Obey	Rush	Taylor (MS)
Olver	Sabo	Thompson
Ortiz	Sanchez	Tierney
Owens	Sanders	Torres
Pallone	Sandlin	Towns
Pascrell	Sawyer	Velazquez
Pastor	Schumer	Vento
Payne	Scott	Visclosky
Pelosi	Serrano	Waters
Pomeroy	Skaggs	Watt (NC)
Poshard	Skelton	Waxman
Rahall	Slaughter	Wexler
Rangel	Smith, Adam	Weygand
Reyes	Snyder	Wise
Rodriguez	Stark	Woolsey
Ros-Lehtinen	Stokes	Wynn
Rothman	Strickland	Yates
Roybal-Allard	Stupak	

NOT VOTING—7

Berman	Farr	Lewis (GA)
Boyd	Gonzalez	
Etheridge	Lewis (CA)	

□ 1202

Mr. HINOJOSA and Mr. SPRATT changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2888, SALES INCENTIVE COMPENSATION ACT

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2888, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 2888.

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

There was no objection.

CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

The SPEAKER pro tempore. Pursuant to House Resolution 465 and rule XXIII, 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. 3494.

□ 1205

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. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes, with Mr. McHugh 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 Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

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

Mr. Chairman, H.R. 3494, the Child Protection and Sexual Predator Punishment Act of 1998, is a very important piece of legislation that responds to the horrifying threat of sex crimes against children, particularly crimes against children facilitated by the Internet.

Industry experts estimate that more than 10 million children currently spend time on the Information Superhighway, and by the year 2002, 45 million children will use the Internet to talk with friends, do homework assignments, and explore the vast world around them.

Computer technologies and Internet innovations have unveiled a world of information that is literally just a mouse click away. Unfortunately, individuals who seek children to sexually exploit and victimize them also use the mouse click.

''Cyber-predators'' often ''cruise'' the Internet in search of lonely, curious, or trusting young people. Sex offenders who prey on children no longer need to hang in the parks or malls or school yards. Instead, they can roam from Web site to chat room seeking victims with no risk of detection.

The anonymous nature of the on-line relationship allows users to misrepresent their age, gender, or interests. Perfect strangers can reach into the home and befriend a child.

Parents are confronted with new challenges regarding the World Wide Web. While they may warn their children about the dangers outside the home, they may not be aware of the dangers posed to a child on the Information Superhighway. Children are rarely supervised while they are on the Internet. Unfortunately, this is exactly what cyber-predators look for. We are seeing numerous accounts in which pedophiles have used the Internet to seduce or persuade children to meet them to engage in sexual activities. Children who have been persuaded to meet their new on-line friend face to face have been kidnapped, raped, photographed for child pornography, and worse. Some children have never been heard from again.

Law enforcement have also found a close relationship between child pornography and victimization by pedophiles. Even more than a snapshot of one child's horrible victimization, child pornography is a horrible tool for child molesters to recruit new victims. Often used to break down inhibitions and introduce and validate specific sex acts as normal to a child, pedophiles frequently send pictures to young people to gauge a child's interest in a relationship. Child pornography is often used to blackmail a child into silence, once molestation ends.

Three factors, the skyrocketing on-line presence of children, the proliferation of child pornography on the Internet, and the presence of sexual predators trolling for unsupervised contact with children, has resulted in a chilling mix which has resulted in far too many terrible tragedies that steal the innocence from our children and create scars for life.

H.R. 3494, the Child Protection and Sexual Predator Punishment Act, provides law enforcement with the tools it needs to investigate and bring to justice those individuals who prey on our Nation's children, and sends a message to those individuals who commit these heinous crimes that they will be punished swiftly and severely.

H.R. 3494 targets pedophiles who stalk children on the Internet. It prohibits contacting a minor over the Internet for the purposes of engaging in illegal sexual activity and prohibits knowingly transferring obscene materials to a minor, or an assumed minor, over the Internet.

H.R. 3494 also prohibits transmitting or advertising identifying information about a child to encourage or facilitate criminal sexual activity. This bill doubles the maximum prison sentence from 5 to 10 years for enticing a minor to travel across State lines to engage in illegal sexual activity, and increases the maximum prison sentence from 10 to 15 years for persuading a minor to engage in prostitution or a sexual act. Moreover, the bill establishes a minimum sentence of 3 years for using a computer to coerce or entice a minor to engage in illegal sexual activity.

In addition to Internet-related crimes, the bill also includes other very important provisions such as cracking down on serial rapists (those who commit Federal sexual assaults and have been convicted twice previously of serious State or Federal sex crimes), and authorizing pretrial detention for Federal sex offenders.

Mr. Chairman, nearly two-thirds of prisoners serving time for rape and sexual assault victimize children. Almost one-third of these victims were less than 11 years old.

The bill also increases the maximum prison sentence from 10 to 15 years for transporting a minor in interstate commerce for prostitution or sexual activity and requires the U.S. Sentencing Commission to review and amend the Federal sex offenses against children.

H.R. 3494 also doubles prison sentences for abusive sexual contact if the victim is under the age of 12, and doubles the maximum prison sentence available for second-time sex offenders.

H.R. 3494 also gives law enforcement the tools it needs to track down pedophiles, kidnappers, and serial killers. The bill allows for administrative

subpoenas in certain child exploitation investigations and provides for immediate commencement of Federal investigations into kidnapping cases.

The bill also allows for Federal investigation of serial murder offenses when such an investigation is requested by a State or local law enforcement agency with jurisdiction over the offense.

Finally, the bill prohibits unsupervised access to the Internet by Federal prisoners. It expresses a sense of Congress that State governors, State legislators, and State prison officials should also prohibit unsupervised access to the Internet by State prisoners.

Mr. Chairman, as Members can see, this is a substantive bill that the subcommittee has worked very hard to put together. It is comprehensive. In fact, it is the most comprehensive package of new crimes and increased penalties we have ever developed in response to this horrible problem.

It is a bipartisan effort. It is supported by the administration. Moreover, this bill received a great amount of input from several Members of Congress, Federal, State and local law enforcement, child advocacy groups, and victims' parents. Were it not for their invaluable assistance, I would not be proposing this essential package of legislation today.

Mr. Chairman, this is an important bill and I urge my colleagues to support it.

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

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

Mr. Chairman, I join in support of House Resolution 3494. I commend the cooperation between the staffs and the members of the committee. This is truly a bipartisan piece of legislation. We are united in recognizing the heinous crimes that are committed against children, particularly sex crimes involving children.

We also are sensitive to the new perils of the Internet and the phone lines. Modern technology is now making this a place for predators to try to get young children involved in conduct that we consider reprehensible.

Mr. Chairman, we are creating new Federal offenses for using the mail or any facility or means of interstate commerce, including phone lines and the Internet, to contact anyone who is under 18 for the purpose of engaging in sexual activity, provided that the sexual activity would expose the other person to criminal prosecution. Essentially, what we are doing today is making it a Federal offense to use the phones, mail, Internet, to contact anyone for the purpose of committing rape, child sex abuse, child prostitution, or statutory rape.

Now, legally it is already a Federal offense to persuade someone to cross State lines to engage in sexual activity for which someone can be prosecuted. The purpose of these provisions is to eliminate the need for prosecutors to prove that the victim was persuaded to travel.

Another important feature of this bill creates a new Federal offense for using the mail or any facility or means of commerce to transfer obscene material to a minor. We consider this to be very important. Unfortunately, one of the scary prospects of high technology is the fact that there is a great deal of obscenity, sexually charged material and offensive material, that is too frequently available to young people as it is to adults. It is creating a very complicated problem.

This legislation, primarily authored by the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime, is intended to try to address that.

Now, there are Federal statutes prohibiting the use of the mail or the Internet for interstate transportation of obscenity. But this provision would be to reach intra-State transactions as well.

□ 1215

I was not successful in dissuading the distinguished gentleman from Florida from adding new mandatory minimums, but in this case it is hard to argue against life imprisonment for a three-time rapist.

I am hopeful that these provisions will not just be sending a message, as is so frequently referred to, but that they actually have an effect, an impact upon those who would commit these kinds of offenses.

Now, frequently in the Federal Code rape is a Federal offense if it is committed on Federal property. Otherwise, it is a State offense. But under these new proposals, anyone with prior Federal or State convictions that commits a third such offense, whether or not it would have been under Federal jurisdiction, can now be prosecuted in the Federal court and could receive a mandatory life sentence.

The measure before us also establishes a 3-year penalty for using a computer to coerce a minor to cross State lines to engage in illegal sexual activity.

So for all of those reasons, I commend favorably this measure to my colleagues in the House.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington (Ms. DUNN), who is a prime sponsor of this bill and many others related to the sexual predator question.

Ms. DUNN. Mr. Chairman, first I would like to thank the gentleman from Florida (Mr. MCCOLLUM) and our ranking member the gentleman from Michigan (Mr. CONYERS) for their very good work on this issue. Their continuing commitment to fighting sex crimes against children is very commendable.

I rise today to speak in support of the Child Protection and Sexual Predator Punishment Act, a bill that is for families throughout the country who are doing everything they can to keep their children safe and innocent, but may not be aware of the pedophiles who are cruising the Internet. This legislation makes it crystal clear to the most heinous of criminals, those who would prey on innocent children, make no mistake, you will be punished, and you will be punished to the full extent of the law.

As we approach the 21st century and an age of ever-expanding technology, Congress must continue to enact laws that are one step ahead of the criminals in a changing, constantly changing environment.

When my two boys were growing up, I, like most mothers, worried about their safety and did everything within my power to protect them from harm. Whether I watched as they played outside in their earlier years or drove them to and from their soccer practice when they were a little older, I was always aware of the dangers of the outside world. I was like all the other moms who would tell my kids, do not talk to strangers, do not accept rides, do not accept candy from people you do not know.

But I never had to say, be careful of strangers on the Internet. Back then it was a novelty to have a personal computer in the house, but times have changed, Mr. Chairman. Nowadays, many homes and most schools and libraries are equipped with computers and, therefore, with access to the information superhighway. That superhighway is a two-way street. Children can explore the world, and criminals unfortunately can get right into your house.

Hailing from Washington State, which is home to a flourishing high-tech industry, I am not surprised that 20 million children will have access to the Internet by the year 2002. That is 20 million children who will have the opportunity to see images of Neil Armstrong's historic first steps on the moon, or to see the actual Titanic, or to communicate with other children who are halfway around the globe. That part is wonderful.

But then I read about the 36-year-old Seattle man charged with second degree rape, accused of having sex with an 11-year-old girl he met in an Internet chat room. Just today in the National Journal there is a story about a team of psychologists who, based on a comprehensive poll, concluded that ''erotic pursuits are among the most frequent uses of the Internet'' and that sex is the most searched word on line. So while our children may experience all the wonders of the world with one click of the button, the sad truth is they may also eventually fall victim to the most horrifying of sex crimes.

That is why the Child Protection and Sexual Predator Punishment Act is so critical to families across the country. This bill addresses a growing concern for parents whose children are growing up in the information age. By severely punishing those who use computers to target children for sexual acts or who

knowingly send children obscenity over the Internet, this bill cracks down on cyber-predators and pedophiles. But the bill goes beyond punishing those who lure kids over the Internet for sex crimes. Over a dozen provisions increase Federal penalties for sex offenders and help facilitate Federal investigations of crimes committed against children.

For example, a Federal child sex offender will not be released prior to his trial, and, by sentencing serial rapists to life in prison, the bill sends a signal that a civilized society cannot and will not tolerate rape.

The McCollum-Dunn bill tells cyberpredators that the information superhighway is not a detour for deviant behavior, but, rather, a dead end.

Our message is clear. We will not stop until every mother and father has the peace of mind that their children are safe from sexual predators. Again, I thank the chairman, the gentleman from Florida (Mr. MCCOLLUM), and the ranking member, the gentleman from Michigan (Mr. CONYERS), for their thoughtful work. I encourage the support of my colleagues in enacting this important and timely bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to thank the gentleman from Florida (Mr. MCCOLLUM) for his steadfast attention to this very important issue. The Child Protection and Sexual Predator Punishment Act is crucial in a time like this, albeit many of us would wish we did not have to come to the floor of the House and promote such legislation.

But as the previous speaker has mentioned, we are living in both difficult times and different times. And our children now become prey, they become victims. The sickness of child predators is prevalent. It is growing. So many States and so many different cities and jurisdictions have tried themselves to track these sexual predators and work, if you will, to fight against the siege upon our community.

It is important that we, on the national level, do two things. One, in fact, make it known that there will be no tolerance, in fact zero tolerance, for sexual predators in this Nation; and then, secondly, that if there are such individuals thinking that they can get away with these heinous crimes, they will find serious punishment.

So I am delighted to be able to join the gentleman from Florida (Mr. MCCOLLUM) on issue. This bill is a crucial step in the fight to protect our children from crime and violence.

Crime on the Internet is an especially invasive and terrifying crime. Our children can be terrorized while they are seemingly safe inside our homes and in our living rooms, in our schools and in front of our family computers.

As a parent, just a few months ago I received a permission slip for my 12-year-old. The permission slip from the school asked whether or not he could use the Internet in school. One of the items of which I would be signing is that the school would not be responsible for any obscenity or pornographic images that this 12-year-old might access in the course of using the Internet at school. How many of us can counter and fathom any kind of horrible situation where our children, in a learning environment, are subject to these heinous and ugly-type episodes?

We must increase penalties for those enticing or coercing any child under the age of 18 through the Internet to engage in sexual activity. This Congress must send a message that this type of criminal activity will not be tolerated by the criminal justice system.

As chair of the Congressional Children's Caucus, I believe our children are our future and must be nurtured, protected and guided. How can we protect them? By making sure that those people who are out to harm them and exploit them are restricted from their access to our children.

Under current law the Federal Government has the burden of proving that a pedophile persuaded, induced, enticed or coerced a child to engage in a sexual act. In essence, we really make the child the victim, because the government, who must move the case, has this high bar to come over.

However, this new legislation, H.R. 3494, would create a new Federal offense to the use of phones, mail or Internet to contact someone for the purpose of committing rape, child sex abuse, child prostitution or statutory rape. Every day in our community we are seeing episodes where someone, an adult, has solicited a child over the computer or over the Internet. It would also create a separate new Federal offense for using the mail or Internet or knowingly transferring obscene material to a minor.

I introduced an additional amendment to this legislation that would further protect our children from the types of predator who may currently be lurking behind our family computer screens. This amendment would have directed that the Federal Bureau of Investigation conduct a study of computer-based technologies and other approaches that would help to limit the availability to children of pornographic images through electronic media, including the Internet and online services.

My colleague, the gentlewoman from New York (Ms. SLAUGHTER), has introduced a good amendment that deals with the research and the definition of why sexual predators engage in recidivism.

It is my concern that, with the help of the gentleman from Florida (Mr. MCCOLLUM), who was very much a supporter of my amendment, I am extremely disturbed that the Committee on Rules would not see fit to have made it in order. I think that in this time where we are working in a bipartisan manner, it certainly troubles me that Members of goodwill and good faith going to the Committee on Rules with legislation that is well needed, my amendment would research, through the FBI and the Attorney General's office, it would ensure that there would be an adequate study to determine the technology that would help us prohibit or inhibit pornographic images on the Internet that are now confronting our children. It strikes me as completely confusing why this Committee on Rules and its chairman would see fit not to make this particular amendment in order.

H.R. 3494 and additional amendments to this legislation would be a start to effectively prevent a predator from initiating a harmful relationship with a child for illegal sexual activity and to subjecting children to damaging pornographic material that our children can currently access.

In December of 1996, the FBI announced that it had executed search warrants in 20 cities as part of an ongoing nationwide investigation into the use of computer on-line services and the Internet to lure minors into elicit sexual relationships.

We have all heard far too many horror stories involving child pornography and sexual abuse on the Internet. In May in Illinois a 9-year-old began getting strange phone calls at night. After her parents searched the Internet, they discovered that someone had posted Internet messages saying that their daughter was sexually active and wanted to have sex with other men.

I do not know how any of us could tolerate this outrageous behavior, outrageous attack on our children. The messages included their home telephone number and said the child could be reached 24 hours a day.

Current law does not prevent children from being exposed to sexually explicit material on the net, but hopefully this law will allow us to prosecute those who seek to commit such damaging and dangerous acts against our children.

My amendment would have sped us along this process because it would have allowed the FBI and the Attorney General's office to do their duty by researching the kind of technology that could have been utilized in keeping in mind the first amendment. How horrendous to have a child's home phone number put on the Internet saying that she was sexually active and she is only 9 years old. How would we accept that if it was one of our children? We must act to protect our young people from the scourge of child predators seeking to harm them through Internet communication, and we must act now.

I hope that our colleagues will support this legislation, and I hope that our colleagues will see fit to acknowledge the importance of doing the research that is so very important to prohibit these heinous acts.

I would like to engage the chairman, the gentleman from Florida (Mr.

MCCOLLUM), in a colloquy for, as I have said, I appreciate his leadership on this issue. We have worked together in the Subcommittee on Crime on issues dealing with children and particularly issues confronting children as it relates to sexual predators.

I would like to ask the chairman and solicit his help in working to get the amendment that deals simply with researching the question of prohibiting these sexual sort of, if you will, examples of pictures and other type of visuals on the Internet and enticements on the Internet which my amendment would have provided for a study.

Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM).

□ 1230

Mr. MCCOLLUM. Mr. Chairman, I strongly support her amendment, as she knows. I supported it in committee. I urged the Committee on Rules to make it in order. I do not know technically why it was not. But I certainly will continue to work with her to get it into this legislation or in separate legislation. She has my commitment to it. I see no problem with the amendment at all. It is a good proposal.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much. I know that we will be looking as this debate proceeds at a possible opportunity to work with this amendment.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a strong advocate and a strong supporter of this legislation.

Mr. CUNNINGHAM. Mr. Chairman, God bless the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) for this effort.

The loss of a child, or even the abuse of a child, I think is the most lifelong, hurtful, terrible event that can happen to a family. Sexual predators or drunk drivers, a gunshot wound at school, the loss of a child. Just think about what the families go through.

I would like to also mention, we have named too many laws after dead children. I think of Megan Kanka and Polly Klaas and Jon Benet Ramsey. I want my colleagues to know where all of this started. The gentleman from Georgia (Mr. DEAL) who was a Democrat when I first got here and the gentlewoman from Washington (Ms. DUNN) worked on Megan's Law. There were absolutely Members in this body that opposed it. And the gentlewoman from Washington and the gentleman from Georgia got together and dragged me as a wingman to Speaker Foley at the time and demanded that we be able to pass this on the floor. It then went to the President of the United States and he signed this bill. That is where it started. A good idea took off. And recently, Megan's Law underwent some changes.

For example, if a person is a student or in the military and changes States, then they were not required to register as a sexual predator. So the changes adopted recently by the House have been a good thing.

I would also like to thank Rick Roberts, a local talk show host in San Diego who announces the top 20 sexual predators every week in San Diego County. We have got Jerry Sanders with San Diego PD and Sheriff Bill Kolender, Dan Lungren who is our Attorney General and Governor Pete Wilson who has made it a point to work on Megan's Law and the protection of children and our most vulnerable, children, women and our seniors.

Of all of the things in this bill, here are items in this thing that protects children. But the one thing that law enforcement has told us they need is time. Time in the first hours are very important in saving the life of a child. In San Diego, the San Diego PD literally went down and caught a sexual predator as he was packing and on his way out the door, because they had him, they had his profile, they had him on a computer before he could escape, and they found and saved the life of that child.

Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS), the gentleman from Florida (Mr. MCCOLLUM), the gentlewoman from Washington (Ms. DUNN), the gentleman from Georgia (Mr. DEAL) and the people that have worked on this for treeing this individual and bringing me along as a wingman to work on this type of material. It protects children. It protects families. But life imprisonment is not enough for these sexual predators.

I do not know if you have ever had a child. Once, very briefly, I lost track of my daughter. I never used to let her out of sight in a store. One time she just got out of sight and I did not know where she was. I remember the panic, the death thoughts that we had.

Do not wish this on anyone.

I would like to thank both members of the Republican and the Democrat Party for coming together on this issue. God bless you.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. LAMPSON) who is cochair of the Missing and Exploited Children's Caucus.

Mr. LAMPSON. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, as chairman of the Congressional Missing and Exploited Children's Caucus, I want to commend the gentleman from Florida (Mr. MCCOLLUM) for his leadership on a fine piece of legislation. I do, however, want to express my very strong concern that my amendment, the Children's Protection from Internet Predators Act of 1998, was not made in order by the Committee on Rules.

My amendment would have authorized $2 million annually, until 2002, for the United States Customs Service Child Pornography Enforcement program, the International Child Pornography Investigation and Coordination Center. Currently ICPICC has only six dedicated agents for tracking child porn on the Internet. My amendment would have provided funding for an additional 14 agents.

To help combat the problem of child pornography through the Internet, through computer technology, the U.S. Customs Service established the ICPICC in April 1996. ICPICC is staffed by special agents with expertise in both child pornography and computers.

There is a need to adequately direct Federal resources toward attacking the problem of child exploitation over the Net. The U.S. Customs Service has long been recognized by law enforcement and the international community for its knowledge and skill in investigating cases of child pornography and child exploitation.

Mr. Chairman, it is my understanding that all members of the Committee on Rules expressed support for my amendment, so it should have been made in order, but it was not. My amendment would have strengthened this bill and provided means to track these criminals and more specifically to make arrests.

Mr. Chairman, I ask this body, is $2 million too much to spend to protect our children? I am sure Members will agree that this would have been a small price to pay to reduce the exploitation of our children.

I have offered my amendment as a freestanding bill, and I urge the leadership to take a strong look at my legislation. I indeed support this good bill by the gentleman from Florida (Mr. MCCOLLUM).

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

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

Mr. WELLER. Mr. Chairman, I rise today in strong support of H.R. 3494, the Child Protection and Sexual Predator Punishment Act. I particularly want to commend the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) for their bipartisan efforts in bringing this important legislation to the floor, legislation designed to protect children from the weirdos, the wackos and slimeballs who use the latest technology to prey on children and their families.

This legislation contains language that resulted from legislation I introduced late last year, H.R. 2815, the Protecting Children from Internet Predators Act. I very much thank the gentleman from Florida for working with us to clarify the language and include it in this legislation during subcommittee markup.

I would like to explain today why this provision is so very important, not only to the people in my district but all across our country. This past summer a family in my district, the Boehle

family from Joliet, Illinois, began receiving phone calls at all hours of the day and night, strange adult men asking for their 9-year-old little girl by name. After receiving more and more phone calls, the father discovered that someone had posted messages on the Internet posing as his 9-year-old daughter. The messages implied that she was sexually active with her father, that she wanted to have sex with other grown men, and that she had photos for sale. These messages were posted on boards targeted to pedophiles. They included her full name, her home phone number, and her hometown. Obviously it was a result of these messages that they began receiving the disturbing phone calls. Think about it. How would any parent feel if this happened to your own family?

When Mrs. Boehle read, with horror, the messages that were posted about her daughter, she called the police. They told her that nothing could be done, that there was no law against this type of action. She contacted the FBI, they worked for 3 weeks to try to find a law they could use to prosecute the perpetrator, and they came up empty. The police told the Boehles to move, to leave town, for their own safety. While there was nothing that could be done legally, they knew that any pedophile who read these messages could find their home and find their daughter. Due to this imminent, grave danger, they disrupted and uprooted their lives, selling their home, leaving their church and schools and moving out of their home community.

When Mrs. Boehle contacted me early last fall, I introduced legislation to make this type of action illegal and put in place penalties. Working closely with the gentleman from Florida as well as Federal, State and local law enforcement, this legislation makes it illegal to use the Internet to transmit identifying information of a child to encourage, offer, or solicit sex or sexual activity.

Let us remember, this person posted this little girl's full name, phone number and hometown while posing as her and asking people to contact her for sex. It is unbelievable that this is not already illegal. However, as technology advances, we need to bring our laws up to speed. Passage of this legislation will protect others. I believe it deserves bipartisan support.

I want to thank the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) for their leadership.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Alabama (Mr. CRAMER) who is also a member of the Missing and Exploited Children's Caucus and serves with great leadership in this body.

Mr. CRAMER. Mr. Chairman, the gentlewoman from Texas knows, we serve together on the Children's Caucus as well, and I want to congratulate her for her leadership there. I congratulate the gentleman from Florida (Mr. MCCOLLUM) for this bill, H.R. 3494, the Child Protection and Sexual Predator Punishment Act. I rise in strong support of that piece of legislation.

Mr. Chairman, in my prior life, I was a district attorney in Alabama from 1980 until 1990. In 1980 through our criminal justice system there, we took four cases involving victimization of children in sexual situations into the criminal justice system. Unfortunately when I left there in 1990, we had hundreds of cases that we took into the criminal justice system that involved child victims of sexual abuse. The criminal justice system has not been equipped to deal with this very difficult subject matter. We needed to reach out and bond with one another. We needed to reach out and establish bridges to the mental health communities to make sure that the State level, the Federal level, the local level were working effectively and to make sure that in today's world, today's technologies, that we were doing everything that we needed to do in order to prevent these kind of offenses from occurring.

Unfortunately, prosecutors react to cases that have already occurred. The gentlewoman from New York (Ms. SLAUGHTER) has an amendment that I assume will be accepted, or I hope will be accepted, that authorizes the National Institute of Justice to conduct a study of sexual predators. We need that information. We need that helping hand. We are punishing these offenders, we are sending them to institutions, they are staying there for a brief period of time, and they are coming back into our communities and they are reoffending against children. We need to know what works and what does not work. We need to know what resources can be available for children, what resources we can take advantage of in order to hopefully rehabilitate some of these people that will be preying on our children. But we cannot make this system tough enough. We cannot punish these offenders enough. We have got to put them away. We have got to protect our children.

The gentleman from New Jersey (Mr. FRANKS) will speak about an amendment in a few minutes as well. I have enjoyed working with him as a cochair of the Caucus for Missing and Exploited Children. I was on that national board for a number of years while I was district attorney. There are people all over this country that are reaching out saying that we need to work better together to protect our children. This is a growing problem in our local communities.

Mr. Chairman, I rise in strong support of this bill. I can only say, I hope we can put more money where our mouth is. I hope that we can eventually not just tell these agencies what we want them to do but give them a helping hand, give them the funding that they need, give them the legislation that they need, give us the studies that we need in order to better protect our communities and our children. Again, I congratulate the chairman of the committee and say this is a good piece of legislation. I hope to work with him down the line to make sure that we fill in the gaps and make this even stronger.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRANKS).

(Mr. FRANKS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Chairman, as cochairman of the Missing and Exploited Children's Caucus, I want to congratulate the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Washington (Ms. DUNN) for bringing this bill forward. But even more importantly, as the father of 7-month-old Kelly Amanda, I want to thank them for their excellent work on this bill. Nothing is more important to a parent than the safety and security of their child.

I want to touch on just one important provision of this bill. Twenty-five years ago, 7-year-old Joan D'Alessandro left her home in Hillsdale, New Jersey, to deliver Girl Scout cookies to a neighbor. Three days later that neighbor, a 26-year-old school teacher, confessed to sexually molesting and killing little Joan.

But for the D'Alessandro family, the nightmare was far from over. For the past 12 years, they have had to live with the very real prospect that one day very soon their daughter's killer will walk out of jail a free man. He has twice been eligible for parole. Recently a New Jersey appeals court ordered yet another parole hearing.

Rosemarie D'Alessandro has fought back against this terrible injustice. She has been the driving force behind a provision in this bill that would mandate a sentence of no less than life imprisonment with no opportunity for early release for anyone who commits a serious violent felony which results in the death of a child. I want it to be absolutely clear that this provision will still enable Federal prosecutors to seek the death penalty in all those cases where it is permitted under current law.

Joan's law sends a clear signal that Americans will not tolerate the killing of innocent children. If a criminal takes the life of a child during the commission of a serious violent crime, that criminal will die in jail.

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No family should ever have to endure the double tragedy of losing a child to a heinous act of violence and then watching their child's killer walk out of prison a free man.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I thank the speakers that have recognized the necessity of

this legislation, and I would simply like to close by indicating that there are three provisions in here that I think are crucial. As I heard the gentleman from New Jersey (Mr. FRANKS) speak of great tragedy, so many of us can cite incidences in our neighborhoods or in our cities or in our States that we much rather not discuss, and I am reminded of the time I was on the city council in Houston when a 3-year-old was sexually molested and then killed by a recently released sexual predator who continued to deny to the very end. And not only did that occur, but they had to have two trials. One of the trials wound up with a hung jury, and so it put the family through that crisis again. In fact, I hope that this legislation, when passed, will be a tribute to that little life that was unnecessarily lost.

And so the provision in this bill that clarifies that Federal kidnapping investigations do not require a 24-hour waiting period and can be initiated immediately is crucial. How many times we have frustrated the law enforcement officers who have wanted to go out immediately once they have determined that there has been an abduction. This bill clarifies that. It also permits the government to seek pretrial detention of someone accused of a Federal rape and child sex abuse or child pornography. That means that individual is not out and able to attack others. And then, of course, it directs the Justice Department to establish a special center to investigate child abductions, child homicides and serial homicides.

These particular provisions in this legislation are extremely crucial for untying the hands of our law enforcement officers and, of course, paying really a tragic tribute to those lives that we have lost and hoping that we will have this kind of legislation to prevent future loss.

Mr. Chairman, I have no additional speakers at this time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I rise here in strong support of this legislation and really to focus on an important part of this bill that is known as Joan's Law. First, however, I want to stress the importance of the total bill and that we must strongly punish this obscene behavior of predators, and I want my colleagues to know, be assured, that knowledgeable professionals in the field, psychiatrists, psychologists, all know of the implicit, persisting compulsive behavior that leads to this type of violence against children.

But right now I want to rise in memory of Joan D'Alessandro. As the gentleman from New Jersey (Mr. FRANKS) has mentioned, we already have a law in New Jersey in memory of Joan, who was sexually assaulted and murdered in 1973. Her family has suffered through all these years, but we have gotten that law in New Jersey, and now with this legislation we will extend that right to protect the children in all 50 States.

But I want to particularly commend Rosemary D'Alessandro, the mother of Joan, who had to endure this inhumane threat to her peace of mind, but also to thank her so that other families will no longer have to endure the emotional travesty that the D'Alessandro family has endured. This legislation protects those families, but of greatest importance is that we are now going to say to the children of our country that they will no longer have to be fearful in their neighborhoods or in their shopping centers of released sexual predators preying on them. But I do this in memory of not only Joan, but in the name of Mrs. D'Alessandro without whom this reform either in New Jersey or across the Nation would not have been realized. She has protected children for all times from these predators.

Mr. Chairman, I rise today in strong support of HR 3494—the Child Protection and Sexual Predator Punishment Act of 1998. I would like to thank the Committee and Mr. FRANKS, who have joined me in this endeavor.

There is no greater resource in the nation than our children. And whenever a child is harmed or injured by violent crime it is a tragedy. But that tragedy is made even worse when it could have been prevented.

This bill's purpose is to strongly punish the obscene behavior of sexual predators who prey on children. Knowledgeable professionals in the field—psychiatrists, psychologists—all know the implicit persistent compulsive behavior that leads to this type of violence against children.

But I rise here today to focus on an important part of this bill and its incorporation of New Jersey's Joan's Law and in honor of the memory of Joan D'Alessandro. Joan's Law mandates a prison term of life without parole for a person who causes the death of a child during the commission of a violent crime. It was named after Joan D'Alessandro—an innocent seven year old girl from Hillsdale, New Jersey who was sexually assaulted and murdered in 1973.

We have a responsibility to protect the most volnerable people in our society—our children. The state of New Jersey has led the way. Now Congress must protect children in ALL fifty states.

The purpose of life without parole is twofold. First, someone who kills a child does not deserve Ever to step outside prison again. And second, it will provide families who lost innocent children with the knowledge and emotional relief that they will not have to relive the horror of losing their child every few years at endless parole hearings.

Rosemarie D'Alessandro, Joan's mother, has had to endure this inhumane threat to her peace of mind. But thanks to her, other families will no longer endure such emotional travesty. This legislation protects those families and of greatest importance are the children who will no longer have to be fearful in their very own neighborhoods and shopping centers.

Thanks to the bill, families who have suffered the worst tragedy known to parents—the loss of a child—will at least have the comfort of knowing the murderer will never be released from prison.

I strongly urge passage of this important family protection bill in the name of Mrs. D'Alessandro without whom this reform—protecting children could never have been achieved.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. BONO) for the purposes of debate.

Mrs. BONO. Mr. Chairman, I rise today to support the Child Protection Sexual Predator Punishment Act of 1998 and to urge its adoption by the House. As a longtime computer user, I am very aware of the many benefits the Internet presents. It allows people to communicate, learn, appreciate art and music, and collaborate across great distances. However as a parent of two young children, I am disturbed by what we have learned.

Personally I can say that my children already use computers and take advantage of the World Wide Web. As we move into the 21st century and the high technology future, America's children will not have a choice. They will be expected to use computers at a young age to get ahead.

Unfortunately the growing problem of child stalkers and predators is all too real and alarming. The situation will only increase as computers find their way into more homes. We know that children will always find a way onto the computer; for example, their schools or the home of a friend, so we must make sure cyberspace is a safe place.

The evidence of the type of dangerous, sick behavior of predators presented to the Committee on the Judiciary is an issue that we must confront and develop intelligent approaches to protect our Nation's youth. Congress has a role of protecting our most precious resource, our children. The Subcommittee on Crime did it the right way, holding much more hearings and listening to an array of experts.

The Internet and computers pose very difficult and novel questions for lawmakers, as I am sure the gentleman from North Carolina (Mr. COBLE) and the rest of the intellectual property community know. Yet, I urge each Member to support this bill that will help make the Internet a safer environment for family and legitimate users.

In closing I want to commend the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Illinois (Mr. HYDE) for developing a well crafted, narrowly tailored solution to an extremely serious problem. They can count on my support to help monitor this issue and revisit it, if necessary, in the future.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM) for yielding this time to me.

When we consider an issue like child pornography, we need to understand that issue. A recent poll showed that most people in the United States know little about child pornography and understand little about it. They are surprised when they learn that child pornography is the tool of choice used by child molesters and pedophiles to entice young children into sexual activity. They also are unaware that most sexual pedophiles, sexual predators, possess child pornography that is usually on their person or found in their homes. They also, in fact, ask very often how does child pornography, how is it even created? How does it begin?

Mr. Chairman, we can answer all three of those questions with one answer, and that is, and the final report of the Commission on Pornography outlined this, why sexual predators use pornography, why they always possess it, how child pornography is created. And Dr. Shirley O'Brien, there was an attachment of her study on this, and it shows that this is how child pornography is created.

Child pornography is shown to a child by an adult; 2, the adult uses the materials to convince the child that the depicted sexual act is acceptable, even desirable; 3, the material desensitizes the child, lowering his or her inhibitions; 4, some of the sessions progress to sexual activities involving the child; 5, photographs or home movies are taken of the activity, and finally the nude pornographic material is used to lure more child victims and also to keep the victim from talking about the experience.

So, as we discuss this issue, bottom line, let us remember that child pornography is used in every community in America to lure children into this child abuse.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I am pleased to join many of my colleagues on both sides of the aisle in support of this very important bill, and I want to publicly thank the gentleman from Florida (Mr. MCCOLLUM) and the gentlewoman from Washington (Ms. DUNN) for the work they have done and put into this legislation.

We hear much today about family values, but I ask do we really value families? The bill I am proud to support today is one which values our families by protecting our children.

The Child Protection Sexual Predator Punishment Act does two important things. It protects our children, and it punishes their predators. The goal of the bill is simple, to keep pornography out of the sight of children and to keep our children out of the reach of sexual predators.

To do this the bill does several important things. First, it prohibits knowingly transferring obscene materials to a minor over the Internet. Second, the bill increases penalties for using a computer to entice a minor to engage in illegal sexual activity. This information superhighway must not be allowed to be used by sexual predators as a gateway to their prey. Third, the bill increases penalties for sending child pornography to any child anywhere by any means. Whether it is on the Internet or in person, this bill says child pornography in any form is ill-advised and illegal.

Finally, the bill puts the blame on the criminals and the predators, and it puts the law on the side of families and their children. This legislation doubles the penalties for repeat sex offenders. It also requires the U.S. Sentencing Commission to review and amend the sentencing guidelines to increase penalties for sexual abuse offenses. In short, it protects our children by punishing their stalkers.

Why is this strong legislation needed? Because cyberpedophiles have discovered that the information superhighway can be a path to a new victim. In the last 2 years the FBI and the Customs Service have arrested 600 people on Federal charges of trading child pornography on the Internet. Even scarier still, many of these predators use cyberspace to meet children and ask them out.

Earlier this year a South Houston teenager ran away to see someone she never met before. That night Edward Dub Watson sexually assaulted her. And why did she leave home to see this person? Because she talked to him on the Internet, and she thought he sounded like a nice person.

This is the issue we are trying to deal with. It is sick, and it has simply got to stop. I urge my colleagues to join us in supporting this important bill to help protect our young people from those who misuse the Internet.

It has often been said that the opposite of love is not hate, but indifference. This legislation says that the indifference stops right here and right now. Let us help create the world our children deserve, our future demands and our values dictate. Let us pass the Child Protection and Sexual Predator Punishment Act for our children, for our families and for our future.

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

The CHAIRMAN. The gentlewoman from Texas is seeking unanimous consent to retrieve 9 minutes previously yielded.

Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume just to inquire if the gentleman from Florida has an additional speaker. Someone was trying to come to the floor.

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I do not, just myself to close. That is all I have over here on this side.

Ms. JACKSON-LEE of Texas. Let me see if they arrive, and I will simply indicate to the Chair that there are loopholes that this legislation is looking to shore up, if my colleagues will, and I believe that it is important that, if we talk about this blight on our country of sexual predators and protecting children, that this legislation answers some of the questions. We are not completed with our work after hearing all the recalling of these different tragedies, we are just beginning really. We have got to get to a point where sexual predators know that they are totally intolerated in this country.

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

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

Mr. Chairman, I want to say this debate has been good. The bill we have before us today, the sexual predator bill, is one which has been long overdue, dealing with serial killers, serial rapists, but, most of all, pedophiles who use the Internet.

It is amazing how many of them go into the chat rooms of this Nation and actually engage children. Usually they do this, as I understand it, for a considerable period of time, when they pretend often to be other children. What they are doing is gaining the confidence of this child, without the child realizing it is an adult on the other end, let alone a pedophile. Then they will gradually engage in sexually explicit conversations, and building up, often times, sending pornographic material to that child, and, finally, trying to meet that child out on the street somewhere.

Current laws at the Federal level do not allow for the arrest and the conviction of somebody until they have actually induced in some manner the child to actually go meet with them somewhere to engage in a sexual activity.

The key portion of this bill, and there are a lot of other things in it, is to make sure when there is contact made over the Internet for the first time by a predator like this with a child, with the intent to engage in sexual activity, whatever that contact is, as long as the intent is there to engage in that activity, he can be prosecuted for a crime. I think that is an exceedingly important change in this bill. There are a lot of other things in here with wide-ranging importance, but that is number one, and it is the heart of this bill, to get to the Internet problem.

Mr. WHITE. Mr. Chairman, I would like to thank Representative FRANKS for working with me to improve upon his amendment, which requires Internet Service Providers (ISPs) to report to the Attorney General when they obtain knowledge of facts or circumstances that appear to indicate a violation of child pornography statutes. I believe we are working in

good faith and will continue in our combined efforts to improve this language.

We all want to protect kids from child pornography. There is a lot of activity in this area already, and we need to recognize this. ISPs are good corporate citizens and are very involved in combating child pornography on the Internet. For instance, a ''Zero Tolerance Policy'' was adopted after the ''Internet Online Summit: Focus on Children'' on December 2, 1997. This policy states, ''When child pornography is appropriately brought to our attention and we have control over it, we will remove it. Subject to constitutional and statutory privacy safeguards, we will cooperate fully with law enforcement officials investigating child pornography on the Internet. We will not allow this valuable new medium to be exploited by child pornographers and child predators.'' This policy has led ISPs across the nation to simply shut down, block access to, or remove child pornography from the Internet.

In addition, the National Center for Missing and Exploited Children has led in providing a conduit for reporting online evidence of child pornography and other crimes. The CyberTipline at <www.missingkids.com/cybertip> or at 1–800–843–5678, provides every Internet user with the opportunity to pass along tips, which are then reported to the appropriate law enforcement agencies. It is not necessary for ISPs to serve as the conduits for this information to law enforcement when there is an existing mechanism in place.

As we look at the obligations we will be placing on ISPs in this legislation, we need to consider some basic principles. The privacy of individual Internet users should not be compromised in our efforts to ensure ISPs work more closely and consistently with law enforcement. The trigger for reporting and what a report consists of should be absolutely clear and workable, with minimal burden. ISPs should not be seen as the conduit for tips on child pornography, but should focus on sharing information they discover. Finally, it is not appropriate for ISPs to become gatekeepers of content on the Internet. The Internet should continue to be the most vibrant and inclusive medium for the exchange of information we know.

The privacy of individuals should not be compromised. Any change to federal privacy law that would allow disclosure of private communications to law enforcement without a warrant would be a dramatic erosion of Americans' privacy rights in contravention of both the Constitution and long-established electronic surveillance laws. This is troublesome to say the least. On the other hand, I understand and support Mr. FRANKS' desire to make sure ISPs, when they actively seek out and shut down or block access to child pornography, can report that information to law enforcement. Since Congress never held hearings on this provision, very little public scrutiny has been applied. We must spend more time discussing the implications of language that would eliminate the requirement to comply with the Electronic Computer Privacy Act.

ISPs should not be seen as the conduit for tips on child pornography. There is an existing mechanism for concerned individuals to report tips or other evidence to law enforcement. The CyberTipline is very accessible. The narrow focus on the bill should be on child pornography discovered by the ISP. Multiple efforts to combat child pornography are desirable. On the other hand, duplicative efforts are not efficient and could result in a loss of valuable investigative time by law enforcement agents forced to follow up on the same report received through multiple venues.

The standard for reporting should be absolutely clear and workable. ISPs should not be held liable for information of which they are not aware. Nor should they inundate law enforcement with information that does not appear to violate the law for fear of liability. I believe the addition of the knowledge standard is a significant step forward. There is still more work we can do to clarify the reporting requirement and I look forward to being involved in that discussion.

We should not mandate that ISPs become gatekeepers of information. It is clearly not the intent of this legislation to require ISPs to monitor all information flowing over the Internet. It must be absolutely clear that the government should not be involved in such a scenario. Many ISPs voluntarily seek to remove child pornography, but a mandatory requirement with concomitant liability would hold ISPs responsible for the content of the World Wide Web. This significantly strays from their core responsibility of providing millions of consumers access to the Internet.

I have four children and I am concerned about their safety, and the safety of all children, in cyberspace. We can and will do more to combat child pornography in this new medium. As we do so, we want to be absolutely sure that we are making wise choices about the best way to protect our kids and the privacy of adults. We want our solutions to work. And we want government to take a back seat to the technological solutions that the creative minds who work in the technology industry will come up with in the future. Again, I look forward to working with my colleagues on further improvements to this bill.

Mr. HOYER. I rise today in support of H.R. 3494, The Child Protection and Sexual Predator Punishment Act of 1988, and the important work that the National Center for Missing and Exploited Children is doing to locate and recover missing children. In 1990, the Justice Department released a study reporting that there are as many as 4,600 abductions by non-family members reported to police, 114,600 attempted abductions of children by non-family members, and 354,000 children abducted by family members annually.

The National Center for Missing and Exploited Children works in cooperation with the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention to coordinate the efforts of law enforcement, social service agencies, elected officials, judges, prosecutors, educators and the public and private sectors to prevent these heinous crimes against children. The Fiscal Year 1998 Treasury, Postal Service and General government Appropriations Conference Report contained $571,000 for the Exploited Child Unit of the National Center for Missing and Exploited Children. In my role as Ranking Member of the Subcommittee on Treasury, Postal Service and General Government Appropriations, I will, once again, this year be supporting funding for this most important organization.

Mr. Chairman, the National Center for Missing and Exploited Children is doing critical work throughout the country to ensure the safety of our Nation's children. I urge my colleagues to vote for the bill and to support the National Center for Missing and Exploited Children.

Mr. BLUMENAUER. Mr. Chairman, although the Sherman amendment is well intentioned, I voted against it because of the real danger it will undermine efforts at the local level to identify sexual offenders. This amendment, which establishes a national hotline to access the FBI's database of sexual predators, is opposed by the Department of Justice, the FBI, and the National Center for Missing and Exploited Children. There are a number of problems inherent to a national name-check system. Such a system could result in many misidentification and cause the government and any misidentified individuals much embarrassment and unnecessary complications in their lives. Perhaps more serious is the possibility of failing to identify a convicted sexual predator, providing a false sense of security for the American public. This amendment only complicate local efforts to deal with sexual predators.

Mr. POSHARD. Mr. Chairman, I rise today to express my strong support for H.R. 3493, the ''Child Protection and Sexual Predator Punishment Act,'' a critical measure to protect America's children from the dangers that lurk on the Intenet. The McCollum-Dunn bill increases federal penalties for sexual predators and defines new sex crimes against children, ensuring that our criminal code keeps pace with rapidly-expanding technology. This measure provides the tools we need to keep our children safe while allowing them to take advantage of all the benefits of the information superhighway.

We live in an age of incredible access to vast amounts of information, and the Internet is quickly becoming an integral part of our lives. For our children, this represents a wonderful opportunity to gain knowledge and enhance their educational experiences. Unfortunately, it also represents a terrifying new way for some in our society to prey on innocent children. Increasingly, pedophiles and sexual predators are using the anonymity of the Internet to lure children into dangerous situations. Given the estimates that 20 million children will have access to the Internet by the year 2000, it is clear that urgent action is needed to combat this situation.

In addition, Mr. Chairman, I would like to register my support for the amendment offered by Representative CONYERS regarding violence against women. Domestic violence is one of the most disturbing and pervasive problems in our society, and I commend my colleague from Michigan for his efforts on behalf of women throughout this country who should not be forced to live in fear of emotional and physical abuse to themselves and their children.

I hope my colleagues will join with me today in sending a strong message to sexual predators that we will not tolerate the abuse of our

children any longer. The Internet is quickly causing community boundaries to disappear, and we have learned that it is no longer enough to focus our efforts on the local level. We must ensure that children are safe not only at home and at school, but also as they continue to explore the exciting new world of cyber-space. H.R. 3494 provides the strong protections required to combat the unconscionable and indefensible actions of pedophiles and sexual predators, wherever they may occur, and I will proudly vote for its passage.

Mr. PAUL. Mr. Chairman, I rise today in opposition to the Child Protection and Sexual Predator Punishment Act of 1998. This bill, if passed, will further expand the authority of this country's national police force and further ''justify'' the federal Justice Department's intrusion into mail, telephone and Internet communications.

Mr. Chairman, today the Congress will collectively move our nation yet another step closer to a national police state by further expanding the notion of federal crimes and paving the way for a deluge of federal criminal justice activity. Of course, it is much easier to ride the current wave of federally ''criminalizing'' all human malfeasance in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a process by which the nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, and especially in an election year, wants to be amongst those members of Congress who are portrayed as soft on child-related sexual crime irrespective of the procedural transgressions and individual or civil liberties one tramples in their zealous approach.

In the name of the politically popular cause of protecting children against sex crimes, the Members of Congress will vote on whether to move the Nation further down the path of centralized-Government implosion by appropriating yet more Federal taxpayer money and brandishing more U.S. prosecutors at whatever problem happens to be brought to the floor by any Members of Congress hoping to gain political favor with those embracing some politically popular cause. The Child Protection and Sexual Predator Punishment Act of 1998 is no exception.

Who, after all, can stand on the house floor and oppose a bill which is argued to make the world safer for children with respect to crimes? It is a sad commentary when members of this body only embrace or even mention federalism when it serves their own political purposes and, at the same time, consciously ignore federalism's implications for these politically popular causes. It seems to no longer even matter whether governmental programs actually accomplish their intended goals or have any realistic hope of solving problems. No longer does the end even justify the means. All that now seems to matter is that Congress pass a new law.

Crimes committed against children (as well as adults) are a problem that should concern all Americans. As a doctor of obstetrics I have enjoyed the privilege of bringing more than 3,000 new lives into the world. I know there are few things more tragic than crimes committed against young people. In fact, the types of crimes this bill attempts to federally punish are among the most despicable criminal acts committed. Undoubtedly, strong measures and penalties need to be imposed to deter and punish these criminal actors. Nevertheless, the threshold question in Congress must always be: ''under what authority do we act?'' Should we cease to concern ourselves about the Constitution in all that we do and moved by emotion speak only of vague theoretical outcomes?

Any federal usurpation of criminal law, no matter how flexible, violates the 10th amendment to the U.S. Constitution. The 10th amendment limits the Federal Government to those functions explicitly enumerated in the Constitution. Other than in these few areas, the States are sovereign. Therefore the Federal Government has no authority to federalize crimes whether committed against children, women, or some specific race. Additionally, ours is an individual Bill of Rights rather than a system of rights dependent upon to which group (gender, race, or age) one happens to belong.

The drafters of the Bill of Rights knew quite well that it would be impossible for a central government to successfully manage crime prevention programs for as large and diverse a country as America. The founders also understood that centralized federal involvement in crime prevention and control was dangerous and would lead to a loss of precious liberty. The bill's implication of federal monitoring of conversation on phone lines, the Internet, and U.S. mail is frightening and opens the door to unlimited government snooping.

Some will argue that federal legislation is necessary because communications cross state lines. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another and in 1783 Congress passed an act which did exactly this.

I too find most despicable the criminal acts this bill attempts to make federal crimes, but under the U.S. Constitution criminal law jurisdiction lies with the States. This is why I oppose yet another step toward a national police state. And because I fear the bill's implications regarding federal monitoring of voice, mail and data communications, I cannot support H.R. 3494.

Ms. DELAURO. Mr. Chairman, I stand today in strong support of the Conyers Amendment. The provisions in this amendment will strengthen the Child Protection & Sexual Predator Punishment Act and help us continue our work to combat domestic violence.

Every nine seconds, as we stand here on the House floor, another woman will be physically abused. Three-quarters of these women will be assaulted by someone they know. It is impossible for us to know how many cases of this appalling crime go unreported.

The Violence Against Women Act has helped us to combat this problem by providing grants to states to help set up rape crisis hotlines, counseling programs, and professional training for police officers to help them recognize and deal with domestic violence.

The Conyers Amendment will strengthen the Violence Against Women Act. It contains provisions to help limit the effects of violence on children, to help prevent sexual assault from ever happening, and to protect women who have been the victims of domestic violence.

Mr. Speaker, when we pass the Child Protection and Sexual Predator Punishment Act, Congress will be taking a tremendous step to protect our children from harm that could come to them over the Internet.

We must also pass the Conyers Amendment, to protect them and their mothers from harm at home. Let's commit ourselves to ending domestic violence so that women and children are safe in their own homes. Vote yes on the Conyers Amendment.

Mr. PACKARD. Mr. Chairman, I rise in support of H.R. 3494, the ''Child Protection and Sexual Predator Punishment Act of 1998.''

Our nation's children are our most precious resource. H.R. 3494 will ensure that children are protected from pedophiles and sexual predators while continuing to protect them as they expand their minds and explore the Internet. The Child Protection and Sexual Predator Punishment Act will toughen penalties for sexual predators, ensuring that they are held accountable for their actions.

This bill will not only make our Internet safe for our children's young minds, but safer for their young lives. The stories of children being lured away from their homes and parents to be murdered by pedophiles are haunting. Nearly two-thirds of the prisoners serving time for rape and sexual assault victimized children, and almost one third of those victims were less than 11 years old. These are alarming numbers.

Mr. Chairman, I rise in support of H.R. 3494. We must show these offenders that we will not stand for the abuse and murder of our nation's children.

Mr. HASTERT. Mr. Chairman, I'm proud to rise in support of this legislation today. I'm especially pleased with the lengths to which this bill goes in punishing those who utilize the Internet to prey on our children.

The great need for protecting children from Internet-based crimes was reinforced to me last fall when Deborah Boehle (*Bay-Lee*), the mother of a 9-year-old girl, met with me in my Batavia, IL, office.

Mrs. Boehle explained to me the hardship which her family endured because of an incident on the Internet, and which then led her to move her family into my district from their home in Juliet, IL.

At the time, my colleague, JERRY WELLER was moving quickly to address this incident legislatively, and I am proud that I was able to work with him and Chairman MCCOLLUM in addressing this ever-increasing problem.

The culmination of those efforts is this legislation which establishes fines, and sets prison sentences of up to 5 years for individuals using the Internet to facilitate the contact of a minor for illegal sexual activity.

Just like those who recklessly drive on our roadways and pose a danger to the traveling public, we have to pull over and lock up those criminals who are abusing the information superhighway. Although the Internet is by and large used for well-intentioned purposes, we have to be mindful of those twisted individuals who want to use it as a vehicle to threaten our children and their families.

As we've seen in northern Illinois, crimes against our kids over the Internet can and do

happen. It's for that reason it's so essential we update our laws for the information age. Although there are no legislative fixes for the anxiety and anguish the Boehle's have suffered, I'm hopeful that this legislation will prevent future crimes against kids over the Internet, and keep other families from having to experience the same heartache and hardship that the Boehle's have had to endure.

Ms. DEGETTE. I believe H.R. 3494, the Child Protection and Sexual Predator Punishment Act, is a good bill and will dramatically improve our ability to protect children from sexual predators who use the Internet and other forms of communication to target children.

I am concerned, however, by the inclusion of Representative SHERMAN's amendment to this important bill. While I believe the intention of the amendment is laudable. I believe it could have negative implications. First, I am concerned that the amendment would undermine the effectiveness of Megan's law. I support Megan's law and in fact, was an original cosponsor of Megan's law in Colorado. States have spent significant time and resources promulgating laws to appropriately notify communities of sexual predators. I am concerned that this amendment would undermine that effort. I am also concerned that this amendment infringes on individual privacy rights.

I believe this issue merits further attention by Congress. Yet until we have hearings on this issue and hear more from the Department of Justice, we should not move forward hastily.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield back the balance of my time.

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

The CHAIRMAN. 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 under the 5-minute rule and is considered read.

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

H.R. 3494

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 ''Child Protection and Sexual Predator Punishment Act of 1998''.

TITLE I—PROTECTING CHILDREN FROM SEXUAL PREDATORS AND COMPUTER PORNOGRAPHY

SEC. 101. CONTACTING MINORS FOR SEXUAL PURPOSES.

Section 2422 of title 18, United States Code, is amended by adding at the end the following:

''(c) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States—

''(1) knowingly contacts an individual who has not attained the age of 18 years; or

''(2) knowingly contacts an individual, who has been represented to the person making the contact as not having attained the age of 18 years;

for the purposes of engaging in any sexual activity, with a person who has not attained the age of 18 years, for which any person may be criminally prosecuted, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both. It is a defense to a prosecution for an offense under this section that the sexual activity is prosecutable only because of the age of the individual contacted, the individual contacted had attained the age of 12 years, and the defendant was not more than 4 years older than the individual contacted.''.

SEC. 102. TRANSFER OF OBSCENE MATERIAL TO MINORS.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

''§ 1470. Transfer of obscene material to minors

''Whoever, using the mail or any facility or means of interstate or foreign commerce—

''(1) knowingly transfers obscene matter to an individual who has not attained the age of 18 years, or attempts to do so; or

''(2) knowingly transfers obscene matter to an individual who has been represented to the transferor as not having attained the age of 18 years;

shall be fined under this title or imprisoned not more than 5 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of title 18, United States Code, is amended by adding at the end the following new item:

''1470. Transfer of obscene material to minors.''.

SEC. 103. INCREASED PRISON SENTENCES FOR ENTICEMENT OF MINORS.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end ''If the individual had not attained the age of 18 years at the time of the offense, the maximum imprisonment for an offense under this subsection is 10 years.''; and

(2) in subsection (b), by striking ''10'' and inserting ''15''.

SEC. 104. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.

(a) USE OF A CHILD.—Subsection (a) of section 2251 of title 18, United States Code, is amended by inserting ''if such visual depiction was produced with materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including a computer,'' before ''or if''.

(b) ALLOWING USE OF A CHILD.—Subsection (b) of section 2251 of title 18, United States Code, is amended by inserting '', if such visual depiction was produced with materials that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including a computer,'' before ''or if''.

SEC. 105. INCREASED PENALTIES FOR CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS OR CHILD PORNOGRAPHY AND TECHNICAL CORRECTION.

(a) INCREASED PENALTIES IN SECTION 2252.—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking ''or chapter 109A'' and inserting '', chapter 109A, or chapter 117''; and

(2) in paragraph (2), by inserting ''the offense consisted of the possession of 50 or more items of the sort described in subsection (a)(4) or'' after ''if''.

(b) INCREASED PENALTIES IN SECTION 2251(d).—Section 2251(d) of title 18, United States Code, is amended by striking ''or chapter 109A'' each place it appears and inserting '', chapter 109A, or chapter 117''.

(c) INCREASED PENALTIES IN SECTION 2252A.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting ''the offense consisted of the possession of 50 or more images of the sort described in subsection (a)(4) or'' after ''if''.

(d) TECHNICAL CORRECTION.—Section 2252(a) of title 18, United States Code, is amended so that paragraph (4) reads as follows:

''(4) either—

''(A) in the special maritime and territorial jurisdiction of the United States, or 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 of this title), knowingly possesses—

''(i) 3 or more books, magazines, periodicals, computer disks, films, video tapes, or other matter that contain any visual depiction, if—

''(I) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

''(II) such visual depiction is of such conduct; or

''(ii) any book, magazine, periodical, computer disk, film, videotape, computer disk, or any other material that contains 3 or more visual depictions, if—

''(I) the producing of each visual depiction involves the use of a minor engaging in sexually explicit conduct; and

''(II) each visual depiction is of such conduct; or

''(B) knowingly possesses—

''(i) 3 or more books, magazines, periodicals, computer disks, films, video tapes, or other matter that contain any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—

''(I) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

''(II) such visual depiction is of such conduct; or

''(ii) any book, magazine, periodical, computer disk, film, videotape, computer disk, or any other material that contains 3 or more visual depictions, if—

''(I) the producing of each visual depiction involves the use of a minor engaging in sexually explicit conduct; and

''(II) each visual depiction is of such conduct;''.

SEC. 106. CRIMINAL FORFEITURE FOR SOLICITATION OF MINORS AND INTERSTATE PROSTITUTION.

Section 2253(a) of title 18, United States Code, is amended by inserting '', or who is convicted of an offense under section 2421, 2422, 2423, 2252A, or 2260 of this title,'' after ''2252 of this chapter'' in the matter preceding paragraph (1).

SEC. 107. PRETRIAL DETENTION OF CHILD SEX OFFENDERS.

Subparagraph (C) of section 3156(a)(4) of title 18, United States Code, is amended to read as follows:

''(C) any felony under chapter 109A, 110, or 117; and''

SEC. 108. INCREASED PRISON SENTENCES.

Subsection (b) of section 2422 of title 18, United States Code, is amended by adding at the end the following: ''If in the course of committing the offense under this subsection, the defendant used a computer to transmit a communication to the minor, the minimum term of imprisonment for the offense under this subsection is 3 years.''.

SEC. 109. REPEAT OFFENDERS IN TRANSPORTATION OFFENSE.

(a) GENERALLY.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

''§ 2425. Repeat offenders

''(a) The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

''(b) As used in this section, the term 'prior sex offense conviction' means a conviction for an offense—

''(1) under this chapter or chapter 109A or 110; or

''(2) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States or in any Territory or Possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by adding at the end the following new item:

''2425. Repeat offenders.''.

SEC. 110. DEFINITION AND ADDITION OF ATTEMPT OFFENSE.

(a) DEFINITION.—

(1) GENERALLY.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

''§ 2426. Definition for chapter

''For the purposes of this chapter, sexual activity for which any person can be charged with a criminal offense includes the production of child pornography, as defined in section 2256(8).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended by adding at the end the following new item:

''2426. Definition for chapter.''.

(b) ATTEMPT OFFENSE.—Section 2422(a) of title 18, United States Code, is amended by inserting ''or attempts to do so,'' after ''criminal offense,''.

SEC. 111. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

''§ 2260A. Use of interstate facilities to transmit information about a minor

''Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly transmits, prints, publishes, or reproduces, or causes to be transmitted, printed, published, or reproduced, the name, address, telephone number, electronic mail address, or other identifying information of an individual who has not attained the age of 18 years for the purposes of facilitating, encouraging, offering, or soliciting any person to engage in any sexual activity for which any person may be criminally prosecuted, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2260A. Use of interstate facilities to transmit information about a minor.''.

TITLE II—PUNISHING SEXUAL PREDATORS

SEC. 201. SENTENCING ENHANCEMENT IN SECTION 2423 CASES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense listed in section 2423 of title 18, United States Code.

(b) INSTRUCTION TO COMMISSION.—The Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other guidelines.

SEC. 202. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amended to read as follows:

§ ''2423. Transportation of minors and assumed minors

''(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly—

''(1) transports an individual who has not attained the age of 18 years; or

''(2) transports an individual who has been represented to the person doing that transportation as not having attained the age of 18 years;

in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title or imprisoned not more than 15 years, or both.

''(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual activity, with another person who has not attained the age of 18 years or who has been represented to the traveler or conspirator as not having attained the age of 18 years, for which any person can be charged with a criminal offense, shall be fined under this title, imprisoned not more than 15 years, or both.''.

SEC. 203. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

''(c) OFFENSES INVOLVING YOUNG CHILDREN.—If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.''.

SEC. 204. PUNISHMENT FOR REPEAT OFFENDERS.

Section 2241 of title 18, United States Code, is amended by inserting after subsection (d) the following:

''(e) PUNISHMENT FOR REPEAT OFFENDERS.—(1) Whoever has twice previously been convicted of a serious State or Federal sex crime and who—

''(A) violates this section; or

''(B) in a circumstance described in paragraph (2) of this subsection, engages in conduct that would have violated this section if the conduct had occurred in the special maritime and territorial jurisdiction of the United States;

shall be imprisoned for life.

''(2) The circumstance referred to in paragraph (1) of this subsection is that—

''(A) the person engaging in such conduct traveled in interstate or foreign commerce or used the mail or any facility or means of interstate or foreign commerce in furtherance of the offense; or

''(B) such conduct occurs in or affects interstate or foreign commerce and would have violated this section if the conduct had occurred in the special maritime and territorial jurisdiction of the United States.

''(f) SERIOUS STATE OR FEDERAL SEX CRIME.—For the purposes of subsections (e) and (f), the term serious State or Federal sex crime means a State or Federal offense for conduct which—

''(1) is an offense under this section or section 2242 of this title; or

''(2) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States.''.

SEC. 205. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.

Section 2247 of title 18, United States Code, is amended to read as follows:

''§ 2247. Repeat offenders

''(a) The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

''(b) As used in this section, the term 'prior sex offense conviction' has the meaning given that term in section 2425.''.

SEC. 206. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.

Section 2255(a) of title 18, United States Code, is amended by striking ''2251 or 2252'' and inserting ''2241(c), 2243, 2251, 2252, 2421, 2422, or 2423''.

SEC. 207. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.

(a) REDUNDANCY.—Section 2243(a) of title 18, United States Code, is amended by striking ''crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or''.

(b) MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.—Section 2241(c) of title 18, United States Code, is amended by striking ''younger than that person'' and inserting ''younger than the person so engaging''.

(c) DEFINITION OF STATE.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period and inserting a semicolon; and

(2) by adding a new paragraph as follows:

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

SEC. 208. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

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

''(d) DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if the victim of the offense is under 14 years of age, the victim dies as a result of the offense, and the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).''.

TITLE III—FEDERAL INVESTIGATIONS OF SEX CRIMES AGAINST CHILDREN AND SERIAL KILLERS

SEC. 301. ADMINISTRATIVE SUBPOENAS.

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by adding at the end the following:

''§ 3064. Administrative subpoenas

''(a) AUTHORIZATION OF USE.—In an investigation of an alleged violation of section 2241(c), 2243, 2421, 2422, or 2423 of this title where a victim is an individual who has not attained the age of 18 years, the Attorney General may subpoena witnesses, compel the production of any records (including books, papers, documents, electronic data, and other tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing, except that a witness shall not be required to appear at any hearing more than 500 miles distant from the place where the witness was served with a subpoena. Witnesses summoned under this section shall be paid the same fees and commissions that are paid witnesses in the courts of the United States.

''(b) SERVICE.—A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested. Service may be

made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

''(c) ENFORCEMENT.—In the case of contumacy by or the refusal to obey a subpoena issued to any person under this section, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on, or of which the person is an inhabitant or in which the person carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony regarding the matter under investigation. Any failure to obey the order of the court may be punished by the court as contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding at the end the following new item:

''3064. Administrative subpoenas.''.

SEC. 302. KIDNAPPING.

(a) 24-HOUR RULE.—Section 1201(b) of title 18, United States Code, is amended by adding at the end the following: ''However, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the twenty-four hour period has ended.''.

(b) JURISDICTIONAL ELEMENTS.—Section 1201(a) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (4); and

(2) by adding after paragraph (5) the following:

''(6) the mail or any facility or means of interstate or foreign commerce is used in furtherance of the offense; or

''(7) the offense affects interstate or foreign commerce, or would do so if the offense were consummated;''.

(c) CLARIFICATION OF ELEMENT OF OFFENSE.—Section 1201(a) of title 18, United States Code, is amended by inserting '', regardless of whether such person was alive when transported across a State boundary provided the person was alive when the transportation began'' before the semicolon at the end of paragraph (1);

SEC. 303. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by inserting after section 537 the following:

''§ 540B. Investigation of serial killings

''(a) The Attorney General and the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, when such investigation is requested by the head of a law enforcement agency with investigative or prosecutive jurisdiction over the offense.

''(b) For purposes of this section—

''(1) the term 'serial killings' means a series of 3 or more killings, at least one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors;

''(2) the term 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed; and

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

(b) The table of sections at the beginning of chapter 33 of title 28, United States Code, is amended by adding at end the following new item:

''540B. Investigation of serial killings.''.

SEC. 304. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall establish a Child Abduction and Serial Murder Investigative Resources Center to be known as the ''Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center'' (hereinafter in this section referred to as the ''CASMIRC'').

(b) PURPOSE.—The purpose of this section is to establish a Federal Bureau of Investigation Child Abduction and Serial Murder Investigative Resources Center managed by the FBI's Critical Incident Response Group's National Center for the Analysis of Violent Crime (NCAVC) and multidisciplinary resource teams in FBI field offices to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) DUTIES OF THE CASMIRC.—The CASMIRC shall perform such duties as the Attorney General deems appropriate to carry out the purposes of the CASMIRC, including but not limited to—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialities to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious disappearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State, and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the Federal Bureau of Investigation's NCAVC in coordination with the National Center For Missing and Exploited Children (NCMEC) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC.—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with FBI personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member's or individual's respective agency for all purposes (including the purpose of performance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis, except where appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) TRAINING.—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime and in consultation with the NCMEC, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the NCMEC and OJJDP to develop a course of instruction for State and local law enforcement personnel to facilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) REPORT TO CONGRESS.—One year after the establishment of the CASMIRC, the Attorney General shall provide a report to Congress that describes the goals and activities of the CASMIRC. The report shall also contain information regarding the number and qualifications of the members appointed to the CASMIRC, provision for equipment, administrative support, and office space for the CASMIRC, and projected resource needs for the CASMIRC.

(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1999 and each of the two succeeding fiscal years.

(g) CONFORMING REPEAL.—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

TITLE IV—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICE

SEC. 401. PRISONER ACCESS.

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any interactive computer service without the supervision of an official of the Government.

SEC. 402. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—

(1) a Minnesota State prisoner, serving 23 years for molesting teenage girls, worked for a nonprofit work and education program inside the prison, through which the prisoner had unsupervised access to the Internet;

(2) the prisoner, through his unsupervised access to the Internet, trafficked in child pornography over the Internet;

(3) Federal law enforcement authorities caught the prisoner with a computer disk containing 280 pictures of juveniles engaged in sexually explicit conduct;

(4) a jury found the prisoner guilty of conspiring to trade in child pornography and possessing child pornography;

(5) the United States District Court for the District of Minnesota sentenced the prisoner to 87 months in Federal prison, to be served upon the completion of his 23-year State prison term; and

(6) there has been an explosion in the use of the Internet in the United States, further placing our Nation's children at risk of harm and exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) SENSE OF CONGRESS.—Congress strongly urges State Governors, State legislators, and State prison administrators to prohibit unsupervised access to the Internet by State prisoners.

SEC. 403. SURVEY.

(a) SURVEY.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) REPORT.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) DEFINITION.—For the purposes of this section, the term ''State'' means each of the 50 States and the District of Columbia.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order unless printed in House Report 105–576. Each amendment may be offered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 105–576.

AMENDMENT NO. 1 OFFERED BY MR. RILEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Riley:

Page 5, line 23, strike ''TECHNICAL CORRECTION'' and insert ''MODIFICATION OF POSSESSION OFFENSE''.

Page 6, beginning in line 7, strike ''possesses'' and all that follows through line 4 on page 8 and insert the following:

possesses a book, magazine, periodical, computer disk, film, video tape, or any other matter that contains a visual depiction of sexually explicit conduct and the production of which involves the use of a minor engaging in that conduct; or

''(B) knowingly possesses a book, magazine, periodical, computer disk, film, video tape, or any other matter that—

''(i) has been mailed, or has been shipped or transported by any means, including computer, in interstate or foreign commerce, or which was produced using materials which were mailed or so shipped or transported; and

''(ii) contains a visual depiction of sexually explicit conduct and the production of which involves the use of a minor engaging in that conduct;''.

(e) CHILD PORNOGRAPHY POSSESSION OFFENSE.—Section 2252A(a)(5) of title 18, United States Code, is amended in each of subparagraphs (A) and (B), by striking ''3 or more images of'' and inserting ''an image of''.

The CHAIRMAN. Pursuant to House Resolution 465, the gentleman from Alabama (Mr. RILEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of H.R. 3694 and would like to commend the gentleman from Florida (Mr. MCCOLLUM) for introducing this very important legislation that will go a long way in protecting the children from sexual predators. However, the gentleman from Alabama (Mr. BACHUS) and I are offering an amendment that will eliminate a loophole in the current law that currently allows individuals to legally possess child pornography. Unfortunately, this loophole was not addressed in H.R. 3494.

Mr. Chairman, under existing Federal law, an individual can only be prosecuted for possessing child pornography if they have three or more books, magazines, periodicals, films, videotapes or any other matter which contain a visual depiction of a minor engaging in sexually explicit conduct. Unfortunately, that means a pedophile can legally possess a book or magazine with literally hundreds of pictures of children being sexually abused. Worse yet, it is also possible that these predators can legally possess two videotapes up to several hours long featuring children being molested.

Mr. Chairman, the current law is disgraceful, and this amendment will correct it. Given the devastating effects that child pornography is known to have on all of its victims, I do not believe that anyone can justify its production, justify its distribution or its possession.

Simply put, child pornography is nothing more than a frozen record of the sexual victimization of a child. There should be no exception for anyone to possess any amount of child pornography, just as there is no exception for the possession of any amount of cocaine or heroin. We in this Congress must not pass up this opportunity to do what is right for our Nation's children. If we do, we will be contributing to the sexual abuse and the exploitation of the most vulnerable and the most innocent members of our society.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though I am not opposed to the amendment.

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

There was no objection.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for five minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment, which makes it clear that the possession of child pornography is a crime. There is simply no legitimate reason for anyone to possess any amount of child pornography, and that is what this amendment says.

There is nothing sadder or more outrageous than the depiction of children involved in sexually explicit conduct. We in the Congress must do everything in our power to prevent the creation, dissemination and possession of such materials. I believe that this amendment furthers this goal, and I urge my colleagues to support it.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, as a cosponsor of H.R. 3185, the Riley-Bachus Abolishing Child Pornography Act, I rise in support of this amendment, which contains elements of this bill.

Mr. Chairman, this is an important step for Congress to take. Both bodies and the President must send an unambiguous message of absolute zero tolerance for sexual exploitation of children. This is not a first amendment issue; this is about the safety of our children. Pedophiles have no right to sex with minors or photographic depictions of such acts. Such behavior is a horrible crime and an irreparable crime against children. It robs them of their innocence and it shatters their trust in our ability to protect them.

I urge support for this amendment.

Mr. RILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, first of all, I would like to thank the gentlewoman from Michigan and the gentlewoman from Texas for their remarks,

and I would like to associate myself with those remarks.

Mr. Chairman, this amendment addresses something that is wrong and does what is right.

What is wrong? Present Federal law, which says it is legal to possess one or two pieces of child pornography, but not three or more. Now, that was said to be the result of a compromise with civil libertarians, but I would say that it was an insane compromise with the devil, a compromise which exposes every American child to pedophiles and child predators who lurk in every American community, armed with items of child pornography. Let us also say that any item of child pornography, one item, is the ultimate example and evidence of the ultimate child abuse.

What is the right thing to do? The right thing to do is full protection for American children against these predators, zero tolerance for this perversion. We have seen pictures from Paducah, Jonesboro, Pearl, Mississippi, Pennsylvania and Oregon, cruel examples of children gunned down, of lives lost. Less graphic, but equally destructive and disturbing and more widespread, is that we have allowed under the Federal law pedophiles and child predators in every community of our country to legally possess child pornography and to use this child pornography to destroy our youth. That is wrong.

Therefore, the gentleman from Alabama (Mr. RILEY) and I have offered this amendment. The amendment is right, and I urge each Member to do what is right and vote yes on the Riley amendment.

Mr. RILEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I rise in strong support of the Riley-Bachus amendment, because stopping the sexual exploitation of our children simply cannot be thoroughly achieved without it. As impossible and amazing as it seems, current law actually allows individuals to possess up to two items of child pornography. It means that somebody can own two magazines or two videotapes containing thousands of pictures depicting children engaged in explicit sexual conduct. I have no idea where this came from. I did not know it was part of the law. I think it is appalling.

We have got the opportunity now and we must act now to ensure that possession of any child pornography be made illegal. That is why it is important for this amendment and it is so crucial.

It is also time, Mr. Chairman, that we set the record straight with child pornographers and pedophiles. The sexual exploitation of our children will not be tolerated in any way, shape or form.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me congratulate the gentleman for this very important amendment. I agree with the previous speaker; we are absolutely appalled that sick people or criminal-minded people would take innocent children and abuse them by capturing pictures and utilizing these on the Internet or for sale. This is important legislation. I think I heard one quote, ''One pornographic picture of a child is one too many.'' So we congratulate the gentleman on this legislation and amendment. I ask my colleagues to support it.

Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. RILEY), and ask unanimous consent that he may control it.

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

There was no objection.

Mr. RILEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MCCOLLUM), the distinguished chairman of the subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I just want to comment, the gentleman has offered a fine amendment. It is a zero tolerance amendment. It gets the law squared away where it should be, and there should be no confusion after this. So I strongly support the gentleman's amendment, and appreciate the gentleman authoring it. It has been very positive.

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

Mr. Chairman, in conclusion, let me just say that I think this is a bill that is past due. It has been brought before this floor a couple of times before. For whatever reason, at that time it was not passed. But I think in this day, when you have the ability to download off of the Internet, we all know it is hard to take a computer to a playground, but we have to get to the point where we keep a pedophile or a sexual predator from taking an individual picture and going to a school playground. This amendment will do this. We will have zero tolerance for the first time in history in this country, and I urge all Members on both sides to please support the amendment.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Alabama (Mr. RILEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–576.

AMENDMENT NO. 2 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. SLAUGHTER:

Page 11, after the matter following line 13, insert the following:

SEC. 112. STUDY OF PERSISTENT SEXUAL OFFENDERS.

The National Institute of Justice, either directly or through grant, shall carry out a study of persistent sexual predators. Not later than one year after the date of the enactment of this Act, such Institute shall report to Congress and the President the results of such study. Such report shall include—

(1) a synthesis of current research in psychology, sociology, law, criminal justice, and other fields regarding persistent sexual offenders, including—

(A) common characteristics of such offenders;

(B) recidivism rates for such offenders;

(C) treatment techniques and their effectiveness;

(D) responses of offenders to treatment and deterrence; and

(E) the possibility of early intervention to prevent people from becoming sexual predators; and

(2) an agenda for future research in this area.

□ 1315

The CHAIRMAN pro tempore (Mr. BLUNT). Pursuant to House Resolution 465, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

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

Mr. Chairman, it has been a joy working with the gentleman from Florida (Mr. MCCOLLUM) and with his staff on this critical issue. I have spent about 4 years here in Congress working on what to do about child protection against sexual predators, and I am so pleased that the provisions that are already in this bill will answer this.

I think it is a very important step that we have taken here today to address what is really a national epidemic of serial rape. I specifically want to call attention to the section of the bill which calls for imprisonment of rapists with two prior rape convictions in either State or Federal court.

These provisions regarding serial rapists are based on similar provisions in the bill that we had passed in last Congress by a vote in the House of 411 to 4. Unfortunately, it languished in the Senate.

I thank the chairman again for allowing the full House to consider this important issue. When this bill passes and becomes law, I hope that we will see the last time that we are naming laws in this country after dead children.

This amendment today is not controversial and also stems from the previous bill that we had. It authorizes the National Institute of Justice to conduct a study of persistent sexual predators and to report to Congress on the results. The report will include a synthesis of current research regarding persistent sexual offenders, including the common characteristics of such offenders, the recidivism rate for such offenses, the treatment techniques and

their effectiveness, responses of offenders to treatment and deterrence, the possibility of early intervention, which is most important to prevent people from becoming sexual predators and thereby preventing people from becoming their victims, and also an agenda for future research in this area.

I would note that the measure has 63 bipartisan cosponsors and endorsements by more than a dozen organizations, including the National Center for Missing and Exploited Children, the Jacob Watterling Foundation, the Vanished Children's Alliance, the National Federation of Republican Women, LOCK, the National Coalition Against Sexual Assault, the Klaas Foundation for Children, the International Union of Police Associations, and the Jimmy Ryce Center for Victims of Predatory Abduction.

Sadly, Mr. Chairman, this is an issue that simply will not go away. A survey of criminal activity throughout our country during the past few weeks reveals a familiar pattern: Police arrest a rape suspect only to find out that he has a laundry list of prior convictions. In Oakland, a convicted felon was arrested for raping a 74-year-old woman in a pre-dawn attack. He is also accused of raping a 50-year-old woman twice, once on February 7 and again on March 26. With prior convictions for everything from burglary to false imprisonment, this man was a walking time bomb.

A few years back, in my own district of Rochester, New York, a chronic felon named Edward Laraby attacked a 16-year-old girl walking along Monroe Avenue, one of our main streets. My community was horrified to learn that Mr. Laraby's previous convictions were numerous and included raping a 15-year-old at knife point while wearing a ski mask in 1973, raping a 17-year-old at knife point in 1980, attacking a woman and her child along the Erie Canal walking path in 1983.

During the past several years, I worked closely with law enforcement officials, prison psychologists, and victims rights groups to determine what can be done to protect our communities from these sexual predators. There is strong agreement that serial rapists are a unique brand of criminal. In fact, many experts conclude that the sociopathic behavior can never be cured.

But we need to know more. Too many walking time bombs are on our streets. Constituents deserve to be protected from society's worst offender, the repeat sexual predator.

This is what we know about them: A small number of hardened felons make up this group. Their crimes are vicious, and their sentence is short.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would like to support the gentlewoman's amendment, and I have a statement that I would like to add in support of it. I want to commend the gentlewoman for all of the years in the Congress and before the Congress and outside of the Congress in which she has worked on this subject with such great vigor and success.

Ms. SLAUGHTER. I thank the gentleman from Michigan very much.

Mr. CONYERS. I commend the gentlewoman for the amendment.

I support this amendment authorizing the National Institute of Justice to conduct a study of persistent sexual predators and report to Congress on the results. People who commit sex crimes have a higher recidivism rate than those who commit other crimes and we need to know why.

The effect of sex crimes on their victims is devastating. Such crimes often leave life-long scars. Yet despite the devastation caused by these crimes, and despite the fact that we know sex crime perpetrators are very likely to repeat their crimes, remarkably little research has been conducted.

This is an area that would clearly benefit from further research. If we could learn why sex crimes perpetrators are so likely to repeat their crimes, and what types of people are most likely to become sexual predators, perhaps with early intervention, we could prevent some of those individuals from becoming criminals. More importantly, perhaps we could learn how to stop some sex crimes from occurring at all.

Ms. SLAUGHTER. Mr. Chairman, the serial rapists' crimes are vicious. The sentence is short. The average rape sentence is just 10.5 years; and the average time served in jail is only half of that, 5 years.

The Department of Justice statistics show that 60 percent of convicted sex offenders are on parole or probation. Moreover, preliminary data shows that the recidivism rates of sex offenders are astonishingly high. Released rapists are 10 times more likely to repeat their crime than any other criminal.

We all share a conviction that no man, woman, or child should have to live in fear of serial rapists or habitual child molesters. Honest citizens should be able to walk safely into their garages at night.

I urge my colleagues' support of this amendment.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I do not oppose this amendment; but unless there is somebody here in opposition, I ask unanimous consent to claim the time that would otherwise be in opposition.

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

There was no objection.

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

Mr. Chairman, I support this amendment. I think the gentlewoman is to be commended. She congratulated me. I am really very pleased with the work product the gentlewoman did, not only on this amendment that authorizes a study that needs to be done by the National Institute of Justice that she has described very adequately, but she is a principal author of the bill which we liberally plagiarized, I guess is the best way to put it, and put provisions in the underlying bill.

If it were not for the work product and suggestions of the gentlewoman from New York (Ms. SLAUGHTER), we would not have a serial rapist provisions in the law today. I want to thank the gentlewoman and compliment her for that and for the work that the gentlewoman did in making that possible.

We did modify it somewhat from the gentlewoman's original intent because I had concerns, and others did, about the possibility we were going a little too far in terms of invading State jurisdictions, but we got a good product out of it. I think the gentlewoman thinks we did. I know she does. I want to compliment the gentlewoman on that score.

I certainly want to support this report. The report is going to include a synthesis of current research regarding persistent sexual offenders. I think this is important that we know what their characteristics are, we know what the recidivism rates are, and so on, things again that she described that I am not going back into today. But it is important to have that information, and I strongly support this study. Again, I compliment the gentlewoman for it.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 195–576.

AMENDMENT NO. 3 OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 105–576 offered by Mr. FRANKS of New Jersey:

Page 11, after the matter following line 13, insert the following:

SEC. 112. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, learns of the creation, distribution, production, or transfer of child pornography (as defined in section 2256), shall as soon as reasonably possible make a report of that child pornography to an agency or agencies designated by the Attorney General. The Attorney General shall make a designation of the agency or agencies described in the preceding sentence not later than 180 days after the date of the enactment of this paragraph. A person who fails to make a report required under this section

shall be fined not more than $100,000. A term used in this section has the same meaning given that term when used in section 226(a) of the Crime Control Act of 1990 (42 U.S.C. 13031(a)).

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

''(6) to a law enforcement agency—

''(A) if such contents—

''(i) were inadvertently obtained by the service provider; and

''(ii) appear to pertain to the commission of a crime; or

''(B) if required by the Child Protection and Sexual Predator Punishment Act of 1998.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 465, the gentleman from New Jersey (Mr. FRANKS) and a Member in opposition each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Information Superhighway has dramatically changed the way that our society communicates. Today it is hard too find a school, a library, or even a business that does not have access to the Internet.

Today, fully 60 million Americans have access to this wonderful tool. For our children, the trip to the library to look up information for a homework assignment has been replaced by turning on the family computer and surfing the net.

While the wealth of information that our kids can find on the Internet continues to amaze us, this extraordinary technology, when put in the wrong hands, has a dark and threatening side.

In recent years, the Internet has become a major avenue of child exploitation as kiddie porn operators have begun peddling their smut in cyberspace. The challenge that we face is to make sure that law enforcement has the ability to fight this serious new threat to our children's safety.

The amendment that I am offering would require the providers of Internet services, such as America Online, Prodigy and CompuServe, often called OSPs, to report evidence of child pornography to law enforcement authorities. They also would have to turn over to police any evidence that would substantiate this alleged crime.

With this vital information in hand, law enforcement could move quickly to investigate and, in appropriate circumstances, arrest and prosecute those sick individuals who exploit our children for profit.

Importantly, this amendment would protect Internet service providers from any criminal or civil liability if they, in good faith, contact law enforcement to report suspected child pornography.

This amendment has been endorsed by a number of organizations that are dedicated to protecting children, including the National Law Center for Children and Families.

Enough is enough. I want it clearly understood that this amendment in no way requires any new or additional monitoring by ISPs. It merely requires them to report any complaints of child pornography that they receive from customers or any evidence that they uncover during their own internal routine monitoring. The requirement is similar to one that we now impose on photo-development labs when they discover evidence of child exploitation.

I appreciate the fact that most Internet service providers act responsibly and respond to complaints of suspected kiddie porn by immediately removing the offender from the system. But under current law, they are not required to report these instances to law enforcement authorities for prosecution. As a result, these peddlers of child porn are free to move to a new service provider or reregister under a different name.

The current law simply must be changed. Today these Internet service providers are actually prohibited from divulging to law enforcement the contents of communication that could indicate criminal activity unless it was obtained inadvertently. In effect, peddlers of kiddie porn are given free rein to exploit our children into cyberspace.

Abuse of our children cannot be tolerated on the Internet. We all need to work together, law enforcement, Internet service providers, legislators, and parents to make sure the Internet is an exciting avenue of discovery for our children and not a source of exploitation.

This amendment would give law enforcement a powerful new tool in combating child pornography in cyberspace. I urge support of this amendment.

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

The CHAIRMAN pro tempore. Does any Member seek the time in opposition? Is the gentleman from Michigan (Mr. CONYERS) opposed to the amendment?

Mr. CONYERS. Yes, Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

The reason that this is not a clear opposition is because I want to be in support of the amendment. As the gentleman from New Jersey knows, there is one little problem that is being worked out, and we are in the process of working it out, as the author of the amendment knows. I think we can accomplish that end.

First of all, I think the purpose of the amendment is laudatory. On-line liability by providers is a complex problem. One of the things we are doing in the Committee on the Judiciary is sorting out who is responsible for all of these new kinds of problems that may lead to liability, legal liability; and that is what is presented here.

We have been working on intellectual property considerations with the subcommittee. I might add that the gentleman from Florida (Mr. MCCOLLUM) is involved deeply in this as well as myself in terms of on-line copyright liability. So there has been negotiation, compromise, give-and-take, to reach a compromise which allows such liability, but only after certain conditions are met.

Example: The pending OSP bill requires actual knowledge before a liability can ensue. Unfortunately, as the gentleman has written this amendment, it does not meet that test. It is a test that may be considered too vague. We are trying to work that language out.

So it is my understanding that there is such an effort that is continuing as we speak, and we would agree to a unanimous consent request to alter the amendment if this agreement is reached. On that basis, I would be delighted to reserve the balance of my time, hoping that this can be worked out.

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

□ 1330

Mr. FRANKS of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

First, Mr. Chairman, I want to say I appreciate the cooperation and help of the gentleman from Michigan (Mr. CONYERS). I am confident that in the next few moments we can bring this to fruition and work it out.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me the time.

First of all, I want to thank the gentleman from New Jersey (Mr. FRANKS) for his work product on this. We have been working with him in the committee for many weeks to try to come up with something which would be acceptable to the concerns of the online service providers, the Internet service providers, as well as to the concerns he wants to address. He has been extraordinarily accommodating in this regard.

Second, the gentleman from New Jersey (Mr. FRANKS) authored one of the key provisions in this bill already that is in the underlying bill that creates a life sentence for individuals who commit a serious crime against a child in which death of the child results. I want to compliment him for doing that. I am very pleased that we were able to incorporate his initiative in the underlying legislation today. I think it is a good provision.

I also want to support, as does the gentleman from Michigan, the underlying amendment here today. I intend to do that. I did not rise to oppose it, but I understand that we are, even as we speak, working on some perfecting legislation that the gentleman may ask unanimous consent for.

But let me say at the beginning that a lot of progress has been made in this

regard. We are attempting here today in this amendment of the gentleman from New Jersey (Mr. FRANKS) to have a provision that requires the Internet service provider to report child pornography to law enforcement.

I think that is a good provision. We do need to have those reports. Otherwise there is no way we are going to be able to to get at this. The only way that is going to be done is if they actually have knowledge.

They are worried about the term ''knowledge,'' and to what degree that knowledge is going to be, and so forth. Each step of the way we have been trying to work that out. They have also been worried about the fact that initially they have started with criminal provisions, the gentleman from New Jersey, and now we have gone to civil liability. I think that is very important, too, that we have done that as well.

However, I would like to ask a question as a result of this to make sure that some of the reporting requirements are as easy as we think they are. If an Internet service provider such as America Online receives a report of child pornography on one of its websites, could a system be devised which would allow America Online to simply forward that information through an e-mail to the FBI, say, or would the service provider be required to make a phone call, file a report, or how would that work? Could e-mail be used?

Mr. FRANKS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from New Jersey.

Mr. FRANKS of New Jersey. Absolutely, Mr. Chairman. E-mail is what we anticipated as being the principal vehicle to communicate this information.

Mr. MCCOLLUM. I think that is exceedingly important, because we want to make this as simple as possible. The ISPs have said to us they communicate electronically, they need to be able to make that report electronically. I appreciate it.

The vagueness we have talked about is the question of learning of the existence, exactly what that means, of child pornography; what it looks like. I am sure, quite frankly, that the Attorney General is going to have to clarify some of this in his ultimate guidelines he issues.

Does the gentleman contemplate that the Attorney General will have to issue some guidelines clarifying and spelling out in more specificity than the gentleman's proposal does what exactly they are looking for in learning of the existence of child pornography?

Mr. FRANKS of New Jersey. Mr. Chairman, it seems to me, after talking to a large number of these parties in interest concerning this amendment, that all of them would like to see further guidance from the Attorney General in terms of being more specific about establishing guidelines for what it is that would trigger the reporting requirement.

I absolutely envision the Attorney General making those recommendations to help provide meaningful guidance to ISPs.

Mr. MCCOLLUM. Mr. Chairman, I certainly want to support the gentleman's amendment. As I had said him, I fully intend to. I know work is in progress here. If for some reason it is not accomplished by the time we get to the point where we have to vote on the amendment, I am going to support the amendment, knowing we are going to correct that and add these changes in conference ultimately, but it is still preferable if we have that.

Again, I compliment the gentleman on his work product, and all the efforts he has done.

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

Mr. Chairman, could I ask the subcommittee chair and the author of the amendment that we allow this to go through, with the understanding that we will have a conference? It is likely we will not get anything in time here to make the corrections.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I certainly would do that, although it appears as literally the gentleman is speaking we are now getting the typed copy of the corrections the gentleman from New Jersey (Mr. FRANKS) wants to satisfy the gentleman's and my concerns.

In the work of Congress, by the way, as the gentleman from Michigan knows, Members work like this. We amend products and we work right through, and staff work right through the time that we debate these amendments, a lot of times.

We are probably getting a better demonstration of that for civics classes out here than we get in most bills. But while Members debate these bills, lots of other people who toil hours and hours on these matters are back there doing things in handwriting, which is what this is. And we have done it any number of times that way, just usually do not have it quite coming up to the hour this much.

I say to the gentleman from New Jersey (Mr. FRANKS), I think he now has an amendment at the desk he would like to offer. I would certainly sit down and yield back to the gentleman from Michigan (Mr. CONYERS), and hopefully he will yield to allow the gentleman to do that.

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

We do have this civics class hot-off-the-press information, handwritten. It looks like it is a step in the right direction. I hate to report for Civics 101 that we cannot find who on our staff worked on the compromise, so tell me, what do I do now?

We agreed to the good faith bona fides of both the author and the subcommittee chair with whom we worked, and I think the question has been flagged sufficiently, that if we need to go back and look into it, I am sure that particularly my colleague on the Committee on the Judiciary will help us revisit this, if it is necessary.

Mr. Chairman, I have withdrawn my reservations about the measure, and based on this new compromise language which I hope the gentleman will find acceptable, I will support the amendment.

Mr. FRANKS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New Jersey.

Mr. FRANKS of New Jersey. Mr. Chairman, first let me express my heartfelt gratitude to the gentleman from Michigan and the subcommittee chair for their extraordinary cooperation. This has been a difficult and complicated matter to discuss. It has been ongoing for literally hours, but just came to fruition during the course of this floor debate.

AMENDMENT NO. 3, AS MODIFIED, OFFERED BY MR. FRANKS OF NEW JERSEY

Mr. FRANKS of New Jersey. Mr. Chairman, I ask unanimous consent that my amendment be modified with the modification I have now placed at the desk.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment No. 3, as modified, offered by Mr. FRANKS of New Jersey:

Page 11, after the matter following line 13, insert the following:

SEC. 112. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce obtains knowledge of facts or circumstances from which a violation of sections 2251, 2251A, 2252, or 2252A of title 18, United States Code, involving child pornography as defined in section 2256 of such title is apparent shall, as soon as reasonably possible make a report of such facts or circumstances to an agency or agencies designated by the Attorney General. The Attorney General shall make a designation of the agency or agencies described in the preceding sentence not later than 180 days after the date of the enactment of this paragraph. A person who fails to make a report required under this section shall be fined not more than $100,000. A term used in this section has the same meaning given that term when used in section 226(a) of the Crime Control Act of 1990 (42 U.S.C. 13031(a)).

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

''(6) to a law enforcement agency—

''(A) if such contents—

''(i) were inadvertently obtained by the service provider; and

''(ii) appear to pertain to the commission of a crime; or

''(B) if required by the Child Protection and Sexual Predator Punishment Act of 1998.

''(c) CIVIL LIABILITY.—No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section.

(D) A Report may include information or material developed by an electronic communication service or a remote computing service but the government may not require a remote computing service or electronic communication service include such information or material in said report.''.

Mr. FRANKS of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The amendment is modified.

Is there further debate?

The question is on the amendment, as modified, offered by the gentleman from New Jersey (Mr. FRANKS).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–576.

AMENDMENT NO. 4 OFFERED BY MR. ACKERMAN

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 105–576 offered by Mr. ACKERMAN:

Add at the end the following new title:

TITLE V—ENHANCED PENALTIES FOR VULNERABLE VICTIMS

SEC. 501. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

Section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

''SEC. 240002. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

''(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, if the crime of violence is against an elderly person or other vulnerable person.

''(b) DEFINITIONS.—As used in this section—

''(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code;

''(2) the term 'elderly person' means a person who is 65 years of age or older; and

''(3) the term 'vulnerable person' means a person whom the defendant knew or should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct, or is a victim of an offense under section 2241(e) of title 18, United States Code.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 465, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ACKERMAN).

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

Mr. Chairman, we are here today debating legislation to increase protections for a vulnerable population, our children. The amendment that I offered gives us the opportunity to fulfill our additional responsibility to strengthening protections for other vulnerable populations; notably, the elderly and the disabled. They, too, are especially vulnerable to being victimized by violent criminals. They, too, are often preyed upon by sick, despicable individuals who rob them of their innocence and their security.

Those criminals who rape, rob, or assault the elderly and the mentally or physically disabled should be appropriately punished as well. My amendment makes a strong statement. It speaks loud and clear to seniors and the disabled: We will severely punish criminals who seek you out because of your vulnerability.

Mr. Chairman, my amendment does not require mandatory sentences, nor does it remove the court's discretion, but it makes these crimes crimes of a higher magnitude.

Crime is a concern to all of us. Violent crime such as rape, robbery, and assault, is of grave concern, and violent crime against the elderly and the disabled adds to our outrage. We are outraged because vulnerable victims, whether they be children, the elderly, or the disabled, cannot defend themselves from violent acts.

When criminals inflict physical injuries on the vulnerable, the wounds take longer to heal, the bones take longer to mend, and the scars are permanent. It is more difficult for them to reintegrate into society once more. I urge all of our colleagues to stand up for the most vulnerable among us, the children, as well as our seniors and disabled, and to support this amendment.

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

Mr. CONYERS. I am opposed to the amendment, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes in opposition to the amendment.

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

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

Mr. Chairman, I say to the gentleman from New York (Mr. ACKERMAN), this is the problem we have in criminal law, is that every time something sensitive happens somebody jumps up and says, let us put more sentencing on it, let us add to the penalty. Many times the persons asking to raise the penalty do not even know what the penalty is.

I have been on the committee all my career. The gentleman and I have worked together all the gentleman's career. We support each other year in and year out, and yet, the gentleman never consulted me or my staff about this at all, at all. On Monday, on Monday we got a copy of what the gentleman was going to do, with no consultation.

Here is the problem, since the gentleman waited until this point to put it on. The problem is, what kind of increases? We create a sentencing commission to advise us, and then we come back and pass laws telling them what they had better do. Therein lies the problem.

We never had any hearings. The gentleman never came before any committee of the Committee on the Judiciary. The gentleman wrote a law, let us increase it. How much should we increase it? Well, I do not know. How much? And then another person will come along, perhaps a distinguished Member of the body, who will say, let us rachet it up some more. Then what do we do then? And someone else comes along and says, the Ackerman ratchet and the other ratchet is not enough, let us ratchet it up one more time. So what do I do? So we get into this spiral of who is the toughest on disabled victims of crime.

I am getting a little sick of that. Why does the the gentleman not send it through the right process, and maybe there is a great logic residing somewhere on this that I will support it, but I cannot just support every Member sitting in his office deciding there ought to be some more sentencing imposed on a crime that they consider particularly heinous.

Mr. ACKERMAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

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

Mr. Chairman, I am sorry if the gentleman has some concern about not being notified, but I assure the gentleman that this amendment was sent over to the gentleman's staff, that there were discussions between my staff and the gentleman's staff on it. I know of the gentleman's concern, but we submitted this during the course of the appropriate process. The rule permits the amendment. We submitted it to the Committee on Rules. They made it in order.

I do not come here frivolously. I do not offer very many of these amendments. I think this is probably the first time in 16 years that I have served in this House of Representatives that I have offered this kind of an amendment. But I think that this is a very, very serious amendment. It speaks to an issue within our society that I do not believe has been appropriately addressed.

The crimes against senior citizens and mentally and physically disabled in our country are very serious. This just expresses the concern of Congress by making this a crime of a higher magnitude. It does not mandatorily impose a sentence or increase of sentence on anybody.

As the distinguished gentleman from Michigan (Mr. CONYERS) knows, there

are many factors considered in the imposition of a sentence by the commission. This is but one of them. All of the others the gentleman is very much aware of. This just says that this goes from a crime in the nature of somewhere 20th down on the totem pole to one that is much, much more important.

□ 1345

And calls this to the attention of the commission as one of the multiple of factors that they should take into consideration.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I thank the gentleman and I know he is sincere. Does my friend from New York know how much ratcheting goes on in his amendment?

Mr. ACKERMAN. Yes, I do.

Mr. CONYERS. How much?

Mr. ACKERMAN. Mr. Chairman, this will increase the penalties an average, the category by an average of 50 percent.

Mr. CONYERS. Five levels.

Mr. ACKERMAN. Mr. Chairman, the gentleman is correct.

Mr. CONYERS. Mr. Chairman, would the gentleman object to hearings on this matter?

Mr. ACKERMAN. Mr. Chairman, I certainly would not object to hearings on this matter.

Mr. CONYERS. Mr. Chairman, again reclaiming my time, would the gentleman kindly withdraw the amendment? I will give him and his staff every courtesy and consideration in terms of increasing the penalty levels on this. I promise.

Mr. ACKERMAN. Mr. Chairman, if the gentleman would again yield, with the gentleman's assurance, I have always found the gentleman to be a gentleman indeed, I would be willing to withdraw the amendment with that assurance.

Mr. CONYERS. Mr. Chairman, I give it to the gentleman and I thank him very profoundly.

Mr. ACKERMAN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. BLUNT). Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore (Mr. CHAMBLISS). It is now in order to consider amendment No. 5 printed in House Report 105–576.

AMENDMENT NO. 5 OFFERED BY MR. BASS.

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BASS:

Add at the end the following new title:

TITLE V—SEX OFFENDER MANAGEMENT ASSISTANCE PROGRAM

SEC. 501. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT.

(a) IN GENERAL.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by—

(1) redesignating the second subsection (g) as subsection (h); and

(2) adding at the end the following new subsection:

''(i) GRANTS TO STATES TO COMPLY WITH THE WETTERLING ACT.—

''(1) PROGRAM AUTHORIZED.—

''(i) IN GENERAL.—The Director of the Bureau of Justice Assistance shall award a grant to each eligible State to offset costs directly associated with complying with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Such grant program shall be known as the ''Sex Offender Management Assistance Program (SOMA)''.

''(ii) USES OF FUNDS.—Grants awarded under this subsection shall be—

''(I) distributed directly to the State for distribution to State and local entities; and

''(II) used for training, salaries, equipment, materials, and other costs directly associated with complying with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

''(2) ELIGIBILITY.—

''(i) APPLICATION.—To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit an application to the Director of the Bureau of Justice Assistance (in such form and containing such information as the Director may reasonably require) assuring that—

''(I) the State complies with (or made a good faith effort to comply with) the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; and

''(II) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in such Act.

''The Director of the Bureau of Justice Assistance may waive the requirement of subclause (II) if a State demonstrates an overriding need for assistance under this subsection.

''(ii) REGULATIONS.—

''(I) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible state's monitoring and notification programs.

''(II) CERTAIN TRAINING PROGRAMS.—Prior to implementing this subsection, the Director of the Bureau of Justice Assistance shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322). In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.''.

(b) STUDY.—The Director of the Bureau of Justice Assistance shall conduct a study to assess the efficacy of the SOMA program and submit recommendations to Congress not later than March 1, 2000.

(c) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (i) of section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211), $25,000,000 for each of fiscal years 1999 and 2000.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BASS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 3494 and I want to thank the gentleman from Florida (Mr. MCCOLLUM) for having taken bold leadership in this area. As the father of a 6-year-old daughter, Lucy, who is just beginning to become familiar with the Internet, and having witnessed the horror of a rape and murder last year in New Hampshire of a 6-year-old girl, and subsequent to that the rape, mutilation, and murder of a 10-year-old boy, the crime occurred in Massachusetts, he was murdered in New Hampshire, and he wound up in Maine, I can tell my colleagues that we cannot do enough to prevent these kinds of atrocities from being committed against the children in our country.

H.R. 3494 is the latest in a number of important steps that Congress has taken to protect our children from sexual predators and an effort that in many ways began with the enactment of the Jacob Wetterling Act and subsequent amendments, including Megan's Law. And it is in the spirit of this comprehensive approach that I offer my amendment which would create the Sex Offender Management Assistance Program, which would provide flexible block grants to States to offset costs directly associated with meeting the Federal requirements for sex offender registration and community notification programs.

Mr. Chairman, it authorizes for appropriation $25 million for fiscal year 1999 and $25 million for fiscal year 2000. It would help States fund needs such as training, salaries, equipment, and other necessary costs associated with compliance with the law.

States that have been making good faith efforts to comply with the Federal requirements would be able to receive funds under this new program.

I am, as I said a minute ago, a strong supporter of the Jacob Wetterling Act and Megan's Law, which last year we waived the compliance requirements for 2 years. Now, many States around the country are struggling to comply not only with the regulations but the cost of this. If they do not comply by October of next year, fiscal year 1999, they will be subject to a 10 percent penalty for appropriations under the Byrne Grant program.

These costs of compliance can be significant. In New Hampshire, for example, we are looking at a cost somewhere around $300,000, and we are a very small State. But other States, such as New York and California and Florida and so forth, will face costs that will be considerably greater than that.

If the goals of the Wetterling Act are important enough to merit financial penalties, as is envisioned in the Byrne Act penalties, then I think they are important enough to merit the modest financial assistance that would be provided by my amendment.

I would hope, Mr. Chairman, that the Committee can adopt this amendment. I think it is important in the process of making sure that these important laws that we passed in the last Congress are properly applied in the States and done so in such a fashion to make it possible to have them work nationwide.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though I am not opposed to the amendment.

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 in support of the Bass amendment and commend the gentleman.

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

Mr. BASS. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I rise in support of the Bass amendment. This amendment would assist States in meeting the requirements of the sex offender registration and notification laws that my colleagues and I passed in previous Congresses.

While the registration and notification programs in my home State of Washington are exceptional, because that is where the idea of Megan's Law began and that is where the specific community notification program began, the resources to implement the programs are very scarce.

Mr. Chairman, during a recent trip home, I had the opportunity to meet with some police chiefs in my district. They are doing everything they can, Mr. Chairman, to ensure that released sexual predators are registered and that the communities into which they move are properly notified. But at the same time that I recognize their efforts, such as the recent two-week sweep where a special task force caught and arrested 23 unregistered sexual predators, I must also recognize that they need additional resources.

That is why the Bass amendment is so important. I think with this amendment, States will be able to offset some of their costs with flexible grants. I support the Bass amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BASS).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 105–576.

AMENDMENT NO. 6 OFFERED BY MR. FOLEY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FOLEY:

Add at the end the following:

TITLE V—FACILITATING FINGERPRINT CHECKS TO PROTECT CHILDREN FROM SEXUAL PREDATORS AND VIOLENT CRIMINALS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Volunteers for Children Act''.

SEC. 502. ACCESS TO CRIMINAL FINGERPRINT BACKGROUND CHECKS.

(a) STATE AGENCY.—Section 3(a) of the National Child Protection Act of 1993 (42 U.S.C. 5119a(a)) is amended by adding at the end the following:

''(3) In the absence of State procedures referred to in paragraph (1), youth-serving volunteer organizations and institutions may contact an authorized agency of the State to request national criminal fingerprint background checks. Entities requesting background checks under this paragraph shall follow the guidelines in subsection (b) and procedures, if any, for requesting national criminal fingerprint background checks established by the State in which they are located.

(b) FEDERAL LAW.—Section 3(b)(5) of such Act (42 U.S.C. 5119a(b)(5)) is amended by inserting before the period at the end the following: '', except that this paragraph does not apply to any request by youth-serving volunteer organizations and institutions for national criminal fingerprint background checks pursuant to subsection (a)(3)''.

(c) AUTHORIZATION.—Section 4(b)(2) of such Act (42 U.S.C. 5119b(b)(2)) is amended by striking ''1994, 1995, 1996, and 1997'' and inserting ''1999, 2000, 2001, and 2002''.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. FOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, let me thank the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Washington (Ms. DUNN) for bringing this bill to the floor. It is an important bill in our efforts to eliminate child molestation and sexual abuse.

Mr. Chairman, I also deeply appreciate the support of my amendment. The amendment is based on the Volunteers for Children Act that I introduced last year to give volunteer organizations access, if they want it, to FBI national fingerprint checks so that they can make sure they are not inadvertently hiring sexual predators to tend their young charges.

Mr. Chairman, organizations like the Boys and Girls Clubs have been asking for this access, because fingerprint checks are virtually the only way they can know whether a person who shows up in the community to volunteer around children has a criminal background in another State.

In fact, last year a report by the General Accounting Office put it this way: ''National fingerprint-based background checks may be the only effective way to readily identify the potentially worst abusers of children; that is, the pedophiles who change their names and move from State to State to continue their sexually perversive patterns of behavior.''

I deeply appreciate the strong support that has been given to the Volunteers for Children's amendment by the chairman and members of the Committee on the Judiciary.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I rise in strong support of H.R. 3494, the Child Protection and Sexual Predator Punishment Act, and the Foley amendment.

Mr. Chairman, this amendment is very simple. It will provide youth-serving volunteer organizations such as the Boys and Girls Clubs with access to Federal fingerprint checks. This will allow these organizations to provide a safe place for the children they serve.

Although we all wish that our communities were places where everybody knows everybody, unfortunately, that is not true in today's transient and mobile society. That is why it is so important for the organizations which serve our most vulnerable citizens to be able to ensure that their volunteers are not criminals.

This amendment will merely provide access to important information that is directly related to providing the safest possible environment for children served by volunteer organizations.

Mr. Chairman, I urge my fellow Members to support this amendment. It is a good idea for volunteer organizations, a good idea for communities, and a good idea for America's children.

Mr. FOLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), the vice chairman of the conference.

Ms. DUNN. Mr. Chairman, first I would like to commend the gentleman from Florida (Mr. FOLEY) for his work on the Volunteers for Children Act. In our ongoing war against sexual offenders and child abusers, one of our most powerful weapons is information. Empowering volunteer groups with information about would-be volunteers who have criminal histories is a crucial step in preventing an unforeseen incident. Volunteer groups should be able to benefit today's youth without fear that the children they serve may be harmed.

As one of the many Members who worked on Megan's Law during the past few years, as well as sex offender registration laws, I realize how critical information is in helping to prevent crimes against children. The Volunteers for Children Act enables youth-

serving volunteer organizations to help ensure the safety of those children they serve by providing them with access to FBI information on would-be volunteers.

The Foley amendment allows, but it does not mandate, volunteer organizations to request FBI background checks on each of their volunteers.

Mr. Chairman, I support this amendment because individuals who volunteer their time to youth groups like the Boys and Girls Club of King County in Washington State, come in direct, often unsupervised contact with thousands of youngsters, 7 days a week, 52 weeks a year. Although most volunteers offer their time and their assistance unselfishly and with great generosity, we can never be too careful when it comes to protecting our children.

That is why I support the act proposed by the gentleman from Florida. I think he is offering a great amendment. I encourage him on this amendment, and I encourage each of my colleagues to support the Foley amendment.

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

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, though I rise in support of the amendment.

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

There was no objection.

Ms. LOFGREN. Mr. Chairman, I support this amendment and Democrats support this amendment, which allows youth-serving volunteer organizations to request access to FBI criminal fingerprint background checks.

I believe it is enormously important for such organizations to be able to assure themselves that volunteers who show up to provide good work for the Nation's youth do not prey upon those very same children. There is nothing more important than maintaining the safety of the children of our Nation, and I support this amendment.

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I just want to say, on the gentlewoman's time, and I have not spoken because of the limited time the gentleman from Florida (Mr. FOLEY) has had over here, but I strongly support this amendment too.

The gentleman appeared in front of our subcommittee and made an eloquent case for his amendment a few weeks ago. I think that everybody who is involved with a volunteer organization like this around the country is going to be relieved by the fact that the Foley amendment is adopted.

Ms. LOFGREN. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I rise in strong support of the Foley amendment. I was an original cosponsor of this bill which is now the subject matter of this amendment.

While all States have approved laws providing background checks for school personnel or day care workers, only about six give access to that information to youth-serving nonprofit volunteer organization. It is very important that we cover that loophole.

So I applaud this amendment. I applaud the subject matter here today, and I have enjoyed working with the gentleman from Florida in regard to this end result.

Ms. LOFGREN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from California (Ms. LOFGREN) for yielding me this time.

Mr. Chairman, this is extremely important, this particular amendment. Coming from local government, we in Houston consider ourselves a leader on this issue because we had huge recreational programs, which most cities have, and one of the concerns we raised was those volunteers who participated in the recreational programs.

This amendment will allow nonprofit groups who do so much for our children and work with our children, including the Boy Scouts and Girl Scouts, to have access to the FBI computer system.

□ 1400

I think that we could certainly find that this will be not only instructive, but it will give them some relief, because one of the concerns we had in local government was the burden of trying to determine the many wonderful volunteers, and I know that in most instances we will find that these are sincere and wonderful people, but in that one instance where we can save a life, we are much appreciative.

With that, I add my support to this amendment.

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

Mr. FOLEY. Mr. Chairman, I yield myself the balance of my time.

Let me again thank my colleague, the gentleman from Florida (Mr. MCCOLLUM), and the folks on the other side of the aisle for their extremely hard work on this, the gentleman from Texas (Mr. LAMPSON), chairman of the Congressional Missing and Exploited Children's caucus, the gentleman from Alabama (Mr. CRAMER), cochairman, and all the organizations that stood with us to support this: Boys and Girls Clubs, National Center for Missing and Exploited Children; Girl Scouts Kids Safe; the Marc Klass Foundation; the John Walsh Foundation; the Florida Catholic Conference; Child Help; the National Foundation to Prevent Child Sexual Abuse, and its founder Jody Gorran, who first brought to my attention the need for this bill; Robbie Callaway from the Boys and Girls Clubs of America, and Liz Nicolson, my staff director, for her hard work on this initiative; and all those who joined together in the protection of our children. I appreciate their involvement; I appreciate their hard work. I thank the Members of this House for their support of my amendment.

The CHAIRMAN pro tempore (Mr. BLUNT). The question is on the amendment offered by the gentleman from Florida (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 7 printed in House Report 105–576.

AMENDMENT NO. 7 OFFERED BY MR. GUTKNECHT

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GUTKNECHT:

Add at the end the following new title:

TITLE V—MODEL NOTIFICATION

SEC. 501. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) States are now required to release certain relevant information to protect the public from sexually violent offenders.

(2) Many States have not established guidelines regarding the notification and release of a sexually violent offender.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that each State should enact legislation based on the model notification process described in sections 502 through 514.

SEC. 502. ESTABLISHMENT OF ADVISORY BOARD FOR RISK ASSESSMENT.

(a) ESTABLISHMENT.—The State shall establish an Advisory Board for Risk Assessment (referred to in this title as the ''Board'') which consists of not less than 5 members appointed by the Chief Executive Officer of the State.

(b) DUTIES.—The Board shall comply with the requirements and guidelines established for a State board under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 and the provisions of this title.

(c) MEMBERSHIP.—Each member shall, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education, or community relations.

(d) TERM.—The term of office of each member of such Board shall be determined by the Chief Executive Officer of the State in guidelines issued pursuant to this section.

(e) VACANCY.—Any member chosen to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.

(f) CHAIRPERSON.—The Chief Executive Officer of the State shall designate 1 of the members of the Board as chairperson to serve in such capacity at the pleasure of the Officer or until the member's term of office expires and a successor is designated in accordance with law, whichever occurs first.

(g) TERMINATION.—Any member of the Board may be removed by the Chief Executive Officer for cause after an opportunity to be heard.

(h) QUORUM.—Except as otherwise provided by law, a majority of the Board shall constitute a quorum for the transaction of all business of the Board.

SEC. 503. GUIDELINES FOR TIER DETERMINATION.

(a) IN GENERAL.—The Chief Executive Officer of the State or a designee shall develop guidelines and procedures for use by the Board to assess the risk of a repeat offense by such sex offender and the threat posed to the public safety. Such guidelines shall be based upon the following:

(1) Criminal history factors indicative of high risk of repeat offense, including—

(A) whether the sex offender has a mental abnormality;

(B) whether the sex offender's conduct was found to be characterized by repetitive and compulsive behavior, associated with drugs or alcohol;

(C) whether the sex offender served the maximum term;

(D) whether the sex offender committed the felony sex offense against a child; and

(E) the age of the sex offender at the time of the commission of the first sex offense.

(2) Other factors to be considered in determining risk, including—

(A) the relationship between such sex offender and the victims;

(B) whether the offense involved the use of a weapon, violence, or infliction of serious bodily injury;

(C) the number, date, and nature of prior offenses;

(D) conditions of release that minimize risk of another offense, including whether the sex offender is under supervision, receiving counseling, therapy or treatment, or residing in a home situation that provides guidance and supervision;

(E) physical conditions that minimize risk of another offense, including advanced age or debilitating illness;

(F) whether psychological or psychiatric profiles indicate a risk of recidivism;

(G) the sex offender's response to treatment;

(H) recent behavior, including behavior while confined;

(I) recent threats or gestures against persons or expression of intent to commit additional offenses; and

(J) review of any victim impact statement.

(b) INFORMATION TRANSFER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any State or local correctional facility, hospital, or institution shall forward relevant information pertaining to a sex offender to be discharged, paroled, or released to the Board for review prior to the release or discharge for consideration by the Board in its recommendations. Information shall include the commitment file, medical file, and treatment file pertaining to such person.

(2) CONFIDENTIALITY.—All confidential records provided under paragraph (1) shall remain confidential, unless otherwise ordered by a court, by the lawful custodians of the records, or by another person duly authorized to release such information.

SEC. 504. BOARD RECOMMENDATIONS.

The Board shall use the guidelines established pursuant to section 503(a) to recommend to an appropriate court of the State 1 of the following 3 levels of notification:

(1) TIER I.—If the risk of a repeat offense is low, a tier 1 designation shall be given to such sex offender. In such case the designated law enforcement agency having jurisdiction and the law enforcement agency having had jurisdiction at the time of his conviction shall be notified in accordance with section 170101(b)(4) of the Violent Crime Control and Law Enforcement Act of 1994.

(2) TIER II.—If the risk of a repeat offense is moderate, a tier 2 designation shall be given to such sex offender. In such case the designated law enforcement agency having jurisdiction and the law enforcement agency having had jurisdiction at the time of conviction shall be notified and may notify any victim of the proposed release of such offender and any agency, organization, or group, serving individuals who have similar characteristics to the previous victim or victims of such offender. The notification may include the approximate address (by ZIP Code), background information relating to the crime, type of victim targeted, conviction, including release of a photograph of the offender, and any special conditions imposed on the offender.

(3) TIER III.—If the risk of a repeat offense is high and there exists a threat to the public safety, a tier 3 designation shall be given to such offender. In such case, the appropriate law enforcement agencies shall be notified of such an offender's release and may use the notification procedures described in paragraph (2), except that a precise address may be released and any relevant information necessary to protect the public concerning a specific person required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 shall be released.

SEC. 505. JUDICIAL DETERMINATION.

(a) NOTIFICATION LEVEL.—

(1) IN GENERAL.—An appropriate court of the State also shall make a determination with respect to the level of notification, after receiving a tier recommendation from the Board. In making the determination, the court shall review any statement by a victim or victims and any materials submitted by the sex offender. The court shall also allow the sex offender to appear and be heard, and inform the sex offender of the right to have counsel appointed if necessary.

(2) APPEAL.—A sex offender may appeal a determination made by the court made under paragraph (1) in accordance with State law.

(3) NOTIFICATION AND REGISTRATION.—The filing of the appeal shall not stay the designated law enforcement agency's notification actions unless the court orders otherwise. Such petition, if granted, shall not relieve the petitioner of the duty to register pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 upon conviction of an offense requiring registration in the future.

(b) REVERSAL.—Upon the reversal of a conviction of a sexual offense, the court shall order the expungement of any records required to be kept pursuant to this title.

SEC. 506. PENALTY FOR MISUSE OF REGISTRATION INFORMATION.

(a) FINE.—Any person who uses information disclosed pursuant to this title in violation of the law shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

(b) CIVIL ACTION.—The State attorney general, a district attorney, or any person aggrieved by information disclosed in violation of the law is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for such action.

(c) ADDITIONAL REMEDIES.—The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law.

SEC. 507. JUVENILE OFFENDERS.

(a) IN GENERAL.—A juvenile residing in a State who has been adjudicated delinquent for any sex offense or attempted sex offense, or who has been convicted of any sex offense or attempted sex offense, or who has been acquitted by reason of insanity for any sex offense or attempted sex offense shall be required to comply with the registration requirements established pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994.

(b) YOUTH FACILITY.—Any person who is discharged or paroled from a facility in another State that is equivalent to a Department of the Youth Authority to the custody of such a facility because of the commission or attempted commission of specified sex offenses, is required to register pursuant to section 170101 of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 508. OFFICIAL IMMUNITY FROM LIABILITY.

(a) IMMUNITY.—No official, employee, or agency, whether public or private, shall be subject to any civil or criminal liability for damages for any discretionary decision to release relevant and necessary information pursuant to this section, unless it is shown that such official, employee, or agency acted with gross negligence or in bad faith.

(b) INFORMATION RELEASE.—The immunity provided under this section applies to the release of relevant information to other employees or officials or to the general public.

(c) FAILURE TO RELEASE INFORMATION.—Nothing in this section shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee, or agency, whether public or private, for failing to release information as authorized in this title unless it is shown that such official, employee, or agency acted with gross negligence or in bad faith.

SEC. 509. IDENTITY OF THE VICTIM.

Any information identifying the victim by name, birth date, address, or relation to the registrant shall be excluded from public access or dissemination.

SEC. 510. GENERAL STATE REQUIREMENTS.

The Chief Executive Officer of a State or designee shall establish reasonable notification requirements under this title, including notification to an offender of any procedures for which the offender is required or is permitted to participate, including the hearing process, appeal rights, and submission of information to the Board.

SEC. 511. ADVISORY COUNCIL FOR COMMUNITY EDUCATION.

(a) IN GENERAL.—The Chief Executive Officer of a State shall appoint a voluntary advisory council to design a policy to assist communities in which a sex offender resides to plan and prepare for such a resident.

(b) COMPOSITION.—Each such advisory council shall include representation from—

(1) law enforcement;

(2) law enforcement organizations;

(3) local corrections agencies;

(4) victims groups; and

(5) other interested members of the public.

(c) DUTIES.—In developing a policy pursuant to subsection (a), an advisory council should make recommendations that include—

(1) the method of distributing community notification information;

(2) methods of educating community residents at public meetings on how they can use such information to enhance their safety and the safety of their family;

(3) procedures for ensuring that community members are educated regarding the right of the sex offender not to be subjected to harassment or criminal acts; and

(4) other matters the council considers necessary to ensure the effective and fair administration of the community notification law.

SEC. 512. EXPUNGEMENT OF OUTDATED INFORMATION.

In accordance with section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, the department required to coordinate the sex offender registration program shall compile and update information

regarding the offenders. Any offender whose duty to register has expired or who has been relieved of the duty to register shall be removed from any public database.

SEC. 513. EXCEPTIONAL CIRCUMSTANCES.

Nothing in this title shall be construed to prevent law enforcement officers from notifying members of the public of individuals that pose a danger under circumstances that are not described in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 or under this title.

SEC. 514. DEFINITIONS.

For purposes of this title:

(1) The term ''criminal offense against a victim who is a minor'' means any criminal offense that consists of—

(A) kidnapping of a minor, except by a parent;

(B) false imprisonment of a minor, except by a parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of a minor to engage in sexual conduct;

(E) use of a minor in a sexual performance;

(F) solicitation of a minor to practice prostitution;

(G) any conduct that by its nature is a sexual offense against a minor; and

(H) an attempt to commit an offense described in any of subparagraphs (A) through (H) if the State—

(i) makes such an attempt a criminal offense; or

(ii) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for purposes of this section.

For purposes of this paragraph, conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger.

(2) The term ''sexually violent offense'' means any criminal offense that consists of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code, or as described in the State criminal code) or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse (as described in such sections of title 18, United States Code, or as described in the State criminal code).

(3) The term ''mental abnormality'' means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(4) The term ''predatory'' means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

Any offense committed in another State, which if committed in the State at issue would be one of the above enumerated offenses, is considered a sexual offense for the purposes of this title.

(5) The term ''juvenile'' has the meaning given such term under State law.

The CHAIRMAN pro tempore. Pursuant to House Resolution 465, the gentleman from Minnesota (Mr. GUTKNECHT) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am honored to join my colleagues to discuss how we can better protect and ensure the safety of our Nation's children. I can think of no issue that is more important than this one.

Over 2 years ago, this Congress passed Megan's Law, which requires States to develop a program to notify communities when a sexual predator is released from prison and moves into their neighborhood. While most States are moving forward to implement Megan's Law, we have seen that many are facing both legal challenges and confusion as to what plan would be both constitutional and effective.

Because Megan's Law is too important to risk creating any confusion, I have introduced a resolution to provide States with a model community notification program that they can follow if they choose. Let me emphasize, this is in no way a congressional mandate. It is only a model which is an amalgamation of successful notification programs of 11 States, including my home State of Minnesota.

Very simply, Mr. Chairman, this resolution first encourages States to set up an advisory board when a sex offender is released from prison. The board will recommend that the sentencing court give him a designation based on the degree of likelihood that he will repeat his crime. If the risk is low, the individual will be assigned to tier I designation and local law enforcement agencies will be notified.

If the risk of repeat offense is moderate, he will be assigned a tier II designation, and law enforcement officials, victims organizations and any of the offender's past victims are notified of his address.

Finally, if the risk of repeat offense is high, the offender is given a tier III designation, and the general public is notified of his new residence.

This resolution also encourages States to implement a community education program where neighborhoods and law enforcement officers can meet together before a convicted sex offender moves into their community. This has proved to be very helpful in Minnesota where over 1,000 members of the general public met at the first of these meetings in the Twin Cities last year.

Let me say that I am very pleased with the support that this bill has received here in Congress. This resolution has over 40 cosponsors, which is almost evenly split between Republicans and Democrats. I am also extremely grateful to have the support of the National Center for Missing and Exploited Children, the Klass Foundation for Children, the Jacob Wetterling Foundation, and the Boys and Girls Clubs of America. In addition, Senator CHARLES GRASSLEY of Iowa is introducing this resolution in the Senate. I hope my colleagues will join us in this important effort to help our States protect our kids.

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

Ms. LOFGREN. Mr. Chairman, I do not oppose the amendment, but I would ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore (Mr. CHAMBLISS). Without objection, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes.

There was no objection.

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

I support this amendment, and Democrats support this.

The amendment does not impose anything on States. It simply establishes a set of guidelines for community notification of sex offenders.

This model statute is balanced. It reflects both the need of the community to be protected as well as the rights of individuals to privacy and the right to be left alone once they have paid their debt to society.

I note further that we have already approved an amendment that will direct that additional research be undertaken into the whole area of child sexual predators. I am sure that the author of this amendment, who is really to be commended for the work that he has put into this, will be looking forward to receiving the results so that we may work together in a bipartisan basis to update these model statutes as more scientific data becomes available to us.

I commend the gentleman from Minnesota (Mr. GUTKNECHT), as well as our colleague, the gentleman from Texas (Mr. LAMPSON), who is a sponsor of this proposal on the Democratic side of the aisle, for their leadership on this issue.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, I thank the gentlewoman for yielding me the time. I also want to thank my colleague, the gentleman from Minnesota (Mr. GUTKNECHT) for his leadership on this issue and for allowing me to join him in this effort.

When we formed the Missing and Exploited Children's Caucus a year ago, this was the sort of effort I had in mind. There are a number of Members of Congress who have great interest and ideas on these issues that we needed to bring together. Together we promote our cause with a stronger voice. I appreciate that.

The trial and resulting conviction of Jesse Timmendequas for the murder of Megan Kanka was harrowing for all Americans. The thought that someone so violent and dangerous could live across the street from any family in America is chilling.

In Friendswood, Texas, in my district, we are still looking for the individual who kidnapped and murdered 12-year-old Laura Kate Smither last year. When we do find this individual, there is a strong likelihood that we will find someone who has committed a sexual offense against a child in the past.

We can make that assumption based on the research that shows that the typical sex offender molests an average of 117 children. It is a sad reality that

community notification is an absolute necessity. Megan's Law was a giant step forward, and today we try to fill in the last few remaining gaps.

The model program we have presented is based upon the knowledge we have gained from the individual community notification laws passed in 46 States. I hope that we will have the three-tiered notification system in place across the Nation. The recidivism rate is so great among those who commit sex crimes against children that we must be proactive in our vigilance. We cannot pretend that a sexual offense against a child is an isolated act. Most of the time, it is a pattern of behavior.

Families need and deserve our help in keeping their children safe. As we talk about Megan's Law and the Wetterling Act, we are reminded of the victims of these predators. They reaffirm our resolve to do what we can to prevent more tragedies.

Mr. GUTKNECHT. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me the time.

I want to take the time to congratulate him on the model that he has developed. I think the States will be benefited by having this model for implementation of Megan's Law. I think his work product continues a tradition he has had in the House for some time on issues related to child molestation and concerns such as Megan's Law, this bill.

So my hat is off to the gentleman. I certainly fully support this amendment.

Ms. LOFGREN. Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman very much.

It is a pleasure that we can always find such common ground on important issues dealing with our children. One of the, again, speaking on behalf of my prior life, which is local government, the frustration of trying to implement a system that would translate into an effective notification process and the fact that this legislation gets Congress on record of trying to establish the tier-based community notification system for notifying communities when sex offenders are released from jail is crucial and important and may give some comfort level to our law enforcement, our neighborhoods, our schools, when they can have such a system so that they can protect, if you will, when these predators come into the community.

We always get these news articles that say, did you know such and such has moved in quietly. I think it is extremely important, and in tribute to the tragedy of little Megan and in tribute to this law that was passed, which we appreciate very much, we thank you for this legislation.

Mr. GUTKNECHT. Mr. Chairman, I yield myself the balance of my time.

I just want to thank the chairman of the Subcommittee on Crime. I want to thank the gentleman from Texas (Mr. LAMPSON) for all of his work, the National Center for Missing and Exploited Children. This amendment is the work product of working together with all of the States attorneys general, people from the Justice Department, people on the Subcommittee on Crime.

I want to thank all of them for their work because, as I said at the beginning, I can think of no issue that is more important to this Congress or to this Nation than protecting the safety of our children. This is a good example of, working together on a bipartisan basis, how we can make real progress, send a clear signal to the States and those who would abuse our children that we are serious about this issue.

I hope that Members will join me in support of this amendment.

Ms. LOFGREN. Mr. Chairman, noting that it is a pleasure to work on a bipartisan basis on such an important matter, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 8 printed in House Report 105–576.

AMENDMENT NO. 8 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. KELLY:
Add at the end the following new title:

TITLE V—CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE

SEC. 501. CHILD HOSTAGE-TAKING TO EVADE ARREST OR OBSTRUCT JUSTICE.

(a) IN GENERAL.—Chapter 55 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1205. Child hostage-taking to evade arrest or obstruct justice

''(a) IN GENERAL.—Whoever uses force or threatens to use force against any officer or agency of the Federal Government, and seizes or detains, or continues to detain, a child in order to—

''(1) obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ, process, or warrant of any court of the United States; or

''(2) compel any department or agency of the Federal Government to do or to abstain from doing any act;

or attempts to do so, shall be punished in accordance with subsection (b).

''(b) SENTENCING.—Any person who violates subsection (a)—

''(1) shall be imprisoned not less than 10 years and not more than 25 years;

''(2) if injury results to the child as a result of the violation, shall be imprisoned not less than 20 years and not more than 35 years; and

''(3) if death results to the child as a result of the violation, shall be subject to the penalty of death or be imprisoned for life.

''(c) DEFINITION.—For purposes of this section, the term 'child' means an individual who has not attained the age of 18 years.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

''1205. Child hostage-taking to evade arrest or obstruct justice.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 465, the gentlewoman from New York (Mrs. KELLY) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

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

I rise today to introduce an amendment that addresses a problem that is increasing in our Nation, children being taken as hostages. Far too many scenarios have been documented in which children taken as hostages are exposed to violence, emotional trauma or physical harm at the hands of adults.

For example, in New York, a woman's estranged husband took her and their three children hostage at the point of a loaded shotgun. He held them for nearly 4 hours, and at one point he even allegedly traded his 7-year-old son for a pack of cigarettes.

It was only when he threatened to use the children as human shields that a SWAT team rescued the children, and that resulted in something that was a very difficult situation in my State.

In Baltimore, a man broke into a second floor apartment, stabbing a young mother, holding her 9-month-old child hostage for 2 hours before a quick response team could rescue the baby and apprehend the suspect.

Situations like these are unacceptable and should not be tolerated by anyone. All over the country children are being used as pawns by violent adults. We in Congress must do our part to help prevent these scenarios from developing in the first place. This amendment is based on my bipartisan legislation, H.R. 3438, and will give new protections to children, our Nation's most precious resource.

It establishes the strictest punishments for those who would evade arrest or obstruct justice by using children as hostages. This provision toughens penalties against any person who takes a child, 18 years of age or younger, hostage in order to resist, compel or oppose the Federal Government. Such a person would serve a minimum sentence of 10 years to a maximum of death depending on the extent of injury to the child. A number of States, including California, Illinois and Florida, already enforce tougher penalties on people convicted of stealing children for their own personal gain.

Please join me in this important effort to protect the lives and well-being

of our Nation's children. I hope that together we can make our Nation a safer place for everyone, especially those in our society least able to protect themselves.

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

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I do support personally the amendment.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes.

There was no objection.

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

I believe that this amendment makes a statement that is an important statement about how we value children. Whereas it is true that it is possible under current law for the sentence up to life in prison to be imposed, this amendment would require a mandatory minimum sentence whenever someone engages in the unconscionable act of using a child as a hostage.

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I think that it is important that the United States Government make that statement that we will not tolerate the use of children in this manner, and that is why I am proud to be a cosponsor of the Kelly bill and proud to support her amendment today.

I am aware, and we may yet have individuals rushing to the Chamber to speak, that there are some who in good faith disagree with this amendment for the following reasons. There are some Members who do not believe in mandatory minimum sentencing, who believe that that is an impermissible and inappropriate intrusion into judicial decision-making. There are some Members who because of their religious faith oppose the death penalty. I actually support the death penalty, but I respect that there are some whose religious beliefs lead them to a contrary conclusion.

Let us not, however, be confused that even those who might disagree with us as to mandatory minimum sentences and as to the death penalty do not join with us in ensuring that every wrongdoer in America knows that it is beyond human conscience, it is beyond what is acceptable in a civilized society to use a child as a hostage. I commend the gentlewoman for her amendment. I urge my colleagues to vote ''aye.''

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

Mrs. KELLY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentlewoman for yielding me this time and allowing me to express my strong support for her proposal.

Frankly we had not reviewed this in the committee. Lots of times when we do not, you say, ''Boy, there must be some problem, maybe we should go and have a hearing,'' blah-blah-blah.

But when I saw this yesterday and examined it, and it is so clear on its face that this is something we need to do, that I immediately said to her then and I say it again today publicly, I believe we should put this in this bill. Hostage taking of children under these conditions that she is trying to address is too important to delay. It is straightforward what she is doing. It creates some penalties and punishments that are really tough, that I think are deterrents. I strongly support this amendment. I believe that it is very, very important that we send the message she is sending. I commend her for drafting the legislation.

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

Once again, Mr. Chairman, passage of this amendment would give law enforcement across the country a new and powerful weapon to fight against violent criminals. As I mentioned earlier, there are disturbing examples of hostage situations involving children from across the country. I hope that my colleagues will join me and pass these new protections from crime for America's children.

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

The CHAIRMAN pro tempore (Mr. DUNCAN). The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment number 9 printed in House Report 105–576.

AMENDMENT NO. 9 OFFERED BY MR. SHERMAN

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SHERMAN:

At the end of the bill, add the following new title:

TITLE V—PUBLIC ACCESS TO FBI DATABASE ON SEXUAL OFFENDERS

SEC. 501. ESTABLISHMENT OF TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE ON SEXUAL OFFENDERS.

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

''SEC. 170103. TELEPHONE ACCESS FOR THE PUBLIC TO FBI DATABASE.

''(a) ESTABLISHMENT.—(1) The Attorney General shall establish, publicize, and operate a national telephone service by which a person (as defined in subsection (f)(2)) may request the information described in paragraph (2).

''(2) The information described in this paragraph is whether an individual (as defined in subsection (f)(3)), other than a victim of an offense that requires registration under this subtitle, is listed in the database established under section 170102.

''(b) PREREQUISITE FOR ACCESS TO INFORMATION.—The Attorney General shall not disclose the information described in subsection (a)(2) unless the person seeking such information provides his or her full name, the full name of the individual, and one or more of the following:

''(1) The address of the individual's residence.

''(2) The individual's Social Security number.

''(3) The individual's driver's license number or the number the identification card issued by State or local authorities in lieu of a driver's license.

''(4) The individual's date of birth.

''(5) Such other information as the Attorney General determines to be appropriate for purposes of identification of the individual.

''(c) NOTICE TO CALLER.—Prior to disclosing information described in subsection (a)(2), and without charging a fee for the same, the Attorney General shall provide the following general information in the form of a recorded message:

''(1) The requirements described in subsection (b).

''(2) The fee for the use of the telephone service.

''(3) A warning that information received pursuant to such request may not be misused, as described in subsection (e), and notice of the penalties for such misuse of the information.

''(4) A warning that the service is not be available to persons under 18 years of age.

''(5) Such other information as the Attorney General determines to be appropriate.

''(d) FEES FOR USE OF SERVICE.—

''(1) FEE FOR ACCESS TO INFORMATION IN DATABASE.—The Attorney General shall charge a fee for each use of the service for information described in subsection (a) from the service.

''(2) LIMITATION ON NUMBER OF REQUESTS.—A person may not make more than two requests for such information per use of the service.

''(3) USE OF FEES TO DEFRAY EXPENSES OF SERVICE.—To the extent provided in advance in appropriations Acts, moneys received under paragraph (1) shall be used to pay for the expenses of the operation of the service.

''(e) PENALTIES FOR MISUSE OF INFORMATION.—

''(1) PROHIBITIONS.—Whoever, having obtained information described in subsection (a)(2) from the service, knowingly uses such information—

''(A) for any purpose other than to protect a minor at risk; or

''(B) with respect to insurance, housing, or any other use that the Attorney General may determine—

''(i) is unnecessary for the protection of a minor at risk or;

''(ii) which creates a disproportionate prejudicial effect,

shall be punished as provided in paragraph (2).

''(2) CIVIL PENALTY.—Each person who violates the provisions of paragraph (1) shall be subject to a civil penalty imposed by the Attorney General of not more than $1,000 for each violation.

''(f) DEFINITIONS.—As used in this section:

''(1) MINOR AT RISK.—The term 'minor at risk' means a minor, as that term is defined in section 2256(1) of title 18, United States Code, who is or may be in danger of becoming a victim of an offense, for which registration is required under this subtitle, by an individual about whom the information described in subsection (a)(2) is sought.

''(2) PERSON.—The term 'person' means a person who requests the information described in subsection (a)(2).

The CHAIRMAN pro tempore. Pursuant to House Resolution 465, the gentleman from California (Mr. SHERMAN) and the gentleman from Florida (Mr.

MCCOLLUM) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. SHERMAN).

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

Mr. Chairman, I rise in support of the Sherman-Fox amendment, an amendment which is based on H.R. 2194 which was submitted to this House last year. That bill, which has not been heard by the House, secured the cosponsorship of over 13 Republican Members and over 20 Democratic Members.

The purpose of this amendment is to allow parents who are the first line of defense that every child has against sexual predators to get the information that they need to protect their children from convicted sexual predators. Ever since Megan's Law was adopted and ever since that case came to the national fore, there has been a national consensus that parents need information about sexual predators, convicted sexual criminals who may come into contact with their children. The question is, what is the best way to effectuate that? One method, and not a method used in this particular amendment, is community notification. This works in small and closely knit communities where a town of a few thousand people, or even a community of tens of thousands of people may become aware that a particular individual is a sexual predator. However, we also have large cities in this country where it is impossible to notify the entire city that a particular person is dangerous. Even if a community within Los Angeles County is notified, a sexual predator may choose to operate at an amusement park in one part of Los Angeles County or seek a job as a child care worker in another part of Los Angeles County. A sexual predator may be convicted in one State but may move to a large city in another State.

We in California have devised an excellent system to deal with those sexual predators who choose to lose themselves in big cities, who may be known by their neighbors but are not known by those at the amusement park across town or the child care center across town. That system is known as the California Sexual Predator Hotline. It is administered by California Attorney General Dan Lungren whose office has indicated that they support this amendment.

The way it works is that a database is maintained in Sacramento. Parents who are concerned about their children, those who employ child care workers at schools, et cetera, can call that line to determine whether a particular individual is identified as a convicted sexual predator.

There are two problems with the California line. First, it only tells you if an individual has been convicted in California. Second, it is available to protect only California children. What this amendment does, at no cost to the Federal Government except a small setup charge at the beginning, at no cost to the Federal Government, is it solves these problems. It provides us with a national database and it is available to parents across this country.

For that reason, I urge my colleagues to vote in favor of amendment number 9, the Sherman-Fox amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Chairman, I rise today as a cosponsor of this amendment to the Child Protection and Sexual Predator Punishment Act of 1998 to establish a national hotline to facilitate public access to the FBI database on sexual offenders.

I would like to take this opportunity to congratulate the distinguished gentleman from Florida (Mr. MCCOLLUM), chairman of the subcommittee, for bringing this bill to the floor and thank him for bringing this critical issue to the attention of the body. This is sound legislation that will be of great benefit to this country. Through this amendment, I believe that we will strengthen what will already go a long way to protecting families.

The most precious resource we have in this country are our children. Unfortunately, they are also our most vulnerable. This amendment would empower parents by providing them with the tools that they need to protect their children from elements in our society that wish to do them harm.

This amendment protects our children by providing better access to public information. It will help parents reduce the risk of their children becoming victims of sexual predators through a national hotline. It will build on the success of hotlines established in California and New York because it will provide information on sex offenders in their State as well as in other States. The hotline is budget neutral, financed by callers and costing the Federal Government virtually nothing. Individuals will be limited to two inquiries per call, so someone will not be able to abuse the hotline or tie it up by making requests about everything that is happening but that is not relevant. Callers must provide their full name and the full name of the person they are inquiring about. No one will be able to call up and just ask if there are any sex offenders in the area. It is modeled after a very successful line already in operation in California which is supported by their Attorney General. It is endorsed by KIDS SAFE as a valuable tool for protecting children.

Mr. Chairman, I urge my colleagues to support this measure that will provide peace of mind to American families across our Nation. I would like to thank the gentleman from California (Mr. SHERMAN), the cosponsor of this amendment, for yielding me this time. I appreciate his leadership on this.

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

Mr. Chairman, at first blush this seems like a very fair amendment. It seems like it would be something anybody would want to do. Unfortunately, it flies in the face of an existing program that is already out there. Many of the people who are operating the kind of law that we have today for notification, parental notification of sexual offenders who have been released from prison believe that it would undermine that program, primarily because it would establish a national hotline whereas the program that exists today in the States where it is a State program, with a registry for sex offenders and a multi-tiered notification process where the sheriffs, police and others in certain cases are notified when a sex offender is released from prison and he goes back into that area. In certain cases not only are they notified but they then have an obligation to go out into the community and to notify the community. They have manners and means of making sure in that setting precisely who it is that they are telling the community about who is dangerous, and there is a set process for that. The National Center for Missing and Exploited Children has expressed opposition to the Sherman proposal, citing that it prefers the local approach in which the local law enforcement does what I have just described, to notify targeted members of the community who are likely to encounter the sex offender as many States are currently doing under Megan's Law.

The reason why again this would undermine this effort in my judgment is based primarily on the fact that if you have this national system of calling in a hotline, you are going to wind up with lots of folks in those States saying, ''Well, why should I go through the State process? Why do we need that?'' And the fear, which I think is justified, we have not had maybe as many hearings on this as we would like, but I believe this from what I am hearing from the folks who are critical of it is, the fear is that the States will stop doing the detailed type of notification multi-tiered process that has now been established and has, I might say, withstood constitutional tests up to this point. There has been a lot of litigation over the Megan's Law sexual predator notification when somebody is released from prison going back into the community. We have not had the same type of constitutional challenge, at least not to my knowledge, to clarify whether there may be problems with the gentleman from California (Mr. SHERMAN's) proposed approach.

What is involved in the current case is a multi-tiered notification program. It involves going door to door actually by law enforcement to notify people in a community where this sexual offender has been released and is going to live. Only those people are going to be notified who have a need to know. Other people are not going to be. If we were to take up the national call-in approach that is here, one of the things

that I envision as a problem with it is that somebody could call up trying to find out if John Smith has ever been released or whatever from prison, and where is he living now. There might be lots of different John Smiths. Maybe one spells his name J-o-n or otherwise. The hotline approach is based upon identification by name only, and a confusion could result where somebody who is perfectly innocent could be identified by mistake over the telephone in the hotline as to who they are. That is also a problem in terms of our desire to protect people's rights and privacy as much as possible and not to provide them with a situation in which they could be not only embarrassed publicly but damaged by this process.

I realize that this program has been tried in California. It has not had horrors like that occur, but it does raise the specter of that possibility which the current notification system does not because there is careful screening, there are police and sheriffs who go through this process, they know absolutely who it is who is coming into their community by fingerprint and other identification, and then they proceed to do specific neighborhood notifications rather than having this hotline proposal.

While I understand perfectly well what the gentleman wants to do and I know that he would believe this and argue that this is complementary to the existing State registry and notification systems and is well intended for that purpose, I have to unfortunately conclude that based on information I have that the risk to the existing programs is too great to support this amendment, and that instead I am fearful that it will do damage to those programs.

□ 1430

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, as a Californian I have a great deal of appreciation for the amendment that the gentleman from California (Mr. SHERMAN) has proposed, and actually when I saw his amendment, the first thing I thought was, great, I want to support that amendment, it is important to empower the parents, it has worked well in California, and I commend him and his coauthor for having the grit to pursue this.

Having said that, I do believe that we need some further research on this concept.

As I reviewed the concerns expressed by the Department of Justice, one thing in particular did catch my attention, which was the need to do fingerprint checks to make sure that there is a positive ID rather than, as my colleagues know, somebody who has got the same name and the concern expressed that we might get negative information back, and actually the guy could be a very serious problem because of the nature of the data.

So I, with a great deal of reluctance, am suggesting that we not approve this amendment today, but I am very hopeful and would actually plead and ask the gentleman to schedule some hearings to see whether we could not perfect and pursue and explore this because this is a wonderful tool in California for parents. And if we could overcome some of the issues that have been expressed in the defects that he has rightly pointed out, perhaps we could be very happy with the result.

And so I join with the gentleman in indicating that I cannot support this today, but I do commend the authors of the amendment for their great passion for the well-being of children and their parents and would love to work with the chairman of the committee as we pursue it, as I think all the Californians on the committee would do.

Mr. MCCOLLUM. Mr. Chairman, I would just simply state to the gentlewoman that I certainly intend to continue to work with the gentleman from California (Mr. SHERMAN) if that is the case.

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

Mr. SHERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

I urge my colleagues to support the Sherman-Fox amendment. This amendment will ensure that a hotline is established so that our children are protected from the evil and ill-intentioned hands of sexual predators.

California has taken this progressive step, and its attorney general reports that thanks to this hotline, which has received a great percentage of hits and calls in which the sexual molesters identified positively. There have been almost 500 hits thus far. Even though California State law requires a sexual predator to register upon moving in the State, there are not, as in the reality, many States' enforcement provisions that will guarantee that he registers before he is to strike again. This hotline, as proposed by the Sherman-Fox amendment would grant access to registration records in other States so that children are protected from those sexual molesters who have failed to register.

It is clear, Mr. Chairman, from the success in California that this hotline will aid in protecting our children from sexual predators and their horrible acts, and I implore my colleagues to support the Sherman-Fox amendment so that America's children will be safe.

Mr. SHERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding this time to me, and I have great respect for the chairman of this subcommittee, the gentleman from Florida (Mr. MCCOLLUM) who has worked long and hard to make sure that we have passed laws here in the House that will protect children, seniors and families from all kinds of problems, especially sexual predators.

As a former prosecutor myself, assistant district attorney from Pennsylvania, I know well that when we have multiple systems for protecting individuals, whether it be for Megan's Law, other State statutes, other Federal statutes, we need the composite to make sure that we have a safety net so that no sexual predator who has been convicted in this country will not have a community and a law enforcement team out there to tell unsuspecting neighbors about what could go on. So I believe that Mr. SHERMAN's amendment goes a long way in amplifying and underscoring the importance of existing laws, and rather than being something that is an impediment, it is actually going to boost all efforts to have more knowledge to the public, less sexual predators infecting the neighborhood and more public safety in the United States.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. CONYERS) the ranking member on the full Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank the subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM) for yielding this time to me.

Mr. Chairman, it is hard to oppose this amendment, but I think it is necessary that we follow the lead of the gentleman from Florida (Mr. MCCOLLUM) and have a little bit more careful hearing about it. I mean, there have been no hearings on this. The gentleman agrees that there will be hearings. He has assured the gentlewoman from California (Ms. LOFGREN), and the gentleman from Florida (Mr. MCCOLLUM) has never disappointed us yet, his word has been his been his bond throughout his career.

But in all due honesty, I say to the gentleman from California (Mr. SHERMAN) I can name some other things that we maybe ought to have hotlines for criminals on, too. So, as my colleague knows, if we are turning into the hotline society, let us do it in an orderly fashion. I mean, this is something that may have merit, but to walk up on the floor and throw this on our 434 colleagues might not be as orderly. And guess what? Some of us that are not sure about this may end up supporting the gentleman.

So for that reason, as my colleagues know, we have two options. One, we can desperately inform Members when they come through for a vote on this and ask about it, and some side will win and one side will lose, or the gentleman could in his usually gentlemanly fashion withdraw the amendment and allow the ordinary processes that the gentleman from Florida (Mr. MCCOLLUM) has agreed to proceed.

Mr. Chairman, I yield to the gentleman from California (Mr. SHERMAN) for that purpose.

Mr. SHERMAN. Mr. Chairman, I appreciate the distinguished gentleman's remarks, but I submitted this as a bill virtually a year ago. In that time we have sent out several dear colleagues, we have secured nearly 40 cosponsorships, and I believe that I have done everything in a reasonable manner.

Mr. SHERMAN. Mr. Chairman, I yield myself 20 seconds to simply continue the sentence and say:

When a Member submits a bill, secures bipartisan cosponsorship, informs the Members of the House, works on it for almost a year, it is not appropriate to say that I am trying to short-circuit the process and ask for a quick decision.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. SHERMAN) has expired.

Mr. SHERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I appreciate the response, and I am pleased to know it has been a year of working on it, but that does not take the place of hearings. We can send each other letters, as my colleagues know, every day in the week, but the point of the matter is they have to be Committee on the Judiciary Subcommittee on Crime hearings.

Now it is not that the gentleman from Florida (Mr. MCCOLLUM) is sitting around with not much to do, but he has assured the gentleman of hearings. I pledge to help the gentleman get hearings. We will go see the chairman, the gentleman from Illinois (Mr. HYDE), we will go to the Speaker, we will do everything we can for the gentleman, but let us not pass legislation like this.

Mr. MCCOLLUM. Mr. Chairman, I yield the balance of the time to myself.

The CHAIRMAN pro tempore. The gentleman from Florida is recognized for 1½ minutes, and he has the right to close.

Mr. MCCOLLUM. Mr. Chairman, I will yield in any event to myself, and thank the Chair very much for pointing this out.

I have to continue to oppose this amendment. I think that it is a well-meaning amendment. Unfortunately the gentleman from California (Mr. SHERMAN) has not had the hearings, as the gentleman from Michigan (Mr. CONYERS) has said. We will conduct those if this amendment is not successful at some time to give everybody an opportunity to hear the issue. In fact, we probably ought to revisit the procedures of Megan's law and the registry in an oversight format in any event. But I think this is an untimely amendment.

We have had expressions of great concern from the Center For Missing and Exploited Children that by adopting this amendment, we will undermine the State registry programs whereby today we have a tiered, orderly way for those States to participate, to go through the process when some sex offenders are released from prison of notifying people in the community where that person goes. We know it works, we know it is being tested, and, so far, successfully, in the courts. It is something that, if we adopted this amendment today to have a national call-in, check-in hotline system, might well disappear because people would say in those States, what the heck, the Federal Government is going to pay for this and do it; why should we?

And yet those involved with it believe this multitiered law enforcement hands-on approach of notification and fully knowing who it is is the better approach than simply saying to the general citizenry of the country, ''When you hear about somebody getting released, you can make a hotline telephone call to find out.''

If indeed it were complementary, that is, just a supplement to existing law, and did not negatively impact the other, it might be something we consider. That is why holding a hearing, debating this further, might be meritorious. But adopting it today, knowing there is risk that we would undermine the existing, well-working, well thought out Megan's Law program of notifying communities of sex offenders would be a mistake, and I strongly urge a no vote on the Sherman amendment.

Mr. SHERMAN. Mr. Chairman, I yield 20 seconds to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Chairman, the fact is we have hotlines in this country for almost every imaginable purpose, but what could be more important than have a hotline to protect our children?

And the fact is if we can have more than one method to make sure we protect our children under Megan's Law and under the Sherman amendment, I think we do the right thing today and pass the Sherman amendment. It will only add to the bill and make it better, not make it worse.

Mr. SHERMAN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from California is recognized for 1 minute.

Mr. SHERMAN. Mr. Chairman, earlier today I was in contact with the National Center for Missing and Exploited Children. They have informed me that while they do not, cannot currently support this amendment, they gave me no indication that they opposed it, and a year ago they gave me a letter simply saying they do not support it. They are trying to evaluate their situation now in light of additional arguments I gave them.

But the gentleman from Pennsylvania (Mr. FOX) is absolutely right. We need more than one system.

There is nothing in this national system that undermines the local system, and that is why those in California involved in informing children, involving parents that their children face a risk, the Kids Safe Organization and everyone else who got us the State hotline, prefers and strongly supports the idea of a national hotline. People all over America should be able to determine whether somebody applying to work in their child care center, which may be 10 miles, 20 miles from where that individual lives, has been convicted of a sexual predatory offense anywhere in the United States.

The CHAIRMAN pro tempore. The question on the amendment offered by the gentleman from California (Mr. SHERMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHERMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 465, further proceedings on the amendment offered by the gentleman from California (Mr. SHERMAN) will be postponed.

It is now in order to consider amendment number 10 printed in House Report 105–576.

□ 1445

AMENDMENT NO. 10 OFFERED BY MR. CONYERS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CONYERS:

Add at the end the following (and conform the table of contents accordingly):

TITLE V—CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence Against Women

SEC. 501. PURPOSE OF THE PROGRAM AND GRANTS.

(a) GENERAL PROGRAM PURPOSE.—The purpose of this subtitle is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women.

(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this subtitle shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of—

(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

(5) developing, enlarging, or strengthening programs addressing stalking;

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence; and

(7) developing, enlarging, or strengthening State court programs, including training for State, local, and tribal judges and court personnel, addressing violent crimes against women, including sexual assault, domestic violence, and stalking.

SEC. 502. STATE GRANTS.

(a) GENERAL GRANTS.—The Attorney General may make grants to States, for use by States, units of local government, and Indian tribal governments for the purposes described in section 501(b).

(b) AMOUNTS.—Of the amounts appropriated for the purposes of this subtitle—

(1) 4 percent shall be available for grants to Indian tribal governments;

(2) $500,000 shall be available for grants to applicants in each State; and

(3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this subtitle upon certification that—

(1) the funds shall be used for any of the purposes described in section 501(b);

(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

(3) up to 30 percent shall be allocated to law enforcement, up to 30 percent to prosecution grants, and at least 10 percent to State court systems; and

(4) any Federal funds received under this subtitle shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.

(d) APPLICATION REQUIREMENTS.—Each application shall include the certifications of qualification required by subsection (c). An application shall include—

(1) documentation from the prosecution and law enforcement programs to be assisted, demonstrating—

(A) need for the grant funds;

(B) intended use of the grant funds;

(C) expected results from the use of grant funds; and

(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity, and language background;

(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 505; and

(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 506.

(e) DISBURSEMENT.—

(1) IN GENERAL.—Not later than 60 days after the receipt of an application under this subtitle, the Attorney General shall—

(A) disburse the appropriate sums provided for under this subtitle; or

(B) inform the applicant why the application does not conform to the requirements of this section.

(2) REGULATIONS.—In disbursing monies under this subtitle, the Attorney General shall issue regulations to ensure that States will—

(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(B) determine the amount of subgrants based on the population and geographic area to be served;

(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes;

(D) recognize and address the needs of underserved populations; and

(E)(i) if, at the end of the 9th month of any fiscal year for which funds are appropriated under section 507, the amounts made available are unspent or unobligated, such unspent or unobligated funds shall be reallotted to the current fiscal year recipients in the victim services area pursuant to section 502(c)(3)) proportionate to their original allotment for the current fiscal year; and

(ii) for the first 2 fiscal years following the effective date of this Act, the Attorney General may waive the qualification requirements of section 502(c), at the request of the State and with the support of law enforcement and prosecution grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victims' services, and State court systems mandated by this subtitle adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduction of funds to programs and services funded under this section in the prior fiscal year.

(f) FEDERAL SHARE.—The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted.

(g) INDIAN TRIBES.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subtitle.

(h) GRANTEE REPORTING.—

(1) IN GENERAL.—Upon completion of the grant period under this subtitle, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this subtitle.

(2) CERTIFICATION BY GRANTEE AND SUBGRANTEES.—A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

(3) SUSPENSION OF FUNDING.—The Attorney General shall suspend funding for an approved application if—

(A) an applicant fails to submit an annual performance report;

(B) funds are expended for purposes other than those described in this subtitle; or

(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

(D) for failure to provide documentation, including memoranda of understanding, contract, or other document of any collaborative efforts with other agencies or organizations.

SEC. 503. DEFINITIONS.

In this subtitle—

(1) the term ''domestic violence'' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

(2) the term ''Indian country'' has the meaning stated in section 1151 of title 18, United States Code;

(3) the term ''Indian tribe'' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(4) the term ''law enforcement'' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

(5) the term ''prosecution'' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs);

(6) the term ''sexual assault'' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim; and

(7) the term ''underserved populations'' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities.

SEC. 504. GENERAL TERMS AND CONDITIONS.

(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this subtitle, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

(b) REPORTING.—Not later than 180 days after the end of each fiscal year for which grants are made under this subtitle, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

(1) the number of grants made and funds distributed under this subtitle;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

(4) an evaluation of the effectiveness of programs funded under this subtitle.

(c) REGULATIONS OR GUIDELINES.—Not later than 120 days after the date of enactment of this subtitle, the Attorney General shall publish proposed regulations or guidelines implementing this subtitle. Not later than 180 days after the date of enactment, the Attorney General shall publish final regulations or guidelines implementing this subtitle.

SEC. 505. RAPE EXAM PAYMENTS.

(a) RESTRICTION OF FUNDS.—

(1) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subtitle unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault.

(2) REDISTRIBUTION.—Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

(b) MEDICAL COSTS.—A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

(1) provides such exams to victims free of charge to the victim;

(2) arranges for victims to obtain such exams free of charge to the victims; or

(3) reimburses victims for the cost of such exams if—

(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

SEC. 506. FILING COSTS FOR CRIMINAL CHARGES.

(a) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subtitle unless the State, Indian tribal government, or unit of local government—

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or

(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of—

(A) the period ending on the date on which the next session of the State legislature ends; or

(B) 2 years.

(b) REDISTRIBUTION.—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $185,000,000 for each of fiscal years 2001, 2002, and 2003.

Subtitle B—Grants to Encourage Arrest Policies

SEC. 511. PROGRAM AUTHORIZED.

(a) PURPOSE.—The purpose of this subtitle is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

(b) GRANT AUTHORITY.—The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

(1) To implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.

(2) To develop policies and training in police departments to improve tracking of cases involving domestic violence.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

(4) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

(5) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

(c) ELIGIBILITY.—Eligible grantees are States, Indian tribal governments, or units of local government that—

(1) certify that their laws or official policies—

(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and

(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

SEC. 512. APPLICATIONS.

(a) APPLICATION.—An eligible grantee shall submit an application to the Attorney General that—

(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 511(c) are met or will be met within the later of—

(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

(B) 2 years of the date of enactment of this Act;

(2) describes plans to further the purposes stated in section 511(a);

(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) PRIORITY.—In awarding grants under this subtitle, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

SEC. 513. REPORTS.

Each grantee receiving funds under this subtitle shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this subtitle and containing such additional information as the Attorney General may prescribe.

SEC. 514. REGULATIONS OR GUIDELINES.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish proposed regulations or guidelines implementing this subtitle. Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish final regulations or guidelines implementing this subtitle.

SEC. 515. DEFINITIONS.

For purposes of this subtitle—

(1) the term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; and

(2) the term ''protection order'' includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.

SEC. 516. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $63,000,000 for fiscal year 1999;

(2) $67,000,000 for fiscal year 2000;

(3) $70,000,000 for fiscal year 2001;

(4) $70,000,000 for fiscal year 2002; and

(5) $70,000,000 for fiscal year 2003.

TITLE VI—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 601. DEFENSE TO CRIMINAL CUSTODIAL INTERFERENCE OR PARENTAL ABDUCTION CHARGE.

Section 1073 of title 18, United States Code, is amended by striking ''Whoever moves''

and inserting ''(a) Whoever moves'' and by adding at the end the following:

''(b) For any charge of parental abduction, of custodial interference, or of felony criminal contempt of court related to an underlying child custody or visitation determination, that would otherwise provide a basis for prosecution under this section, it shall be a defense to such prosecution that the individual against whom this section is invoked—

''(1) acted pursuant to the provisions of a court order valid when and where issued—

''(A) which granted the defendant legal custody or visitation rights;

''(B) which was obtained in compliance with section 1738A of title 28;

''(C) which is not inconsistent with such section or with the Uniform Child Custody Jurisdiction Enforcement Act as promulgated by the Uniform Law Commissioners; and

''(D) which was in effect at the time the defendant left the State;

''(2) was fleeing an incident or pattern of domestic violence or sexual assault of the child, which had been previously reported to law enforcement authorities; or

''(3) would otherwise have a defense under the terms of the International Parental Kidnapping Prevention Act (18 U.S.C. 1204).

''(c) The Attorney General shall issue guidance to assist the United States Attorneys and the Federal Bureau of Investigation in determining when to decline to initiate or to terminate an investigation or prosecution under subsection (b) due to the potential availability of any defense.''.

SEC. 602. FULL FAITH AND CREDIT GIVEN TO CHILD CUSTODY DETERMINATIONS.

(a) SECTION INTENT.—Section 1738A(a) of title 28, United States Code, is amended by adding at the end the following: ''This section is intended to preempt any inconsistent State law and to apply to every proceeding in the United States or its territories that is not governed by inconsistent aspects of any treaty to which the United States Government is a signatory or has ratified that involves custody and visitation concerning a minor child. Any provisions of a protection order regarding the custody and visitation of a minor child, whether consensual or not, otherwise consistent with section 2265 of title 18 and with this section shall be given full faith and credit by the courts of any State where the party who sought the order seeks enforcement.''.

(b) DEFINITIONS.—Section 1738A(b) of such title is amended—

(1) by inserting after paragraph (3) the following:

''(4) 'domestic violence' includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction;

''(5) 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim;'';

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (6), (7), and (8), respectively;

(3) by redesignating paragraph (7) as paragraph (9) and by striking ''and'' after the semicolon;

(4) by inserting after paragraph (9) (as so redesignated) the following:

''(10) 'predominant aggressor' means the individual who has been determined to be the principal perpetrator of violence, by factors including—

''(A) history of domestic violence;

''(B) relative severity of the injuries inflicted on each person;

''(C) the likelihood of future injury to each person;

''(D) whether one of the persons acted in self-defense; and

''(E) the degree to which one of the persons has acted with more deliberate intent to control, isolate, intimidate, emotionally demean, or cause severe pain or injury, or fear of harm to the other or a third person''; and

(5) by redesignating paragraph (8) as paragraph (11).

(c) CONDITION FOR CUSTODY DETERMINATION.—Section 1738A(c)(2)(C) of such title is amended—

(1) by striking ''he'' and inserting ''the child, or a sibling or parent of the child,''; and

(2) by inserting '', including acts of domestic violence by the other parent'' after ''abuse''.

(d) JURISDICTION.—Section 1738A(d) of such title is amended by inserting before the period at the end the following: '', except that after 2 years have passed while a child is living in another State after relocation due to domestic violence or sexual assault of the child, the court of the original State shall decline jurisdiction provided that the courts of the new State would have personal jurisdiction over the other parent under that State's law''.

(e) CHILD CUSTODY DETERMINATIONS.—Section 1738A of such title is amended by adding at the end the following:

''(h) A court may decline to exercise jurisdiction on behalf of a parent who has engaged in domestic violence as a predominant aggressor, if a court of another State has emergency jurisdiction under subsection (c)(2)(C)(ii). A court may decline to exercise jurisdiction on behalf of a parent who has wrongfully taken the child from a State without justification, or engaged in similar unjustifiable conduct, unless no other State would have jurisdiction under any provision of subsection (c).

TITLE VII—SEXUAL ASSAULT PREVENTION

Subtitle A—Standards, Practice, and Training for Sexual Assault Examinations

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Standards, Practice, and Training for Sexual Assault Examinations Act''.

SEC. 702. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT EXAMINATIONS.

(a) IN GENERAL.—The Attorney General shall—

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate evidence collection; and

(3) review existing national, State, and local protocols on sexual assault for forensic examinations, and based on this review, develop a recommended national protocol, and establish a mechanism for its nationwide dissemination.

(b) CONSULTATION.—The Attorney General shall consult with national, State, and local experts in the area of rape and sexual assault, including but not limited to, rape crisis centers, State sexual assault and domestic violence coalitions and programs, criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, sex crimes in underserved communities as defined in 42 U.S.C. 3796gg–2(7).

(c) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, a report of the directives in subsection (a) is submitted to Congress.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000 for fiscal year 1999.

Subtitle B—Prevention of Custodial Sexual Assault by Correctional Staff

SEC. 711. SHORT TITLE.

This subtitle may be cited as the ''Prevention of Custodial Sexual Assault by Correctional Staff Act''.

SEC. 712. FINDINGS.

Congress finds the following:

(1) According to an extensive 1996 report by the Women's Rights Project of Human Rights Watch, sexual abuse of women prisoners by correctional officers is a serious problem in our Nation's prisons, jails, and correctional facilities.

(2) Custodial sexual assault of women by correctional officers includes documented incidents of vaginal, oral, and anal rape.

(3) Because correctional officers wield near absolute power over female prisoners, officers may abuse that power to sexually assault and abuse female prisoners, as well as engage in constant groping, harassment, and other abuse.

SEC. 713. ESTABLISHMENT OF PREVENTION PROGRAM.

(a) PROGRAM GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall establish guidelines for States and disseminate such information to the States regarding the prevention of custodial sexual misconduct by correctional staff.

(2) REQUIREMENTS.—Such guidelines shall include requirements that—

(A) prohibit a State department of corrections from hiring correctional staff who have been convicted on criminal charges, or found liable in civil suits, for custodial sexual misconduct; and

(B) each State department of corrections maintain databases, including the names and identifying information of individuals who have been convicted on criminal charges or found liable in civil suits for custodial sexual misconduct and to check these databases prior to hiring any correctional staff.

(3) NATIONAL DATABASE.—This information shall also be submitted to the Department of Justice where it will be maintained and updated on a national database.

(b) RELEASE OF INFORMATION.—The information collected under subsection (a)(2) shall be treated as private data except that—

(1) such information may be disclosed to law enforcement agencies for law enforcement purposes;

(2) such information may be disclosed to government agencies conducting confidential background checks; and

(3) the designated State law enforcement agency and any local law enforcement agency authorized by the State agency may release relevant information that is necessary to protect prisoners concerning a specific person whose name is included in the database, except that the identity of a victim of

an offense that requires information to be maintained under this section shall not be released.

(c) IMMUNITY FOR GOOD FAITH CONDUCT.—Law enforcement agencies, employees of law enforcement agencies, and State officials shall be immune from criminal or civil liability for good faith conduct in releasing information under this section.

(d) INELIGIBILITY FOR FUNDS.—

(1) IN GENERAL.—A State that fails to implement the program as described under this section shall not receive 10 percent of the funds that would otherwise be allocated to the State under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13701).

(2) REALLOCATION.—Any funds that are not allocated for failure to comply with this section shall be reallocated to States that comply with this section.

(3) COMPLIANCE DATE.—Each State shall have not more than 3 years from the date of enactment of this Act in which to implement this section, except that the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement this section.

SEC. 714. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''correctional staff'' means any employee, contractual employee, volunteer, or agent of a correctional department who is working in any contact position with any prisoners under the jurisdiction of that department; and

(2) the term ''custodial sexual misconduct'' means any physical contact, directly or through the clothing, with the sexual or intimate parts of a person for the purpose of sexual gratification of either party, when the—

(A) parties involved are a person in custody of a correctional department and a member of the correctional staff; or

(B) contact occurs under circumstances of coercion, duress, or threat of force by a member of the correctional staff.

TITLE VIII—FULL FAITH AND CREDIT FOR PROTECTION ORDERS

SEC. 801. FULL FAITH AND CREDIT FOR PROTECTION ORDERS.

(a) Section 2265 of title 18, United States Code, is amended by adding at the end the following:

''(d) FORMULA GRANT REDUCTION FOR NONCOMPLIANCE.—

''(1) REDUCTION.—The Attorney General shall reduce by 10 percent (for redistribution to other participating States that comply with subsections (a) and (b)) the amount a State would receive under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 if such State fails to comply with the requirements of subsections (a), (b), and (c).

''(2) EFFECTIVE DATE.—The Attorney General may begin to reduce funds described in paragraph (1) on the first day of each fiscal year succeeding the first fiscal year beginning after the date of the enactment of this subsection.

''(e) REGISTRATION.—Nothing in this section shall require prior filing or registration of a protection order in the enforcing State in order to secure enforcement pursuant to subsection (a). Nothing in this section shall permit a State to notify the party against whom the order has been made that a protection order has been registered and/or filed in that State.''

''(f) NOTICE.—Nothing in this section shall require notification of the party against whom the order was made in order to secure enforcement by a law enforcement officer pursuant to subsection (a).''.

(b) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by inserting ''issued pursuant to State divorce and child custody codes'' after ''custody orders''; and

(2) by adding ''Custody and visitation provisions in protection orders are subject to the mandates of this chapter.'' after ''seeking protection.''.

(b) COMPLIANCE—FULL FAITH AND CREDIT.—Within 180 days, the Attorney General shall issue regulations to determine whether a State is in compliance with 18 U.S.C. 2265(a), (b), and (c), taking into account the following factors:

(1) The State's documented good faith efforts to ensure compliance by judicial, law enforcement, and other State officials, including the extent and nature of any training programs, outreach, and other activities.

(2) The degree to which any case of noncompliance by a State official represents an isolated incident, rather than a pattern of nonenforcement.

(3) Any barriers to compliance presented by outdated technology, recordkeeping problems, or similar issues, and the State's documented good faith efforts to removing those barriers.

SEC. 802. GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General may provide grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and recordkeeping strategies to assist States, Indian tribal governments, and units of local government to enforce protective orders issued by other States, Indian tribal governments, or units of local government.

(b) USES OF FUNDS.—

(1) IN GENERAL.—Grants under this section shall provide training and enhanced technology compatible with existing law enforcement systems including the National Crime Information Center to enforce protection orders.

(2) USES OF FUNDS.—Funds received under this section may be used to train law enforcement, prosecutors, court personnel, and others responsible for the enforcement of protection orders, and to develop, install, or expand data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking protection orders and violations of protection orders and training.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section, $5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

TITLE IX—FEDERAL WITNESS PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE

SEC. 901. WITNESS PROTECTION.

(a) GENERALLY.—Section 3521(a)(1) of title 18, United States Code, is amended by inserting ''or of a victim of an offense set forth in chapter 110A of this title directed at victims of domestic violence,'' after ''other serious offense,''.

(b) OTHER ACTIONS.—Section 3521(b)(1) of title 18, United States Code, is amended by inserting ''or a victim of domestic violence,'' after ''potential witness,''.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Attorney General shall establish guidelines for determining eligibility for the Federal witness protection program of persons who are eligible for that program under the amendment made by subsection (a).

TITLE X—CIVILIAN JURISDICTION FOR CRIMES OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE

SEC. 1001. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES BY PERSONS ACCOMPANYING THE ARMED FORCES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

''CHAPTER 212—DOMESTIC VIOLENCE AND SEXUAL ASSAULT OFFENSES COMMITTED OUTSIDE THE UNITED STATES

''Sec.

''3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

''3262. Definitions for chapter.

''§ 3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

''(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct that would constitute a misdemeanor or felony domestic violence or sexual assault offense, if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be subject to prosecution in the Federal District Court of the jurisdiction of origin.

''(b) CONCURRENT JURISDICTION.—Nothing contained in this chapter deprives courts-martial, military commissions, provost courts, or other military tribunals of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by courts-martial, military commissions, provost courts, or other military tribunals.

''(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General of the United States or the Deputy Attorney General of the United States (or a person acting in either such capacity), which function of approval shall not be delegated.

''§ 3262. Definitions for chapter

''As used in this chapter—

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

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

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

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

''(C) is not a national of the host nation; and

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

''(A) is a dependent of a member of the armed forces;

''(B) is a dependent of a civilian employee of the Department of Defense;

''(C) is residing with the member or civilian employee outside of the United States; and

''(D) is not a national of the host nation.''

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title

18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

"212. Domestic Violence and Sexual Assault Offenses Committed Outside the United States ..... 3261".

TITLE XI—PREVENTING VIOLENCE AGAINST WOMEN IN TRADITIONALLY UNDERSERVED COMMUNITIES

SEC. 1101. ELDER ABUSE, NEGLECT, AND EXPLOITATION.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms 'elder abuse, neglect, and exploitation', 'domestic violence', and 'older individual' have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(2) SEXUAL ASSAULT.—The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(b) CURRICULA.—The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers and prosecutors in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older individuals.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

TITLE XII—VIOLENCE AGAINST WOMEN TRAINING FOR HEALTH PROFESSIONS

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Violence Against Women Training for Health Professions Act''.

SEC. 1202. DOMESTIC VIOLENCE AND SEXUAL ASSAULT FORENSIC EVIDENCE.

(a) IN GENERAL.—In the case of a health professions, the Attorney General shall award grants and contracts, giving preference to any such entity (if otherwise a qualified applicant for the award involved) that has in effect the requirement that, as a condition of receiving a degree or certificate (as applicable) from the entity, each student have had significant training developed in consultation and collaboration with national, State, and local domestic violence and sexual assault coalitions and programs in carrying out the following functions as a provider of health care:

(1) Identifying victims of domestic violence and sexual assault, and maintaining complete medical records that include documentation of the examination, treatment given, and referrals made, and recording the location and nature of the victim's injuries.

(2) Examining and treating such victims, within the scope of the health professional's discipline, training, and practice.

(b) RELEVANT HEALTH PROFESSIONS ENTITIES.—For purposes of paragraph (1), a health professions entity specified in this paragraph is any entity that is a school of medicine, a school of osteopathic medicine, a graduate program in mental health practice, a school of nursing, a program for the training of physician assistants, or a program for the training of allied health professionals.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of the Violence Against Women Training for Health Professions Act, the Attorney General shall submit to the House of Representatives, and the Senate, a report specifying the health professions entities that are receiving grants or contracts under this section; the number of hours of training required by the entities for purposes of such paragraph; the extent of clinical experience so required; and the types of courses through which the training is being provided, including the extent of involvement of nonprofit nongovernmental domestic violence and sexual assault victims services programs in the training.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''domestic violence'' includes acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; and

(2) the term ''sexual assault'' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

TITLE XIII—VIOLENCE AGAINST WOMEN INTERVENTION, PREVENTION, AND EDUCATION RESEARCH

Subtitle A—Violence Against Women Prevention, Detection and Investigation Research

SEC. 1301. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) According to a Panel on Research on Violence Against Women convened by the National Research Council in response to the mandates by the Violence Against Women Act of 1994—

(A) significant gaps exist in understanding the extent and causes of violence against women and the impact and the effectiveness of education, prevention, and interventions;

(B) funding for research on violence against women is spread across numerous Federal agencies with no mechanism through which to coordinate these efforts or to link with other federally sponsored research initiatives; and

(C) research on violence against women would benefit from an infrastructure that supports interdisciplinary efforts and aids in integrating these efforts into practice and policy.

(2) Despite the increased funding to prevent and respond to violence against women in underserved populations, few studies have examined incidence and prevalence data from the perspective of racial, ethnic, language, age, disability, and other underserved populations. Moreover, little is known about the types of prevention, detection, and investigation strategies that are most effective in underserved populations.

(3) Most studies currently focus on aspects of domestic violence related to physical abuse. Few studies explore the harm caused by emotional and psychological abuse and the appropriate prevention, detection, and investigation strategies for victims experiencing this form of abuse.

(4) Violence exposure as a risk factor for disease must be examined for a range of diseases and diagnoses to better understand the correlation between violence and disease including intervening variables.

(5) Violence against women occurs within the context of a sociocultural environment that should be studied to assist in a greater understanding of those factors that promote and maintain violence against women and to provide a framework for developing and assessing education, prevention, and intervention strategies.

SEC. 1302. TASK FORCE.

(a) PURPOSES.—The Attorney General shall establish a task force to coordinate research on violence against women. The task force shall comprise representation from all Federal agencies that fund such research.

(b) USES OF FUNDS.—Funds appropriated under this section shall be used to—

(1) develop a coordinated strategy to strengthen research focussed on education, prevention, and intervention strategies on violence against women;

(2) track and report on all Federal research and expenditures on violence against women;

(3) identify gaps in research and develop criteria for all Federal agencies for evaluating research proposals, taking into account the context within which women live their lives, including the broad social and cultural context as well as individual factors; and

(4) set priorities for research efforts that explore factors such as race, social, and economic class, geographic location, age, language, sexual orientation, disability, and other factors that result in violent crimes against women.

(c) AUTHORIZATION OF APPROPRIATION.—There shall be appropriated $500,000 for each of fiscal years 1999, 2000, and 2001 to fulfill the purposes of this section.

SEC. 1303. PREVENTION, DETECTION, AND INVESITIGATION RESEARCH GRANTS.

(a) PURPOSES.—The Department of Justice shall make grants to entities, including domestic violence and sexual assault organizations, research organizations, and academic institutions, to support research to further the understanding of the causes of violent behavior against women and to evaluate prevention, detection, and investigation programs.

(b) USE OF FUNDS.—The research conducted under this section shall include, but not be limited to the following areas and others that may be identified by the Task Force established under section 1302 of this title—

(1) longitudinal research to study the developmental trajectory of violent behavior against women and the way such violence differs from other violent behaviors;

(2) examination of risk factors for sexual and intimate partner violence for victims and perpetrators, such as poverty, childhood victimization and other traumas;

(3) examination of short- and long-term efforts of programs designed to prevent sexual and intimate partner violence;

(4) outcome evaluations of interventions targeted at children and teenagers;

(5) examination of and documentation of the processes and informal strategies women experience in attempting to manage and end the violence in their lives; and

(6) development and testing of effective methods of screening and providing services at all points of entry to the health care system, including mental health, emergency medicine, and primary care.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $6,000,000 for each of the fiscal years 1999, 2000, and 2001 to carry out this section.

SEC. 1304. ADDRESSING GAPS IN RESEARCH.

(a) PURPOSES.—The Department of Justice shall make grants to domestic violence and sexual assault organizations, research organizations and academic institutions for the purpose of expanding knowledge about violence against women, with a particular emphasis on exploring such issues as they affect underserved communities.

(b) USES OF FUNDS.—Funds appropriated under this section shall be used to examine, but not be limited to, the following areas—

(1) development of national- and community-level survey studies to measure the incidence and prevalence of violence against women in underserved populations and the definitions women use to describe their experience of violence;

(2) qualitative and quantitative research to understand how factors such as race, ethnicity, socioeconomic status, age, language, disability, and sexual orientation that result in violent crimes against women;

(3) study of the availability and accessibility of State and local legal remedies to victims of intimate partner violence within the context of a same sex intimate relationship;

(4) the use of nonjudicial alternative dispute resolution (such as mediation, negotiation, conciliation, and restorative justice models) in cases where domestic violence is a factor, comparing nonjudicial alternative dispute resolution and traditional judicial methods based upon the quality of representation of the victim, training of mediators or other facilitators, satisfaction of the parties, and outcome of the proceedings, as well as other factors that may be identified; and

(5) other such research as may be determined by the Task Force established under section 1302 in consultation with domestic violence and sexual assault advocates, coalitions, national experts, and researchers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,500,000 for each of fiscal years 1999, 2000, and 2001 to carry out this section.

SEC. 1305. STUDY.

The United States Sentencing Commission shall study the following and report to the Congress—

(1) sentences given to persons incarcerated in Federal and State prison for assault or homicide crimes in which the relationship to the victim was a spouse, former spouse, or intimate partner;

(2) the effect of illicit drugs and alcohol on domestic violence and the sentences imposed for offenses involving such illicit drugs and alcohol where domestic violence occurred;

(3) the extent to which acts of domestic violence committed against the defendant, including coercion, may play a role in the commission of an offense;

(4) analysis delineated by race, gender, type of offense, and any other categories that would be useful for understanding the problem; and

(5) recommendations with respect to the offenses described in this section particularly any basis for a downward adjustment in any applicable guidelines determination.

SEC. 1306. STATUS REPORT ON LAWS REGARDING RAPE AND SEXUAL ASSAULT OFFENSES.

(a) STUDY.—The Attorney General, in consultation with national, State, and local domestic violence and sexual assault coalitions and programs, including, nationally recognized experts on sexual assault, such as from the judiciary, the legal profession, psychological associations, and sex offender treatment providers, shall conduct a national study to examine the status of the law with respect to rape and sexual assault offenses and the effectiveness of the implementation of laws in addressing such crimes and protecting their victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required under subsection (a), the Attorney General shall prepare a report, including an analysis of the uniformity of the rape and sexual assault laws including sex offenses committed against children and sex offenses involving penetration of any kind among the States and their effectiveness in prosecuting crimes of rape and sexual assault offenses as follows:

(1) Definitions of rape and sexual assault, including any marital rape exception and any other exception or downgrading of offense.

(2) Element of consent and coercive conduct, including deceit.

(3) Element of physical resistance and affirmative nonconsent as a precondition for conviction.

(4) Element of force, including penetration requirement as aggravating factor and use of coercion.

(5) Evidentiary matters—

(A) inferences—timeliness of complaint under the Model Penal Code;

(B) post traumatic stress disorder (including rape trauma syndrome) relevancy of scope and admissibility;

(C) rape shield laws—in camera evidentiary determinations;

(D) prior bad acts; and

(E) corroboration requirement and cautionary jury instructions.

(6) Existence of special rules for rape and sexual assault offenses.

(7) Use of experts.

(8) Sentencing—

(A) plea bargains;

(B) presentence reports;

(C) recidivism and remorse;

(D) adolescents;

(E) psychological injuries;

(F) gravity of crime and trauma to victim; and

(G) race.

(9) Any personal or professional relationship between the perpetrator and the victim.

(10) Any recommendations of the Attorney General for reforms to foster uniformity among the States in addressing rape and sexual assault offenses in order to protect victims more effectively while safeguarding due process.

(c) DEFINITION.—For purposes of this section, the term ''rape and sexual assault offenses'' includes carnal knowledge of a child, abduction with intent to defile, indecent liberties, beastiality, forcible sodomy, sexual penetration with an animate or inanimate object, forced sexual intercourse (labia majora penetration or anus penetration), cunnilingus, fellatio, anallingus, anal intercourse, sexual battery, aggravated sexual battery, and sexual abuse, accomplished by use of force, threats, or intimidation.

(d) REPORT.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to Congress.

(e) AUTHORIZATION OF APPROPRIATION.—It is authorized that $200,000 be appropriated to carry out the study required by this section.

SEC. 1307. RESEARCH CENTERS.

The Attorney General shall establish 3 research centers to support the development of research and training program to focus on violence against women, to provide mechanisms for collaboration between researchers and practitioners, and to provide technical assistance for integrating research into service provision. Each Center shall be organized around a research area such as epidemiology and measurement of violence against women, causes and risk factors, and prevention and intervention evaluation research. At least one of the centers shall be established at an entity other than an academic institution. There are authorized to be appropriated $3,000,000 for each of the fiscal years 1999, 2000, and 2001 to carry out this section.

The CHAIRMAN pro tempore. Pursuant to House Resolution 465, the gentleman from Michigan (Mr. CONYERS) and a Member opposed will each control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

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

Mr. Chairman, in some respects, this may be the most significant amendment to this legislation. It has been worked on by many Members and many organizations, and I urge its consideration, because it would add several important titles to the bill, all designed to combat violence against women.

Mr. Chairman, the amendment provides grants to states for law enforcement and prosecution to combat violence against women and to encourage police departments to initiate pro-arrest policies in domestic violence cases. It provides standards, practices and training for sexual assault examinations in order to assure that the necessary forensic evidence is gathered to prosecute sexual assault cases.

It has a provision designed to protect children from domestic violence and sexual assault, allowing those with legal custody or visitation rights to a child to use as a defense to the charge of parental kidnapping the fact that the child has been subject to domestic violence or sexual assault. In order, however, to maintain this defense, the domestic violence must have previously been reported to law enforcement authorities.

The amendment also provides standards and training for sexual assault examinations, in order to ensure that such examinations are conducted in a uniform and professional manner that best preserves the evidence and to improve recognition of injuries suggestive of sexual assault. The Attorney General is also directed to develop a recommended protocol for these examinations.

The amendment that is before us now includes a section to prevent custodial sexual assault. The problem of custodial sexual assault is an extensive one, well-documented by the Women's Rights Project of Human Rights Watch. Because correctional officers wield near absolute power over female prisoners, officers occasionally abuse that power to assault and abuse female inmates. This amendment requires the Attorney General to establish guidelines for states to initiate programs to prevent such conduct.

In addition, we provide for reducing states' Byrne grant funding if they fail to give full faith and credit to the protections issued by other states. In the 1994 Crime Bill, as part of the original Violence Against Women Act, we enacted a provision requiring states to enforce the protective orders of other states. Notwithstanding, many states still refuse to enforce the protective orders of other states.

What we do in this part of our amendment is put teeth into the original law by advising states that if they fail to enforce protective orders, they

will lose money. I think as a result of this section that this problem will rapidly disappear. Once states realize that failure to enforce protective orders has serious financial consequences, I am confident that they will step up their enforcement efforts.

In another effort to prosecute serious domestic violence offenders, this amendment contains a provision to allow the victims of Federal domestic violence to enter the Federal Witness Protection Program, if necessary. In this way, we ensure victims will be willing to testify against those who are the most serious offenders. This is a problem that I have had judges comment on more than once, about people who are afraid to go to court because they are afraid of the consequences that they had been threatened with.

There are other provisions here that include a section providing civilian jurisdiction for sexual assault in domestic violence crimes committed outside of the United States by individuals accompanying the armed services, and another place where we authorize the Attorney General to develop a curricula to train law enforcement officers and prosecutors in recognizing, addressing, investigating and prosecuting elder abuse, negative and exploitation.

Mr. Chairman, finally, the last title of the amendment provides research for prevention, detection and investigation of violence against women, requiring that the United States Sentencing Commission study the sentences given domestic violence defendants and to make recommendations regarding those sentences, if adjustment is necessary.

This title would require the Attorney General to, again, conduct a study to examine the status of the law with respect to rape and sexual assault offenses and the effectiveness of the implementation of existing laws in addressing such crimes and protecting victims. Because the provisions contained in this are all geared to fighting those who prey on women and children, and because this amendment is drawn from the Violence against Women Act, which the gentlewoman from Maryland (Mrs. MORELLA) has done an outstanding job in helping us garner over 100 sponsors for, I urge all Members to support the amendment and vote in favor of the only legislation related to violence against women that will likely come through this 105th Congress.

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

Mr. MCCOLLUM. Mr. Chairman, I do not oppose this amendment. Unless there is another Member in opposition, I ask unanimous consent to claim the time in opposition.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. MCCOLLUM) is recognized for 30 minutes.

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

Mr. Chairman, as I indicated, I do not plan to oppose the Conyers amendment, but I do have, as the gentleman knows, serious reservations about some of the features in this amendment. I feel the gentleman has worked diligently with my team in the subcommittee to work out some of the problems that they perceived. Others we may need to address down the road in the conference.

First of all, the Republican side of the aisle, our side, has a record on domestic violence and the 1994 Crime Bill's Violence Against Women Act that I think is abundantly clear. We have been highly supportive of many programs that have become crucial resources to battered and abused women throughout the country. By the end of this year, the Republican Congress will have spent nearly $1 billion over four years on the Violence Against Women Program.

The Conyers amendment focuses almost entirely on domestic violence and elder abuse, but contains no provisions pertaining specifically to sexual crimes against children, which is the heart of the underlying bill. While domestic violence and elder abuse are very important issues, to which Congress has responded in numerous ways over the fast fiscal years, H.R. 3494 is focused specifically on sex crimes against children.

Subtitle A of the amendment provides for reauthorization of a 1994 Violence Against Women Act program which provides grants to states for law enforcement and prosecution to combat violence against women. While we support the goals of the grant program and the strong enforcement of the domestic violence laws, the need to reauthorize the program is not imminent. It does not expire until the year 2000. We may want to examine the currently existing program to see if it could be improved upon between now and then.

Title 8 will reduce states' Federal crime fighting funds in the Byrne Grant Program if they fail to enforce protection orders issued by other states, as is currently required by Federal law. While I certainly support the goals of the proposal, I am generally opposed to provisions which further reduce Byrne Grant penalties for failing to do something required by Congress.

Title 181 allows victims of Federal domestic violence to enter into the Federal Witness Protection Program. This program originally was established for witnesses for organized crime prosecutions. No assessment has been made as to the cost and the ability of the program to incorporate this influx of women or families entering into the program.

While I have these concerns that I have expressed about the amendment, as I said earlier, the gentleman from Michigan has been very accommodating when we worked with his staff to bring the amendment to the floor, and, consequently, I will support the amendment in the form it is in today, with the understanding we can work out some of these concerns further in conference, and I believe the gentleman is agreeable to that.

Mr. Chairman, with that in mind, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield such time as she may consume to the gentlewoman from Michigan (Ms. STABENOW), who has worked at not only the Federal level, but at the state level as a state senator and with national organizations for many years.

Ms. STABENOW. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I would first rise to commend the gentleman from Florida (Mr. MCCOLLUM) for his leadership on the underlying bill. This is a critical issue in terms of protecting children. Having been involved for the last 20 years in Michigan on the issue of child abuse and neglect, I am very aware of the need for this legislation, and appreciate the gentleman's leadership.

I also rise to support the amendment that adds to what I believe is an important bill and strengthens it to focus on domestic violence. Every 18 seconds in our country, a woman is abused in her home or by someone that she knows very closely, and usually there are children involved in that situation. So this is a family issue. If we wish to stop this cycle of abuse and certain child predators that are familiar to the child, we need to focus on the broad issue of domestic violence.

I am very pleased that the gentleman from Michigan (Mr. CONYERS) has included H.R. 3910 into this amendment, which is legislation that I introduced a month or so ago that focuses on the issue of training. I would just emphasize for a moment that this amendment is important as we take the next step in protecting women and children from domestic violence.

We have on the books around the country now laws that say domestic violence is a crime. We have shelters. I was very pleased in 1979 to lead the effort in Lansing, Michigan, to create one of the first two domestic violence shelters in Michigan. We have the laws on the books; we have the shelters.

However, we do not see the level of enforcement happening evenly across our country because we have not provided the resources to train and support law enforcement officers, to provide them with the tools they need to work in a team, to provide the resources and the equipment that they need, and to be able to allow them to collect data and have the technical assistance to be able to fully utilize the laws that are on the books.

The Conyers amendment is critical in guaranteeing that the resources are available for our judiciary, our prosecutors, our law enforcement agencies, so that the training and the support is

there, so that the protections that are now on the books for women and children can be fully utilized.

Mr. Chairman, I believe one of the most basic issues affecting us today in our society is the issue of violence in the home. If we in our communities can band together, if we can provide resources at the Federal level so that our local communities can develop the teams that they need to enforce, to educate, to be involved, to help our victims, and, preferable, to prevent domestic violence before it happens, we will save undue costs, immeasurable costs, in other systems, that we will not have to employ all across the community to pick up the pieces from domestic violence.

□ 1500

I urge the adoption of the amendment, the inclusion of it as it moves through the process. Again, I commend the sponsor of the underlying amendment and the gentleman from Michigan (Mr. CONYERS) for his foresight in focusing on domestic violence in this important legislation.

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding to me, and I thank him also for his leadership as chair of the Subcommittee on Crime of the Committee on the Judiciary, and his willingness to support allowing the Conyers amendment.

I rise in strong support of the Conyers amendment. Again, I want to thank the gentleman from Michigan (Mr. CONYERS) for the yeoman's work he has done championing the fight against domestic violence in all regards.

This is an amendment that has bipartisan support. I also want to thank the gentlewoman from Michigan (Ms. STABENOW) who has always been there, the gentlewoman from New York (Mrs. LOWEY), and a lot of others, the gentlewoman from Washington (Ms. DUNN) who support very strongly what we are doing and can do against domestic violence.

I am very pleased and very excited about this amendment because it adds several critical provisions to the Violence Against Women Act to H.R. 3494, and it strengthens the commitment of this Congress to our Nation's families, protecting women and children from the crimes of domestic violence, child abuse, and sexual assault.

The legislation will also provide, I am assured, funding for victims services. I am pleased the legislation will help train medical personnel in treating victims of domestic violence and sexual assault legislation that I have introduced.

Every year, more than 3 million children are exposed to violence in their homes. Children who witness such violence then often suffer from depression and anxiety. They frequently react in two ways. They either learn aggressive behaviors, or they become passive and indifferent. The result is often school violence, truancy, street crime, drug abuse, teenage pregnancies, and even suicide.

In a national survey of over 6,000 families, 50 percent of the men who assaulted their wives also frequently abused their children. A 1994 Child Welfare League of America report indicated that children from homes where domestic violence occurs are physically abused and/or seriously neglected at a rate 15 times the national average.

The abuse does not always stop at separation and divorce. Sometimes it escalates. Custody litigation or the threat of it becomes another weapon for the batterer. Shared custody, when there is a history of abuse, often sets the stage for continued access to the victim and her children.

Fearing for their own lives and their children's, many battered women flee with their children to family, friends, and shelters, many crossing over State lines. Many live as fugitives. In desperation, these parents defy court visitation and custody orders and, as a result, face prosecution by State and Federal authorities on charges of kidnapping, custodial interference, and/or contempt of court.

Today these protected parents have no defense against these criminal charges. Currently, some States will consider an affirmative defense based on credible evidence of domestic violence or child abuse for women fleeing to protect themselves and their children. But there is no Federal law guaranteeing that defense.

Moreover, such a defense would extend the protections for battered women and their children that already exist under the International Parental Kidnapping Prevention Act.

Mr. Chairman, the Conyers amendment will protect and save the lives of America's women and children. I urge my colleagues to support it.

Mr. CONYERS. Mr. Chairman, I yield as much time as she may consume to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the author of this amendment, the gentleman from Michigan (Mr. CONYERS), the distinguished ranking minority member on the committee, and I thank the gentleman from Florida (Mr. MCCOLLUM) for their work on this important issue.

I rise in strong support of the Conyers amendment. My colleagues, the Child Protection and Sexual Predator Punishment Act is a good bill. The Conyers amendment will make it even better. Domestic violence strikes every 15 seconds in our Nation. Six million women are battered every year, 4,000 of them battered to death. These figures are absolutely unacceptable. We must ensure that every American household is free from the scourge of violence.

Mr. Chairman, for too long, our Nation turned a blind eye towards domestic violence. Thankfully that has begun to change.

In 1994, this Congress took a significant step forward in the war against domestic violence by passing the Violence Against Women Act. The amendment offered by the distinguished ranking member today will build on this landmark legislation by giving law enforcement additional resources to fight violence against women.

The Conyers amendment, which includes provisions contained in recently introduced Violence Against Women Act II will help protect women and their children by encouraging local communities to initiate pro-arrest policies by educating prosecutors, judges, and medical professions about domestic violence and by shielding victims from further abuse.

It will keep children safe by allowing States to refuse to recognize a custody order from another State if evidence of domestic violence or sexual assault was overlooked in the custody decision. It will improve the way we investigate and prosecute sexual assault cases.

It is my hope, Mr. Chairman, that this House will also pass the other important provisions in the Violence Against Women Act II this year, provisions that would increase resources to battered women's shelters, encourage employers to establish antiviolence protections at work, improve student safety, expand prosecution for hate crimes, and increase domestic violence victims' access to legal services.

Once again, I thank the gentleman from Michigan (Mr. CONYERS) for his leadership on this amendment. I thank my colleague, the gentlewoman from Maryland (Mrs. MORELLA) with whom I have worked on this issue for a very long time, and we have had some very important results. I thank the gentlewoman from Michigan (Ms. STABENOW) and all my colleagues who have been leaders and understand the importance of domestic violence reform.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume for a colloquy with the gentleman from Florida (Mr. MCCOLLUM).

In an effort to satisfy the germaneness concerns in title IV of this amendment, I deleted a reference to victim services and to change a formula for grant distribution.

The long and short of this discussion is that we want to fully encompass all of the program's purposes under the current law, and we are hoping that we can keep this in mind because we had to satisfy the bottleneck requirement of parliamentary germaneness. That is where this discussion goes.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I am pleased to yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I understand the gentleman's concern and agree there was no intent to remove the victims services from the grant

program, which is what the gentleman had to do, as I understand it, to get germaneness satisfied. I will be happy to work with the gentleman in the conference to restore the reference to victims services as well as the original grant distribution formula. I am more than happy to do that.

Mr. CONYERS. I thank the gentleman from Florida.

Mr. MCCOLLUM. I am sorry it did not meet the germaneness requirement.

Mr. CONYERS. Mr. Chairman, how much time remains on our side?

The CHAIRMAN pro tempore (Mr. CHAMBLISS). The gentleman from Michigan (Mr. CONYERS) has 15½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding to me. I especially thank him for his leadership. I can do that with respect to at least some of the bills in his package for the entire Women's Caucus because the Women's Caucus has agreed that Title I in the reauthorizations of a Violence Against Women Act should all be enacted, and two of the gentleman's provisions come from Title I.

I want this body to know, therefore, that the women of the House do want, especially these two provisions, to be enacted. One is subtitle A for law enforcement and prosecution grants to States to strengthen law enforcement and prosecution strategies to combat violent crimes against women. The other are grants to encourage arrest policies.

We cannot say enough about the need to encourage and implement arrests when, in fact, we know that, in very many of these cases, that is really the only strategy to prevent violence against women and children.

Beyond these two sections of the gentleman's amendment are a number that I personally support, and I believe the great majority of the women in the House support, but are not on our list of bills.

We have already met with the minority leader because the Women's Caucus has seven must-pass bills this year that we have overwhelming support in our caucus for. We believe since we are a strongly and rigorously bipartisan caucus that we have support, therefore, in the entire House. I have indicated what the two provisions are from the amendment of the gentleman from Michigan (Mr. CONYERS).

Let me say for myself and for so many other Members that his provision from title 6 limiting the effects of violence on children is so important. Perhaps Members saw the piece that was on national television this week about an underground that seeks to take children who are or have been abducted or have been sexually abused. This provision would free a custodial parent from a kidnapping or child abduction charge if that parent, of course, has custody.

I must say the gentleman has chosen carefully the provisions of his amendment. It is difficult for me to believe that there is any Member of this House who would oppose any of his amendments, and I think only a few dollars here and there stand between him and this entire amendment.

I compliment the gentleman for saying he does not oppose the gentleman's amendments. Some of them should be slam dunk. Taking 10 percent of a State's Byrne grant when it fails to support the protective order of another State is absolutely essential as one more example of why this bill is, for all intents and purposes, a motherhood bill. I appreciate the gentleman for bringing it forward.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in support of the Conyers amendment which seeks to combat the frightening realities of domestic violence. Domestic violence robs its victims of their health, their dignity, and their personal safety.

We speak so often in this chamber about the importance of keeping our families safe and healthy. I believe that, as well as protecting our families from the dangers of the outside world, we must also protect them from the violence which may occur inside the home.

The Conyers amendment continues the efforts begun by the landmark Violence Against Women Act of 1994, and I urge my colleagues to vote in favor of it.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary who has given yeoman service in this area.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman from Michigan (Mr. CONYERS) has been more than persistent and dedicated on this issue and with the joint cooperation, collaboration, and help of the gentleman from Florida (Mr. MCCOLLUM).

It is very vital that I rise to the floor of the House to support the Conyers amendment. But when I say vital, it is vital for the survival and continuity of the Violence Against Women Act, which is part of that act for 1998. But we now have the opportunity to move this forward.

I think it is keenly important to emphasize what your purpose was and why it is so important to move this aspect of the legislation to be part of H.R. 3494.

First of all, it deals with the assistance to local law enforcement and Federal law enforcement who are overwhelmed. They tell you they are overwhelmed with these insidious crimes. Of course we would like to be able to say that we have extinguished these violence acts against women, that there is a recognition there that this will not be tolerated, but, tragically, that is not the case.

□ 1515

So the gentleman provides assistance to law enforcement agencies, important research. Many times we believe that a crime is only finding the perpetrator, locking that person up. Crime has a lot to do with researching how best to implement the laws, how best to stop the crime from happening.

The Violence Against Women Act deals with violent acts against women, and I am here to say that, unfortunately, those acts have not stopped. In fact, they are increasing or still existing. Whether it is a domestic violence question, whether it is date rape, whether it is another altercation, these kinds of tragedies still occur. I think this is an appropriate vehicle for which we can implement these particular aspects that are so very important.

It is well that the gentleman has included the limits on violence on children, and one thing that we do not talk a lot about, and that is elderly abuse. It is a silent, if you will, action, where maybe the person who is taking care of the elderly person is under stress, maybe it is a sickly elderly person that has been sick, and that brings about, in someone's mind and heart, frustration.

We know doctors have documented the extensive amount of violence against the elderly, sometimes in nursing homes. This is not a blanket indictment of nursing homes. Sometimes it is personally in homes. I have read stories where they have taken the older child into custody because, out of frustration, they have done something. They have abused, whether it is physical abuse or actually mental abuse, they have abused that elderly person. This deals with elderly abuse, and I think it is so very important.

Prevention of custodial sexual assault by correctional staff, which includes the concerns that we have with sexual misconduct in the custody of correctional staff.

Full faith and credit for protective orders. We are very gratified that we live in the United States of America, and we hold very sacred the sovereign rights of States. In fact, this Congress has many times risen to affirm States' rights. But I tell the Members, States' rights is not adequate to ensure that Illinois laws to protect women, children, and the elderly, are as well respected, particular orders, by New York or California or my own State of Texas. So the full faith and credit for protective orders are key, as well.

The Federal witness protection program for victims of domestic violence. Many times we will hear stories of women, such as in my own Houston area women's center, that works so hard with women who have been involved in domestic violence. Most

women leave in the dark of night, or leave when the spouse is away, frightened for themselves. This provides protection for them, sending them off into witness protection programs, so the perpetrator can come to his own justice without the future intimidation of going after that woman and her children.

I believe, Mr. Chairman, this is a valid amendment, and I would simply ask that we quickly pass this, and thank the gentleman from Michigan (Mr. CONYERS) for his leadership, and thank the gentleman from Florida (Mr. MCCOLLUM) as well for his leadership.

Mr. CONYERS. Mr. Chairman, I am pleased to yield such time as he may consume the gentleman from Massachusetts (Mr. DELAHUNT), a former prosecutor with a great deal of experience in this area and a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, let me begin by congratulating and acknowledging the work of the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime; the gentlewoman from Maryland (Mrs. MORELLA), whose work in this area is well known nationally; of course, my friend, the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS); and also a colleague of mine, a new Member, but clearly someone who understands that the issue of domestic violence and the necessity for training in terms of police officers, the courts, the probation service, and the community at large is essential if we are going to continue to deal with the issue of domestic violence in America. That is the gentlewoman from Michigan (Ms. STABENOW).

The ranking member made reference to the fact that, in my former life for more than two decades, I was a prosecutor. I am proud to say that back in 1978 I initiated the first domestic violence unit in the United States. It was not simply out of a concern for women, nor for their children. It was because of a recognition that this is not simply a woman's issue. It is far more. It talks and speaks to what we are about as a community and what we are about as a Nation.

For far too long we have ignored the fact that women and their children were the victims of violence behind closed doors. But it did not stop there. When I initiated that effort back in the mid-1970s, it was because I happened to have within my jurisdiction, as district attorney in the greater Boston area, the maximum security prison in the Commonwealth of Massachusetts.

It became very clear to me quickly that if we were ever going to do anything serious about crime, not just in Massachusetts but in this Nation, we had to address the issue of the violent family, because believe me, violence is a learned behavior.

As a result of that responsibility, of investigating and prosecuting crimes within that institution, I became very familiar with the social history of the inmates that resided in that institution, all male. In excess of 95 percent of the men that were incarcerated in that institution were the legacy of the violent family. They were either the victims of violence or they were witnesses to it.

They learned at home that violence was the norm and it was acceptable. But their conduct did not stop at the threshold of the house, it went into the community. They were not there, incarcerated for crimes of domestic violence, they were there for the whole range of crimes, from drug trafficking to armed robbery to housebreaks to rape against strangers. They had learned violence and carried it into our communities.

Domestic violence is the breeding ground, if you will, for all categories of crime. So the most important crime initiative that we as a Congress can ever, ever institute is to deal with that issue, and that is being done today. That is being done on the floor of this House by these men and women who recognize that particular fact.

I congratulate them, and I urge passage.

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

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

Mr. Chairman, I will not consume much time. I simply want to conclude the debate on the amendment by again reiterating that this side supports the amendment offered by the gentleman from Michigan (Mr. CONYERS). We have supported legislation many times over the years that is designed to help the situation with violence against women, including the Violence Again Women Act.

While there are some technical matters we still have to work out in conference, the gentleman from Michigan (Mr. CONYERS), myself, and others, when this bill goes with the other body, the amendment in its present form is one that I do support to get it there. I think it does contain the germ of improving this current status, and it has some really good ideas in it, so I urge its adoption.

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

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

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 465, proceedings will now resume on amendment No. 9 offered by the gentleman from California (Mr. SHERMAN) on which further proceedings were postponed.

AMENDMENT NO. 9 OFFERED BY MR. SHERMAN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 175, not voting 11, as follows:

[Roll No. 229]

AYES—247

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Bartlett
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bono
Borski
Boswell
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Calvert
Camp
Campbell
Cannon
Capps
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Condit
Cook
Costello
Cox
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
DeFazio
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Emerson
Engel
English
Ensign
Etheridge
Evans
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Green
Gutierrez
Hall (TX)
Hansen
Harman
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kleczka
Klink
Kucinich
LaFalce
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Minge
Moran (KS)
Morella
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Olver
Ortiz
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Serrano
Sherman
Shimkus
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snowbarger
Solomon
Souder
Spratt
Stearns
Stenholm
Strickland
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thune
Tiahrt
Tierney
Torres
Towns

Traficant	Watts (OK)	Wicker
Turner	Waxman	Wise
Upton	Weldon (FL)	Woolsey
Velazquez	Weldon (PA)	Wynn
Walsh	Weller	Yates
Wamp	Weygand	Young (AK)
Watkins	Whitfield	

NOES—175

Archer	Foley	Myrick
Armey	Fowler	Nethercutt
Bachus	Frank (MA)	Northup
Baker	Gekas	Norwood
Ballenger	Gilchrest	Obey
Barr	Gillmor	Owens
Barrett (WI)	Goss	Oxley
Barton	Granger	Paul
Bass	Greenwood	Pelosi
Bateman	Gutknecht	Pickett
Bliley	Hall (OH)	Pitts
Blumenauer	Hamilton	Pombo
Blunt	Hastert	Porter
Boehlert	Hastings (FL)	Portman
Boehner	Hastings (WA)	Rahall
Bonilla	Hefner	Rangel
Bonior	Hobson	Regula
Boucher	Houghton	Riggs
Boyd	Hunter	Rogers
Brady (PA)	Hutchinson	Rohrabacher
Brown (FL)	Hyde	Roybal-Allard
Burr	Jackson (IL)	Rush
Buyer	Johnson, E. B.	Sabo
Callahan	Johnson, Sam	Sanders
Canady	Kanjorski	Sanford
Cardin	Kasich	Scott
Castle	Kilpatrick	Sensenbrenner
Clay	Kind (WI)	Sessions
Clement	King (NY)	Shadegg
Coble	Kingston	Shaw
Coburn	Klug	Shuster
Collins	Knollenberg	Sisisky
Combest	Kolbe	Skaggs
Conyers	LaHood	Smith (OR)
Cooksey	Lampson	Smith (TX)
Coyne	Lantos	Smith, Linda
Cramer	Lee	Snyder
Crane	Lewis (CA)	Spence
Davis (IL)	Linder	Stabenow
Davis (VA)	Livingston	Stark
Deal	Lofgren	Stokes
DeGette	Matsui	Stump
Delahunt	McCollum	Stupak
DeLauro	McCrery	Tanner
DeLay	McDade	Tauscher
Deutsch	McDermott	Tauzin
Dicks	McIntosh	Thomas
Dingell	McKinney	Thompson
Dixon	Meek (FL)	Thornberry
Dooley	Meeks (NY)	Thurman
Duncan	Mica	Vento
Dunn	Millender-McDonald	Visclosky
Edwards	Miller (CA)	Waters
Ehlers	Miller (FL)	Watt (NC)
Ehrlich	Mink	Wexler
Eshoo	Mollohan	White
Everett	Moran (VA)	Wolf
Ewing	Murtha	Young (FL)
Fattah		

NOT VOTING—11

Becerra	Hilliard	Parker
Berman	Inglis	Paxon
Farr	Lewis (GA)	Shays
Gonzalez	Moakley	

□ 1611

Ms. MILLENDER-MCDONALD and Mr. COYNE changed their vote from ''aye'' to ''no.''

Messrs. HORN, METCALF, BRYANT, RADANOVICH, HALL of Texas, Mrs. CHENOWETH, and Messrs. GOODE, WATKINS, LEWIS of Kentucky, MCHUGH, STRICKLAND, YOUNG of Alaska, WHITFIELD, GUTIERREZ, STENHOLM, TALENT, REDMOND, CRAPO, MASCARA, JONES, MCNULTY, TAYLOR of North Carolina, SKELTON, POSHARD, COSTELLO, SOLOMON, NEUMANN, LIPINSKI, KILDEE, ENSIGN, OBERSTAR, DAN SCHAEFER of Colorado, RILEY, POMEROY, CHABOT, HILL, COX of California, HERGER, WYNN, PETERSON of Pennsylvania, ROEMER, Ms. DANNER, and Messrs. SHIMKUS, LEVIN, QUINN, Ms. SLAUGHTER, and Messrs. WALSH, GIBBONS, KLECZKA, EVANS, Ms. SANCHEZ, Mrs. KELLY, and Messrs. FRELINGHUYSEN, PETRI, RODRIGUEZ, MANZULLO, Ms. MCCARTHY of Missouri, Mr. DOGGETT, Ms. WOOLSEY, and Messrs. NEY, TURNER, HINOJOSA, COOK, SKEEN, TOWNS, BENTSEN, CLYBURN, PASCRELL, SMITH of New Jersey, HANSEN, SERRANO, BALDACCI, WEYGAND, Mrs. MALONEY of New York, Mr. MCINNIS, Mr. ALLEN, Mrs. MCCARTHY of New York, Mr. WICKER, Ms. CARSON, and Messrs. WATTS of Oklahoma, LATHAM, MCGOVERN, NUSSLE, Ms. VELÁZQUEZ, Ms. PRYCE of Ohio, and Messrs. CHAMBLISS, GORDON, DICKEY, YATES, MANTON, ENGLISH of Pennsylvania, SAXTON, JOHNSON of Wisconsin, TRAFICANT, Mrs. LOWEY, and Messrs. KUCINICH, REYES, FORD, PAYNE, KIM, MARTINEZ, NEAL of Massachusetts, MARKEY, ISTOOK, BERRY, OLVER, JENKINS, Ms. RIVERS, and Messrs. SMITH of Michigan, RAMSTAD, CALVERT, BARTLETT of Maryland, CUNNINGHAM, PRICE of North Carolina, ETHERIDGE, Ms. FURSE, Mrs. CLAYTON, and Messrs. SUNUNU, BURTON of Indiana, HOSTETTLER, MEEHAN, UPTON, PETERSON of Minnesota, Mrs. CAPPS, and Messrs. PACKARD, BARCIA, WAMP, CHRISTENSEN, GRAHAM, ABERCROMBIE, BARRETT of Nebraska, DREIER, BUNNING, Ms. JACKSON-LEE of Texas, and Messrs. FOSSELLA, GOODLING, HOYER, BROWN of Ohio, HOEKSTRA, RYUN, BISHOP, CAMP, GANSKE, Mrs. CUBIN, and Messrs. JOHN, HULSHOF, GOODLATTE, TIERNEY, WELDON of Pennsylvania, TIAHRT, SAWYER, WISE, CUMMINGS, LUCAS of Oklahoma, PEASE, and Mrs. BONO changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. CHAMBLISS). 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 (Mr. LATOURETTE) having assumed the chair, Mr. CHAMBLISS, 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. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes, pursuant to House Resolution 465, 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 any 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 amendment.

The amendment 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.

MOTION TO RECOMMIT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. JACKSON-LEE of Texas. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves to recommit the bill H.R. 3494 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

TITLE V—LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS

SEC. 501. LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Federal Bureau of Investigation and the Attorney General shall begin a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to this problem.

(b) CONTENTS OF STUDY.—The study shall address the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(5) Policy and criminal law and law enforcement options for promoting the deployment of such control technologies and the costs and benefits of such options.

(6) The possible constitutional limitations or constraints with respect to any of the matters described in paragraphs (1) through (5).

(c) FINAL REPORT.—Not later than 2 years after the date of the enactment of this section, the Federal Bureau of Investigation shall make a final report of the results of the study to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate. The

final report of the study shall set forth the findings, conclusions, and recommendations of the Council and shall be submitted to relevant Government agencies and congressional committees.

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

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

There was no objection.

□ 1615

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from Texas is recognized for 5 minutes in support of her motion to recommit.

Ms. JACKSON-LEE of Texas. Mr. Speaker, during the debate of this legislation we have found that there are many ways of our children being attacked by pornographic images. The motion to recommit instructs the Federal Bureau of Investigation and the Attorney General to begin a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to this problem. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) for their leadership on this issue.

Finally, this motion would address the capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images and our ability to impose technological restrictions on the access of these images by children. It will also address research needed to develop a computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images. Our children should have continuous access to the Internet, but they should not have to be subjected to pornographic images.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS) and thank him for his leadership.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) and I merely want to say that this is one of the most important issues that we have in dealing with children. Pornography on the Internet is a very serious problem, and I urge that the gentlewoman's motion be agreed to.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan very much again for his leadership.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MCCOLLUM) chairman of the Subcommittee on Crime of the House Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Speaker, this is an amendment that is being adopted, and I hope it will be in this motion to recommit that really was technically flawed and was not permitted under the rule because of the germaneness problem. The gentlewoman has corrected it. It is a study that we really would like to do, something I have embraced and support the gentlewoman on.

So I urge a yes vote on the motion to recommit and thank the gentlewoman from Texas (Ms. JACKSON-LEE) for it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. Does any Member seek time in opposition to the motion to recommit?

If not, without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. MCCOLLUM. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 3494, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Add at the end the following:

TITLE V—LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS

SEC. 501. LIMITING AVAILABILITY OF PORNOGRAPHY ON COMPUTERS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Federal Bureau of Investigation and the Attorney General shall begin a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to this problem.

(b) CONTENTS OF STUDY.—The study shall address the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(5) Policy and criminal law and law enforcement options for promoting the deployment of such control technologies and the costs and benefits of such options.

(6) The possible constitutional limitations or constraints with respect to any of the matters described in paragraphs (1) through (5).

(c) FINAL REPORT.—Not later than 2 years after the date of the enactment of this section, the Federal Bureau of Investigation shall make a final report of the results of the study to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate. The final report of the study shall set forth the findings, conclusions, and recommendations of the Council and shall be submitted to relevant Government agencies and congressional committees.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment 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 on the passage of the bill.

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

Mr. MCCOLLUM. 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 416, nays 0, answered ''present'' 1, not voting 16, as follows:

[Roll No. 230]

YEAS—416

Abercrombie	Calvert	Doggett
Ackerman	Camp	Dooley
Aderholt	Campbell	Doolittle
Allen	Canady	Doyle
Andrews	Cannon	Dreier
Archer	Capps	Duncan
Armey	Cardin	Dunn
Bachus	Carson	Edwards
Baesler	Castle	Ehlers
Baker	Chabot	Ehrlich
Baldacci	Chambliss	Emerson
Ballenger	Chenoweth	Engel
Barcia	Christensen	English
Barr	Clay	Ensign
Barrett (NE)	Clayton	Eshoo
Barrett (WI)	Clement	Etheridge
Bartlett	Clyburn	Evans
Barton	Coble	Everett
Bass	Coburn	Ewing
Bateman	Collins	Fattah
Bentsen	Combest	Fawell
Bereuter	Condit	Fazio
Berry	Conyers	Filner
Bilbray	Cook	Foley
Bilirakis	Cooksey	Forbes
Bishop	Costello	Ford
Blagojevich	Cox	Fossella
Bliley	Coyne	Fowler
Blumenauer	Cramer	Fox
Blunt	Crane	Frank (MA)
Boehlert	Crapo	Franks (NJ)
Boehner	Cubin	Frelinghuysen
Bonilla	Cummings	Frost
Bonior	Cunningham	Furse
Bono	Danner	Gallegly
Borski	Davis (FL)	Ganske
Boswell	Davis (IL)	Gejdenson
Boucher	Davis (VA)	Gekas
Boyd	Deal	Gephardt
Brady (PA)	DeFazio	Gibbons
Brady (TX)	DeGette	Gilchrest
Brown (CA)	Delahunt	Gilman
Brown (FL)	DeLauro	Goode
Brown (OH)	DeLay	Goodlatte
Bryant	Deutsch	Goodling
Bunning	Diaz-Balart	Gordon
Burr	Dickey	Goss
Burton	Dicks	Graham
Buyer	Dingell	Granger
Callahan	Dixon	Green

Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—16

Becerra
Berman
Farr
Gillmor
Gonzalez
Hilliard
Hutchinson
Inglis
Johnson, Sam
Lewis (GA)
Meeks (NY)
Moakley
Parker
Paxon
Shays
Smith, Adam

□ 1637

Mr. DELAHUNT changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3494, CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3494, the Clerk be authorized to correct section numbers, cross-references, tables of contents, and punctuation, and to make such other stylistic, clerical, technical, conforming, and other changes as may be necessary in reflecting the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3494.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2497

Mr. BARCIA. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2497.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3396

Mr. REYES. Mr. Speaker, I ask unanimous consent that my name be deleted as a cosponsor of H.R. 3396, the Citizens Protection Act of 1998.

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

There was no objection.

CONDEMNING THE BRUTAL KILLING OF MR. JAMES BYRD, JR.

Ms. WATERS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Resolution 466, condemning the brutal killing of Mr. James Byrd, Jr., and ask for its immediate consideration in the House; that debate on the resolution continue not to exceed 20 minutes, equally divided and controlled by the gentlewoman from Kentucky (Mrs. NORTHUP) and myself; and that the previous question be considered as ordered on the resolution to final adoption without intervening motion or demand for a division of the question.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California (Ms. WATERS)?

There was no objection.

The text of House Resolution 466 is as follows:

H. RES. 466

Resolved,

SECTION 1. FINDINGS.

The House of Representatives finds as follows:

(1) Mr. James Byrd, Jr., a 49-year-old disabled African American male from Jasper County, East Texas, was last seen walking home from a niece's bridal shower on June 6, 1998, and allegedly was offered a ride by 3 young white men, who then proceeded to physically and mercilessly beat Mr. Byrd in Jasper, Texas, then chained him to the back of a pickup truck and dragged him until the torso of his body was torn to pieces.

(2) Mr. James Byrd, Jr.'s body was found Sunday, June 7, 1998, on a bumpy, winding country road about 10 miles from his Jasper home, at the end of a trail of blood along a 2-mile stretch of road with his head, neck, and right arm severed.

(3) Mr. Byrd was so brutally disfigured that his head and torso were completely severed, with his head, neck, and right arm found about a mile away, and only finger prints could be used to identify him.

(4) Mr. Lawrence Russell Brewer, 31, of Sulphur Springs, Texas and Mr. Shawn Allen Berry, 23, and Mr. John William King, 23, of Jasper, Texas, all of whom have past criminal records and have served time in prison or were on probation, have been charged with murder and are being held without bail.

(5) The police released an affidavit of probable cause in which Mr. Berry said they had been out drinking and picked up Mr. Byrd as he walked down Martin Luther King Drive in Jasper early Sunday.

(6) Mr. Berry said that he stopped at a convenience store, but Mr. King was angry that he was giving a ride to a black man, so he took over at the steering wheel and drove to a remote area 7 miles outside of town, where they killed Mr. Byrd.

(7) The 3 men were known to be members of various hate groups, including the Ku Klux Klan and the Aryan Brotherhood.

(8) This was not a random act of violence, but a senseless, hate-filled crime.

(9) The Federal Bureau of Investigation also is investigating to see if the 3 could be charged with violating Mr. Byrd's Federal civil rights.

(10) One of the suspects allegedly said that they wanted to ''start the Turner Diaries early,'' referring to a novel about race war that is popular reading among some hate groups and white supremacists.

(11) This incident is reminiscent of the brutal slayings that occurred at the turn of the century and in the 1920s and 1930s, with brutal hangings which brought the National Association for the Advancement of Colored People into existence and contributed to its growth in its early days.