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

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

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

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

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

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

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

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

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

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

□ 1915

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

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

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

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

A motion to reconsider was laid on the table.

PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT OF 1996

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

The Clerk read as follows:

H.R. 3456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pam Lychner Sexual Offender Tracking and Identification Act of 1996''.

SEC. 2. OFFENDER REGISTRATION.

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

''SEC. 170102. FBI DATABASE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(e) VERIFICATION.—

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

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

''(f) COMMUNITY NOTIFICATION.—

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

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

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

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

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

''(3) INDIVIDUAL REGISTRATION REQUIREMENT.—A person required to register under subsection (c) or under a minimally sufficient offender registration program, including a program established under section 170101, who changes address to a State other than the State in which the person resided at the time of the immediately preceding registration shall, not later than 10 days after that person establishes a new residence, register a current address, fingerprints, and photograph of that person, for inclusion in the appropriate database, with—

''(A) the FBI; and

''(B) the State in which the new residence is established.

''(4) STATE REGISTRATION REQUIREMENT.—Any time any State agency in a State with a minimally sufficient sexual offender registration program, including a program established under section 170101, is notified of a change of address by a person required to register under such program within or outside of such State, the State shall notify—

''(A) the law enforcement officials of the jurisdiction to which, and the jurisdiction from which, the person has relocated; and

''(B) the FBI.

''(5) VERIFICATION.—

''(A) NOTIFICATION OF LOCAL LAW ENFORCEMENT OFFICIALS.—The FBI shall ensure that State and local law enforcement officials of the jurisdiction from which, and the State and local law enforcement officials of the jurisdiction to which, a person required to register under subsection (c) relocates are notified of the new residence of such person.

''(B) NOTIFICATION OF FBI.—A State agency receiving notification under this subsection shall notify the FBI of the new residence of the offender.

''(C) VERIFICATION.—

''(i) STATE AGENCIES.—If a State agency cannot verify the address of or locate a person required to register with a minimally sufficient sexual offender registration program, including a program established under section 170101, the State shall immediately notify the FBI.

''(ii) FBI.—If the FBI cannot verify the address of or locate a person required to register under subsection (c) or if the FBI receives notification from a State under clause (i), the FBI shall—

''(I) classify the person as being in violation of the registration requirements of the national database; and

''(II) add the name of the person to the National Crime Information Center Wanted person file and create a wanted persons record: *Provided*, That an arrest warrant which meets the requirements for entry into the file is issued in connection with the violation.

''(h) FINGERPRINTS.—

''(1) FBI REGISTRATION.—For each person required to register under subsection (c), fingerprints shall be obtained and verified by the FBI or a local law enforcement official pursuant to regulations issued by the Attorney General.

''(2) STATE REGISTRATION SYSTEMS.—In a State that has a minimally sufficient sexual offender registration program, including a program established under section 170101, fingerprints required to be registered with the FBI under this section shall be obtained and verified in accordance with State requirements. The State agency responsible for registration shall ensure that the fingerprints and all other information required to be registered is registered with the FBI.

''(i) PENALTY.—A person required to register under paragraph (1), (2), or (3) of subsection (g) who knowingly fails to comply with this section shall—

''(1) in the case of a first offense—

''(A) if the person has been convicted of 1 offense described in subsection (b), be fined not more than $100,000; or

''(B) if the person has been convicted of more than 1 offense described in subsection (b), be imprisoned for up to 1 year and fined not more than $100,000; or

''(2) in the case of a second or subsequent offense, be imprisoned for up to 10 years and fined not more than $100,000.

''(j) RELEASE OF INFORMATION.—The information collected by the FBI under this section shall be disclosed by the FBI—

''(1) to Federal, State, and local criminal justice agencies for—

''(A) law enforcement purposes; and

''(B) community notification in accordance with section 170101(d)(3); and

''(2) to Federal, State, and local governmental agencies responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).''.

''(k) NOTIFICATION UPON RELEASE.—Any State not having established a program described in section 170102(a)(3) must—

''(1) upon release from prison, or placement on parole, supervised release, or probation, notify each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1) of their duty to register with the FBI; and

''(2) notify the FBI of the release of each offender who is convicted of an offense described in subparagraph (A) or (B) of section 170101(a)(1).''.

SEC. 3. DURATION OF STATE REGISTRATION REQUIREMENT.

Section 170101(b)(6) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(6)) is amended to read as follows:

''(6) LENGTH OF REGISTRATION.—A person required to register under subsection (a)(1) shall continue to comply with this section, except during ensuing periods of incarceration, until—

''(A) 10 years have elapsed since the person was released from prison or placed on parole, supervised release, or probation; or

''(B) for the life of that person if that person—

''(i) has 1 or more prior convictions for an offense described in subsection (a)(1)(A); or

''(ii) has been convicted of an aggravated offense described in subsection (a)(1)(A); or

''(iii) has been determined to be a sexually violent predator pursuant to subsection (a)(2).''.

SEC. 4. STATE BOARDS.

Section 170101(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(2)) is amended by inserting before the period at the end the following: '', victim rights advocates, and representatives from law enforcement agencies''.

SEC. 5. FINGERPRINTS.

Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following new subsection:

''(g) FINGERPRINTS.—Each requirement to register under this section shall be deemed to also require the submission of a set of fingerprints of the person required to register, obtained in accordance with regulations prescribed by the Attorney General under section 170102(h).''.

SEC. 6. VERIFICATION.

Section 170101(b)(3)(A)(iii) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(3)(A)(iii)) is amended by adding at the end the following: ''The person shall include with the verification form, fingerprints and a photograph of that person.''.

SEC. 7. REGISTRATION INFORMATION.

Section 170101(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)(2)) is amended to read as follows:

''(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer, or in the case of a person placed on probation, the court, shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate State Law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit all information described in paragraph (1) to the Federal Bureau of Investigation for inclusion in the FBI database described in section 170102.''.

SEC. 8. IMMUNITY FOR GOOD FAITH CONDUCT.

State and Federal law enforcement agencies, employees of State and Federal law enforcement agencies, and State and Federal officials shall be immune from liability for good faith conduct under section 170102.

SEC. 9. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall issue regulations to carry out this Act and the amendments made by this Act.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective 1 year after the date of enactment of this Act.

(b) COMPLIANCE BY STATES.—Each State shall implement the amendments made by sections 3, 4, 5, 6, and 7 of this Act not later than 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement such amendments.

(c) INELIGIBILITY FOR FUNDS.—

(1) A State that fails to implement the program as described in section 3, 4, 5, 6, and 7 of this Act shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765).

(2) Any funds that are not allocated for failure to comply with section 3, 4, 5, 6, or 7 of this Act shall be reallocated to States that comply with these sections.

SEC. 11. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

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

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

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3456.

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. 3456 is the Sexual Offender Tracking and Identification Act of 1996. It is an important piece of legislation that builds on previous efforts of this Congress to ensure that reliable records are available to keep track of convicted sexual predators. H.R. 3456 amends the Jacob Wetterling Act of 1994 which requires the States to set up sex offender registry programs which require child sex offenders to register their addresses and other pertinent information with local law enforcement upon release from prison. I am pleased to report that since enactment of the Wetterling Act, all 50 States have developed sex offender registration programs and the District of Columbia is expected to follow suit this month.

The States have taken this issue quite seriously and should be commended. But despite these efforts, some child sex offenders are slipping through the cracks. Fifty-one individual State sex offender registration programs would be sufficient if sex offenders never moved out of State. Unfortunately, they do. These offenders tend to be particularly transient individuals and have already found ways of getting lost in the paperwork by simply crossing State lines. Moreover, although the Wetterling Act requires States to forward copies of their registry information to the FBI, essentially nothing is done with the information. Because the FBI was not directed to do so, it has not taken a proactive stance in obtaining this information. It is simply a receptacle.

Mr. Speaker, I think it has become clear that while the Wetterling Act has significantly improved our ability to keep track of convicted sex offenders, there are new obstacles that must be addressed. H.R. 3456, the Sexual Offender Tracking and Identification Act of 1996, will do just that.

The sponsor of this bill, the gentleman from New Jersey [Mr. ZIMMER], deserves special recognition for his years of work to implement Federal and State recordkeeping procedures for child sex predators. Mr. ZIMMER was instrumental in fighting for final passage of the Jacob Wetterling Act in 1994, and was the original sponsor of Megan's Law, a bill this Congress passed earlier this session which strengthened community notification laws with regard to registered sex offenders. H.R. 3456, Sexual Offender Tracking and Identification Act of 1996 is yet another step to strengthen these efforts.

Mr. Speaker, let me briefly describe what the bill does: H.R. 3456 establishes a national database, using existing FBI criminal record keeping systems, to keep track of individuals who have been convicted of sexual offenses against minors or other sexually violent offenses, and who have completed their prison sentences. This initiative will ensure that these offenders, who have a recidivism rate estimated to be 10 times greater than other criminals, will be tracked by State authorities, and, as they move from State to State, by the FBI. If an offender fails to register at any time, he will be subjected to tougher penalties and—with the help of the FBI's national ''Wanted Persons Index''—be brought to justice.

Now, as some of you may recall, on August 24, 1996, President Clinton issued an Executive Order to the Attorney General to begin work on a Sex Offender Registry Network which is very similar to the type of national database program proposed in H.R. 3456. This presidential directive will ensure that the Justice Department and the FBI have a national network operational in 6 months. I commend the President on his commitment to this issue. However, this directive is only the first step. H.R. 3456 is a necessary component to the establishment of a national system and will serve to compliment and even strengthen the President's Executive Order. In addition, unlike the President's proposal, H.R. 3456 improves verification procedures by requiring offenders to provide fingerprints and a photo in addition to the signed verification form required under current law and also establishes criminal penalties for failure to meet interstate registration requirements. H.R. 3456 has received strong support from the Department of Justice and the National Center for Missing and Exploited Children.

Now, the bill in the form which is being considered today contains a few modifications from the bill as it was introduced. These modifications are largely technical and clarifying changes that were requested by the FBI. In addition, H.R. 3456, in the form that we are considering, is identical to the Senate version of the bill which passed by voice vote last July.

Mr. Speaker, sexual offenders not only victimize the women and children upon which they prey, they victimize society as a whole. As a nation, we have depleted sense of trust and security because of these individuals. It is well recognized that sexual predators are remarkably clever and persistently transient. These offenders are not confined within State lines—neither should our efforts to keep track of them. By establishing a national registration program. H.R. 3456 will serve as an effective crime fighting tool for State and Federal law enforcement across the country. Again, I commend the gentleman from New Jersey [Mr. ZIMMER] for sponsoring this bill, and I urge my colleagues to support this measure.

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

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

I rise in support of this bill. Mr. Speaker, I support this legislation, which strengthens and improves the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

The Jacob Wetterling Act, enacted as part of the 1994 crime bill, requires states to enact laws to register and track criminals who are the most violent, the most horrible and the least likely to be rehabilitated—criminals who attack children and who are sexually violent predators.

Since the enactment of Jacob Wetterling, states have made great progress in building effective tracking systems. To make sure that these criminals are tracked however, this legislation does three important things:

First, it creates a nationwide system that will help state and local law enforcement track offenders as they move from state to state;

Second, while most States have established or are about to establish tracking systems, this legislation will ensure that there is no place—no one state—where sexual predators can hide and not register. This system will track all offenders even if a specific state does not track such criminals.

Finally, this legislation ensures that the most serious predators will be registered with law enforcement officials for the rest of their lives.

This legislation works by requiring all offenders to verify their addresses on a regular basis by returning verification cards with their fingerprints and a recent photograph. A nationwide warning will be issued whenever an offender fails to verify his address or when an offender cannot be located. There are also tough penalties for offenders who deliberately fail to register.

I am pleased that we have worked in a bipartisan fashion to protect our Nation's children from sexual predators, and I urge my colleagues to support this legislation.

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

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

Mr. ZIMMER. I thank the gentleman for yielding time to me, and I thank him for his expeditious consideration of this legislation and for his concern, which stretches back for years, for the problem of sexual predators and the need to track their movements and to notify communities of their whereabouts.

Mr. Speaker, we have all heard some of the chilling stories. In Arlington, TX, Amber Hagerman was dragged from her bicycle and never seen alive again. Police have no suspects, but they think the crime was committed by a sexual predator. In California, 12-year-old Polly Klaas was abducted from her own bedroom and brutally murdered. Her killer had been out on parole 3 months, and twice before had been arrested for kidnaping.

In Manalapan Township, NJ, little Amanda Wengert was murdered by a previously convicted sex offender, and in Hamilton Township, NJ, 7-year-old

Megan Kanka was raped and murdered, allegedly by a twice-convicted sex offender who lived across the street from her family.

As evidenced by these tragic events, there is a need to arm communities with information about the whereabouts of previously convicted sex offenders. In many instances, lives could have been saved if only communities had known about these dangerous predators.

After the death of Megan Kanka, her parents, Richard and Maureen Kanka, mobilized New Jersey and the entire Nation in the fight for community notification of the presence of sexual offenders. Had they known that an offender lived directly across the street from them, the Kankas would have been able to protect Megan from harm, and Megan would be alive today.

On May 17, 2 years of hard work by Rich and Maureen Kanka reached their culmination when the President signed into law my Federal Megan's Law. As a result, local law enforcement agencies in all 50 States must now notify schools, day care centers, and parents, the people who need to know, about the presence of dangerous predators.

But we still have to do more. We need to make sure that when sexual predators move from State to State, we do not lose track of them. All 50 States have registration now. Forty-one have some sort of notification system, and 27 have active dissemination of this information to the public. But unless we make this a unified, seamless, national system, community notification will not be fully successful.

My bill will establish a nationwide tracking system to keep tabs on sex offenders as they move from State to State, and provide a backup system for the States themselves. My legislation requires offenders to verify their address periodically by returning verification cards, along with their fingerprints. It requires a nationwide warning to be issued whenever the offender fails to verify his address or when the offender cannot be located.

H.R. 3456 establishes tough penalties for offenders who willfully fail to register and keep up with their verification requirements, and requires the FBI to ensure local authorities are notified every time a sex offender moves into or out of the local jurisdiction.

My bill continues to preserve State authority in determining exactly what sort of notification will be required when a sexual predator moves into the neighborhood.

In July, the other body passed its own FBI sexual predator tracking bill, S. 1675, sponsored by Senators GRAMM and BIDEN. My legislation, as amended, is identical to S. 1675. The amendments made in the Senate all make this a better bill. If we pass H.R. 3456 today, it will go directly to the President, who has pledged to sign it into law.

Mr. Speaker, now that so many States have effective registration systems and tracking systems, we need to take the next step. We have to build a system where all movements of sexually violent child molesters can be tracked so that no predator can cross a State line and simply disappear.

This, in fact, is exactly what happened in the case of the predator whose case was considered by the New Jersey State Supreme Court when it upheld the validity of our State Megan's Law. He left New Jersey, and although his lawyers may know his whereabouts, no one else does.

I ask my colleagues to vote for H.R. 3456.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT], a distinguished member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank my colleague from California for yielding me time to debate this bill.

Mr. Speaker, I rise in opposition to the bill. I guess I could sit quietly. This bill is on suspension. I am sure it will pass. I know that I am swimming against the tide. But there are some things that I think need to be said about the bill, and this is not the first time I have said these things about these kinds of bills, so I feel compelled to say them.

□ 1930

I know that tomorrow when I get the messages off my machine in the office, there will be a line of messages from people saying that I have stood up and defended sex offenders and that I have just lost my mind on this bill. That always happens. But somebody needs to talk about what we are doing here and approach this with some degree of rationality. I hope that at least some people will appreciate how I approach it.

First of all, this bill has not seen itself in the Committee on the Judiciary, which is where bills of this kind normally go for discussion. Not that the result would be any different. I would be the first to concede that if it had come to the Committee on the Judiciary, it would have been voted out and would have been reported to the floor favorably. But the bill in my opinion offends some sensibilities that we as U.S. citizens ought to be aware of.

There are two principles I hold very dearly, because I have been taught about them for as long as I have been in the criminal justice system as a lawyer. First of all is that once a person pays their debt to society, they ought to have the opportunity to put the offense behind them and move on. Under this bill, as under all the Megan's Law bills, there is not that opportunity because the individuals are then, after they have paid their debt to society, required to register with somebody and be basically branded with a badge for the rest of their life under this bill, because this one says that the registration process must go on for life. It used to be 10 years. Now we are extending it to life under this bill.

Second, if one does not register, that in and of itself becomes a crime under this bill, which subjects a person to a penalty of up to 1 year in prison or $100,000, and subsequent offenses up to 10 years in prison and up to $100,000, even if the person has done absolutely nothing else to offend the system. They just simply did not register under this bill.

Well, it offends me that failure to register should subject somebody to an additional penalty, be put in jail. They have not committed any crime against anybody. They just simply failed to be able to move on with their life.

There is a second concern I have about the bill, and that is a constitutional provision which presumes that every American citizen is innocent of a crime until they are proven guilty. This bill presumes just the opposite. If a person is ever convicted of a sexual offense, for the rest of their life they are presumed guilty of some violation. They cannot move into a community and put that incident behind them. They cannot refuse to register without subjecting themselves to additional penalties.

So the whole presumption of innocence goes by the board once a person commits some crime for which they have already been sentenced, served their time, paid their debt to society and yet somehow under this bill they are presumed guilty for the balance of their life. I think those two principles, in my estimation, are simply un-American.

This can be politically popular. I am sure it is. I mean, Mr. GRAMM and Mr. BIDEN, on opposite sides of the political fence. The President, I am sure, will sign the bill. Most of the public will say that this is something that we should not be concerned about, but I think we are going overboard and we are going further and further overboard the more we beat our chest and sound even tougher on these crimes, which in this bill simply happens to be, well, they did not register.

I do not want a Government that requires me, or any citizen, to register. I think that is un-American, and I think it is something that we all ought to be concerned about. I appreciate the gentlewoman yielding me this time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I find what the gentleman said stated eloquently as the gentleman from North Carolina usually states it in his reservations about such legislation as this where we see differently, but I think he is being a little bit too creative with regard to the presumption of innocence comments he made. Remember that the person who is registering here and being registered, or required to register, is somebody who has been convicted of a sexual offense; could well be, probably has been, a child molester of some sort. That is not unlikely under this provision to be the case. And, frankly, that person has already been convicted and

this is really part of what the consequences are that go with being convicted of the acts that are delineated in the bill. And for better or for worse, the bottom line of why we need this legislation is that history shows us that people who commit these kind of crimes are likely to get out of jail and commit them again. It is not true that everybody does. But there is a high probability of that in many cases. And so consequently this is not punishment for some act that might occur in the future. This is an additional burden that somebody is going to bear as a result of the act that they have already committed and been convicted of. I would submit that the registration and in this case this bill's provision that give the FBI and so forth a chance to really follow these people across State lines is very, very important, and the gentleman from New Jersey should be commended for this, although notwithstanding I understand the gentleman from North Carolina's reservations.

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

Ms. LOFGREN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I just want to say something briefly. I strongly believe that we ought to pass this bill, but I did want to say something about my colleague the gentleman from North Carolina [Mr. WATT], because, as he mentioned, it cannot be a popular position to stand up and speak what you think the Constitution calls out for. I disagree with him on the conclusion that he has reached and as the chairman has pointed out in this case, the presumption of innocence ends when the conviction is obtained under due process of law. I take the view of the gentleman from Florida [Mr. MCCOLLUM]. I do think the recidivism rate among child molesters is the highest of any crime. I frankly would prefer life sentences for those who would prey upon children in this way, but until that happens in every State, we are going to have to deal with people who have been released from prison and who still pose threats to children.

So I did want to say that but also to note that the gentleman from North Carolina [Mr. WATT], although I do not agree with him on this issue, has certainly shown integrity in standing up for what he believes the Constitution requires.

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the gentlewoman from California for her leadership on these issues. We have worked together in Judiciary, and I thank the chairman for bringing this legislation, and I thank the chairman for bringing this legislation, and to the gentleman from New Jersey [Mr. ZIMMER], and the bipartisan spirit that it has been brought.

The gentleman from New Jersey in his presentation offered a litany, a very tragic litany, a rollcall, if you will, of the lives of children lost around the Nation. He cited those names which many of us know because of the large amount of publicity that was given to these individuals. But for every one of those children, I imagine any one of us could go to our communities and cite just enormous tragedies that have occurred by those pedophiles, sexual offenders who have preyed upon children.

What comes to mind is, again in my community, the tragedy of a Monique Miller. She was 4 years old. The individual who was charged with the sex crime, the vicious murder that resulted in her death, was someone who was mentally challenged, if you will. And, of course, part of the defense did raise the question of this person's inability to understand what they had done.

Monique Miller, however, is dead. And in the course of the loss of her life, it was a very tragic and brutal killing. It was only after three or four trials that this individual was ultimately convicted. Can you imagine the experience of that parent who time after time to appear in that courtroom just to get a conviction?

I want to laws on this country to work. I believe that anyone accused of a crime should have due process, be treated fairly in the court system. But sexual predators who have been convicted of the most violent sexual offenses or are a repeat child sexual offender remain a threat even after they may have served their prison sentences. And I might say that the murderer of Monique Miller, no matter how long his time may be in prison, will remain a threat to this society.

It is a known fact that the scientific community has concluded that most pedophiles cannot control themselves. Some have even admitted it themselves. In fact, we have another very massively publicized incident in Texas where one of the pedophiles who was about to be released asked to be castrated. This is not a time on the floor of the House that I wish to debate that procedure, and I am not suggesting it, advocating it or encouraging it. I am saying that was a pedophile, an offender who himself wanted some procedure to occur because he felt he could not control himself. So, therefore, we are responsible as legislators to control these individuals and to safeguard our childern after these individuals leave the prison.

This bill would expand the tracking of those individuals by establishing a nationwide system managed by the FBI. That system would be made available for access by Federal, State, and local law enforcement officials. These sexual offenders will be required to register with this nationwide system. If they move, we do not lose them. We are able to track them. We will be able to again notify the system of their whereabouts. If they fall to do so, they face a stiff punishment.

It is more tragic than having these individuals be required to register for an innocent community to be preyed upon by this individual who cannot control their vicious desires. Thus the data base would track all intrastate and interstate movements of sex offenders, even States that have no offender registration. Let me commend the author of this legislation for his persistence. These offenders would provide the system with their fingerprints and photographs.

Let me say this: Anyone that moves into a community, that has been reborn, no longer has the desire, can live in peace. This legislation does not go out and seek individuals who have been released to disrupt their lives. What it does say, however, is that the commuity is notified, and the community is, in fact, the controller of our society and our environment. Why should they not have information that may disrupt their environment, their community, their children?

If this individual is in fact someone who has made amend, someone who has sought forgiveness and repentance, someone who is born again, then that person will live in peace in this community. But if they are not, if this sickness still preys upon their mind and they pose a threat, with this legislation I would simply say thank God that the local Law enforcement will not be left hapless and helpless, without any way to seek and to find this predator that now is in the community.

Violent sexual predators, repeat child abusers and repeat sex offenders will be in the system for life under this act. That only makes sense in light of the facts before us. Again let me say that I considered the idea of a reasoned civil libertarian response to following people to travel freely in this Nation.

□ 1945

I think it is important that we stand on the side of civil liberties. But when I think of an innocent child, one who cannot defend herself or himself, one who cannot speak for themselves, one who may be torn away from the parent, torn away from the custodian, torn away from the guardian, who is now with someone who preys upon them, then my voice raises for that innocent child against that violent sex offender, against that child abuser, against that murderer. In fact, my voice rises for all of the innocent children in this county. It rises for Monique Miller in my community and all other children that this legislation is the right way to go, the best way to go, to protect further our children in this Nation.

Mr. Speaker, I rise today in support of this bill. It will allow local communities and the FBI to track some of the worst elements of our society. Sexual predators who have been convicted for the most violent sexual offenses or are a repeat child sexual offender remain a

threat even after they may have served their prison sentences. The scientific community has concluded that most pedophiles can not control themselves. Some have even admitted it themselves. Their whereabouts after the leave prison therefore needs to be tracked to safeguard the children in the communities where they live.

This bill amends the 1994 crime law which now allows for the registration and tracking of offenders who have committed such crimes against children or sexually violent crimes. The bill would expand the tracking of those individuals by establishing a nationwide system managed by the FBI. That system would be made available for access by Federal, State, and local law enforcement officials.

These sexual offenders will be required to register with this nationwide system. If they moved, they would be again required to notify the system of their whereabouts. And if they fail to do so, they face stiff punishment.

Thus, the database would track all intrastate and interstate movements of sex offenders, even into States that have no offender registration. These offenders would provide the system with their fingerprints and photographs. The FBI can then release the information to local authorities where the offenders live.

Violent sexual predators, repeat child abusers and repeat sex offenders will be in the system for life under this act. That only makes sense in light of the facts before us. This is an important piece of legislation that can directly protect innocent lives and I urge my colleagues to vote for H.R. 3456.

Ms. LOFGREN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 3456, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

PRIVATE SECURITY OFFICER QUALITY ASSURANCE ACT OF 1996

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2092) to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2092

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 ''Private Security Officer Quality Assurance Act of 1996''.

SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) the private security industry provides numerous opportunities for entry-level job applicants, including individuals suffering from unemployment due to economic conditions or dislocations;

(3) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are only supplemented by private security officers who provide prevention and reporting services in support of, but not in place of, regular sworn police;

(4) given the growth of large private shopping malls, and the consequent reduction in the number of public shopping streets, the American public is more likely to have contact with private security personnel in the course of a day than with sworn law enforcement officers;

(5) regardless of the differences in their duties, skill, and responsibilities, the public has difficulty in discerning the difference between sworn law enforcement officers and private security personnel; and

(6) the American public demands the employment of qualified, well-trained private security personnel as an adjunct, but not a replacement for sworn law enforcement officers.

SEC. 3. BACKGROUND CHECKS.

(A) IN GENERAL.—An association of employers of private security officers, designated for the purpose of this section by the Attorney General, may submit fingerprints or other methods of positive identification approved by the Attorney General, to the Attorney General on behalf of any applicant for a State license or certificate or registration as a private security officer or employer of private security officers. In response to such a submission, the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading ''Federal Bureau of Investigation'' and the subheading ''Salaries and Expenses'' in title II of Public Law 92–544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with the State governmental agencies to which such applicant has applied.

(b) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information and audits and recordkeeping and the imposition of fees necessary for the recovery of costs.

(c) REPORT.—The Attorney General shall report to the Senate and House Committees on the Judiciary 2 years after the date of enactment of this bill on the number of inquiries made by the association of employers under this section and their disposition.

SEC. 4 SENSE OF CONGRESS.

It is the sense of Congress that States should participate in the background check system established under section 3.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term ''employee'' includes an applicant for employment;

(2) the term ''employer'' means any person that—

(A) employs one or more private security officers; or

(B) provides, as an independent contractor, for consideration, the services of one or more private security officers (possibly including oneself);

(3) the term ''private security officer''—

(A) means—

(i) an individual who performs security services, full or part time, for consideration as an independent contractor or an employee, whether armed or unarmed and in uniform or plain clothes whose primary duty is to perform security services, or

(ii) an individual who is an employee of an electronic security system company who is engaged in one or more of the following activities in the State: burglar alarm technician, fire alarm technician, closed circuit television technician, access control technician, or security system monitor; but

(B) does not include—

(i) sworn police officers who have law enforcement powers in the State,

(ii) attorneys, accountants, and other professionals who are otherwise licensed in the State,

(iii) employees whose duties are primarily internal audit or credit functions,

(iv) persons whose duties may incidentally include the reporting or apprehension of shoplifters or trespassers, or

(v) an individual on active duty in the military service;

(4) the term ''certificate of registration'' means a license, permit, certificate, registration card, or other formal written permission from the State for the person to engage in providing security services;

(5) the term ''security services'' means the performance of one or more of the following:

(A) the observation or reporting of intrusion, larceny, vandalism, fire or trespass;

(B) the deterrence of theft or misappropriation of any goods, money, or other item of value;

(C) the observation or reporting of any unlawful activity;

(D) the protection of individuals or property, including proprietary information, from harm or misappropriation;

(E) the control of access to premises being protected;

(F) the secure movement of prisoners;

(G) the maintenance of order and safety at athletic, entertainment, or other public activities;

(H) the provision of canine services for protecting premises or for the detection of any unlawful device or substance; and

(I) the transportation of money or other valuables by armored vehicle; and

(6) the term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia [Mr. BARR] and the gentleman from North Carolina [Mr. WATT] each will control 20 minutes.

The Chair recognizes the gentleman from Georgia [Mr. BARR].

GENERAL LEAVE

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2092.

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

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in this great body in support of passage of the Private Security Officer Quality Assurance Act. I introduced this legislation in the first session of this Congress along with our colleague, the gentleman from California [Mr. MARTINEZ]