Many of these documents were written during the leader's last year, the last year of his life. The reflections of Malcolm X's innermost thoughts in these documents are of significance not only to his devout followers, but for all who thirst for wisdom. Knowledge is priceless, and those who place a price on knowledge may never come to realize its true value.

Good luck to the family of the Honorable El Hajj Malik El Shabazz.

SCANDALOUS INS ERROR SHOULD LEAD TO REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. JACKSON-LEE of Texas. Mr. Speaker, scandalous. Mr. Speaker, absolutely scandalous, when the INS issues a visa to two deceased terrorists who in fact were part of the September 11 tragedy.

What needs to be done is that the INS has to be demanded right now to implement their visa tracking system. The President has to order them to implement the program that already exists.

What else has to happen? The INS has to be restructured, not abolished. We must recognize that there are two distinct responsibilities, but they must be coordinated by a Deputy Attorney General for Immigration Affairs.

What must they do? Deal with the services aspect, for those who want to access legalization, those who are honest immigrants, and then coordinate with the enforcement so that we can stop at the borders the terrorists who want to come into our Nation.

Visas to deceased terrorists? Outrageous and scandalous. The President needs to order the INS now: Put that tracking system in place today and make it work.

BULGARIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday, I welcomed to Capitol Hill Ambassador Elena Poptodorova and Foreign Minister Solomon Passy of the Republic of Bulgaria. Ms. Poptodorova and Mr. Passy have been dynamic leaders to promote the establishment of democracy in Bulgaria.

My appreciation of the people of Bulgaria began in June, 1990, when I served as an election observer for the International Republican Institute. I saw firsthand the end of Communist totalitarianism and the birth of democracy.

Over the last decade, democracy has flourished in Bulgaria, and its economy grew 5 percent last year. In the war on terrorism, Bulgaria has been an enthusiastic ally of NATO and the United States. The people of Bulgaria have warmly reestablished friendships with the people of America.

With its strategic location in southeastern Europe, with its talented people, and with its enthusiasm for democracy, I support Bulgaria's admission into NATO as soon as possible. I congratulate Ambassador Elena Poptodorova and Foreign Minister Solomon Passy for their efforts for coordinated defense in Europe.

TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 366 is an open rule providing for the consideration of H.R. 2146, the Two Strikes and You're Out Child Protection Act.

The rule provides for 1 hour of general debate, evenly divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. The rule further provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment.

□ 1030

This is a fair rule that will allow Members ample opportunity to offer amendments and debate this important issue.

I can think of few crimes, Mr. Speaker, as serious as the sexual abuse of children. I personally favor the death penalty for the criminals that we are dealing with in this legislation. Though this legislation does not go that far, it does treat repeat child molesters in a severe fashion.

H.R. 2146 would establish mandatory sentences of life imprisonment for twice convicted child sex offenders. This bill would apply to individuals committing sexual offenses against persons under the age of 17. Child sex offenders pose a very serious threat to society. Studies have shown that a single child molester can abuse hundreds of children. This number is particularly troubling when one considers that the abuse of one child is far too many.

Perpetrators of these unthinkable crimes steal the innocence of our Nation's children and corrupt society. According to the committee report, Mr. Speaker, victims experience severe mental and physical health problems as a result of these crimes. These problems include increased rates of depression and suicide as well as all sorts of other serious problems.

We must do everything in our power to ensure that repeat sex offenders are kept off of our streets. Mr. Speaker, we sadly live in a world where children are all too often forced to grow up much too quickly. I ask that my colleagues help us in protecting our children from sexual offenders by passing this critical piece of legislation.

I would like to thank the gentleman from Wisconsin (Mr. GREEN); the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary; and all those who have worked so diligently to bring this legislation forward.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding

me the time. This is an open rule. It will allow for the consideration of a bill that would establish a mandatory sentence of life in prison for anyone convicted a second time for sexual offenses against children.

The legislation applies only to cases on Federal properties such as military bases and national parks. As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

Mr. Speaker, sex offenses against children are among the disturbing crimes in our society and each attack can be a tragic event that will leave a permanent psychological scar on its victim. Punishment should be severe. It is important to lock up offenders so that they do not have the opportunity to strike again. This is the justification behind this bill.

However, I must use this opportunity to express some concern over eliminating the flexibility of the courts to make the sentence fit the unique events behind a particular case. Experts have pointed to a number of undesirable practices that could occur by requiring such a strict sentence regardless of the circumstances.

Mr. Speaker, this is an open rule. Members will have a chance to change this bill. They will have the opportunity to perfect it through the amendment process. I support the rule.

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

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am sorry my voice is a little raspy, but my heart is certainly not raspy but concerned about the nature of the acts against children when they are sexually molested or abducted; and so in general I think the idea of acknowledging the viciousness of those who would sexually molest and abduct children is very valuable. And the underpinnings of this legislation, I recognize the importance of and clearly believe that we should move in the direction, however, with one concern as the ranking member indicated, whether or not our Federal judges would have some discretion to deal with cases that warrant determinations of difference other than what this legislation proposes.

As I speak to that issue, I believe and hope that my amendment concerning a study of the impact of this legislation would be received and accepted. And then I would like to move to another discussion, Mr. Speaker, and that is of a present circumstance that is going on in my district right now. I am going to ask this House to weigh the germaneness that might be raised against an amendment that I propose because we have a problem, and I believe this is a Federal problem.

As I speak, a 13-year-old in Houston, Texas, has been abducted, someone who simply wanted to do her homework Sunday night. She lives in an apartment. She is an immigrant, Spanish speaking. She just wanted to go 100 feet down the street to get a Sunday newspaper dutifully doing a school project. And her mother indicated, can you wait till Monday morning, and my colleagues know how good students are in the 7th grade. She said she needed the Sunday paper. Lo and behold, on Monday morning when she did not return or early that morning when the mother was frantic, the police found sneakers scattered, papers scattered and obviously something has gone awry.

What a tragedy, Mr. Speaker, that here in the face of this legislation we now have a circumstance that this child is missing, but let me tell my colleagues the absolute insult.

As the officers were poring over lists of known sexual offenders, concentrating on the girl's neighborhood, the Texas Department of Public Safety lists 25 registered sex offenders in one ZIP code. This is unbelievable. This has no sense to it. This is a tragedy in its own making, and I hope the leaders of this legislation can find some sense to allowing an amendment that investigates how we can put 25 sex offenders in one ZIP code, and this has to do with Federal funding and a nexus as to whether or not these States should have these dollars. We have to find some other way of dealing with this.

Mr. Speaker, thanks very much for the tolerance of my outrage, but we need an amendment that will stop putting this overabundance of sex offenders in one neighborhood; and we need to find little Laura Ayala now.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Pursuant to House Resolution 366 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2146.

□ 1039

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, with Mr. TERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 2146, the Two Strikes and You're Out Child Protection Act. This bill would establish a mandatory sentence of life imprisonment for twice-convicted child sex offenders.

The bill states that any person convicted of a Federal sex offense against a person under the age of 17 who has been previously convicted of a similar offense at the State or Federal level would be subject to a mandatory minimum sentence of life imprisonment. The term ''Federal sex offense'' includes various crimes of sexual abuse committed against children and the interstate transportation of minors for sexual purposes.

According to the Justice Department's Bureau of Justice Statistics, since 1980 the number of persons sentenced for violent sexual assault other than rape increased annually by an average of nearly 15 percent, which is faster than any other category of violent crime. Of the estimated 95,000 sex offenders in State prisons today, well over 60,000 most likely committed their crime against a child under age 17.

Compounding this growing problem is the high rate of recidivism among sex offenders. A review of frequently cited studies of sex offender recidivism indicates that offenders who molest young girls repeat their crimes at rates up to 25 percent and offenders who molest young boys at rates up to 40 percent. Moreover the recidivism rates do not appreciably decline as offenders age.

Another factor that makes these numbers disturbing is that many serious sex crimes are never reported to authorities. National data and criminal justice experts indicate that sex offenders are apprehended for a fraction of the crimes they commit. By some estimates, only one in every three to five serious sex offenses are reported to authorities, and only 3 percent of such crimes ever result in the apprehension of an offender.

Studies confirm that a single child molester can abuse hundreds of children. It goes without saying that any attack is devastatingly tragic for the victim and will leave a scar that will be carried throughout life. Victims experience severe mental and physical

health problems as a result of these crimes. These problems include increased rates of depression and suicide, as well as reproductive problems. The effect of sexual abuse resonates from victim to family and continues to weave through the fabric of our communities.

Children have the right to grow up protected from sexual predators and free from abuse. H.R. 2146 will protect America's children by permanently removing the worst offenders from our society, those who repeatedly victimize children.

Mr. Chairman, I urge my colleagues to support this legislation.

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

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

I rise in opposition of H.R. 2146. It is a perfect example of what the Judicial Conference of the United States Courts describes as the type of legislation that ''severely distorts and damages the Federal sentencing system and undermines the sentencing guideline regimen established by Congress to promote fairness and proportionality in our sentencing system.''

Under the bill, Mr. Chairman, the mandatory minimum penalty for second offense of consensual touching by an 18-year-old of his 14-year-old girlfriend is life imprisonment without parole, the same penalty for a sexual offense against a child which results in the child's death.

Mr. Chairman, 2243(a) violations which are included in the bill involve consensual acts between a 13- to 15-year-old minor and someone who is at least 18 years of age, more than 4 years older than the minor. ''Sexual act'' is broadly defined to include even consensual touching. And since attempts are punished in the same manner under the law as the completed act, even a second attempted touching mandates life without parole.

An older sexual predator may well deserve life without parole for even attempted consensual touching, but no rational sentencing scheme would treat an 18-year-old attempting to touch a 14-year-old girlfriend in the same manner.

□ 1045

Proponents of the bill suggest that a second consensual offense between teens could not occur because by the time the first case is over, the offender, who has served his sentence, would no longer be a teen. This does not take into account the fact that the likely judgment for such a first offense would be probation. All it takes for these kinds of cases to end up in court is a determined parent and equally determined teens, and, bam, life without parole for what children refer to as ''petting.''

The current penalty maximum for a second offense under 2243(a) is 15 years. We do not have to mandate life in prison to get all of the cases for which life would be deserved. To get the cases for which 15 years is not harsh enough, we can increase the maximum penalty. So, Mr. Chairman, at the appropriate time, I will offer an amendment to raise the maximum possible sentence for violations of 2243(a) to life imprisonment, and leave it to the Sentencing Commission and the courts to distinguish which cases deserve harsher punishment than 15 years, rather than taking the draconian approach in this bill and mandating life without parole for all cases, regardless of circumstances.

One thing should be clear, Mr. Chairman, the bill only applies where there is Federal jurisdiction. Therefore, none of the cases, virtually none of the cases that will be referred to by the supporters of the bill will be affected by the bill because those are State cases. The Federal jurisdiction would be those on Native American reservations, national parks and U.S. maritime jurisdiction.

Only a few cases fall under that jurisdiction, the requirement of Federal jurisdiction; at least the information we have gotten from the Sentencing Commission is that it might affect 60 cases. But virtually all of those cases will be for Native Americans on reservations.

It is unfair that Native Americans will be subjected to such a grossly disproportionate impact from the draconian legislation just because they live on a reservation. The bill will create the anomaly of two like offenders committing the same offense in the same State with one getting probation and the other getting life without parole because he lives on a reservation.

That is why, Mr. Chairman, I will offer another amendment that will allow tribal governments to opt out of the provision of the bill in the same manner as we did for the ''Three Strikes and You're Out'' bill a few years ago. There is no evidence that there is any particular problem with sex crimes against children on reservations or any other Federal jurisdiction, and there is nothing to suggest that to whatever extent there is a problem it is not being appropriately dealt with under Federal jurisdiction now.

Interestingly enough, Mr. Chairman, prior marriage is a bar to prosecution under 2243(a). All over this Nation, States recognize the rights of parents to give consent to a minor, often as young as 13, where the spouse could be as old as 40 or older. In all likelihood, before the marriage, they will have been committing offenses which could result in life without parole under the bill. If there is any debate within the family about the appropriateness of the marriage, life without parole creates an interesting new idea about the shotgun wedding.

The problem with this bill, Mr. Chairman, is the problem of mandatory sentences in general. They eliminate reason and discretion in order to promote the politics of tough on crime. There is no study or data or other reasoned basis for this bill. The entire reason is its title, the baseball phrase ''two strikes and you're out.'' If ''two strikes and you're out'' is not even good baseball policy, why would we arbitrarily conclude it is good crime policy?

Another major concern is that it would have the chilling effect on victims coming forward to report sex crimes if the victim knows the result will be that the perpetrator will have to serve life without parole. For example, a teen victim may be reluctant to turn in an older sibling or other family member if they know that the offender will have to face life without parole.

In addition, H.R. 2146 would lead to a victim being killed to lessen the risk of being caught. The law professor and criminologist who testified before the Subcommittee on Crime on an earlier version of this bill stated that facing life without parole, a sex offender would have little further to lose by eliminating the victim, who is often an important witness against the offender.

Now, considering the penalty for second-offense murder is less than second-offense petting, we can see why this is a concern. So, Mr. Chairman, I oppose the bill in its present form, but believe we can fix the worst problems in it, and I, along with other colleagues, will offer amendments designed to do so.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN), who is the author of the bill.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time, and I begin by thanking my friend and colleague from Wisconsin for his work in bringing this bill forward. I appreciate it very, very much.

First, let me say that this bill is not new to this House. This House has already passed the bill twice on a voice vote. The State version of this legislation is already the law in Wisconsin, and other States are looking at it. The cosponsorship of this legislation is bipartisan. In fact, it includes the chairman of the Democratic Caucus.

The reason this bill has such strong support is that its objective is unassailable, preventing repeat child molesters from continuing to prey upon our young kids. This bill is a very simple one. It does not federalize any crimes. It does not change the terms of underlying criminal laws. This bill is not about sending a message, this bill is not about deterring crime, it is about getting bad guys off the streets so they cannot attack more innocent children.

This bill says very simply, If you are arrested and convicted of a serious sex crime against kids, and then after you have done your time and you are released, you do it yet again, that is the end of the line. You are going to go to prison for the rest of your life. No more chances and, Lord willing, no more victims.

Now, my good friend and colleague, the gentleman from Virginia (Mr. SCOTT), said there are no good studies for this bill. I could not disagree more. Study after study supports this bill. A 1992 study from the National Center for Missing and Exploited Children found that the average pedophile commits 281 offenses, with an average of 150 victims. One hundred fifty victims. There are other studies that do much more; the numbers are higher. For purposes of the debate today, we have tossed out those high numbers. We have come up with an average of 201.

So think about that number as we have the debate today, 201 victims per pedophile. There are other studies, as I said, that put the number higher. Those studies recently caused former Attorney General, Democratic Attorney General, Janet Reno to estimate that the recidivism rate of child molesters is 75 percent.

This bill is necessary because, thankfully, the number of attackers is relatively small; but tragically, the number of victims, the number of lives destroyed, innocence stolen, is incredibly and unacceptably high. If someone is arrested and convicted of a serious sex crime against kids, and then after they are released, they do it yet again, they have shown that they are unwilling or unable to help themselves. We must get them off the streets so their reign of terror will end.

Congress must stop this tragedy. It is happening in too many places across this country to too many young people, to too many families. I urge our Members to take this measure up. Let us get this done quickly. This is important. This will save lives.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume just to point out that the cases that have been mentioned probably do not even come under the bill.

First of all, if the average is 201 before apprehension, the bill will have no effect because it will not be a second offense. Second, you have to charge at least one of them as being on Federal property after the prior conviction. And, third, it does include misbehaving teenagers.

The bill needs to be reworked. It can get those we are trying to get, but it is overinclusive and many people who do not deserve life without parole will be brought up under it.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), who is the chairman of the Subcommittee on Crime.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Wisconsin, the chairman of the Committee on the Judiciary, for yielding me this time, and I strongly support H.R. 2146, the Two Strikes and You're Out Child Protection Act, introduced by the gentleman from Wisconsin (Mr. GREEN).

This bill will amend the Federal Criminal Code to provide for mandatory life imprisonment of a person convicted of a Federal sex offense in which a minor is the victim, when the person has previously been convicted of a State or Federal child sex offense. This is important legislation that will protect our children from sexual predators.

Studies have shown that sex offenders and child molesters are four times more likely than other violent criminals to recommit their crimes. Even more disturbing is the number of victims the average pedophile abuses in a lifetime. While any criminal's subsequent offense is of public concern, preventing child sexual predators from repeating crimes is particularly important, given the irrefutable harm that these offenses cause victims and the fear they generate in the community. Sexual assault is a terrifying crime that can leave its victims with physical, emotional, and psychological scars.

Mr. Chairman, this legislation will provide law enforcement officials with the ability to permanently remove those individuals from our society, who have demonstrated that they will continue to prey upon our children if not incarcerated.

Based upon the testimony before the Subcommittee on Crime, this bill enjoys broad support from victims' rights organizations, correction officials, as well as those who suffer from sex offenders' actions. Mr. Chairman, I urge my colleagues to support this legislation.

Mr. SCOTT. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I am here this morning to show my strong support for H.R. 2146, the Two Strikes and You're Out Child Protection Act, sponsored by my good friend, the gentleman from Wisconsin (Mr. GREEN). This legislation would bring to justice the worst kind of sexual predators in our Nation, those who prey on our children.

Statistics have shown that giving these predators two strikes is more than enough for what they are doing to our children. Actual rates of repeat offenders are two-and-a-half times higher than are reported. A study of offenders, as the gentleman from Wisconsin (Mr. GREEN) was referring to earlier, shows those with two offenses each, in actuality, in one study, were found to have 110 different victims and committed 318 different offenses each. And, sadly, it is obvious that victims of child sex offenders have a higher risk of depression and suicide and are more likely to abuse alcohol and drugs.

I know this will be a stringent and difficult guideline, but as a man with four children of my own, I think it is time that we crack down. Ronald Reagan said that government's first duty is to protect the people. By passing this important legislation, we stand up and say ''no.''

Now, I know there are some who wish to make some changes in this legislation, like exempting certain groups or geographic areas from its application. We cannot allow that to happen. Exempting some would only create a safe harbor for these predators to prey. If we exempt a certain area, we are saying to those children, Your safety and well-being matters less than our children's.

Mr. Chairman, in this time of war, it is important for us to focus on foreign predators who wish to end our existence and our democracy, but we cannot forget to focus on those who wish to take advantage of the fairness and mercy of our judicial system by harming our most vulnerable, our children. Please join me in supporting H.R. 2146.

□ 1100

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, even though we are on opposite sides of this issue.

I rise in support of the Two Strikes and You're Out Child Protection Act. I thank the gentleman from Wisconsin (Mr. GREEN) for his hard work on this legislation.

I think too often Americans have heard the cases of heinous crimes committed against children by criminals who turn out to be repeat offenders. Despite the best efforts of local and State law enforcement officers, convicted pedophiles still threaten the well-being of our children. I believe we must do everything we can to keep sex offenders off the street and away from our youth. This bill takes a step in the right direction. Many States have already passed laws known as Megan's laws to notify communities when a sex offender moves into the neighborhood. Today, we have an opportunity to see that some of these offenders never have the opportunity to move into our neighborhoods in the first place.

Today, by passing the Two Strikes and You're Out Child Protection Act, we can ensure that these lowest of all criminals are moved out of residential blocks in our communities and moved into the cells of Federal prisons.

I support this bill wholeheartedly. I urge my colleagues to do so.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume, just to mention that if someone is caught molesting 300 children, it is hard to believe that with consecutive sentences that they would ever get out, first or second offense. This also, unfortunately, includes misbehaving teenagers who would be treated, under this bill, worse than murderers.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time, and I want to also thank the gentleman from Kentucky (Mr. LUCAS) for his support for this legislation.

The issue just raised by my friend and colleague, the gentleman from Virginia (Mr. SCOTT), about the so-called casual teenage statutory rape scenario, we will talk about a little later on. I think Members will see that is not an applicable scenario to this legislation. But, Mr. Chairman, what I would like to do here is focus everyone's attention to this chart. On this chart there are three numbers. These three numbers are important because I believe that this whole debate really comes down to these three numbers. These three numbers say it all: 16, 75, and 511. What do those numbers stand for?

Sixteen. Sixteen represents the number of years that a sexual offender commits his crime before he is caught. So when you see a sexual offender on television, of someone being caught, convicted and being tried for their offense, understand that, on average, he has been doing this for 16 years before he gets caught. Sixteen. Think of how much damage and destruction, how many lives he has destroyed.

The second number, 75. Seventy-five is the recidivism rate for child molesters as estimated by Attorney General Janet Reno, a Democrat. She wrote this last year in an article that she believes the recidivism rate is about 75 percent. Again, that goes to what we have been saying all along, that these are unusual crimes. This is not run-of-the-mill crime in any sense of the word. And that if we have someone who is arrested and convicted of a serious sex crime against kids and they have done it yet again after they are released, studies tell us, the numbers tell us they are going to do it again and again and again unless we stop them.

Five hundred eleven. This is the most troubling number of all. This is a number that I do not make up. This is a number that comes from a study done in the year 2000 by ''Sex Abuse,'' the journal of research and treatment into this area of sexual offenders. Five hundred eleven represents the average number of crimes committed by admitted child molesters; 511 per molester. That number is so large, it is hard for us to even imagine, to even comprehend it. And we cannot comprehend it, because these individuals are sick. They are sick monsters in every sense of the word. But once again, these numbers tell us that if someone is arrested and convicted of a serious sex crime against kids and they serve their time and they are released, if they do it yet again, they are self-identified. They have told the world that they are either unwilling or unable to help themselves. Congress has to step in.

This bill is not about sending a message. This bill is not about piling on. This bill is not about deterrence. This bill is very simply, given these numbers, given the recidivism rate, this is simply about taking these sick monsters off the streets, away from schools, away from our children, to protect our children, to protect our families, to try to end the cycle of horrific violence that is every parent's nightmare. That is what this bill is about, these three numbers.

I urge my colleagues to support this bill. Let us get this on the Senate's desk. Let us encourage the Senate to act. Let us break the cycle of violence.

Mr. BLUMENAUER. Mr. Chairman, I rise today in support of H.R. 2146, the Two Strikes and You're Out Child Protection Act. One reason I support this legislation is because, it is estimated that child molesters are four times more likely than other violent criminals to recommit their crime.

Despite my support, I am concerned that this legislation, since it only applies in Federal jurisdiction, will have a disproportionate racial impact on Native Americans. I am pleased that my colleague BOBBY SCOTT offered an amendment to add a new section including special provisions for lands occupied by Native Americans. However, the amendment failed by voice vote. It is my hope that as this bill is forwarded to the Senate, attempts to address this imbalance will occur.

Mr. STARK. Mr. Chairman, I rise today in reluctant opposition to H.R. 2146, the Two Strikes and You're Out Child Protection Act. Protecting our children from abuse is of paramount importance. Unfortunately, the potentially harmful consequences of this bill outweigh its benefits.

My primary concern with H.R. 2146 is its mandatory sentencing requirements. Mandatory sentencing laws tie the hands of judges. Such laws remove the flexibility judges need to carefully review every case and assess the individual circumstances of their cases. For example, this bill could force a judge to sentence someone to life in prison for a minor offense. Furthermore, in some abuse cases, particularly those involving family members, treatment and counseling may effectively address the offending behavior. This bill would eliminate the prospect for such treatment. When sentencing, judges need to have the discretion to determine when a plaintiff is a sexual predator that could threaten other children, versus someone whose problems could be addressed through treatment, counseling or other means.

In addition to my concerns about mandatory sentencing, this bill has an unintended racial bias. This bill is limited to cases falling under federal jurisdiction, meaning it would apply primarily to Native Americans on reservations. It would have no effect on the type of cases used to justify the bill, such as the Polly Klaus case. That was a state case and so this bill would have no effect. There is no evidence to suggest that child abuse is particularly prevalent on Native American reservations, so this bill unfairly singles them out.

We need strong laws to protect children from abuse. Such laws, however, must give our judges the proper authority to best protect the interests of our children and their families. In that regard, this bill falls short, so I must reluctantly vote against the bill.

Mr. RILEY. Mr. Chairman, I am pleased to support H.R. 2146, the Two Strikes and You're Out Child Protection Act. I believe the youth of this Nation are our most important and precious commodity, and those who violate these children must be punished to the fullest extent of the law.

Unfortunately, we have all seen what the abuse, both physical and mental, can do to the victims of these sexual predators. It is devastating, and those wounds do not heal even when these children reach adulthood. In addition, studies have shown that child sex offenders are more likely to reoffend than any other type of criminal, and there is nothing more frightening to a parent than the thought of one of these monsters having any kind of contact with their children. I firmly believe that these repeat offenders should be permanently locked away, not only as punishment, but also to protect children who are defenseless against these predators.

In closing, I would like to reiterate my strong support for this legislation. As a parent and a representative of the citizens of this country, I believe we must implement every safeguard possible to protect our children. We cannot afford to stand idly by and allow the evil-doers that prey on children to ruin any more lives. These individuals must be locked away, for life.

Ms. KILPATRICK. Mr. Chairman, first and foremost let it be known that I strongly support the protection of children from child molesters and the punishment of those who molest children to the full extent of the law. I am, however, concerned that the use of mandatory minimum sentencing guidelines is not the right direction to take. This measure is another expansion of the use of mandatory minimum sentencing without the benefit of studying their true impact. Mandatory minimum sentences, particularly as they pertain to drug sentencing, have resulted in a skyrocketing prison population with no end in sight. Our prisons today are filled with nonviolent drug offenders serving harsh sentences for acts that treatment might better address. I believe that our experience in this area has shown that crimes are best assessed on a case-by-case basis, by a judge and jury of one's peers. I do not believe we should enact more legislation that takes the administration of justice away from our Nation's judges.

Mr. SMITH of New Jersey. Mr. Chairman, today I rise in strong support of H.R. 2146, the Two Strikes and You're Out Child Protection Act. The premise of the bill is simple: if you are convicted twice of any Federal sex crime, and the crimes take place on Federal property, then you go to prison for life.

Study after study shows that criminals who prey upon children are more likely to reoffend than any other category of criminal. According to a 1999 study by the Center for Sex Offender Management, 16 years goes by before the average sex offender is caught and a recent 2000 study in the issue of sex abuse found that the average sex offender commits 511 crimes. As you know, they victimize, on average, hundreds of children and commit several hundred different offenses and unfortunately, they are prosecuted for only a tiny fraction of their horrific acts.

Mr. Chairman, these statistics are all too real—in my district in New Jersey, a 7-year-old girl, Megan Kanka, was raped and then murdered by her neighbor, Jesse Timmendquas in 1994. He was a two-time convicted sex offender who was released

early from prison after serving 6 years of a 10 year sentence. Mr. Timmendquas lived across the street from the Kanka family in a house he shared with two other sex offenders—and neighbors were not aware of their criminal past.

In light of Megan Kanka's horrific tragedy, I worked alongside my colleagues to pass ''Megan's Law.'' At first, this legislation was established at the State level. Later, we were successful at winning support at the Federal level to require states to inform the public when dangerous sex offenders are released from prison and move to their neighborhoods.

The combination of the Two Strikes You're Out Child Protection Act, and Megan's Law, will provide important tools to protect our communities from sex offenders. It is my hope that we will eventually expand the Two Strikes and You're Out Child Protection Act nationwide, and into all states and territories.

The people who repeatedly sexually molest children do not deserve to roam free. When they are free, they molest children. Until modern medicine can cure the sick mind that compels sex offenders to commit their horrific crimes, they should not be allowed to leave prison. Period.

Megan Kanka's death could have been prevented. All of us in Congress have a special burden to make sure that our laws adequately protect children from the likes of Mr. Timmendquas. H.R. 2146 is a good step in the right direction.

Protecting our children from sexual predators requires a comprehensive, multilayered approach. I am proud to have been the prime sponsor of legislation, the Victims of Trafficking and Violence Protection Act (P.L. 106–386), which contained two key provisions to help fight child molesters. The first provision of P.L. 106–386 would expand the ''Megan's Law'' concept to college and university communities. Under the new law, law enforcement authorities are required to notify local communities when a registered sex offender is enrolled or employed at a local college or university.

The second provision was called ''Aimee's Law,'' and is designed to punish states that release dangerous sexual felons back into our communities in the first place. Under ''Aimee's Law,'' if a State lets a sexual predator loose, and that predator moves to another State and victimizes another person, the second State can petition the Attorney General to have law enforcement grant funds transferred from the first State to the second State as a form of interstate compensation. The central idea behind the law is to discourage States from releasing sex offenders early.

As the father of four children, I share the anger and frustration that parents across our country have regarding sexual predators and the grave danger they pose to our country's children. As my colleagues are aware, I have worked with many of you in the effort to pass and enforce tough laws to crack down on child pornography, precisely because I believe it leads to diabolicala crimes such as sexual molestation and rape of young children. The Two Strikes and You're Out Child Protection Act will take these people who prey on our children off the streets and into jail—where they belong—for life.

I urge my colleagues to unanimously support the Two Strikes and You're Out Child Protection Act.

Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 2146, the Two Strikes and You're Out Child Protection Act which will amend the current code and provide for no less than automatic life imprisonment for repeat child sex offenders.

There are few crimes which are as evil and heinous as those committed by sexual predators against innocent children. Those sick, twisted individuals not only destroy the lives and the innocence of the children upon whom they prey, but they also impact forever on entire families and communities.

It is estimated that over two-thirds of the sex criminals imprisoned today preyed on minors. Moreover, studies show that child sex offenders are more likely to reoffend than any other category of criminal. Accordingly, this legislation is the least we can do to ensure that these deviants are not provided the opportunity to commit these egregious crimes again and again. Once is unspeakable. Twice should be life. Accordingly I urge my colleagues to vote ''yes'' on this important and timely legislation.

Mr. PAUL. Mr. Chairman, as an OB–GYN who has had the privilege of bringing over 3,000 children into the world, I share the desire to punish severely those guilty of sexual abuse of children. In fact, it is hard to imagine someone more deserving of life in prison than one who preys on children. However, I must offer a cautionary note to the legislation before us, which would establish a mandatory lifetime sentence for anyone convicted of two child sexual abuse crimes.

The bill before us today simply expands Federal penalties for already existing Federal crimes, and does not in any way infringe on the jurisdiction of the States. However, Mr. Chairman, I would ask my colleagues to consider whether child sexual abuse should be a Federal crime at all. The Constitution specifies three Federal crimes, namely treason, piracy, and counterfeiting. It is a stretch, to say the least, to define child abuse as a form of treason, piracy, or counterfeiting. Therefore, perhaps the best means of dealing with child sexual abuse occurring on Federal lands across State lines is to turn the suspected perpetrator over to the relevant local jurisdiction and allow the local authorities to prosecute the crime.

As I stated before, it certainly is a legitimate exercise of government power to impose a lifetime sentence on those guilty of multiple sex crimes against children. However, I would ask my colleagues to consider the wisdom of Congress' increased reliance on mandatory minimums. Over the past several years we have seen a number of cases with people sentenced to life, or other harsh sentences, that appear to offend basic principles of justice. Even judges in many of these cases admit that the sentences imposed are in no way just, but the judiciary's hands are tied by the statutorily imposed mandatory minimums.

In conclusion, Mr. Chairman, while I believe this is a worthy piece of legislation, I hope someday we will debate whether expanding Federal crimes (along with the use of congressionally mandated mandatory minimum sentences) is consistent with constitutional government and fundamental principles of justice.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am glad that we had the opportunity to discuss the merits of this bill last July 2001, in the Crime Subcommittee. There, we heard some very moving testimony from witnesses who have experienced first-hand, the horrors perpetrated by sex offenders and the pain and helplessness of their victims and the victims' families. I believe that Congress must do all that we can to recognize these horrors and approach solutions intelligently, and with level heads.

Having said that, I must raise my concerns with the bill before us, H.R. 2146, the ''Two Strikes and You're Out Child Protection Act.''

This bill would mandate that any person convicted of a ''Federal sex offense'' be imprisoned for life if that person was previously convicted of a similar offense under either federal or state law.

Federal sex offense is defined in H.R. 2146 to include offenses sexual abuse, abusive sexual contact, and the interstate transportation of minors for sexual purposes. However, this measure does not include the pornography or coercion and enticement crimes, and limits offenses to those involving a minor.

Of course, I support efforts to adequately punish those convicted of multiple sex crimes, and as a parent, I sympathize and recognize the efforts and passions of the proponents of this bill, which seeks to address the very serious problem of sex crimes.

The problem is clear: in this Nation every 19 seconds a girl or woman is raped; every 70 seconds a child is molested; and every 70 seconds a child or adult is murdered. Yet, despite these horrific statistics, the average time served in prison for rape is 5 years and the average time served in prison for molesting a child is less than 4 years. Clearly there is a disconnect between the facts and the current solutions to the problem.

In the Subcommittee on Crime hearings we heard from proponents of this bill as they relayed the heart-wrenching stories of multiple sex offenders who, because of loopholes in the criminal justice system, continued to abuse women and children in numerous different counties throughout the country.

I recognize that the Sentencing Commission is concerned that increased punishments for sex crimes committed against minors would create unfair disparities in sentences.

So, while I believe that this bill addresses some of the worst crimes in our society, I also know that it is our responsibility as legislators to carefully deliberate the ramifications of any legislation to ensure that we take into account the rights of all stakeholders in this process.

Before we move forward sweeping legislation as is currently before us, I believe that we need a better understanding of the alternatives available to us. In its current form, this legislation and its mandatory life sentences, eliminates the opportunity for the family, the community, the professionals, and the court system, to work in conjunction in order to address the needs of the victim and the offender in terms of healing and rehabilitation.

This bill fails to address the reality that there are few resources in Federal or State prisons to deal with accountability and treatment of sex abusers. In many cases, and certainly under this bill, we simply lock offenders up for life. The result is a disincentive for the correctional system to provide help or programs that correct the underlying behavior, when it is clear that such programs may be what is needed for true rehabilitation to take place, so that the offender can get to the point where he or she can truly be accountable to the victim, their own families, and the community.

To that end, I have introduced an amendment mandating a thorough evaluation of alternatives to incarceration and treatment in order to rehabilitate those capable of such progress. I urge my colleagues to support it.

I believe whole-heartedly, that we must protect Americans from the horrors of sex offenders. To this end I am asking for support for my second amendment which states simply that no Federal monies can be expended for this legislation if there are more than two convicted sex offenders within a given ZIP Code.

This amendment is motivated by a recent tragedy in Houston, Texas in which a 13-year-old girl, Laura Ayala, went across the street from her southeast Houston home Sunday night and never returned.

Since that day, our police officers have been poring over lists of known sexual offenders, concentrating on Laura's neighborhood. What is most disturbing is that the Texas Department of Public Safety lists 25 registered sex offenders in the ZIP Code. This amendment recognized the need for legislation that protects our children from multiple sex offenders who collectively may have a cumulative effect that is adverse to our children and communities.

But in our efforts to protect society and rehabilitate those who perpetrate these heinous crimes, we must do so justly, and with precision so as not to create further injustice within an already overtaxed justice system.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this legislation and in defense of our children. This legislation is overdue and I would urge my colleagues to pass it without delay.

Mr. Chairman, there's a raging debate in criminal justice circles regarding the wisdom of mandatory minimum sentences. One side of the argument holds that we should let the system work—that judges can make the best judgments on important issues of incarceration.

With all due respect to opponents of this legislation, that debate is totally inappropriate when it comes to child victims of sexual abuse.

When it comes to children—children and sexual abuse and sexual crimes—we cannot leave the issue to discretionary judgments. There are principles of law that civilized societies must adhere to and enforce. Protecting our children from sexual abuse is one of them.

It is estimated that child molesters are four times more likely than other violent criminals to recommit their crime. In a recent study, 453 sex offenders admitted to molesting more than 67,000 children in their lifetime. Another study found that 571 pedophiles had each molested an average of 300 victims.

Two is too many. But this bill will bring us closer to a world where molesters cannot continue their horrible crimes ad infinitum.

Over the past few years, this Congress has been strongly supportive of such commonsense legislation as Megan's Law—named after a victim from our State of New Jersey who was brutalized and murdered by a repeat sexual offender. Megan's Law requires citizens to be notified when a sexual offender moves into their neighborhood.

Mr. Chairman, this legislation will not mean there will never be another repeat offender. But what it should mean is that the neighborhood a repeat offender moves into is a prison—for life.

Our charge here in this House is to protect the children. This legislation prevents them from being victimized by those who we know are likely to abuse, attack and murder again.

Support this commonsense legislation. It reaffirms our commitment to our American principle that we are a civilized society raising standards for the world.

The CHAIRMAN pro tempore (Mr. OSE). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2146

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—

''(i) an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243(a) (relating to sexual abuse of a minor), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children); or

''(ii) an offense under section 2423(a) (relating to transportation of minors) involving prostitution or sexual activity constituting a State sex offense;

''(B) the term 'State sex offense' means an offense under State law that consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

''(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 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

''(D) the term 'minor' means an individual who has not attained the age of 17 years; and

''(E) the term 'State' has the meaning given that term in subsection (c)(2).''.

SEC. 3. CONFORMING AMENDMENT.

Sections 2247 and 2426 of title 18, United States Code, are each amended by inserting '', unless section 3559(e) applies'' before the final period.

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

Page 2, beginning in line 22, strike ''2243(a) (relating to sexual abuse of a minor''.

Page 4, after line 7 insert the following:

SEC. 3. LIFE IMPRISONMENT MAXIMUM FOR CERTAIN REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 2243(a) of title 18, United States Code, is amended by striking the final period and inserting '', but if the defendant has a prior sex conviction (as defined in section 3559(e)) in which a minor was a victim, the court may sentence that defendant to imprisonment for any term or years or for life.''.

Redesignate succeeding sections accordingly.

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCOTT. Mr. Chairman, this amendment would remove the mandatory life sentence for a violation of section 2243(a) as a second sex offense against a minor. Instead, this amendment would increase the maximum possible term for a second offense to a term up to life imprisonment. Under the bill, consensual sexual touching of a 14-year-old by an 18-year-old boyfriend or girlfriend with a prior offense would mandate life without parole, while murder, even second offense murder, does not.

While we can all imagine cases in which a life sentence would be appropriate for a second offense against a child, we do not have to mandate life sentences for cases which clearly do not warrant such treatment in order to get at those that do. We can simply extend the maximum possible sentence to life imprisonment and leave it to the sentencing commission and the courts to determine which ones warrant that treatment.

Not only would we have the unintended racial impact in that it would affect primarily Native Americans but it would also have a chilling effect on victims in some cases that would otherwise be prosecuted. This is especially true in families where the victim might want to see an older sibling or other relative dealt with for a repeat offense but not seen to cause the relative spending the life imprisonment which would be required under the bill.

If we believe the purpose of the bill is to send a message to repeat sex offenders, it would send the wrong message. At a hearing before the Subcommittee on Crime, a law professor and criminologist testified that a repeat offender who knows that if caught he will be sentenced to life imprisonment on a mandated basis, that person may be more disposed to kill his victim to eliminate the primary witness. This is particularly true because the punishment for second offense murder would be less than second offense petting. Under this amendment, life without parole would be available for those who are appropriately sentenced to life but not mandated for misbehaving teenagers.

Again, I would point out that the whole bill is only in cases that have Federal jurisdiction; so even with the amendment, we may have the anomaly of persons committing a crime within the State and if they are in Federal jurisdiction, they get life without parole. If they are without Federal jurisdiction, they could get probation.

I would hope that the House would adopt the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, under the amendment of the gentleman from Virginia, we are going to reduce the penalty for pedophiles if they do not murder one of their victims. That shows that this amendment really is not a good idea and in effect reverses the entire thrust of the bill.

I do not think that the concern of the gentleman from Virginia is justified because what he is saying is that we ought to take the bill's penalties away from section 2243(a) of the criminal code which provides that whoever knowingly engages in a sexual act with another person who is 12 to 15 years old and is at least 4 years older than the victim shall be fined or imprisoned for not more than 15 years, or both.

If you have the hypothetical of an 18-year-old adult knowingly engaging in a sexual act with a 13-year-old child, that person would be indicted, would be prosecuted, would be convicted and would be incarcerated for several years as a result of that crime. My guess is that he would not be out of prison until he was in his mid- to late twenties. Now, if he turns around and commits another sexual act on someone who is 12 to 15 years old in his mid-twenties, then I think the book ought to be thrown at him, because this is not an immediate post-adolescent whose hormones have run amok and commits a sexual act. This is somebody who is now preying on somebody who is probably 10 to 15 years younger as a victim. I think that that is the type of person who ought to be sentenced to life imprisonment.

I think that really what we ought to do is look at how the clock runs, where you have the first strike that does not involve life imprisonment and then you have the second strike which would involve life imprisonment where the victim is probably at least 10 years and maybe even more than that younger than the assailant.

For that reason, I would hope that this amendment would be rejected.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. My opposition really falls on three grounds. First off, let us remember that this bill, Two Strikes and You're Out, does not change the terms of underlying criminal law. It simply changes the penalties for those who do it over and over again. This section that the gentleman from Virginia (Mr. SCOTT) seeks to change, to modify, is current law and one that Congress has always treated seriously. It is already punishable by 15 years in prison and doubled for the second offense. If the gentleman from Virginia wants to change the terms of 2243(a), he should introduce legislation to do so, but that is not this bill.

Secondly, those who would be caught up by this 2243(a) and the Two Strikes law are not merely guilty of, quote-unquote, ''teen statutory rape.'' Listen closely, as the gentleman from Wisconsin (Mr. SENSENBRENNER) has pointed out. The victim must be 12 to 15 years old. The attacker must be at least 4 years older. For Two Strikes to apply, the attacker must have committed this crime or an even more serious sex crime against kids, against his teenage girlfriend under the gentleman from Virginia's scenario, been arrested, gone through a trial, been convicted, served his time, come out and do it again, all in the span of 2 years.

□ 1115

Well, logically, that is next to impossible.

Finally, and I think the most important point here, is to understand that there are other statutes that cover the behavior that the gentleman from Virginia (Mr. SCOTT) refers to. We spoke only this morning to a representative of the U.S. attorney's office, and he said that no U.S. attorney in the Nation would charge under 2243(a) for the conduct that the gentleman from Virginia (Mr. SCOTT) describes.

There is, in fact, another statute which is not part of Two Strikes, 2244(a) and 2244(b), abusive sexual contact. That is the statute which U.S. attorneys can use to charge, if they see fit to charge, for that type of behavior.

That is not covered by Two Strikes. Two Strikes deals with a narrow category of seven serious sex crimes against kids, and it says in the event that after someone has done their time, they have done one of these serious offenses, they get out, they do it yet again, then by all the studies we have seen, we know that they are going to do it again and again and again unless Congress steps in and breaks the cycle of violence. That is why this bill exists.

The scenario that the gentleman from Virginia (Mr. SCOTT) raises is implausible, at best, and also the points the gentleman makes are outside the course of this bill.

Let us keep our eye on the ball here. Let us focus on the problem of repeat child molesters. That is what this bill deals with. Let us defeat this amendment and go on to pass this bill.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very pleased to yield to the gentleman from Virginia (Mr. SCOTT), the member of the Committee on the Judiciary that I think has made more of a contribution and has thought about this more carefully than anyone else.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Wisconsin indicated that the prosecutor would have the discretion of lowering the charge, but by virtue of the charge, the judge would have no discretion if the prosecutor decides life without parole. So you have given, essentially, the sentencing power to the prosecutor, not to the judge.

Under the term ''sexual act,'' which is covered under this, it includes consensual, intentional touching of a person who has not attained the age of 16, that is, a 15-year-old person, with the intent to gratify. That is petting teenagers 4 years younger.

If that is a first offense, the likelihood, quite frankly, is they will get probation. If they do it again, if they are teenagers determined to be together, you are talking about life without parole if the prosecutor charges under this section.

If it is an appropriate case, you can get life. But it just seems to me that life without parole for this situation, which could include family members, is totally inappropriate; and I would hope we would adopt the amendment which would allow life, but not mandate life, so the judge would have some discretion in sentencing people under this bill. If you have 500 people, the stories they have told, the judge will know what to do.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I support the Scott amendment because I think we are trying not to expose a countless number of teenagers to mandatory lifetime sentences for being involved in consensual relationships. I am almost inclined to ask the author of the bill if that is his intention, but I am afraid to.

Mr. Chairman, if we are not considering the cultural differences and not considering whether family members are aware of the youthful indiscretions of a couple of teenagers, then this is a one-way ticket to a life imprisonment bill; this is not Two Strikes and You're Out. I have to keep thinking that this is an unintended consequence.

We are saying to our youth that the circumstances of each case are not relevant and will not be given any consideration at all. So all the gentleman

from Virginia is doing is correcting this by permitting the judge to impose a maximum sentence of life.

The amendment would restore to the judiciary the discretion to deal with the sentence that he is giving under the circumstances, and the judge would not be stopped from imposing a life sentence; but in other cases, they may be able to tailor a decision that would take into account the appropriateness of something other than life. So I urge my colleagues on the floor to give this some thought from this point of view.

This is almost becoming an antijudge bill as well. Who needs judges? The prosecutor is given far more authority and decision-making that determines in effect the whole outcome of the case that comes before the judge. The judge is sitting here saying, I am bound by this, I am caught by this. The prosecutor decides the other thing.

So I think it is something that we need to rethink with the gentleman from Virginia (Mr. SCOTT). I am pleased and happy the gentleman has offered the amendment.

Mr. Chairman, I include the following article entitled ''Judges Speak Out'' for the RECORD.

JUDGES SPEAK OUT

''Statutory mandatory minimum sentences create injustice because the sentence is determined without looking at the particular defendant. . . . It can make no difference whether he is a lifetime criminal or a first-time offender. Indeed, under this sledgehammer approach, it could make no difference if the day before making this one slip in an otherwise unblemished life the defendant had rescued 15 children from a burning building or had won the Congressional Medal of Honor while defending his country.''—J. Spencer Letts, U.S. District Judge, Central District of California.

''We must remember we are not widgets or robots, but human beings. Defendants should be sentenced within the spectrum of what most judges would consider fair and reasonable.''—Leon Higginbotham, Judge, 3rd Circuit Court of Appeals.

''I think that a lot of people do not understand what is going on until, all of a sudden, they are caught up in the system; and they find out that people have been mouthing all kinds of slogans, and when the slogans all come down to rest, they sometimes come to rest very hard on the shoulders of the individual.''—David Doty, U.S. District Judge, Minnesota.

''. . . I continue to believe that sentence of 10 years' imprisonment under the circumstances of this case is unconscionable and patently unjust. . . . [the defendant] will be sacrificed on the altar of Congress' obsession with punishing crimes involving narcotics. This obsession is, in part, understandable, for narcotics pose a serious threat to the welfare of this country and its citizens. However, at the same time, mandatory minimum sentences—almost by definition—prevent the Court from passing judgment in a manner properly tailored to a defendant's particular circumstances.''—Paul A. Magnuson, U.S. District Judge, Minnesota.

''As a consequence of the mandatory sentences, we (judges) know that justice is not always done . . . [Y]ou cannot dispense equal justice by playing a numbers game. Judgment and discretion and common sense are essential.''—Joyce Hens Green, U.S. District Judge, District of Columbia.

''We need to deal with the drug problem in a much more discretionary, compassionate way. We need treatment, not just punishment and imprisonment.''—Stanley Sporkin, U.S. District Judge, District of Columbia.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

Page 4, after line 11, insert the following:

SEC. 4. SPECIAL PROVISION FOR INDIAN COUNTRY.

Section 3559(c)(6) of title 18, United States Code, is amended by inserting ''or subsection (e)'' after ''this subsection'' each place it occurs.

Mr. SCOTT. Mr. Chairman, this amendment would allow tribal governments to opt out of the coverage of the bill and the administration of their systems of justice in the manner that we allowed them to opt out of the application of the Three Strikes and You're Out law that we passed several years ago to avoid the unintended racial and disproportionately negative impact.

Since the bill only applies in Federal jurisdictions, the vast majority of the cases affected would involve Native Americans. This means the bill will affect Native Americans in a disproportionately negative manner when compared to similar offenders in the same State as the Native American reservation.

Based merely on the location of the offense, whether you are on the reservation or right outside of the reservation, you could have vastly different sentences, as vastly different as probation in one case and life imprisonment for exactly the same offense and offenders. There is no evidence that this particular problem, sex crimes against children, is predominantly a Native American problem, so why are we singling them out for the draconian treatment?

Because this bill only applies in Federal jurisdiction, it will have no effect on the vast majority of cases that have been mentioned today. The only good thing about it is, it will only affect a few cases, but unfortunately, an overwhelming proportion of those cases will be cases affecting Native Americans.

I would hope that the House would adopt the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the second Scott amendment amends the bill so that no person subject to the criminal jurisdiction of an Indian tribal government would be covered by the Two Strikes and You're Out provision contained in this bill.

What the amendment does is, it creates a safe haven for child sex offenders on Indian land. I do not think we want to do that. A convicted child molester in Wisconsin would know the only way to avoid life imprisonment if he is caught would be to prey upon children in Indian lands. I think the Congress has an obligation to protect children on Indian lands just as much as we have an obligation to protect children on other Federal lands, as well.

I urge my colleagues to oppose this amendment.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as I understand what we are doing here, we are allowing tribal governments to opt out of coverage, as we have done in other matters like this before, so it is not encouraging this kind of offense to get softer treatment than it would anywhere else in the country.

The racially discriminatory impact on Native Americans is pretty clear here, and that is what we are trying to deal with, because the legislation that is proposed applies to conduct occurring on land owned by the United States or within the territorial jurisdiction of the United States. So that is Indian reservations. Most of the cases have indicated that 75 percent of these kinds of cases arising under the bill's provision will involve Native Americans, so to give the tribal government this option is no less rational than when we did it before.

We did an opt-out provision in the Three Strikes legislation. It did not work in any kind of way to mitigate the way that law was handled. Therefore, there should be no difference in the action we take here today with respect to these groups.

Mr. Chairman, that is my take on the Scott amendment, and I hope that we can reach agreement on it.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. For the record, I am proud to have six Indian Tribes in my congressional district. I am proud to represent both Native Americans and non-Native Americans.

The amendment offered by the gentleman from Virginia (Mr. SCOTT) is bad public policy because it would send a terrible message to States like Wisconsin. Carving out a reservation from this law would somehow suggest that Native American children are less deserving of protection than non-Native American children. I do not think that is what we want to do.

Carving out reservations from this law would, as the gentleman from Wisconsin (Chairman SENSENBRENNER) has said, create the appearance of a safe harbor for child molesters. It says to them, lure your victims to the reservation, take your victims from the reservation, and the penalty will be less. That is wrong-headed. We should not be doing that.

Now, the reasoning of the gentleman from Virginia (Mr. SCOTT) that a high percentage of Federal sex crimes under

this bill would occur on Federal Indian reservations, I think that argues for the inclusion of those reservations into this bill.

It also raises a self-evident point: Under his logic, Federal homicide laws would have a greater impact on reservations and Native Americans; Federal drug laws would have a greater impact on Native Americans by his logic. I do not believe that we should be exempting from reservations Federal drug laws.

There are actually very few cases in which reservation land is exempt from Federal jurisdiction. No tribe has approached me, either this session or last session when we passed this bill twice by a voice vote, no tribe has come to me asking for a carve-out. That is because, I would guess, they do not want to create a safe harbor, either, for child molesters. The last thing they would want to do is say, Come on, we will protect you; you will be safe here on reservation land.

□ 1130

They do not want to look the other way when these terrible crimes occur, and we should not look the other way when these terrible crimes occur. We should protect all children, native American children, non-native American children. Wherever they are, we should take steps to protect them from the monsters who would prey on our children over and over again. My colleagues saw the numbers I had up here before: 209 victims per child molester, 511 offenses per child molester. Do we really want to say that that is okay if it occurs on Federal land, or we are not going to treat it as severely? I do not think so. I do not think anyone here seriously wants to do that.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end the following new section:

SEC. . STUDY AND REPORT TO CONGRESS.

Not later than one year after the date of the enactment of this Act, the National Institute of Justice shall make a study and report to Congress on the availability and effectiveness of treatment for incarcerated and nonincarcerated perpetrators of sex offenses against children and on the effectiveness of probation and parole supervision in reducing rates of recidivism of sex offenses against children.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am experiencing a personal dilemma with respect to the legislation before us as it relates to a crisis in my district. As we speak, a young 13-year-old has been abducted in Houston in a community that is, of course, outraged by her disappearance.

Recognizing this legislation is moving forward, I am offering an amendment that will, at the very least, be a step toward, I hope, long-term and, in an expanded way, reducing the number of sex offenses committed against our children. It is a parallel. It is an attempt to help balance what happens when we incarcerate persons.

My amendment would require that the National Institute of Justice study and report to Congress on the availability and effectiveness of treatment for incarcerated and nonincarcerated perpetrators of sex offenders against children, while also analyzing the effectiveness of probation and parole supervision and reducing the rates of recidivism in the sex offenders, even if they are incarcerated. We have got to find out what propels individuals to do these heinous and horrific acts.

These crimes are a great threat to our children and to our society at large. Statistics indicate that on a given day there are well over 200,000 offenders convicted of rape or sexual assault under the care, custody, or control of correction agencies, whether they are life, whether they are mandatory minimums, or however they are incarcerated. In any 1 year there are over 1 million such offenders in prison. More startling, however, is the fact that nearly 80 percent of the victims of sexual offenders are children 17 or younger. These statistics are truly startling, yet the Bureau of Justice Statistics also reported that in 1988, only 2.9 percent of all inmates in State prisons were enrolled in programs for sex offenders. That is less than 30 percent of the sex offenders who receive any type of treatment. As a result, these individuals, whether they be incarcerated or not, will do the acts again.

The National Institute of Justice reports that research has failed to identify those offenders who are likely to reoffend or to determine effective treatment while incarcerated. Although many believe that sex offenders are the hardest type of criminals to rehabilitate and are the most likely to reoffend, no evidence supports either. If they have been a first-time offended, why not have treatment and rehabilitation?

In 1994 Congress enacted the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which requires that perpetrators of violent sex offenses and crimes against minors register with local law enforcement. In 1996, Megan's Law and the Lynchner Act were passed. These laws require community notification and interstate tracking.

In these ways, we attempted to protect children and others from violent criminals. However, we must also ensure that when these offenders, if after the first time, may be released in our communities, they are equipped with the tools that they need so that they are less likely than ever, ever, ever, ever to commit these offenses again.

To this end, I believe this is a germane and relevant amendment to sentencing. This is a parallel to sentencing. This provides for the treatment and rehabilitation of the first offense and does not offend this legislation of Two Strikes. I believe that this amendment is appropriate. I would ask my colleagues to waive the germaneness of this amendment so that we could holistically address the problem that will continue to plague our communities, and that is, those who would, even the first time, attempt a heinous act of sexual molestation of anyone in our Nation, any child.

Our community now is hurting. Some other community tomorrow will be hurting. A precious child has been violated, a child that, to my knowledge, has not yet been found. Why not provide an instructive message to those who, in fact, will be covered by this legislation? I hope that we would waive the germaneness of this amendment and move this amendment to the floor.

Mr. Chairman, recognizing that this legislation is moving forward, I am offering an amendment that will at the very least, be a step toward reducing the number of sex offenses committed against our children.

My amendment will require that the National Institute of Justice study and report to Congress on the availability and effectiveness of treatment for incarcerated and non-incarcerated perpetrators of sex offenses against children, while also analyzing the effectiveness of probation and parole supervision in reducing the rates of recidivism of these sex offenders.

These crimes are a great threat to our children, and to our society at large. Statistics indicate that on a given day, there are well over 200,000 offenders convicted of rape or sexual assault under the care, custody or control of corrections agencies. In any one year, there are over one million such offenders in prison. More startling, however, is the fact that nearly 80 percent of the victims of sexual offenders are children 17 or younger.

These statistics are truly startling. Yet, the Bureau of Justice Statistics has reported that as of 1998, only 2.9 percent of all inmates in state prisons were enrolled in programs for sex offenders—that is less than 30 percent of the sex offenders who receive any type of treatment. As a result, recidivism rates are dangerously high.

The National Institute of Justice reports that research has failed to identify those offenders who are likely to re-offend, or to determine effective treatments for sex offenders. Although many believe that sex offenders are the hardest type of criminal to rehabilitate and are the most likely to re-offend, no evidence supports either belief.

In 1994, Congress enacted the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which requires that perpetrators of violent sex offenses and crimes against minors register with local law enforcement. In 1996, Megan's Law and the Lychner Act were passed; these laws require community notification and interstate tracking.

In these ways, we attempted to protect children and others from violent criminals. However, we must also ensure that when these offenders are released into our communities, they are equipped with tools that they need so they are less likely than ever to attempt to commit another heinous act.

To this end we must evaluate the availability and effectiveness of treatments and post-release programs. Some studies have been conducted, but they do not comprehensively address the issue, nor do they provide up-to-date information. For example, in March of this year, the Office of Juvenile Justice and Delinquency Prevention issued a review of the professional literature from the past 10 years on juveniles who have sexually offended, including references to treatment, its approaches and its efficacy. The national Institute of Justice issued in January 1997 a study on managing adult sex offenders in communities through probation, parole and other forms of community supervision. These studies are valuable tools, but they must be more comprehensive, and we must keep them updated.

My amendment is an effort to protect our children by compelling a thorough evaluation of alternatives to incarceration and treatment in order to rehabilitate those capable of such progress.

I urge my colleagues to support this amendment.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against the amendment. The amendment is not germane. It fails the fundamental purpose test.

The fundamental purpose of the legislation is to provide mandatory minimum sentences for those convicted of sex offenses against children. The amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) exceeds the scope of this legislation by directing a component of the Department of Justice to study a subject not contemplated by the bill, namely, the effectiveness of treatment for incarcerated and nonincarcerated sex offenders.

Therefore, the amendment is not germane, and the point of order should be ruled well taken by the Chair.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Wisconsin raises a point of order that the amendment offered by the gentlewoman from Texas is not germane.

To be germane, an amendment not only must have the same end as the matter sought to be amended, but also must contemplate a method of achieving that end that is closely allied to the method contemplated by the bill. For example, as recorded in section 933 of the House Rules and Manual, the Chair has held that, to a bill addressing substance abuse through prevention and treatment, an amendment imposing civil penalties on drug dealers was not germane.

The pending bill narrowly amends the Federal Criminal Code to establish a mandatory sentence of life imprisonment for twice-convicted sex offenders against children. The amendment requires the National Institute of Justice to report to Congress on the availability and effectiveness of treatment for perpetrators of sex offenses against children and on the effectiveness of probation and parole supervision in reducing rates of recidivism of such sex offenses.

The bill is narrowly drafted to address only sentencing of certain sex offenders of children. The amendment, by addressing treatment and rehabilitation, proposes an unrelated method and is, therefore, not germane to the bill.

The point of order is sustained. The amendment is not in order.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. If the proponent of the legislation was willing to waive the germaneness, would that not have supported allowing this amendment to be heard on the floor?

The CHAIRMAN pro tempore. A point of order was made and sustained against the amendment.

Ms. JACKSON-LEE of Texas. I thank the Chair. I am so sorry that we are losing the opportunity to do a better job on this legislation.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

Page 4, after line 7, insert the following:

SEC. 3. STUDY OF IMPACT OF LEGISLATION.

(a) In each case in which a life sentence is imposed under section 3559(e), the judge shall make and transmit to the Administrative Office of the United States Courts findings with regard to each of the following:

(1) The applicable range under the Federal Sentencing Guidelines if the statutory minimum life sentence had not applied.

(2) The sentence that the court would have imposed on the defendant if the statutory minimum life sentence had not applied, in light of the nature and circumstances of the offense, the history and characteristics of the defendant, and the other factors set forth in section 3553(a).

(3) The race, gender, age, and ethnicity of the victim and defendant.

(4) The reason for the Government's decision to prosecute this defendant in Federal court instead of deferring to prosecution in State or tribal court, and the criteria used by the Government to make that decision in this and other cases.

(5) The projected cost to the Federal Government of the life sentence, taking into account capital and operating costs associated with imprisonment.

(b) To assist the court to make the findings required in subsections (a)(4) and (a)(5), the Government attorney shall state on the record such information as the court deems necessary to make such findings, including cost data provided by the Bureau of Prisons. In making the required findings, the court shall not be bound by the information provided by the Government attorney.

(c) The Administrative Office of the United States Courts shall annually compile and report the findings made under subsection (a) to the Congress.

Redesignate succeeding sections accordingly.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I rise to introduce a notion that we would require the Administrative Office of the United States Courts to compile and report to the Congress its findings pertaining to the impact of this legislation, specifically relating to race, gender, age, ethnicity of victim and defendant; the reasoning behind the government's decision to prosecute the defendant in Federal court instead of deferring to a State or tribal court; and the sentence that the court would have imposed on the defendant if the statutory minimum life sentence had not applied.

The idea is to provide our colleagues with invaluable insight into the effect of this legislation as it will relate to prison overpopulation, racial considerations, and the costs that would be attached to the Federal court in the event of the enacting of this legislation.

This is dealing with the ballooning prison population because we have more people proportionately in prison than anywhere else on the planet, and we think that this would be a very important move in the right direction; and I hope that it will become a part of this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to thank the gentleman from Michigan (Mr. CONYERS) for introducing a germane amendment on how to study the impact of this legislation. I think the type of material that the study would put together would be very useful in looking at the types of crimes that have been committed against children.

However, let me say I am a little bit puzzled at the gentleman from Michigan putting this amendment in, because all day yesterday when we were dealing with the class action suit, the gentleman from Michigan and his supporters on the other side of the aisle were saying how overworked our Federal judges are and how the complicated class action legislation that we were discussing yesterday, really more of these cases should be tried in the State court because our Federal judges were overworked.

Well, now we have an amendment that has a mandate on the Federal

judges. Let me read from the amendment to show that the Federal judges are going to have to do more work. It says that ''in each case in which a life sentence is imposed, the judge shall make and transmit to the Administrative Office of the United States Courts findings with regard to each of the following: the applicable range under the sentencing guidelines if the minimum mandatory life sentence had not applied.'' So the judge has to speculate what he would do to sentence the defendant if he were not required to sentence the defendant for life.

''The race, gender, age and ethnicity of the victim and of the defendant.'' Well, that is fairly obvious from the court records. But then we have to have the reason for the government's decision to prosecute this defendant in Federal court instead of State or tribal court, and then the criteria used by the government to make that decision in this or other cases, and the projected cost to the government of the life sentence, taking into account capital and operating costs associated with the imprisonment.

Now, what this is going to require is it is going to require an additional hearing after the sentence for the court to make these findings, because the government would not be able to make a determination of what this cost would be until the sentence is pronounced, as well as what the alternative would have been and the mandatory life sentence if not applied in this case.

So I would say to the gentleman from Michigan, I think these are very, very useful statistics, and I am prepared to support this amendment; but I am wondering if the gentleman's sympathy for our overworked Federal judges evaporated overnight, and I am happy to yield for an answer.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding. I am glad the gentleman pointed out the fact that I claimed that the judges were overworked. I think they are probably in the same condition today that they were yesterday, which is overworked; and I would like to use the gentleman's solution, which is that we get more judges into the judicial system. I think it is 70-something, and I think that would help. So I think the gentleman thinks they are overworked and so do I, but we think that this could be a useful purpose.

□ 1145

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, we will be dealing with the issue of additional judicial manpower in the context of the conference on the Department of Justice authorization bill.

But even before that passes, if we could get a few more confirmations, we would get more judges on the bench and more judicial work done.

Mr. CONYERS. If the gentleman will continue to yield, Mr. Chairman, could I ask the gentleman if he would consider, with me, the proposal of the gentlewoman from Texas (Ms. JACKSON-LEE) in terms of a freestanding proposal separate from this?

Mr. SENSENBRENNER. Reclaiming my time, Mr. Chairman, I would encourage the gentlewoman from Texas to introduce her proposal as separate legislation. I am not sure that the Committee on the Judiciary has exclusive jurisdiction over that type of a study, and I certainly would not wish to preclude other committees of jurisdiction from looking at it.

Mr. CONYERS. I thank the gentleman.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. CONYERS) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end the following new section:

SEC. . PROHIBITION OF FEDERAL EXPENDITURES.

This Act shall have no effect if there are more than five convicted child sex offenders within any given zip code.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the intent of the legislation, the underlying legislation, is to ensure the safety of our children. I agree with that. At the same time, I think that the legislation has the opportunity to ensure the further enhanced security of our children from convicted sexual molesters of children.

I rise to support the amendment that indicates that no dollars should be rendered in this act if there are more than five sex molesters of children in one ZIP code. The act would then have no effect.

I ask my colleagues to support this amendment, because there is great evidence that in urban areas and even in rural areas there seems to be a dumping in particular locations of child sex molesters.

Here is a prime example. On Sunday, March 11, 2002, a young girl by the name of Laura Ayala walked from her family's apartment no more than 100 feet away to get some newspapers for her homework, an innocent chore, if you will. Her mother asked her whether she could get the newspaper on Monday morning, but she needed the Sunday paper. She was 13, or is 13.

After a few minutes, when she did not return, her parents, her family members, went to look for her. The clerk remembers her coming to the store and buying the newspaper. What was later discovered is a scattered newspaper and her shoes scattered in an area along the way.

But the most shocking aspect, as members of my community continue to search for her, is that as the officers were poring over lists of known sexual offenders, concentrating on the girl's neighborhood, the Texas Department of Public Safety listed 25 registered sex offenders in the ZIP code.

Laura is only 4 feet tall, weighs 90 pounds, has black, medium-length hair with brown highlights. She is a child that is loved, as there are in many homes children that are loved.

Therefore, I would argue that this is a germane amendment as it is presently constructed and constituted, and I would ask my colleagues to support this enthusiastically, that this act shall have no effect if there are more than five convicted sex offenders in any given ZIP code.

Mr. Chairman, this is a tragedy. It is a dumping ground. I believe that once put on notice, our States will act. We will not have this problem. Innocent communities will not have this problem, and wonderful, beautiful young girls like Laura will not have this problem, and other children.

Mr. Chairman, this is an outrage. Today on the floor of the House we can fix it right now. Our colleagues will support this. Who in this whole world would want their neighborhood, no matter where they live, what their economic status, what language they speak or what culture they come from, would want to know that next door they have in their neighborhoods 25 sex molesters of children living in their community?

We always ask the question, Mr. Chairman, are we relevant? Are we really focusing on what Americans' desires are as we proceed as Members of the House and the other body?

Today we can be relevant. In addition to this legislation, we can be relevant and right now confront a crisis that is not only in Houston, Texas, but I would imagine if we took a sampling around the Nation, we would find dumping of these offenders in communities wherever we might look. We can be relevant today by providing some solace to the family of this child in looking for a way to prevent, if you will, the dumping of sex offenders in particular areas.

Those who are first offenders will ultimately be out. This does not conflict with the underlying intent. We know that some sex offenders will be out among our population. Why have 25? Who knows, there may be 35 and 45 and 50 in other ZIP codes.

Mr. Chairman, is it not reasonable for my colleagues to support this amendment to be able to be relevant today as we move this legislation forward? I would ask that my colleagues support this amendment that will prohibit the dumping of sex offenders on our community and dumping of sex offenders on our innocent children.

Mr. Chairman, I rise today in support of my amendment which states simply that no federal monies can be expended for this legislation if there are more than two convicted sex offenders within a given zip code.

This amendment is motivated by a recent tragedy in Houston, Texas in which a 13-year-old girl, Laura Ayala, went across the street from her southeast Houston home Sunday night and never returned.

Since that day, our police officers have been poring over lists of known sexual offenders, concentrating on Laura's neighborhood. What is most disturbing is that the Texas Department of Public Safety lists 25 registered sex offenders in the ZIP code. Why was this allowed to happen?

Mr. Chairman, my amendment recognized the need for legislation that protects our children from multiple sex offenders who collectively may have a cumulative effect that is adverse to our children and communities.

I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Chairman, I withdraw my point of order, since the amendment is germane, and I rise in opposition to the amendment.

Mr. Chairman, I cannot believe that the gentlewoman from Texas would draft an amendment of this nature and submit it to the committee for its consideration.

It says, ''This act shall have no effect if there are more than five convicted child offenders within any given ZIP code.'' That means that if there are five child sex offenders who are convicted under this law and sent to the penitentiary for life, there are five people in the ZIP code where the penitentiary is located, and every future child sex offender would be able to run around the country in Federal areas and be able to continue preying on these children.

Stop and think about how this amendment is drafted. It is drafted so that anyplace where there is a penitentiary that has five or more child sex offenders, it would end up taking away the effect of this law throughout the United States of America.

This is a shameful amendment, and I hope it is overwhelmingly rejected.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) so she can respond to the comments that were just made.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I believe that in the wisdom of this body, we could find a way to work on this very striking discovery and still keep the enforcement of the act.

I support the amendment that I have, but I will look further to, if you will, having the opportunity to write free-standing legislation. I still believe that we have the opportunity here to craft this amendment to not be detrimental to the underlying bill. That is not the intent of the amendment.

I do recognize there is free association and free movement in this country. That is why I went to the proponents of the bill to see how we could work together. This is an important enough issue for me that I believe that this body should address it and address it today.

However, if the amendment does not achieve its ultimate goal of victory, then what I will do is write a free-standing bill. I would hope to encourage those who would understand the sentiment, the purpose, the underlying legal standing of such legislation, which is not to undermine the present legislation, but to protect our communities. I would hope they would join in with me on that.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Let me first say that I believe that the gentlewoman's intentions are honorable and good intentions, and she is pointing out a problem that I think is worth our examining at some point. I think the Committee on the Judiciary, as it has oversight hearings and such, should ask some of these questions. They are important questions.

I, unfortunately, believe that this amendment is not drafted in a way that will achieve the result the good gentlewoman intends. I do not think the answer is to say that the more sex offenders we find in a particular area, the softer the law should be, or this tougher law should not apply to other parts of the country.

In fact, the answer should be if there are more sexual offenders in a given area, to go to the State legislature in that State and get tougher laws and more enforcement, beef up our resources. Those children in those areas deserve more protection, not less protection.

So while I understand the motives and would like to work with the gentlewoman in the future to look at some of these issues, I do not believe this amendment gets to that point.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding, and I thank him very much for his statement. I think the victory that I have had today is that this amendment is germane and has not been ruled out of order, and that we have gotten a very vigorous debate on it.

It would be my druthers, in light of the tragedies that we are facing right now in Houston, and I might imagine that there will be another headline tomorrow or the next day or next month, that we would move this amendment now, but in light of the comments that the gentleman has made, and my other colleagues, I will ask unanimous consent to withdraw this amendment so we can craft legislation that I hope would get expedited attention in the Committee on the Judiciary, and be able to join some of the other legislative initiatives that focus specifically on dealing with child sex molesters, keeping in mind the constitutional protections that need to be addressed as it relates to freedom of movement and freedom of association.

But I think this is an outrageous and heinous finding, 25 of them in one community. I ask the gentleman's assistance in helping me with this legislation.

Mr. GREEN of Wisconsin. Mr. Chairman, I would be happy to work with the gentlewoman, not being the chair of the committee or subcommittee, but I would be happy to. I think she points to an important problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

□ 1200

AMENDMENT OFFERED BY MR. CONYERS

The CHAIRMAN pro tempore (Mr. OSE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 161, not voting 14, as follows:

[Roll No. 63]

AYES—259

Abercrombie	Boucher	Coyne
Ackerman	Boyd	Cramer
Allen	Brady (PA)	Crane
Andrews	Brown (FL)	Crowley
Baca	Brown (OH)	Cummings
Baird	Burton	Davis (CA)
Baldacci	Cannon	Davis (FL)
Baldwin	Capito	Davis, Tom
Barcia	Capps	Deal
Becerra	Capuano	DeFazio
Bentsen	Cardin	DeGette
Bereuter	Carson (IN)	Delahunt
Berkley	Carson (OK)	DeLauro
Berman	Clay	Deutsch
Berry	Clayton	Diaz-Balart
Biggert	Clement	Dicks
Bishop	Clyburn	Dingell
Blumenauer	Coble	Doggett
Bonior	Condit	Dooley
Borski	Conyers	Doyle
Boswell	Cox	Dreier

Dunn
Ehlers
Emerson
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gallegly
Ganske
Gephardt
Gillmor
Gonzalez
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Portman
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shays
Sherman
Shows
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—161

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Castle
Chabot
Chambliss
Collins
Combest
Cooksey
Costello
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
DeMint
Doolittle
Duncan
Edwards
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graves
Grucci
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Houghton
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Myrick
Nethercutt
Ney
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Phelps
Pitts
Pombo
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Reynolds
Riley
Rogers (KY)
Roukema
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Stearns
Stump
Sullivan
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barrett
Bilirakis
Blagojevich
Davis (IL)
Ehrlich
Eshoo
Hinojosa
Kilpatrick
Mascara
Rush
Slaughter
Solis
Towns
Traficant

□ 1225

Messrs. PENCE, PHELPS and SHUSTER changed their vote from ''aye'' to ''no.''

Messrs. MCCRERY, JOHNSON of Illinois, SHAYS, DREIER, BOYD, PORTMAN, MURTHA, GUTKNECHT, HOEKSTRA, BURTON of Indiana, GALLEGLY, HILLEARY, HULSHOF, Ms. HARMAN, Messrs. HOBSON, PETRI, MORAN of Kansas, SCHAFFER, GRAHAM, Mrs. EMERSON, Messrs. GREENWOOD, WELDON of Pennsylvania, Mrs. KELLY, Messrs. CRANE, UPTON, GANSKE and SIMMONS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SOLIS. Mr. Chairman, during rollcall vote No. 63 on an amendment to H.R. 2146 to provide for a study of the impact of the legislation I was unavoidably detained. Had I been present, I would have voted ''yea.''

Stated against:

Mr. BILIRAKIS. Mr. Chairman, I was unavoidably detained in committee and therefore unable to cast my vote on rollcall No. 63. Had I been present, I would have voted ''no'' on the amendment.

The CHAIRMAN pro tempore (Mr. OSE).

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. EMERSON) having assumed the chair, Mr. OSE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 34, not voting 18, as follows:

[Roll No. 64]

YEAS—382

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.

Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—34

Abercrombie
Berman
Clayton
Clyburn
Conyers
Coyne
DeGette
Farr
Filner
Hastings (FL)
Hilliard
Hinchey
Honda
Jones (OH)
Lee
Lewis (GA)
McDermott
McKinney
Meek (FL)
Miller, George
Mink
Mollohan
Moran (VA)
Nadler
Oberstar
Olver
Payne
Rangel
Sabo
Scott
Stark
Udall (NM)
Waters
Watt (NC)

NOT VOTING—18

Barrett
Blagojevich
Davis (IL)
Eshoo
Ford
Gilman
Hinojosa
Istook
Kilpatrick
Mascara
Roukema
Rush
Slaughter
Solis
Towns
Traficant
Udall (CO)
Visclosky

□ 1244

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISTOOK. Mr. Speaker, on rollcall No. 64, I was detained due to chairing a hearing regarding the White House and its budget. Had I been present, I would have voted "yea."

Mr. UDALL of Colorado. Madam Speaker, on rollcall 64, H.R. 2146, the Two Strikes and You're Out Child Protection Act, I was delayed on official business on the other side of the Capitol. Had I been present, I would have voted ''yea.''

Mr. FORD. Madam Speaker, on H.R. 2146, rollcall 64, I was on the floor but apparently missed the vote, the Two Strikes and You're Out Child Protection Act.

I would have voted in favor of the legislation, had I not been in the cloakroom and slightly confused about the second vote being called.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 64 on final passage of H.R. 2146 I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, had I been present, I would have voted "aye" on the Conyers amendment (rollcall No. 63) to H.R. 2146, the "Two Strikes and You're Out" Child Protection Act and "nay" on final passage of H.R. 2146, the "Two Strikes and You're Out" Child Protection Act (rollcall No. 64).

GENERAL LEAVE

Mr. GREEN of Wisconsin. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR BUDGET RESOLUTION

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Madam Speaker, the Committee on Rules is planning to meet the week of March 18 to grant a rule which will limit the amendment process for floor consideration of the concurrent resolution on the budget for fiscal year 2003. The Committee on the Budget ordered the budget resolution reported on March 13 and is expected to file its committee report late tomorrow.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 2 p.m. on Tuesday, March 19. The text of the concurrent resolution will be available at the Committee on the Budget and on that committee's Web site.

As in past years, the Committee on Rules intends to give priority to amendments offered as complete substitutes.

Members should also use the Office of Legislative Counsel and the Congressional Budget Office to ensure that their substitute amendments are properly drafted and scored and should check with the Office of the Parliamentarian to be certain that their substitute amendments comply with the rules of the House.

□ 1245

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Madam Speaker, I take this time for the purpose of inquiring about the schedule for next week.

I yield to the distinguished majority leader.

Mr. ARMEY. Madam Speaker, I thank the gentlewoman from California for yielding.

Madam Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, March 19, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

Madam Speaker, I should note that in particular a bill under consideration under suspension next Tuesday is H.R. 2804, the James R. Browning Courthouse Designation Act, and, of course, others as well.

On Tuesday, recorded votes will be postponed until 6:30 p.m.

For Wednesday and Thursday, I have scheduled the Budget Resolution for Fiscal Year 2003, marked up in the Committee on the Budget yesterday. I have also scheduled the Digital Tech Corps Act of 2001, being marked up in the Committee on Government Reform today.

Ms. PELOSI. Madam Speaker, reclaiming my time, could the gentleman be more specific about what day the budget resolution will be considered?

Mr. ARMEY. Madam Speaker, if the gentlewoman will continue to yield, we should expect to consider the budget on Wednesday, and as it turns out now, we should expect to complete the budget, Madam Speaker, by sometime fairly early Wednesday evening.

Ms. PELOSI. Madam Speaker, does the leader expect any legislation dealing with pensions to be brought up on the floor next week?

Mr. ARMEY. Again, I thank the gentlewoman for the inquiry, and if she will continue to yield, we do not anticipate any legislation being available for scheduling next week.