

children from sexual violence and that we punish those criminals who prey on our children. However, I stand today in opposition to H.R. 3132, the Children's Safety Act. While I support many of its provisions, I am concerned that this bill would expand the use of the death penalty, impose mandatory minimum sentences, and punish more young people as adults.

Although I believe that harsh penalties and aggressive prosecution of sex offenders are necessary, I oppose this bill because it would create at least two new death penalty provisions. I strongly oppose the death penalty because it is fraught with problems such as inadequate representation for the accused, lack of access to DNA testing, police misconduct, racial bias and other errors. Experts have found a national error rate of 68 percent, which means over two-thirds of all capital convictions and sentences are reversed because of serious error during trial or sentencing phase. In fact, former Illinois Governor Ryan declared a moratorium in 2000 after 13 people were released from death row because of innocence. The error rate in Illinois is 66 percent. Therefore, I believe capital punishment is inconsistent with Constitutional requirements of fairness, justice, equality and due process.

This bill would also create 36 new mandatory minimum sentences which are arbitrary, ineffective at reducing crime, and unfair. The United States Sentencing Commission found that minorities were substantially more likely than whites under comparable circumstances to receive mandatory minimum sentences with no evidence that mandatory minimum sentences had any more impact in reducing crime than sentences where the judges had discretion. Judges are exercising their discretion responsibly under advisory guidelines, and there does not appear to be an epidemic of judicial leniency. A proliferation of mandatory minimums is not the answer.

I agree that sexual abuse crimes against children are serious concerns today. Unfortunately, this bill takes the wrong approach. I am especially concerned that this bill allows for more youths to be tried as adults. For example, a 19-year-old who has consensual sex with a 17-year-old would be treated the same as an older adult predator of young children. The vast majority of children and teenagers show a high response rate to treatment and often do not become adult sex offenders. This bill would mandate lifetime sex offender registration for children and youth, and subject them to long prison sentences. Research shows that young people who are prosecuted as adults are more likely to commit a greater number of crimes upon release than youths who go through the juvenile justice system.

Representative CONYERS offered as an amendment to H.R. 3132, the provisions of H.R. 2662, the Local Law Enforcement Hate Crimes Prevention Act. I am an original co-sponsor of H.R. 2662, and strongly supported this amendment to H.R. 3132. This legislation would make it easier for the federal government to investigate, prosecute and prevent hate crimes across the country. And I hope it is enacted.

It is the responsibility of Congress to the young people of this nation and to all citizens to combat violence against children. Unfortunately, this bill takes us in the wrong direction. 33 scientific researchers, treatment professionals and child advocates have written to

express their opposition or serious concerns with this bill. Although this bill included the provisions of H.R. 2662, which I strongly support, I oppose H.R. 3132 because it would treat youths as adult criminals and lead to a potential increase in the number of innocent people being executed or languishing in prison.

#### CREATION OF AN INDEPENDENT HURRICANE KATRINA COMMISSION

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. ETHERIDGE. Mr. Speaker, I rise to support the creation of an independent commission to investigate the preparedness and response to the overwhelming devastation and loss of life from Hurricane Katrina and in opposition to the creation of a partisan select committee.

I cosponsored Congressman HASTINGS (R-WA) bill to create an independent commission because it is the right thing to do. The 9/11 Commission proved successful in investigating all branches and levels of government and offered concrete suggestions to Congress to correct breaches in our national security. The Hastings bill follows that model and presents the best option for a thorough, impartial investigation into the federal response to Hurricane Katrina.

An independent commission is the best approach to this task, as it would allow a higher degree of impartiality and independence than a partisan select committee. I expect the Commission to conduct a thorough investigation of all the people and agencies involved by questioning everyone directly involved in the decision-making process, including the White House Homeland Security Secretary Michael Chertoff and former FEMA director Michael Brown. In addition to investigating the federal government's response to this horrendous natural disaster, the Commission should also determine if our country is adequately prepared to respond to another disaster of this magnitude, as well as serve the needs of all communities potentially affected. This Commission should also provide recommendations regarding improvements to the Executive and Legislative branches that would increase the efficiency and effectiveness of disaster response.

Congress also has a constitutional duty to use its full oversight authority through the committee hearing process to assess the federal government's responsibilities and response to this disaster. We, in North Carolina, have plenty of experience with hurricanes and natural disasters, and we know that we must first rely on our state and local authorities to plan and prepare, but we make these plans with the knowledge that the federal government will back us up when we are overwhelmed.

Congress must make sure that the federal response agencies appreciate and understand their responsibilities to the states in the event of a disaster. Congress must hold the Administration to the highest standards of professionalism and vigorously conduct our constitutional obligation for oversight of these agencies. We must restore the professional integrity of FEMA to protect the American people

from natural disasters as well as terrorist attacks.

Mr. Speaker, our country has worked to increase its preparedness for four years since that tragic day in September 2001, and it appears our efforts have failed. We must work swiftly to correct past mistakes so that we can ensure the safety of all Americans during a time of crisis.

#### TRIBUTE TO HISPANIC HERITAGE MONTH

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 15, 2005*

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to National Hispanic Heritage Month. During this month, America celebrates the traditions, ancestry, and unique experiences of those who trace their roots to Mexico, the countries of Central and South America, the Caribbean and Spain and we thank them for the many contributions they have made to this nation.

Unlike any other country on earth, America thrives on its ability to attract people of all faiths, colors and creeds to reside within its borders. Such mixing of cultural knowledge and experiences has helped this country to become the greatest nation the world has ever known. Moreover, as a Puerto Rican, I am very proud of the contributions Hispanics have made and continue to make to this cultural mosaic.

Hispanic influence on American culture is evident from every aspect of American life including music, film, food, arts, sports and politics. Economically, culturally, and politically, Latinos are an integral part of our nation. As we celebrate this special month I would like to pay special tribute to those who were Hispanic trailblazers and helped to bring the rich culture of the Hispanic people to the United States. As a Hispanic Member of Congress, I along with the rest of the Congressional Hispanic Caucus, follow in the footsteps of great pioneers such as Joseph Marion Hernandez who became the first Hispanic to serve as a member of the United States Congress in 1822. Roberto Clementé, Celia Cruz, Raul Julia and countless others helped to open doors in their respective fields enabling the Hispanics of today to share their rich history and culture with all Americans.

As we forge ahead in the 21st century we must continue to work to guarantee that America is not only rich with diversity but equality as well. I am committed to ensuring that Hispanics are able to enjoy a higher standard of living for generations to come. It is important that Hispanics become home owners, attend institutions of higher learning, earn higher wages and receive quality healthcare. The success of this nation depends upon the success of all its citizens.

Mr. Speaker, for their many contributions to our nation and culture, and for their unyielding drive to achieve the American dream, I ask my colleagues to join me in paying tribute to Hispanic Americans during Hispanic Heritage Month.