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National Endowment for the Arts (NEA) (1990)

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7-14-1993

## Legislative History of the Reauthorization of the National Endowment for the Arts (NEA) (1990): Report 07

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(b) **CRIMINAL FORFEITURE.**—Section 962(a) of title 18, United States Code, is amended by adding at the end thereof the following:

"(5) The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate, section 1029, 1341 or 1343 of this title, affecting an individual 55 years of age or older, shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation. Notwithstanding the provisions of section 524 of title 28, United States Code, up to 25 percent of the amounts forfeited pursuant to this paragraph for an offense may be used to provide restitution to any victim of the offense."

(c) **CRIMINAL CONTEMPT AUTHORITY.**—Section 16(a)(1) of the Federal Trade Commission Act (15 U.S.C. 56(a)(1)) is amended—

(1) in subparagraph (A) by striking "civil" the first place it appears and inserting in lieu thereof "Federal court"; and

(2) by adding at the end the following: "The Commission may bring a criminal contempt action for violations of orders obtained in cases brought under section 13(b) of this Act in the same manner as civil penalty and other Federal court actions to which this subsection applies. Such cases may be initiated by the Commission on its own complaint, or pursuant to its acceptance of an appointment by a court to assist it in enforcing such orders pursuant to Rule 42(b) of the Federal Rules of Criminal Procedure."

**SEC. 6. MONEY LAUNDERING.**

Section 1956(e)(7)(D) of title 18, United States Code, is amended by inserting after "1014 (relating to fraudulent loan or credit applications)," the following: "1029 (relating to fraud relating to access devices)";

**SEC. 7. UNIFORM LAWS GOVERNING LICENSING OF HOME REPAIR CONTRACTORS, MORTGAGE COMPANIES, AND PRIZE GIVEAWAY COMPANIES.**

The Attorney General, in consultation with the American Law Institute, the National Conference of Commissioners on Uniform State Laws, or other interested persons, shall prepare model State law on each of the following subjects:

- (1) Licensing of home repair contractors.
- (2) Licensing of mortgage companies.
- (3) Licensing of prize giveaway companies.

**SEC. 8. MAIL FRAUD.**

(a) **OFFENSE.**—Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or places in any private courier service office or authorized depository for receipt of matter to be delivered by private courier service," after "mail matter,"

(2) by inserting "or by a private courier service" after "Postal Service"; and

(3) by inserting "or private courier service" after "by mail".

(b) **DEFINITION.**—

(1) **PRIVATE COURIER SERVICE.**—Section 1346 of title 18, United States Code, is amended to read as follows:

"1346. Definitions

In this chapter—

"private courier service" means a private entity providing services provided by the United States Postal Service.

"scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services."

(2) **TECHNICAL AMENDMENT.**—The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the item for section 1346 and inserting the following item:

"1346 Definitions"

Section 1. This part is an introductory preamble that describes the devastating effect of fraudulent activity on the elderly and the vulnerability of seniors to this activity.

**Section 2. FTC Authority:** This section deals with Federal Trade Commission issues. (a) Directs that the FTC shall participate in, and be on the receiving list of law enforcement products from; the Treasury Department's Financial Crimes Enforcement Center (FINCEN). FINCEN is an organization designed to address the problems of money laundering and other financial criminal activities.

At one point, the FTC was an agency that received FINCEN assistance but it no longer has access. The FTC finds it helpful in its investigations to have access to computerized bank Currency Transaction Reports and other FINCEN reports in order to determine where companies engaged in fraud are placing and/or hiding their assets.

(b) Amends Title 15 to allow the FTC to bring criminal contempt actions for violations of court orders in the same manner as civil penalties and other federal court actions. The FTC currently has only civil contempt authority. This would enable the FTC to more aggressively pursue consumer fraud cases.

(c) Amends Title 15 to consolidate venue and service of process for FTC actions. This provision will ease the joining of parties in cases where multiple defendants reside in several jurisdictions. Currently, there is no single court to deal with such cases.

**Section 3. Increasing Penalties:** In order to raise the penalties associated with fraud crimes against the elderly, this section strengthens the sentencing guidelines as set forth by the U.S. Sentencing Commission.

By increasing sentencing offense levels, this provision would create longer prison terms for those engaging in serious consumer fraud. The Aging Committee investigation found that current criminal penalties are inadequate, especially in comparison to the detrimental effect that such fraud has on elderly victims.

(a) This part amends the sentencing guidelines relating to fraud and deceit to provide for increases in offense levels (which determine the length of imprisonment) based on the number of persons that the offender has victimized. The current criteria that increases offense levels is primarily based on pure monetary loss.

(b) Amends the Victim-Related Adjustment Guideline so as to provide that, if the offender knew or should have known that the victims was otherwise particularly susceptible to the offense, the offense level shall be increased by 7 levels (currently it is only 2 levels). For example, if a convicted individual, who is a first-time offender, were given a term of imprisonment of 0 to 6 months in jail, our provision would raise that term of imprisonment to 18 to 24 months in jail.

**Section 4. Mandatory Restitution for Victims:** Amends the federal sentencing statute regarding restitution of victims so that the final decision by a Court to impose restitution is not discretionary but mandatory.

**Section 5. Coordination of Federal Efforts Against Fraud:** This section deals with the National Telemarketing Fraud Working Group, a coordinated federal/state effort. Not enough U.S. Attorneys actively participate in this group to ensure its effectiveness.

The bill includes a sense of the Congress provision to state that U.S. Attorneys should (a) enter information into its database and should (b) continue to cooperate with states in coordinating prosecution of offenders in venues that are convenient to the victims of the offense. The Aging Committee investigation found that more cooperation between federal and state entities is necessary for successful prosecutions of consumer frauds.

**Section 6. Increase U.S. Attorney Resources for Consumer Fraud:** This section directs the Attorney General to reallocate ex-

isting funds, as of the effective date of this Act, to provide more funds to the U.S. Attorneys for designating 50 full-time Equivalent (FTE) positions for Attorneys and support staff to be assigned to the prosecution of consumer fraud, and for establishing law enforcement and consumer fraud education programs in the Department of Justice.

**Section 7. Forfeiture:** (a) Amends civil and criminal forfeiture to allow for the forfeiture of profits arising from mail, wire and credit card violations in connection with serious fraud schemes against the elderly.

(b) Allows 25% of the illicit gains seized or frozen in consumer fraud cases to be used, after conviction, to provide restitution to victims as well as to provide funds to law enforcement agencies involved in consumer fraud investigations.

**Section 8. Money Laundering:** Adds credit card fraud to the money laundering statute so that this statute can be used to pursue credit card fraud.

**Section 9. Model Licensing Law:** Directs the Department of Justice, in consultation with the American Law Institute and the National Conference of Commissioners on Uniform State Law, to prepare a model State statute that establishes a state licensing requirement for: home repair contractors, mortgage companies, and prize giveaway companies. Our Aging Committee investigation found that more consistent and uniform State licensing of these industries could prevent and/or weed out fraudulent operations.

**Section 10. Private Carriers:** Amends the Mail Fraud Act to cover private mail carriers or commercial courier services. Many fraudulent telemarketers use private carriers to complete transactions, thus avoiding federal penalties.

By Mr. PELL (for himself and Mr. JEFFORDS):

S. 1218. A bill to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act, and for other purposes; to the Committee on Labor and Human Resources,

ARTS, HUMANITIES, AND MUSEUM AMENDMENTS.

OF 1993

• Mr. PELL. Mr. President, as chairman of the Subcommittee on Education, Arts and Humanities, I am introducing legislation today that will provide for an extension of the authorization statute which governs the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services.

This proposal provides for a simple extension of existing law for these agencies for a 2-year period through fiscal year 1995. The funding levels authorized in this legislation are consistent with the President's proposed budget for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.

These three agencies were last reauthorized by the Arts, Humanities, and Museums Amendments of 1990 which was enacted on November 5, 1990, for a 3-year period. Since this authority expires on September 30, it is important that we complete action on this simple extension in an expeditious manner.

This plan of action should in no way imply that changes in the legislation are not needed. To the contrary, many important issues concerning these agencies await to be debated. This dis-

cussion, however, will occur over the next 2 years as we lead up to the next reauthorization in 1995. I will welcome the input from all interested parties during this period.

This schedule is necessary because I believe the Clinton administration should have as full a role as possible in the debate over the future course of these agencies. Since we do not yet have fully confirmed Chairmen for the Endowments nor a new Director for the Institute of Museum Services, it is prudent to delay any consideration of substance. These individuals and their staffs will be crucial partners in the eventual full-scale review of these programs.

I look forward to this process which, hopefully, will reaffirm our Government's commitment to the support of our Nation's culture and set that commitment on a renewed and positive course. In the meantime I ask my colleagues to join in supporting this simple 2-year extension of the existing authority for these agencies.

Mr. JEFFORDS. Mr. President, as co-chair of the congressional arts caucus and ranking member of the Subcommittee on Education, Arts, and Humanities, I rise today in support of S. 1218, the Arts, Humanities, and Museum Amendments of 1993. Having been a primary sponsor in the House of Representatives of the Museum Services Act in 1976, I am particularly pleased to be a cosponsor of this bill, which is being introduced by my colleague Senator PELL, chairman of the subcommittee. This legislation is clear and simple.

The bill extends for 2 years the authorization for the National Foundation on the Arts and Humanities Act of 1965 and the Museum Services Act. The legislation does not make any changes in the agencies, their functions, operations, or procedures for funding grant requests. It allows them to continue to do their valuable work in promoting access to the arts across America.

Current authorization expires on September 30, 1993. As ranking member of the authorizing subcommittee, I support Senator PELL's decision to seek a straight 2-year extension. There is simply not enough time for Congress to consider a full reauthorization of these two acts. Rather, a 2-year extension will give Congress adequate time to consider a full reauthorization in 1995. Over the next 2 years we will have the time before the reauthorization to look at the agencies under these two acts. I am hopeful that constructive progress can be made in improving the acts for a full reauthorization in 1995.

This legislation is not trivial. I believe this extension is fundamental to the continuity of America's cultural legacy. The grants made by the Endowments and IMS over the past quarter century have fostered artistic creativity, scholarship, and the preservation and display of some of America's most treasured artistic creations and historical objects. Without this critical Fed-

eral support, the rural and inner-city areas of the United States would do without the art, music, literature, and dance that much of America enjoys.

Mr. President, I am pleased to support this simple, yet important, piece of legislation, and hope it can be enacted without delay.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. PELL, and Mr. CHAFEE):

S. 1222. A bill to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR ACT

Mr. KENNEDY. Mr. President, today I am introducing legislation to enhance a very successful historic preservation effort already underway in Massachusetts and Rhode Island—the Blackstone River Valley National Heritage Corridor.

This legislation will modify the boundaries of the corridor to include additional communities in the valley that are essential components of the region's history. It will also extend the Blackstone River Valley National Heritage Corridor Commission, which has been so effective in bringing local groups together to preserve these important cultural and natural resources. The bill will increase the Commission's funding, to build on current preservation efforts and address the broader responsibilities that will result from the larger Corridor boundaries.

I am joined in this legislation by my colleagues from Massachusetts and Rhode Island, Senators JOHN KERRY, CLAIBORNE PELL, and JOHN CHAFEE, who have all shown a strong commitment to our effort to protect this vital part of our national heritage. A companion bill is being introduced today in the House of Representatives by Congressman RICHARD NEAL, with the sponsorship of Congressmen PETER BLUTE, RONALD MACHTLEY, and JACK REED, who are working in the same spirit of bipartisan and bi-State cooperation.

The Blackstone corridor is unique in many respects. Historically, it is distinctive as the place where industrial America was born. The country's first factory, Slater Mill, was built on the banks of the Blackstone River. It was here that the widespread industrial use of water power in the United States was first developed.

Much of this early development is still intact, with approximately 10,000 historic structures, and a canal system and dams that harness the force of the river, which drops dramatically at many points along its 46-mile course. Dozens of 19th century mill villages and communities sprang up along the river to take advantage of the water's power. Many other aspects of the landscape—the farms and pastures that provided food for the mill workers, and the beautiful woods and scenic areas

along the river—remain intact for the enjoyment of visitors.

The Blackstone corridor is also distinctive because it represents an innovative and highly cost-effective way for the Federal Government to assist in preserving historic and natural resources. Rather than acquiring and managing vast acres of land and historic structures, the National Park Service and the Blackstone Commission serve as a guiding hand to foster restoration projects that are predominantly funded with local resources. The Federal role is one of providing technical expertise and recognition. These efforts encourage local citizens, businesses, nonprofit historic and environmental organizations, schools and universities, 20 local governments and two State governments to work together to protect their valley's heritage, and to do so in a way that is consistent with National Park Service standards.

When the Blackstone corridor was first established by Congress in 1981, this public-private partnership was highly experimental. Neither Congress nor the Park Service was certain of the concept—so different from the traditional Federal ownership and control—would work. Now, it is clear that the corridor is a success and serves as a model for similar efforts across the country. A report last year by the advisory board of the Secretary of the Interior on National Parks gave Blackstone a glowing endorsement, calling "an outstanding initiative and partnership model." Earlier this year, the National Trust for Historic Preservation hosted a conference on heritage areas in which the Blackstone project was featured as the prime example of Federal seed money being used effectively to encourage local preservation.

Because the Blackstone corridor has been such an unqualified success, other communities in the valley want to participate, and they have petitioned for official inclusion in the corridor boundaries. The Blackstone Commission conducted a comprehensive evaluation of these communities—Worcester, Leicester in Massachusetts; Burrillville, Glocester and Smithfield in Rhode Island. The Commission found that each of these communities has significant historic and natural resources warranting inclusion in the project.

One of the most valuable features of the corridor, as described in its cultural heritage and land management plan approved by the Secretary in 1981, is its wholeness—the survival of representative elements of entire 18th and 19th century production systems, power and transportation methods, communities, workplaces and machinery. The expansion will help ensure protection of the entire corridor, including the headwaters of the Blackstone River, to tell a fuller story of America's industrial revolution.

Extension of the Blackstone Corridor Commission is also essential. Existing law terminates the Commission's

of Education as a 1991-92 National School of Excellence.

Recognition goes to schools that ex- g leadership in education, a clear vi- sence of mission shared by everyone l with the school, high-quality teach- to-date curricula, and an environ- tive to learning. Such schools also d by strong parental interest and in- and a record of helping all students gardless of their abilities.

leda are reviewed by a panel of 105 g educators and other professionals, select schools for site visits and mmentations to the Secretary of The Secretary then announces the he schools selected. The schools with awards will be honored at a remony here in Washington next

aker, the standards for this award hool districts all over the country he names of schools they thought standards. Of the 478 schools nom- / 228 were selected for recognition. in order for Sherman Parker, Lake centintendent of schools, for every every administrator, and for every shed in making Lake George Ele- fine school it is today.

in me in paying tribute to Lake mentary School, a school that will inspiration for other schools as we ucational excellence in America.

### S HARRIET TUBMAN ELE- RY SCHOOL ONE OF A'S BEST SCHOOLS

N. DONALD M. PAYNE

OF NEW JERSEY

HOUSE OF REPRESENTATIVES

uesday, June 9, 1993

E of New Jersey: Mr. Speaker, I bring to the attention of my col- event that took place in Newark, y, May 28, 1993, of which I am oud. It was a ceremony in which s installed on the Harriet Tubman School proclaiming it one of the sffion.

I had the privilege of nominating the Redbook Magazine's Amer- hool Project. It was easy for me the capacity of the school. And, was easy for the election com- ritize this unique institution for ts at the school consistently have highest scores city-wide in tests is. The school is equipped with labs, which are used to teach e writing process. This allows grades to sharpen their writing ope their creativity by using the ompose stories. Musical talents ated through study of the violin, d other instruments.

keys to the school's success is orking relationship between par- high learning expectations are tents, and each child's progress nitored. The combination of a vavy parent involvement, a well- tum and an achievement of-

ented philosophy do indeed make Harriet Tub- man one of America's best schools.

Harriet Tubman, the heroine and conductor of the underground railroad, is believed never to have lost a charge in the approximately 300 slaves she led to freedom. Mr. Speaker, her namesake school, one of the jewels in the crown of the Newark Board of Education, is also working towards the goal of never losing one of its students to the evils of our present day society. I know my colleagues will want to offer their congratulations and best wishes to the Harriet Tubman Elementary School family—Ms. Dolores Ollie, the principal; the fac- ulty; staff and students.

### INTRODUCTION OF AUTHORIZATION LEGISLATION

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. WILLIAMS. Mr. Speaker, today I am introducing legislation to extend the authoriza- tions of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services.

This is a simple 2-year extension of existing law. It makes no substantive changes in the authorities of the NEA, NEH, and IMS, and it conforms the funding levels of these agencies to the levels requested by President Clinton in his fiscal year 1994 budget. Because the au- thorities for these three agencies expire on September 30 of this year, we need to act quickly on this simple extension.

Mr. Speaker, as you know, we made some very significant changes in the NEA the last time we reauthorized that agency. Those changes have been implemented, and by all accounts they have been useful and success- ful. I had hoped to use this reauthorization to consider more changes for the NEA as well as possible changes to the NEH and IMS. For example, I wanted to explore what we might be able to do to expand the reach of those agencies to serve more of America. The NEA has begun some initiatives in this area. The IMS has requested funds this year in its fiscal year 1994 budget request to begin a program of support for small, rural, and minority muse- ums. We should do more to encourage emerging and minority artists and museums. I also wanted to use this reauthorization to pur- sue more fully the issue of arts education, and to consider the most appropriate location for Federal activities in this important area. How- ever, this is a new administration and we need ample time to fully explore with them possible changes in direction for the three agencies.

Therefore, extending the existing authorities of these agencies for 2 years will give us the time to undertake a thorough review of these agencies.

I want to give my colleagues notice of the schedule I hope to follow with this bill. On June 10, I plan to hold a hearing before my Subcommittee on Labor Management Rela- tions to consider this legislation. I hope to complete both subcommittee and full commit- tee action on this legislation before the July 4 recess, and then move the bill through the full House before the August recess. It is my un- derstanding that our colleagues in the Senate hope to follow a similar timetable. If we can

keep to this schedule, we will have an author- ization in place for our appropriations commit- tee to do its important work before the fiscal year expires.

### TRIBUTE TO BONNIE SHAPIRO, RE- CIPIENT OF THE NEW JERSEY TENANTS ORGANIZATION'S 11TH ANNUAL RONALD B. ATLAS LEADERSHIP AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to offer my sincerest congratulations to Ms. Bonnie Shapiro, the ad- ministrative director of the New Jersey Ten- ants Organization [NJTO]. Bonnie's commit- ment to tenants rights runs deep. She has been active in tenant organizations for 21 years, including the last 11½ with NJTO, the Nation's oldest and largest tenant group.

Over the years, Bonnie's service to the ten- ants of New Jersey has been more than ex- emplary. She has gone beyond the call of duty and put herself on the line for tenants rights innumerable times. Whether handing out pam- phlets or lobbying State legislators, Bonnie has done it all and done it well.

Just listen to how her colleagues at NJTO have described her. NJTO President Michelle Ruper has called Bonnie "the glue that holds the whole organization together. Her depth of knowledge, extraordinary spirit, warmth and empathy are gifts to every tenant in this State. Tenants throughout New Jersey who call our office with problems are able to depend on Bonnie's wisdom, compassion, expertise and support. She is central to everything that goes on in the organization." NJTO Organizing Vice-President Mitch Kahn has said that Bonnie "has educated the NJTO leadership and forged coalitions with women's groups. In addition, she has used her writing talents to energize and organize tenants over the years through a stream of incendiary flyers."

In fact, it was Ms. Shapiro's dedication to her cause which embroiled her in a court bat- tle on behalf of New Jersey tenants, during which she was temporarily restrained from continuing to fight for tenants through her powerful public speaking and writing. Yet, de- spite the personal hardship, Bonnie Shapiro has endured as a leader and a fighter for ten- ants rights in New Jersey. NJTO's selection for this year's Ronald B. Atlas Award is well founded. Bonnie Shapiro deserves all of our thanks.

MARY DRISCOLL HONORED

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, today I want to go on record saying "thank you" to a dedicated, long-time public servant from my district, Mrs. Mary Driscoll of East Longmeadow, MA.

Mrs. Driscoll was born in 1928 in Worcester, MA to her parents James and Helen. She and