They remained there until war broke out in 1991, and made another improbable and difficult journey to a refugee camp in Kenya, where they would complete their high school educations in spite of severe hunger and poverty. There Mr. Kur and Mr. Garang became aware of the possibility that they could come to the United States and work toward better lives via a special refugee program. They had lived the full experience of a group of young people that are now called ''The Lost Boys of Sudan,'' and would now open a new and hopeful chapter in their already difficult lives.

After arriving in Colorado, Mr. Kur and Mr. Garang would meet Professor Bruce Bassoff, who saw that they were extraordinarily bright and offered to help them enroll at the University of Colorado. In the fall of 2002 they did just that, studying and working hard to obtain their degrees while enjoying a rich college experience. Their upcoming graduation is the culmination not only of those efforts, but of years of a type of struggle unimaginable to most Americans.

I have every confidence that Mr. Kur and Mr. Garang will put their degrees and worldviews to great use, and I look forward to seeing what they—as well as the other five Sudanese students enrolled at CU—accomplish in the years to come. Theirs is a story of inspiration as well as a reminder of our good fortune and the struggles of those in Sudan and other parts of the underdeveloped world. I ask my colleagues to join me in congratulating Mr. Kur Kur and Mr. Simon Garang on their upcoming graduations and to wish them well in their future endeavors.

IN OPPOSITION TO TARGETED MARKETING OF REFUND-ANTICIPATION LOANS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. RANGEL. Mr. Speaker, I rise today to express my deep concern at reports of the apparent harmful impact of the marketing of high-cost refund-anticipation loans, RALs, to underserved communities.

While RALs are advertised as giving consumers quicker access to their hard-earned tax refund, it has been brought to my attention that tax refunds can be obtained almost as fast by the taxpayer to whom the refund is due as if taxpayers file online. It appears that not only are refunds not delivered with any greater expediency, but with interest rates between 40 to 700 percent and additional fees, these loans are so excessively priced that they deny the taxpayer full use of their money.

This issue is of particular interest to me as some of my constituents seem to be feeling the brunt of these loans, I have recently been informed that one of the highest concentration of refund loans in 2003 was made within the 15th Congressional District in my home community, central Harlem. Also as the Ranking Member of the Ways and Means Committee, I am concerned because according to a recent study undertaken by the Neighborhood Economic Development Advocacy Project, one quarter of New Yorkers who claimed the Earned Income Tax Credit in 2003 paid large amounts of their wages in fees related to RALs.

Low-income families need not be exploited for the gains of corporate entities. According to the IRS, 79 percent of RAL recipients in 2003 had incomes of $35,000 or less. In contrast, as the nation's largest tax-preparation chain, H&R Block experienced an 8.5 percent increase in RAL revenue for Fiscal Year 2003. While RALs are one of H&R Block's products, I expect the company to practice due diligence not only in promoting these products equally among your many locations but also in informing clients of their rights and product terms.

Mr. Speaker, I urge you during this tax season to lend your support in holding H&R Block and other tax-preparing companies responsible to equitable targeting of these high-cost loans and full disclosure of their terms.

TRIBUTE TO HARRY BROWNE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. PAUL. Mr. Speaker, America lost a great champion of liberty when Harry Browne passed away on March 1, at the age of 72. Harry had a passion for liberty and knowledge of a wide variety of subjects. His communication style, as he himself so marvelously put it, focused on converting his opponents rather than winning the argument. These attributes helped make him one of the most effective proponents of the freedom philosophy I have had the privilege of knowing. Harry's numerous books and columns, his radio and Internet broadcasts, and his speeches educated millions in sound economics and the benefits of a free society. Harry motivated many people to become activists in the movement to restore American liberties.

Harry first came to public attention in the 1970 when he penned a best-selling investment book, How You Can Profit From the Coming Devaluation, which foresaw President Richard Nixon's abandonment of the gold standard and the ways the American economy would be damaged by the inevitable resulting inflation. Harry's book helped many Americans survive, and even profit, during the economic troubles of the seventies. It also introduced millions of people to the insights developed by followers of the Austrian school of economics regarding the dangers fiat currency poses to both prosperity and liberty posed by fiat. How You Can Profit From the Coming Devaluation is generally recognized as the founding document of the hard money movement, which combined the insights of the Austrian economists with a practical investment strategy.

Harry's third book, You Can Profit from a Monetary Crisis, reached number one on the New York Times bestseller list. Other popular books by Harry include How I Found Freedom in an Unfree World, The Great Libertarian Offer, and Why Government Doesn't Work. I was pleased to write the foreword for one of Harry's books, Liberty A–Z: Libertarian Soundbites You Can Use Right Now, a collection of direct, thought-provoking, and often humorous responses to the questions advocates of the freedom philosophy face.

During the nineties, Harry worked to advance liberty as a presidential candidate, columnist, radio talk-show host, and columnist. He also hosted an internet-based talk show and founded DownsizeDC, a grassroots advocacy group whose goals are accurately summed up in its title. Even while struggling with Lou Gehrig's disease, Harry maintained a full schedule of writing, hosting his radio show, and speaking around the country.

Harry's efforts were not limited to the economic realm. He understood the threat to liberty and prosperity posed by global crusades for democracy, as well as the importance of opposing restrictions on civil liberties. Harry's outspoken defense of civil liberties and the Framers' foreign policy of nonintervention took on added importance in the last years of his life when too many self-styled advocates of liberty attempted to curry favor with the political establishment by focusing solely on issues of economic liberty or combined advocacy of low taxes and regulations with active support for militarism and restrictions on personal liberty.

In all his educational, financial, and political work Harry served as a model for everyone who works for the free society. Harry was principled and uncompromising in message, while temperate and respectful of differing opinions in delivery. He avoided the histrionics too common in our today's talk show culture, and he never personalized his arguments. Even when an opponent resorted to ad hominem attacks, Harry always kept his presentation on the high ground of ideas and principles. In conclusion, Mr. Speaker, I extend my sympathy to Harry Browne's wife, Pamela, and daughter Auburn, as well as the many he befriend in his years in the freedom movement, and I pay tribute to Harry Browne for his lifelong efforts on behalf of individual liberty.

TRIBUTE TO THE AMERICAN BURN ASSOCIATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I would like to call to the attention of my colleagues the immense contributions by the American Burn Association, ABA, to the fields of burn treatment, education and prevention.

Whether caused by accidents, natural disasters or potential terrorist attacks, the ABA has been integral in shaping the discussion on how this nation's burn centers should manage burn injuries. In all cases, the American Burn Association stands ready as the critical initial line of first responders. They need our support.

The ABA has more than 3,500 members in the U.S., Canada, Europe, Asia and Latin America. All of the members of the association are burn care specialists. They include physicians, surgeons, nurses, occupation and physical therapists, researchers, social workers, firefighters, emergency response personnel, and the underpinning of burn research and care—hospitals with highly specialized burn centers.

As an organization, the ABA sets the industry standards for quality care for both civilian and military treatment of burn injuries. Its research into advanced treatment for burn injuries is the foundation for the high quality of care available to our wounded soldiers in Afghanistan and Iraq. Furthermore, many of the

professionals with the medical teams currently deployed overseas are ABA members, and many more work stateside, treating the severe burn injuries that result from military conflicts.

In addition to research and treatment, the American Burn Association continually promotes educational campaigns to prevent burn injuries. Past campaigns include home safety, senior burn safety, prevention of gasoline burns, scald prevention and electrical burn prevention. They have also highlighted the value of home sprinkler systems, which are no more expensive per foot than home carpeting, and serve as a valuable preventative measure.

The ABA represents a vital national resource in the select medical community of burn care. These professionals are in every State of the Union and almost every congressional district. I have met with representatives from my region of Pennsylvania. I hope that you will meet with yours and take an opportunity to learn more about the ABA and the outstanding work they do in your own State and district.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

SPEECH OF

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2006

Mr. FLAKE. Mr. Speaker, I would like to comment on section 302 of the Children's Safety and Violent Crime Reduction Act of 2006. This section is based on an amendment that I offered, and that was accepted by voice vote, to H.R. 3132, a predecessor version of the Children's Safety and Violent Crime Reduction Act, on September 14 of last year.

Section 302 is named after Kenneth Wrede, a young man who served as a police officer in West Covina, California. On August 31, 1983, Officer Wrede responded to a call about a man behaving strangely in a residential neighborhood. Wrede confronted the man, who became abusive and tried to hit Wrede with an 8-foot tree spike. Wrede could have shot the man, but instead attempted to defuse the situation. The man then reached into Wrede's patrol car and ripped the shotgun and rack from the dashboard. Wrede drew his gun and tried to persuade the man to lay down the shotgun. The man did so, but when Wrede lowered his revolver, the man picked up the shotgun again and shot Wrede in the head. Officer Wrede was killed instantly. He was 26 years old.

Officer Wrede's killer was sentenced to death in 1984, and that conviction was affirmed by the California Supreme Court in 1989. Then in 2000—17 years after Ken Wrede's murder—a divided panel of the Federal Court of Appeals for the Ninth Circuit reversed the killer's death sentence. The Ninth Circuit found that the killer's lawyer provided ineffective assistance of counsel at the sentencing phase of the trial because he did not present additional evidence of the killer's abusive childhood and chronic use of PCP.

When the Ninth Circuit handed down its ruling, Officer Wrede's mother simply noted that, "We thought we finally were close to getting this behind us. And now this." (Gordon Dillow, Long Wait for Justice Gets Worse, The Orange County Reg., May 11, 2000, at B01.) A California Deputy Attorney General denounced the court's action, commenting that "it can always be suggested a jury should have heard something else in the penalty phase of a death penalty case." (Richard Winton, Reversal of Death Penalty in Officer's Killing Decried Courts, L.A. Times, May 10, 2000, at B3.) West Covina Corporal Robert Tibbets, the original investigator at the scene of Wrede's murder, described the Ninth Circuit's decision as a "miscarriage of justice." (Id.) He had promised Officer Wrede's parents that he would accompany them to every court hearing for their son's killer. He made good on his promise. Nineteen years later, in 2002, Corporal Tibbets was there with the Wredes when their son's killer was given a second sentencing trial and was again sentenced to death.

But the Wredes now face yet another round of state-court appeals for their son's killer, and that litigation will be followed by a new a battery of federal habeas appeals. At the 2002 retrial, Ken's father noted that "my family and I had endured 19 years of trial, appeals, delays, causing us to relive the trauma of Kenny's death over and over again." The trial judge noted the absurdity of this system. He stated, "It is an obscenity to put anyone through this needlessly for 19 years. It is inexcusable for us in the system that we need to look at this case for 19 years to get it resolved. The system at some point in the line has become clogged and broken." (Larry Welborn, 19 Years and No Resolution For Parents, The Orange County Reg., Sept. 21, 2002.)

My amendment will prevent injustices such as the one inflicted on the Wredes. It will guarantee that federal jurisdiction will not be used to reverse criminal sentences and force a repeat of the litigation years after the crime has occurred, the trial has been completed, and state appeals have been exhausted—all because of an error that was already judged harmless in state proceedings, or that was never presented at all on earlier review.

It is simply ridiculous that, 17 years after a police officer was murdered, federal courts would prolong the litigation of the case of the officer's killer for this kind of reason. The error identified by the Ninth Circuit in the Wrede case had nothing to do with the reliability or fairness of the jury's conclusion that the defendant had murdered Officer Wrede. Instead, the Ninth Circuit invalidated the sentence because it thought that the trial attorney could have introduced additional evidence of the killer's use of phencyclidine. (Trial counsel already had introduced considerable evidence of such drug use during the guilt phase of the trial.) Frankly, I do not see how the fact that a defendant regularly used a dangerous drug could mitigate his criminal conduct at all. The jury in the Wrede case did not think so, nor did the state appeals courts think that additional evidence of the defendant's PCP use could reasonably have affected the jury's decision to sentence the defendant to death. The Ninth Circuit's conclusion that such an error could have made a difference in the sentencing decision obviously is a highly subjective judgment. It is not really a judgment of law, so much as a question of personal opinion and popular psychology. Such unstable judgments, at least with respect to sentencing errors that are properly subject to harmlessness review, should not be a basis for overriding duly entered state criminal sentences many years after the fact.

My amendment to this bill builds on an amendment that I filed earlier in this Congress and which has been enacted as section 507 of the USA Patriot Improvement and Reauthorization Act. That amendment guarantees that states such as Arizona and California will be given an objective evaluation of their eligibility for the streamlined and expedited habeas corpus procedures in chapter 154 of title 28. That chapter sets strict time deadlines for federal judicial action on capital habeas-corpus petitions in qualifying states, restricts amendments, and eliminates ping-pong litigation between state and federal courts over unexhausted claims. By unlocking states' access to chapter 154, my previous amendment will ensure that cases such as that of Kenneth Wrede's killer—or the infamous Christy Ann Fornoff case in Arizona—will be resolved much more quickly. My current amendment to the Children's Safety and Violent Crime Reduction Act will ensure that these types of cases are not reversed on account of claims of minor and highly subjective sentencing errors. Allegations of such errors do not relate to the defendant's culpability for the underlying offense, and they do not merit the use of federal judicial resources at this late stage of the criminal-litigation process.

My amendment is based on a legislative proposal that is part of the habeas corpus reform bill introduced by Senator KYL and Congressman LUNGREN. That broader bill has been the subject of four hearings in this Congress: two before the House Judiciary Committee's Crime Subcommittee on June 30 and November 10, and two before the Senate Judiciary Committee on July 13 and November 16.

Between its evolution from the Kyl/Lungren bill to my amendment, and again from my original amendment to the provision in the current Children's Safety and Violent Crime Reduction Act, section 302 has been modified somewhat. First, it has been expanded to also apply to those sentencing claims that the habeas applicant procedurally defaulted in the state courts. It would make no sense to limit federal review for a habeas petitioner who presented his sentencing claim in state court in a timely manner, where the error had been found harmless, but to afford unrestricted habeas review to a petitioner who did not timely and properly present his claim in state proceedings. The purpose of the procedural-default doctrine is to encourage state prisoners to abide by state procedural rules. That purpose would be undercut if the applicant presenting a defaulted sentencing claim were afforded more liberal access to federal court than the applicant who had properly presented his claim during state review.

Also, allowing defaulted sentencing claims to be heard for the first time in a federal application inevitably disrupts the federal proceedings. A defaulted claim generally will not have been considered on the merits in state court, and therefore there is no evidentiary record on which to evaluate the claim in federal court. And allowing the applicant to obtain relief on a defaulted claim in federal habeas inevitably prejudices the state. As the Supreme Court has noted, forcing prisoners to