT. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON], the distinguished ranking member of the Committee on International Relations, who was unavoidably detained during consideration of H.R. 748.

Mr. HAMILTON. I thank the gentleman for yielding time to me, Mr. Speaker.

I rise in opposition to H.R. 748. I fully understand that is not the bill that is being discussed at the moment, and I want to express my appreciation to the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] to permit me to speak for just a moment out of turn here, and perhaps even out of order.

Mr. Speaker, I rise in opposition to H.R. 748. I do not have any doubt at all about the popularity of the bill. The intent of the authors is altogether praiseworthy, as are their motives. I think, however, the bill presents a number of unintended consequences, unintended problems.

I am aware of the fact that the authors of the bill, the gentleman from Florida and the gentleman from New York, have tried to meet some of the objections that the administration has put forward. I am also aware that the administration was probably late into the game as this bill was moving along. I appreciate that they are trying to deal with those problems by including a number of exceptions in the bill. My concern is that they cannot see every problem or circumstance, and I think what is really needed in this bill to make it okay is a waiver authority for the President.

Let me try to spell out very quickly some of the consequences that I see in the bill, and I know they are not intended by the authors. I think the bill would not help and could harm the peace process. All of us realize that process is at a very fragile state today, a very high priority for the United States, for the United States is trying to get Israel and Syria to restart the peace talks.

The prohibition on financial transactions, for example, with Syria in this bill will not make it any easier and could make it a lot more difficult for the United States to act as a catalyst in the peace talks between Israel and Syria. I think it is quite possible that the bill could hurt counterterrorism cooperation.

The authors of the bill are exactly correct when they say that Syria continues to provide safe haven and logistical support to some of the groups engaged in terrorism. It is also true, however, that Syria has been helpful to the United States on certain terrorism cases. This bill would make cooperation by Syria very difficult.

I think the bill's exceptions are too narrow and could harm U.S. interests. For example, the emergency medical services exception does not include

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nonemergency medical items like antibiotics and bandages. The humanitarian assistance exception may not cover U.S. nationals working on humanitarian programs. U.S. nationals working for the United Nations or other international organizations may not be covered.

The exception for official U.S. Government transactions may not include repatriation of MIA remains from North Korea, dismantlement of North Korea's and Iraq's nuclear weapons programs, and promotion of freer communications with the Cuban population.

Finally, let me just say that the bill is another application of unilateral sanctions by the United States. I certainly understand the frustration of Members and the desire to put unilateral sanctions into place. We often get very frustrated by the actions of foreign governments. But unilateral sanctions have now become quite popular in this body.

Too often I think we reach into the foreign policy toolbox and decide to rely on unilateral sanctions to try to solve problems. But when we act unilaterally, U.S. business interests often suffer. Unilateral sanctions are not usually effective, and sometimes the biggest impact of the sanctions are to make more difficult our relations with our European and Asian friends. We can sometimes lose U.S. markets as well.

So I think the gentlemen who are supporting this bill, the gentleman from Florida, the gentleman from New York, the gentleman from Massachusetts, have the highest of motivations here. I believe that in moving the bill forward, they are actually doing a good service, but I do believe the bill needs some significant changes.

On the Senate side, as I understand it, there was a Presidential waiver provision put in the State Department authorization bill, a comparable provision to this bill. I would hope that the authors of this bill might look at that pretty carefully.

For these reasons I will not be able to vote for the bill, but I certainly understand why it is brought forward, and I appreciate the popularity of the bill. Let me say again to the gentleman from Massachusetts [Mr. DELAHUNT] and the gentleman from Florida [Mr. MCCOLLUM] how much I appreciate their magnanimous action here in letting me speak out of turn.

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

Mr. Speaker, I certainly respect the gentleman who has spoken, the gentleman from Indiana [Mr. HAMILTON]. He is a very strong voice in the concerns of our Nation with respect to international affairs and has been for many years. As he has indicated, a number of us have worked diligently to try to address the concerns that he expressed in his statements, and I know that we have not perhaps done so to his satisfaction.

As I stated before he got here, a number of the provisions in the bill, in my personal belief and that of my staff and the experts we have had look at it, do cover and do address those areas of concern. Again, as I stated earlier, it seems to me that for that particular bill dealing with financial transactions with the named terrorist countries, Iran, Iraq, Sudan, North Korea, Libya, Syria, that it is very important that we do send this message, that we are not going to allow financial transactions between United States citizens and those governments as long as they are on the terrorist list.

I will continue to work with the administration and with the gentleman from Indiana as well as others to improve this bill as we go forward, but it does occur to me that at the present moment there is no peace process with regard to Syria. I wish there were. I hope there will be.

I certainly would like to see this bill, if anything, encourage that process. Syria certainly could do so by dropping those things which it is doing that puts it on the terrorist list, albeit maybe lesser than those things which some of the other countries on the list are doing.

Mr. Speaker, returning to the subject at hand, the bill that is before us of the gentleman from Virginia [Mr. GOODLATTE], H.R. 1847, regarding telemarketing fraud, affects just about every person who owns a telephone.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS] on H.R. 1847.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Florida, for yielding time to me.

Mr. Speaker, I also rise in support of this legislation sponsored by my good friend, the gentleman from Virginia [Mr. GOODLATTE], and reported out of the Subcommittee on Crime of the Committee on the Judiciary, chaired by another good friend, the gentleman from Orlando, FL, Mr. BILL MCCOLLUM.

There is a quote by Sir Walter Scott that goes something like this: "Oh, what a tangled web we weave when first we practice to deceive." I think that quote by Sir Walter Scott sort of sums up what we have here. It is perhaps a perfect description of the fraud committed by the unscrupulous telemarketers who prey on the susceptibility of our citizens. Particularly in Florida we have senior citizens, elderly people, and I think telemarketing would be something that people would use to prey on our citizens.

I was the original cosponsor of this legislation when it was first introduced on January 21, 1997, when I believe the bill back then was H.R. 474. Now it is H.R. 1847. It has been strengthened, I think, through the committee process, so I think the current version is even better.

□ 1615

As my colleague from Florida has mentioned, telemarketing fraud is estimated to rob the United States consumers of at least $40 billion annually. This legislation would finally send a clear signal to the con men who manipulate the public's telephone systems to commit fraud. Under current law, fraudulent telemarketers spend an average of only 1 year in jail. This bill directs the United States Sentencing Commission to increase prison sentences for those convicted of telemarketing fraud. The commission is directed to increase the recommended penalties to a prison term of 2½ years with longer sentences for those who defraud the elderly, mentally disturbed, disabled, and other vulnerable consumers.

H.R. 1847 also requires a person convicted of telemarketing fraud to forfeit all money made in executing the fraud and to forfeit any property used in connection with the fraudulent acts as well as forfeiting any investments or property purchased with the profits of the telemarketing fraud. So with all that in mind, I urge all my colleagues to vote in support of this important piece of legislation. I congratulate the gentleman from Virginia [Mr. GOODLATTE] and my distinguished colleague, the gentleman from Florida [Mr. MCCOLLUM].

Mr. GALLEGLY. Mr. Speaker, I am pleased to be a strong supporter of H.R. 1847, the Telemarketing Fraud Prevention Act.

The FBI estimates that telemarketing scams, such as schemes involving bogus charities, fake gem stones and deceptive travel promotions cost consumers as much as $40 billion annually. Often these fraudulent schemes target those who are least able to defend themselves, including senior citizens, many of whom live by themselves. The callers, through the use of deception, threats, or outright lies, are able to convince many elderly Americans to part with hundreds or thousands of dollars to companies who promise spectacular profits or outstanding deals.

The Telemarketing Fraud Prevention Act takes dead aim at those who prey on seniors and other unsuspecting consumers. H.R. 1847 increases Federal criminal penalties for persons convicted of committing fraud through the telephone. This legislation directs the U.S. Sentencing Commission to increase the sentencing levels for all telemarketing fraud, with the greatest increase in sentences for those who target those over 55 years of age. H.R. 1847 also requires monetary restitution to victims through the use of proceeds from persons or groups convicted under the statute.

Mr. Speaker, it is time that our Nation gets tough with criminals who use the telephone to steal from American consumers. And, it is time we get tough against con artists who prey on vulnerable senior citizens.

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

Mr. MCCOLLUM. Mr. Speaker, again I want to encourage support for this bill, H.R. 1847, the Telemarketing Fraud Act. I thank my good friend, the gentleman from Virginia [Mr. GOODLATTE] for bringing it forward.

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Telemarketing fraud is really one of the most dastardly types of crimes in this country. The bill will do a lot to enforce that law and to make much tougher punishments.

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

The SPEAKER pro tempore (Mr. GOODLING). 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. 1847, 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.

EXPRESSING SENSE OF THE HOUSE THAT NATION'S CHILDREN ARE ITS MOST VALUABLE ASSET AND THEIR PROTECTION SHOULD BE HIGHEST PRIORITY

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 154) expressing the sense of the House that the Nation's children are its most valuable assets and that their protection should be the Nation's highest priority.

The Clerk read as follows:

H. RES. 154

Whereas the Nation's most valuable and vulnerable asset is its children;

Whereas their protection should be one of our highest priorities;

Whereas over 1,000,000 children are reported missing, and over 100,000 attempted nonfamily abductions take place every year;

Whereas over 750,000 children under the age of 18 disappear for some length of time every year;

Whereas law enforcement officials constantly encounter crimes against children;

Whereas sex offenders are nine times more likely to repeat their crimes than any other class of criminal;

Whereas nearly two-thirds of State prisoners serving time for rape and sexual assault victimized children; and

Whereas while many missing children are returned to their homes, many others are exposed to danger and exploitation: Now, therefore, be it

Resolved, That—

(1) all Members of Congress should take appropriate action to ensure the safety and protection of children in their jurisdictions;

(2) State governments should have in effect laws which register offenders convicted of sexual crimes against children and laws which require law enforcement to notify communities of the presence of these offenders;

(3) States should have in effect laws which severely punish individuals convicted of offenses against children, especially crimes involving abduction, sexual assault, exploitation, and stalking;

(4) law enforcement agencies should take the necessary steps to safeguard children against the dangers of abduction and exploitation; and

(5) State and local law enforcement agencies should work in close cooperation with Federal law enforcement to ensure a rapid and efficient response to reports of child abductions, especially in cases where a child's life may be in danger.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] 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 in which to revise and extend their remarks on the legislation 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.

House Resolution 154, introduced by the gentleman from Georgia [Mr. COLLINS] expresses the sense of the House regarding the safety and protection of our Nation's children. On May 25 we observed National Missing Children's Day, a day established by President Reagan in 1983 to raise public awareness about the need for increased child protection. This resolution, prepared in connection with National Missing Children's Day, is a declaration by this Congress that child abduction is a very serious matter and that we intend to work with State and local law enforcement to ensure that effective and appropriate measures are in place to prevent crimes against children.

Justice Department statistics indicate that over 1 million children are reported missing each year. Over 100,000 abductions of children are attempted by nonfamily members annually. This resolution includes these and other statistics in its findings, in addition to providing that States should have in place laws which severely punish individuals convicted of offenses against children. The resolution declares that law enforcement agencies should take steps necessary to safeguard children against the dangers of abduction and exploitation and should work in close cooperation with Federal law enforcement to ensure a rapid and efficient response to reports of child abductions, especially in cases where a life may be in danger. Losing a child is a nightmare which becomes a reality for too many Americans. I would like to commend the gentleman from Georgia [Mr. COLLINS] for his efforts and I urge my colleagues to supported this resolution.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, this resolution declares that protection of children should be our highest national priority. I certainly do not intend to take issue with that sentiment as the father of two wonderful daughters. I frankly cannot imagine any Member of this House taking issue with it.

However, I do recognize that it is important from time to time for the Congress to reaffirm even such self-evident truths. I commend the author of the bill, the gentleman from Georgia [Mr. COLLINS] for doing so.

How the States choose to protect our children is, of course, another matter.

This resolution does not actually require the States to do anything. For that reason, it was reported favorably by our committee without dissent. But it does urge States to take various steps which the authors of the bill favor, including the adoption of laws that require the registration of convicted sex offenders, and severely punish those who commit offenses against children. Most of the States already do those things. But again I recognize that it is sometimes useful for the Congress to encourage the States to do what they are already doing.

Given so much harmonious agreement, it seems out of place to strike a discordant note, but there is something that does trouble me about this resolution. What troubles me is the implicit assumption that the people responsible for local law enforcement have more to learn from the Congress than we have to learn from them. I know from my own experience in law enforcement that this is simply not the case. If communities around the country choose to adopt these kinds of measures, it will not be because Congress thinks they should. It will be because they have determined that these measures are the best way to protect their children for whom they are responsible. If they do not do so, it will not be because they care less about their children than we do; it will be because they have chosen other means which they think would be more effective within their communities.

Finally, Mr. Speaker, once we have affirmed our concern for the well-being of America's children, I hope we will remember the many other things that threaten them. Things like malnutrition, lack of education, inadequate health care.

Unlike local law enforcement, these are things that we can do something about.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the author of this bill, the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank the gentleman from Massachusetts and the gentleman from Florida for both their recognition of how important it is at times for us to remind ourselves and to remind our State and local officials and also our law enforcement officials of the importance of our children and to remind them, too, that we are all concerned and very interested in their protection.

As the father of four and the grandfather of six and, by the way, Mr. Speaker, I put my request in to my four children hopefully to get a baker's

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