to get justice from those who had killed his daughter. At the time of her death, Alisa Flatow was a student at Brandeis University in Massachusetts, and she was spending a semester abroad in Israel.

Mr. Speaker, I have come to the floor today to speak in support of this bill because I believe that Sarah Duker's mother, Arline; Alisa Flatow's family; the families of the victims of the Brothers to the Rescue shoot-down; and all Americans who have had family members victimized by terrorists abroad, all of these Americans deserve one thing, justice.

See, the sponsors of terrorism, and by that I do not just mean the individuals committing the acts, I mean the states sponsoring those individuals, they must pay for their crimes. They must first pay a diplomatic price for supporting the murder of Americans, and that means isolating those states which sponsor terrorism.

But I also believe that state sponsors of terrorism must pay more than just a political price. They must pay literally for their cold-blooded murders of Americans.

So it should be the policy of the United States of America to seize the U.S.-based nondiplomatic assets of states which are involved in the murder of Americans.

It is critically important that this bill be enacted into law because this measure delivers a powerful and essential message to state sponsors of terrorism around the world who target American citizens.

If one conspires in the murder of innocent Americans and tear our families apart, the United States of America will demand and receive justice. Justice, Mr. Speaker, can wait no longer. Terrorists will never win, and state sponsors of terrorism will always pay a price if we pass this legislation. They will pay a political and economic price. That is not too great a burden to place upon them and their assets for the killing of innocent Americans.

Mr. Speaker, I urge my colleagues to vote for H.R. 3485, the Justice for Victims of Terrorism Act.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to be an original cosponsor of the Justice for Victims of Terrorism Act and rise to speak in support of it.

Terrorism, defined as the systematic use of terror and violence as a means of coercion and intimidation, has become a global problem. It knows no boundaries—geographical or political. It does not discriminate among its victims. The damage it inflicts upon society extends far beyond the immediate physical destruction of each attack. The emotional and psychological scars are far greater. The question is not only how many lives have been lost in each terrorist attack, but how many futures were lost in their aftermath.

In the last 15 years, the United States has experienced in vivid terms the effects of terrorism, as our citizens have been targeted over and over again—in Beirut, over Lockerbie, in Saudi Arabia, in Israel, over international waters, in New York, and in Nairobi and Dar es Salaam, where Americans who devoted their lives to building better relations between the U.S. and other nations, died in a campaign of hatred against this country.

There is no justification for terrorism, and the United States must be committed to finding those who prey on innocent victims and put an end to their reign of terror.

The Justice for Victims of Terrorism Act is critical to achieving this goal. This bill allows the victims—our constituents—to seek justice for the crimes committed against them and their families by making their attackers—the terrorists—pay for their crimes.

The bill before us allows for the execution of judgements and recovery of punitive damages from pariah states such as Iran which sponsor terrorist groups that kill and maim hundreds of Americans, Israelis, and other innocent human beings each year.

It would punish the Castro regime for shooting down two U.S. registered civilian planes over international waters, killing Carlos Costa and Mario de la Pena (two U.S.-born citizens in the prime of their youth); Armando Alejandre (a decorated Vietnam veteran); and Pablo Morales (a U.S. resident who, years before, had escaped Castro's island prison in search of freedom in the U.S.)

Some would argue that terrorism is not about money. Certainly it is about life and the right to live free of fear. But, while terrorism requires a multifaceted approach, one of the key elements to curtailing the proliferation of terrorism and limiting its capabilities, is by cutting off the flow and access to financial resources.

By upholding and enforcing the right of American victims of terrorism to sue foreign states, in court, for damages, this bill would have a chilling effect on terrorist activities and would help deter future aggression against American citizens.

In the last few months, there have been numerous attempts to trade with terrorist states, which would afford them increased financial resources and would enable them to, not only continue their reign of terror over their own people, but to expand their campaign of violence against our allies, our neighbors, and our own U.S. citizens.

These states have even been down-graded to ''states of concern''—despite the overwhelming evidence of their support for terrorist attacks against Americans.

In spite of this, I hope my colleagues will listen to their conscience. I ask my colleagues to pause for a moment. They will hear the cries of anguish and despair of little Alisa Flatow from New Jersey, who was killed in a Palestine Islamic Jihad suicide bombing in April 1995.

I ask my colleagues to understand the frustration of Alisa's parents; of the relatives of Carlos, Armando, Mario, and Pablo; of the families of the servicemen who died during the attack on the Kovar Towers; of all the victims' families.

Let us demonstrate our resolve to the sanctity of human life and principles of justice; our commitment to fundamental legal standards; and our dedication to the welfare of the American people. Support the Justice for Victims of Terrorism Act.

Mr. DELAY. Mr. Speaker, the first duty of our Government is to protect American citizens. This bill would help meet that responsibility by assisting the victims of terrorism. The Clinton administration has been quick to offer words of comfort to the bereaved relatives of those who have been killed by international violence. Their actions, however, have done little to hold the vile regimes responsible for such crimes accountable. It may be hard to believe, but the Clinton Justice Department has actively worked to stop terrorism victims from receiving just compensation out of the seized assets of terrorist states. This administration has thwarted the efforts of victims as they tried to collect court-ordered compensation from countries like Iran, Libya, and Fidel Castro's evil regime in Cuba. Held in even the most favorable light, this policy is unacceptable. It is a policy that smacks not only of appeasement, but capitulation to perpetrators of international terrorism.

And of this administration's poor foreign policy decisions, this is truly one of the most contemptible and distressing. The President of the United States should not be protecting the assets of foreign terror states. This bill would stop the Treasury Department from continuing to withhold these assets from victims' families.

The President gave his word to help injured parties collect compensation from terrorist states. Now, the foot-dragging of his administration requires us to pass legislation that would simply fulfill his promises to those victims. We look forward to the day when a handshake in the Oval Office is enough to guarantee justice for victims of terror. Unfortunately, the President's handshake apparently isn't enough. Therefore, we must pass this bill to ensure that terror victims don't first have to fight their way past their own government before they can receive the compensation owed to them.

To understand the importance of this proposal, consider the following example. In 1996, Fidel Castro gave the order to murder American pilots who were searching the Gulf of Mexico for refugees from his repressive dictatorship. Four years later, the pilots' families still haven't been compensated. This sad reality should spur the House to action. We ought to pass this bill and put terrorists on notice.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 3485, as amended.

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

A motion to reconsider was laid on the table.

MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. CHABOT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 768) to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of

the Armed Forces and civilians accompanying the Armed Forces outside the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 768

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 ''Military and Extraterritorial Jurisdiction Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Civilian employees of the Department of Defense, and civilian employees of Department of Defense contractors, provide critical support to the Armed Forces of the United States that are deployed during a contingency operation.

(2) Misconduct by such persons undermines good order and discipline in the Armed Forces, and jeopardizes the mission of the contingency operation.

(3) Military commanders need the legal tools to address adequately misconduct by civilians serving with Armed Forces during a contingency operation.

(4) In its present state, military law does not permit military commanders to address adequately misconduct by civilians serving with Armed Forces, except in time of a congressionally declared war.

(5) To address this need, the Uniform Code of Military Justice should be amended to provide for court-martial jurisdiction over civilians serving with Armed Forces in places designated by the Secretary of Defense during a ''contingency operation'' expressly designated as such by the Secretary of Defense.

(6) This limited extension of court-martial jurisdiction over civilians is dictated by military necessity, is within the constitutional powers of Congress to make rules for the government of the Armed Forces, and, therefore, is consistent with the Constitution of the United States and United States public policy.

(7) Many thousand civilian employees of the Department of Defense, civilian employees of Department of Defense contractors, and civilian dependents accompany the Armed Forces to installations in foreign countries.

(8) Misconduct among such civilians has been a longstanding problem for military commanders and other United States officials in foreign countries, and threatens United States citizens, United States property, and United States relations with host countries.

(9) Federal criminal law does not apply to many offenses committed outside of the United States by such civilians and, because host countries often do not prosecute such offenses, serious crimes often go unpunished and,to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such civilians outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

(10) Federal law does not apply to many crimes committed outside the United States by members of the Armed Forces who separate from the Armed Forces before they can be identified, thus escaping court-martial jurisdiction and, to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such persons outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

SEC. 3. COURT-MARTIAL JURISDICTION.

(a) JURISDICTION DURING CONTINGENCY OPERATIONS.—Section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by inserting after paragraph (12) the following:

''(13) To the extent not covered by paragraphs (10) and (11), persons not members of the armed forces who, in support of a contingency operation described in section 101(a)(13)(B) of this title, are serving with and accompanying an armed force in a place or places outside the United States specified by the Secretary of Defense, as follows:

''(A) Employees of the Department of Defense.

''(B) Employees of any Department of Defense contractor who are so serving in connection with the performance of a Department of Defense contract.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to acts or omissions occurring on or after that date.

SEC. 4. FEDERAL JURISDICTION.

(a) CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following:

''CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

''Sec.
''3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.
''3262. Delivery to authorities of foreign countries.
''3263. Regulations.
''3264. Definitions.

''§ 3261. Criminal 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 an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

''(b) CONCURRENT JURISDICTION.—Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced against a person 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 or the Deputy Attorney General (or a person acting in either such capacity), which function of approval shall not be delegated.

''(d) ARRESTS.—

''(1) LAW ENFORCEMENT PERSONNEL.—The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside of the United States any person described in subsection (a) if there is probable cause to believe that such person engaged in conduct that constitutes a criminal offense under subsection (a).

''(2) RELEASE TO CIVILIAN LAW ENFORCEMENT.—A person arrested under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

''(A) such person is delivered to authorities of a foreign country under section 3262; or

''(B) such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3262. Delivery to authorities of foreign countries

''(a) IN GENERAL.—Any person designated and authorized under section 3261(d) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in section 3261(a) of this section if—

''(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) DETERMINATION BY THE SECRETARY.—The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3263. Regulations

''(a) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

''(b) NOTICE TO THIRD PARTY NATIONALS.—

''(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State, shall issue regulations requiring that, to the maximum extent practicable, notice shall be provided to any person serving with, employed by, or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

''(2) FAILURE TO PROVIDE NOTICE.—The failure to provide notice as prescribed in the regulations issued under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

''§ 3264. Definitions

''In this chapter—

''(1) a person is 'accompanying the Armed Forces outside of the United States' if the person—

''(A) is a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of a military department or of the Department of Defense; or

''(iii) a Department of Defense contractor or an employee of a Department of Defense contractor;

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

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

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

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

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

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

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

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

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

MOTION OFFERED BY MR. CHABOT

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

The Clerk read as follows:

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

The motion was agreed to.

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

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

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

A motion to reconsider was laid on the table.

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

□ 2145

TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

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

The Clerk read as follows:

H.R. 4047

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Two Strikes and You're Out Child Protection Act''.

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

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

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

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

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

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

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

''(i) a Federal sex offense; or

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

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

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

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

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

SEC. 3. TITLE 18 CONFORMING AND TECHNICAL AMENDMENTS.

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

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

There was no objection.

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

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

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

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

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

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

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

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