''(B) is residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) is not a national of or ordinarily resident in the host nation;

''(2) the term 'Armed Forces' has the same meaning as in section 101(a)(4) of title 10; and

''(3) a person is 'employed by the Armed Forces outside of the United States' if the person—

''(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

''(B) is present or residing outside of the United States in connection with such employment; and

''(C) is not a national of or ordinarily resident in the host nation.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

''212. Criminal Offenses Committed Outside the United States ..... 3621''.

MOTION OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CHABOT moves to strike all after the enacting clause of the Senate bill, S. 768, and insert in lieu thereof the text of H.R. 3380, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

A bill to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.''.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3380) was laid on the table.

□ 2145

TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4047) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

The Clerk read as follows:

H.R. 4047

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 ''Two Strikes and You're Out Child Protection Act''.

SEC. 2. MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

''(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

''(2) DEFINITIONS.—For the purposes of this subsection—

''(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243 (relating to sexual abuse of a minor or ward), 2244 (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children), or an offense under section 2423 (relating to transportation of minors) involving the transportation of, or the engagement in a sexual act with, an individual who has not attained 16 years of age;

''(B) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred forming the basis for the subsequent Federal sex offense, and which was for either—

''(i) a Federal sex offense; or

''(ii) an offense under State law consisting of conduct that would have been a Federal sex offense if, to the extent or in the manner specified in the applicable provision of title 18—

''(I) the offense involved interstate or foreign commerce, or the use of the mails; or

''(II) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151;

''(C) the term 'minor' means any person under the age of 18 years; and

''(D) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

SEC. 3. TITLE 18 CONFORMING AND TECHNICAL AMENDMENTS.

(a) SECTION 2247.—Section 2247 of title 18, United States Code, is amended by inserting '', unless section 3559(e) applies'' before the final period.

(b) SECTION 2426.—Section 2426 of title 18, United States Code, is amended by inserting '', unless section 3559(e) applies'' before the final period.

(c) TECHNICAL AMENDMENTS.—Sections 2252(c)(1) and 2252A(d)(1) of title 18, United States Code, are each amended by striking ''less than three'' and inserting ''fewer than 3''.

The SPEAKER pro tempore (Mr. TANCREDO). Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 4047, the bill under consideration.

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

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. GREEN), and I ask unanimous consent that he may be permitted to control the time.

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

There was no objection.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume; and let me begin by thanking the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, as well as the members of the committee, for their help and support in bringing this bill to the floor.

Let me also thank those Members who previously voted for this bill. This bill was voice voted last year as an amendment to the Juvenile Crime Bill, and so I appreciate the support that we had then and hope that we can count on similar support this evening.

Mr. Speaker, I think the best way to launch a discussion of this bill is to begin with a story. All bills in some way or another begin with a story, and this bill is no exception.

In January of 1960, a 19-year-old man in Green Bay, Wisconsin, my own district, a man named David Spanbauer, broke into a home, tied a babysitter to a bed and viciously raped her at knife point. When he was done, he waited until her uncle came home, and he shot him point-blank in the face. David Spanbauer was convicted and sentenced to 70 years in prison.

In May of 1972, 12 years later, he was paroled. Within months, he had raped another teenager, a hitchhiker, a random victim. He was returned to prison.

In January of 1991, he was released yet again; and a few years later he was caught trying to break into another home in northeastern Wisconsin. And when the police searched his car, they quickly found tools and resources linking him to a series of violent sexual assaults throughout the area. He confessed to raping and murdering a 10-year-old girl, raping and murdering a 12-year-old girl, raping and murdering a 21-year-old. He was convicted of 18 felonies in five counties.

Mr. Speaker, we are here tonight because of sick individuals like David Spanbauer. There is obviously no soft or pleasant way, there is nothing I can cleverly say that makes this subject matter easier. Sex crimes against children, we all agree here tonight, are the worst types of crimes. They are every parent's worst nightmare. And those of us who are parents, as I am, we try to reassure ourselves late at night by saying to ourselves that these are far away; these crimes and these individuals are far away. They are far off. They are not in our streets or in our communities. The problem is that David Spanbauer and others show us that that is not true.

The good news tonight, if we can call it that, is that statistics tell us the number of repeat child molesters, taken as a percentage of the prison population, is small, relatively small.

The horrific news is that the damage that each of these monsters causes is unbelievable. They destroy lives, they destroy communities, they steal innocence. The recidivism rate for repeat child molesters is extraordinarily high, higher than any other crime with which I am familiar.

The bill that is before us tonight was voice voted once before, again added as part of the Crime Bill. It is a narrowly focused, carefully tailored bill aimed solely and squarely at repeat child molesters. This bill does not Federalize any crime. In fact, it carefully respects State laws in this area. It covers a limited number of the most heinous, most horrible Federal sex crimes against kids: aggravated sexual abuse of a minor, for example; sexual abuse resulting in death.

And what this bill says, ''Two strikes and you're out,'' is real simple. It says that if an individual is arrested and convicted of a serious sex crime against kids and then serves their time, then after serving their time decides to do it yet again, they are going to go to prison for the rest of their life. I make no bones about it with this legislation.

This bill is not about rehabilitation, openly admitted. This bill is not even about deterrence. It is about removing bad people from society. It is about removing from society a very small number of people who cause tremendous damage. And every study tells us they will do it again and again and again, if we let them. They will rob children of their innocence, they will destroy families, and they will destroy our lives.

Mr. Speaker, before I sit down, I would like to point to this graphic. And as some of my colleagues noticed, it was originally upside down. I point to this graphic here, this number. Nothing fancy about it. Not a terribly elaborate graphic. But this graphic right here, this number, this number gives the essence of this bill.

The United States Department of Justice tells us that the average child molester will commit 380 acts of child molestation during his lifetime. Let me repeat that. The average child molester will commit 380 acts of child molestation during his lifetime.

Now, monsters like David Spanbauer, they are at fault, they are guilty, obviously, for their crimes. But I would suggest to my colleagues tonight, in the case of repeat child molesters, those who have been arrested and convicted before, if we let them out, if we fail to take action, do we not bear at least a little responsibility?

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to the bill.

Here we are with another series of crime bills which, by their title, make it sound as if we are doing something about crime but really are not.

This time, according to the title of the bill, it is ''Two Strikes and You're Out.'' This bill completes the baseball metaphor sound bites. A few years ago we had ''Three Strikes and You're Out.'' A couple of weeks ago we had the ''No Second Chances'' bill, which was essentially ''One Strike and You're Out.'' And although we have had no evidence that either one strike or three strikes did any good, we are now considering ''Two Strikes and You're Out.''

When we considered ''Three Strikes,'' we asked those who were supporting the bill to explain to us whether or not there were any fourth offenses that we were trying to prevent with the ''Three Strikes and You're Out,'' and we are still waiting for an answer. That was several years ago.

A few weeks ago we did have a hearing on ''One Strike and You're Out,'' and we heard that that bill was onerous, impractical, and unworkable. It was worse than an unfunded mandate, certain to generate a morass of bureaucracy. It is enormous and costly, and with a net probable public safety impact of zero. Those are not my words but the words of the National Governors' Association, the National Conference of State Legislators, the Council of State Governments, the U.S. Department of Justice, and a noted criminologist. Notwithstanding that testimony, however, we passed the bill with an overwhelming majority.

Now we have ''Two Strikes.'' It sounds like we are doing something about the tragic problem of child sexual assault. But this bill, if it has any effect at all, it might affect 10 cases per year. Every year there are approximately 100,000 cases of sexual assaults against children, 100,000; and this bill might affect 10, which in effect ignores 99.99 percent of the cases of sexual assaults against children in America.

Obviously, we ought to be focusing on what we can do to reduce the chances that one of the 99.99 might be assaulted. So long as we keep passing bills that offer virtually no prospect of reducing crime, we will never get the opportunity to consider those bills for which we have research-based evidence that they will demonstrably reduce crime. And therefore, Mr. Speaker, I ask for a ''no'' vote on this bill so we can get to other bills that will actually reduce crime.

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

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

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

There is nothing so despicable as those who prey on children. There is nothing so abhorrent as harming those who are most vulnerable. We have an obligation to do all within our power to protect this Nation's children from the monsters who are out there as we speak.

I want to thank the gentleman from Wisconsin (Mr. GREEN) for his leadership, and actually doing something about the despicable, the abhorrent things which happen to children in this country every day. The gentleman from Wisconsin has shown considerable leadership in offering this legislation. I commend him for that, and I urge my colleagues to support H.R. 4047.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume to read a comment from the United States Sentencing Commission, a letter to myself and the chairman of the Subcommittee on Crime dated May 1.

This is from the United States Sentencing Commission:

> H.R. 4047, as presently written, raises some serious proportionality concerns. The bill would require a mandatory life sentence for any person who is convicted of a Federal sex offense in which a minor is the victim, if the person had a prior sex conviction in which a minor was the victim. This sentence could be mandatory for two defendants convicted of vastly dissimilar crimes.
>
> For example, a defendant convicted of raping a child under 12 using force, who had a prior conviction for a similar offense, currently is subject to a mandatory life sentence. Under H.R. 4047, a 19-year-old defendant, who engaged in consensual sex with a 15-year-old, would be subject to the same life imprisonment if he had a prior statutory rape conviction or conviction for some other prior sex offense in which the victim was a minor. The seriousness of these two offenses and harm to the victims could obviously be very different.

I would just like that note from the Sentencing Commission placed in the RECORD.

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

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume to sum up.

First of all, let me say that this will not be the first time or the last time I disagree with the Sentencing Commission, both regarding their opinion and also in their analysis of a bill.

But let me just close by saying this. I would invite all of my colleagues, when they go home this weekend, to go to their computer, go on line, and call up the sexual offender registry in their home State or their home community and take a look at the rogues gallery of sick monsters who prey on our children. What my colleagues will find interesting when they call up those names, in taking a look at for how many of those individuals the record shows that they have done it over and over and over again.

This bill is about removing sick monsters from society.

Mr. KUYKENDALL. Mr. Speaker, I rise today in strong support of H.R. 4047, the Two Strikes and You're Out Child Protection Act. This is important legislation that will help protect our children from sexual predators.

Today, we are sending a message to all pedophiles. You get one chance to reform your ways. If you are caught a second time sexually assaulting a child and are convicted, you will be given a life sentence without parole. The sad truth is that sex offenders and molesters are four times more likely than other

violent criminals to recommit their crimes. A typical molester will abuse between 30 and 60 children before they are finally arrested and the danger to other children eliminated. More shocking, a recent survey conducted by the Washington Post found that each pedophile in the survey had molested an average of 300 innocent victims. Even one more victim is too many, and the Two Strikes and You're Out Child Protection Act will aggressively curb sexual abuses and assaults.

With the emergence of the Internet, children are even more vulnerable to sexual predators. Luring children across state lines has become even more prevalent as a result of the Internet. In this world where state lines have less meaning to our everyday lives, we need a concerted, national effort to combat this perverse threat. The Two Strikes and You're Out legislation does exactly that, not by creating more cumbersome crimes or by removing the role of the states, but by strengthening the penalties for crimes already on the books.

As a state legislator, I worked tirelessly to pass a piece of legislation called the Tyler Jaeger Act. The bill helps California law enforcement officials combat child abuse by strengthening the penalties against individuals who commit child abuse that results in the death of a child. My goal in passing this legislation was to provide a greater level of protection for our children. As a form of child abuse, sexual assault is among the saddest of crimes that can be committed, largely because the victim is defenseless. With high recidivism rates, we know that pedophiles will repeat their crimes until we get them off the streets. Just like Tyler Jaeger gave California new tools to fight child abuse, H.R. 4047 will provide federal law enforcement with a greater ability to remove these threats from society. Supporting this bill is the least we can do for all of our children. I urge my colleagues to vote for this important tool.

Mrs. KELLY. Mr. Speaker, I rise today in support of this legislation offered by the gentleman from Wisconsin.

Child sex offenders are justly condemned by our society as being the worst kind of criminal. The bill being considered today reminds us that perhaps our policies dealing with them do not fully match our rhetorical reproach.

The proposal we will vote on today represents the tough approach that must be taken if we are to succeed in reducing sex crimes against our children. An examination of the issue tells us that pedophiles are more likely than virtually any other type of criminal to repeat the same offense—yet the convicted pedophile currently spends on average less than three years behind bars.

We have got to do better than that. Child sex offenders ruin lives. They are predators with no conscience. The defenseless children upon whom they prey must deal for the rest of their lives with the scars left by a child sex offender's cowardly actions.

We must do more to keep these pedophiles off our streets and away from our children. This bill clearly takes a significant step in this direction through its provision of tougher sentences for repeat offenders, so I thank my colleague from Wisconsin for his efforts on this matter, and join him today in advocating its passage.

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

□ 2200

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4047.

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

A motion to reconsider was laid on the table.

ILLEGAL PORNOGRAPHY PROSECUTION ACT OF 2000

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4710) to authorize appropriations for the prosecution of obscenity cases.

The Clerk read as follows:

H.R. 4710

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 ''Illegal Pornography Prosecution Act of 2000''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice for fiscal year 2001 not to exceed $5,000,000 to be used by the Criminal Division, Child Exploitation and Obscenity Section, for the hiring and training of staff, travel, and other necessary expenses, to prosecute obscenity cases, including those arising under chapter 71 of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4710.

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

There was no objection.

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma (Mr. LARGENT) be permitted to control the time, and I yield the balance of my time to the gentleman from Oklahoma.

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

There was no objection.

Mr. LARGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Speaker, I would like to first thank the gentleman from Oklahoma (Mr. LARGENT) for yielding this time to me, but, more importantly, for his leadership in combatting the serious problem of child sexual abuse and pornography in this country, particularly the explosion that has taken place with the advent of the Internet.

The Internet is one of the most wonderful developments that we have experienced in the history of this country and the history of mankind. It allows people the opportunity to learn, to experience new things, to have educational opportunities, business opportunities, opportunities to shop on-line. We want people to use the Internet. We want them to feel safe in doing so, but one of the biggest businesses on the Internet is that of obscenity, of hardcore pornography.

There are thousands of sites, estimates range from 40,000 to 100,000 sites. And the gentleman's legislation is designed to provide the resources to law enforcement to combat this problem. He has been very supportive of efforts that I have initiated to combat this by giving grants to local law enforcement agencies.

This $5 million goes to the Department of Justice for funding for the child exploitation and obscenity section of the Department. The monies would be authorized only for prosecutions under title 18, chapter 71, obscenity.

Federal statutes make it illegal to transport obscenity. Obscenity has been defined by the Supreme Court and is not protected by the first amendment. The amount of material on the Internet is growing exponentially.

Law enforcement was doing a pretty good job until a decade or so ago of working with postal authorities and so on to deal with this, of shutting down some adult book stores in many parts of the country. It was a battle that we were in some respects winning.

The Internet has changed that. The feeling that some people have that they are so anonymous they can be in their home viewing this material creates a serious problem, and it is a problem that is not simply a matter of looking at pictures of women under certain circumstances. It is pictures of children engaged in sexual activities, best described to me by a law enforcement officer who said that child pornography is viewing a crime in the process of being committed.

It is entirely appropriate that we devote these resources to this. The prosecutions for obscenity have dropped dramatically over the last 8 years. The excuse used by the Justice Department is they do not have the resources. Let us change that today by making sure that they have adequate resources to prosecute these people who would prey on our children.

Estimates are as high as 400,000 children who are victims of child pornography in this country. I urge my colleagues to support this excellent legislation.

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