

NOES—217

Abercrombie	Glickman	Penny
Ackerman	Gonzalez	Pickle
Andrews (ME)	Gordon	Pomeroy
Andrews (NJ)	Green	Poshard
Andrews (TX)	Gutierrez	Price (NC)
Applegate	Hall (OH)	Quinn
Barca	Hamburg	Rahall
Barcia	Hamilton	Rangel
Barlow	Harman	Reed
Barrett (WI)	Hastings	Reynolds
Becerra	Hefner	Richardson
Beilenson	Hilliard	Roemer
Berman	Hinchey	Romero-Barcelo (PR)
Bishop	Hoagland	Rose
Blackwell	Hochbrueckner	Rostenkowski
Boehlert	Hoyer	Roybal-Allard
Bonior	Hughes	Rush
Boucher	Inslee	Sabo
Brooks	Jacobs	Sanders
Brown (CA)	Jefferson	Sangmeister
Brown (FL)	Johnson, E. B.	Sawyer
Brown (OH)	Johnston	Schenk
Bryant	Kaptur	Schroeder
Byrne	Kennedy	Schumer
Cantwell	Kennelly	Scott
Cardin	Kildee	Serrano
Carr	Klecza	Sharp
Chapman	Klein	Shays
Clay	Kopetski	Shepherd
Clayton	Kreidler	Skaggs
Clyburn	LaFalce	Slattery
Coleman	Lambert	Slaughter
Collins (IL)	Lantos	Smith (IA)
Collins (MI)	LaRocco	Spratt
Conyers	Levin	Stark
Cooper	Lewis (GA)	Stokes
Coppersmith	Long	Strickland
Costello	Lowe	Studds
Coyne	Maloney	Stupak
Danner	Mann	Swett
de la Garza	Manton	Swift
de Lugo (VI)	Markey	Synar
DeFazio	Martinez	Tejeda
DeLauro	Matsui	Thompson
Dellums	McCloskey	Thornton
Derrick	McDermott	Thurman
Dicks	McKinney	Torres
Dingell	Meehan	Torricelli
Dixon	Meek	Towns
Durbin	Menendez	Trafficant
Edwards (CA)	Mfume	Tucker
Engel	Miller (CA)	Underwood (GU)
English	Mineta	Unsoeld
Eshoo	Minge	Valentine
Evans	Mink	Velazquez
Faleomavaega (AS)	Moakley	Vento
Farr	Mollohan	Visclosky
Fazio	Morella	Volkmer
Fields (LA)	Murtha	Walsh
Filner	Nadler	Washington
Fingerhut	Neal (MA)	Waters
Flake	Neal (NC)	Watt
Foglietta	Norton (DC)	Waxman
Foley	Oberstar	Whitten
Ford (MI)	Obey	Williams
Ford (TN)	Olver	Wilson
Frank (MA)	Ortiz	Wise
Frost	Owens	Woolsey
Furse	Pallone	Wyden
Gejdenson	Parker	Wynn
Gephardt	Pastor	Yates
Gibbons	Payne (NJ)	
	Pelosi	

NOT VOTING—9

Bacchus (FL)	Grandy	McNulty
Fish	Houghton	Ridge
Gallo	McDade	Young (AK)

So the amendment was not agreed to.  
After some further time,

36.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the preferential motion submitted by Mr. MCCOLLUM that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

It was decided in the negative { Yeas ..... 179  
Nays ..... 250

36.14 [Roll No. 132] AYES—179

Allard	Goss	Nussle
Archer	Grams	Oxley
Armey	Greenwood	Packard
Bachus (AL)	Gunderson	Paxon
Baker (CA)	Hall (TX)	Petri
Baker (LA)	Hancock	Pombo
Ballenger	Hansen	Porter
Barrett (NE)	Hastert	Portman
Bartlett	Hayes	Pryce (OH)
Barton	Hefley	Quillen
Bateman	Herger	Quinn
Bentley	Hobson	Ramstad
Bereuter	Hoekstra	Ravenel
Bilirakis	Hoke	Regula
Bliley	Horn	Ridge
Blute	Houghton	Roberts
Boehlert	Huffington	Rogers
Boehner	Hunter	Rohrabacher
Bonilla	Hutchinson	Ros-Lehtinen
Bunning	Hyde	Roth
Burton	Inglis	Roukema
Buyer	Inhofe	Royce
Callahan	Istook	Santorum
Calvert	Johnson (CT)	Saxton
Camp	Johnson, Sam	Schaefer
Canady	Kasich	Schiff
Castle	Kim	Sensenbrenner
Clinger	King	Shaw
Coble	Kingston	Shays
Collins (GA)	Klug	Shuster
Combest	Knollenberg	Skeen
Cox	Kolbe	Smith (MI)
Crane	Kyl	Smith (NJ)
Crapo	Lazio	Smith (OR)
Cunningham	Leach	Smith (TX)
DeLay	Levy	Snowe
Diaz-Balart	Lewis (CA)	Solomon
Dickey	Lewis (FL)	Spence
Doolittle	Lightfoot	Stearns
Dornan	Linder	Stump
Dreier	Livingston	Stupak
Duncan	Machtley	Sundquist
Dunn	Manzullo	Talent
Ehlers	McCandless	Taylor (MS)
Emerson	McCollum	Taylor (NC)
Everett	McCrery	Thomas (CA)
Ewing	McHugh	Thomas (WY)
Fawell	McInnis	Torkildsen
Fields (TX)	McKeon	Trafficant
Fowler	McMillan	Upton
Franks (CT)	Meyers	Vucanovich
Franks (NJ)	Mica	Walker
Galleghy	Michel	Walsh
Gekas	Miller (FL)	Weldon
Gilchrest	Minge	Wolf
Gillmor	Molinari	Young (AK)
Gilman	Moorhead	Young (FL)
Gingrich	Morella	Zeliff
Goodlatte	Murphy	Zimmer
Goodling	Myers	

NOES—250

Abercrombie	Clay	English
Ackerman	Clayton	Eshoo
Andrews (ME)	Clement	Evans
Andrews (NJ)	Clyburn	Faleomavaega (AS)
Andrews (TX)	Coleman	Farr
Applegate	Collins (IL)	Fazio
Baessler	Collins (MI)	Fields (LA)
Barca	Condit	Filner
Barcia	Conyers	Fingerhut
Barrett (WI)	Cooper	Flake
Becerra	Coppersmith	Foley
Beilenson	Costello	Foglietta
Berman	Coyne	Ford (MI)
Bevill	Cramer	Ford (TN)
Bilbray	Danner	Frank (MA)
Bishop	Darden	Frost
Blackwell	de la Garza	Furse
Bonior	de Lugo (VI)	Gejdenson
Borski	Deal	Gephardt
Boucher	DeFazio	Geren
Brewster	DeLauro	Gibbons
Brooks	Dellums	Glickman
Browder	Derrick	Gonzalez
Brown (CA)	Deutsch	Gordon
Brown (FL)	Dicks	Green
Brown (OH)	Dingell	Gutierrez
Bryant	Dixon	Hall (OH)
Byrne	Dooley	Hamburg
Cantwell	Durbin	Hamilton
Cardin	Edwards (CA)	Harman
Carr	Edwards (TX)	Hastings
Chapman	Engel	Hefner

Hilliard	Meek	Schroeder
Hinchey	Menendez	Schumer
Hoagland	Mfume	Scott
Hochbrueckner	Miller (CA)	Serrano
Holden	Mineta	Sharp
Hoyer	Mink	Shepherd
Hughes	Moakley	Sisisky
Hutto	Mollohan	Skaggs
Inslee	Montgomery	Skelton
Jacobs	Moran	Slattery
Jefferson	Murtha	Slaughter
Johnson (GA)	Nadler	Smith (IA)
Johnson (SD)	Neal (MA)	Spratt
Johnson, E. B.	Neal (NC)	Stark
Johnston	Norton (DC)	Stenholm
Kanjorski	Oberstar	Stokes
Kaptur	Obey	Strickland
Kennedy	Olver	Studds
Kennelly	Ortiz	Swett
Kildee	Orton	Swift
Klecza	Owens	Synar
Klein	Pallone	Tanner
Klink	Parker	Tauzin
Kopetski	Pastor	Tejeda
Kreidler	Payne (NJ)	Thompson
LaFalce	Payne (VA)	Thornton
Lambert	Pelosi	Thurman
Lancaster	Penny	Torres
Lantos	Peterson (FL)	Torricelli
LaRocco	Peterson (MN)	Towns
Laughlin	Pickett	Tucker
Lehman	Pickle	Underwood (GU)
Levin	Pomeroy	Unsoeld
Lewis (GA)	Poshard	Valentine
Lipinski	Price (NC)	Velazquez
Lloyd	Rahall	Vento
Long	Reed	Visclosky
Lowe	Reynolds	Volkmer
Maloney	Richardson	Washington
Mann	Roemer	Waters
Manton	Romero-Barcelo (PR)	Watt
Margolies-Mezvinsky	Rose	Waxman
Markey	Rostenkowski	Wheat
Martinez	Rowland	Whitten
Matsui	Roybal-Allard	Williams
Mazzoli	Rush	Wilson
McCloskey	Sabo	Wise
McCurdy	Sanders	Woolsey
McDermott	Sangmeister	Wyden
McHale	Sarpalius	Wynn
McKinney	Sawyer	Yates
Meehan	Schenk	

NOT VOTING—8

Bacchus (FL)	Gallo	McNulty
Barlow	Grandy	Rangel
Fish	McDade	

So the preferential motion was not agreed to.

After some further time,

36.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SMITH of New Jersey:

At the end of the bill, insert the following:

TITLE —SENSE OF CONGRESS

SEC. . CHILD PORNOGRAPHY.

- (a) FINDINGS.—Congress finds that—
- (1) child pornography is the permanent record of the sexual abuse or exploitation of children;
  - (2) children who are victims of child pornography often suffer severe physical and emotional harm;
  - (3) child pornography is a serious national problem;
  - (4) the Congress of the United States has a compelling interest in the protection of children from sexual abuse and exploitation by pornography (see New York v. Ferber, 458 U.S. 747 (1982));
  - (5) the Congress of the United States, in pursuit of this compelling interest, has taken every opportunity to strengthen child pornography laws and has, in clear and unambiguous language, criminalized the production, interstate distribution, receipt and possession of child pornography;
  - (6) the United States Department of Justice in its brief to the United States Su-

preme Court in the case of *Knox v. United States*, 92-1183, has failed to support the conviction of a child pornographer won by the Department in the United States District Court for the Middle District of Pennsylvania and affirmed on appeal in the United States Court of Appeals for the Third Circuit;

(7) the Department of Justice has used its brief in the *Knox* case as a vehicle for reinterpretation of the Federal child pornography laws in contravention to legislative history and past prosecution practices of the Department of Justice;

(8) the Department of Justice by declaring in its brief in the *Knox* case that a pornographer who lasciviously exhibits the genitals of children is prosecutable within the Federal child pornography laws only if the depictions show a minor engaged in the conduct of lasciviously exhibiting his or her genitals or pubic area, creates a federally protected class of child pornography, e.g. child pornography involving children who are not knowingly engaged in lasciviously exhibiting their genitals or pubic areas but whose genitals or pubic areas are nonetheless lasciviously depicted by others;

(9) the Department of Justice by declaring in its brief in the *Knox* case in contravention to legislative history, that a pornographer who lasciviously exhibits the genital or pubic area of children is prosecutable within the Federal child pornography laws only if the genitals are nude or visible creates a federally protected class of child pornography, e.g. depictions which focus on a minor child's clothed genital or pubic area with the obvious intent of eliciting a sexual response in pedophiles;

(10) the plain meaning and congressional intent of the language in section 2256 of title 18, United States Code, is that the term "lascivious exhibition" refers to whether the depiction is intended to elicit a sexual response from the viewer, and not to the actions of the child;

(11) the Department of Justice has employed this meaning of the term "lascivious exhibition" since it was included in the laws in 1984, and Congress has not changed the meaning of the term;

(12) Congress specifically repudiated a "nudity" requirement for child pornography statutes (see *United States v. Knox*, 977 F. 2d 815, at 820-823, (3rd Cir., 1992));

(13) the "harm Congress attempted to eradicate by enacting child pornography laws is present when a photographer unnaturally focuses on a minor child's clothed genital area with the obvious intent to produce an image sexually arousing to pedophiles." (see *Knox* at 822); and

(14) the Congress of the United States believes that the reinterpretation of the Federal child pornography laws by Department of Justice, unless reversed, will bring back commercial child pornography and lead to a substantial increase of sexual exploitation of children.

(b) SENSE OF CONGRESS.—It is the sense of the House of Representatives that the Department of Justice repudiate its reinterpretation of Federal child pornography laws, defend the conviction won in lower courts in the *Knox* case, and vigorously prosecute sexual exploitation of children.

It was decided in the affirmative ..... { Yeas ..... 425  
Nays ..... 3

¶36.16 [Roll No. 133] AYES—425

Abercrombie	Applegate	Baker (LA)
Ackerman	Archer	Ballenger
Allard	Army	Barca
Andrews (ME)	Bachus (AL)	Barcia
Andrews (NJ)	Baesler	Barlow
Andrews (TX)	Baker (CA)	Barrett (NE)

Barrett (WI)	Fields (TX)	Lazio
Bartlett	Filner	Leach
Barton	Fingerhut	Lehman
Bateman	Flake	Levin
Becerra	Foglietta	Levy
Beilenson	Ford (MI)	Lewis (CA)
Bentley	Ford (TN)	Lewis (FL)
Bereuter	Fowler	Lewis (GA)
Berman	Frank (MA)	Lightfoot
Bevill	Franks (CT)	Linder
Bilbray	Franks (NJ)	Lipinski
Bilirakis	Frost	Livingston
Bishop	Furse	Lloyd
Blackwell	Gallegly	Long
Bliley	Gejdenson	Lowey
Blute	Gekas	Machtley
Boehrlert	Gephardt	Maloney
Boehner	Geren	Mann
Bonilla	Gibbons	Manton
Bonior	Gilchrest	Manzullo
Borski	Gillmor	Margolis-
Boucher	Gilman	Mezvinsky
Brewster	Gingrich	Markey
Brooks	Glickman	Martinez
Browder	Gonzalez	Matsui
Brown (CA)	Goodlatte	Mazzoli
Brown (FL)	Goodling	McCandless
Brown (OH)	Gordon	McCloskey
Bryant	Goss	McCollum
Bunning	Grams	McCrery
Burton	Green	McCurdy
Buyer	Greenwood	McDermott
Byrne	Gunderson	McHale
Callahan	Gutierrez	McHugh
Calvert	Hall (OH)	McInnis
Camp	Hall (TX)	McKeon
Canady	Hamburg	McKinney
Cantwell	Hamilton	McMillan
Cardin	Hancock	Meehan
Castle	Hansen	Meek
Chapman	Harman	Menendez
Clay	Hastert	Meyers
Clayton	Hastings	Mfume
Clement	Hayes	Mica
Clinger	Hefley	Michel
Clyburn	Hefner	Miller (CA)
Coble	Herger	Miller (FL)
Coleman	Hilliard	Mineta
Collins (GA)	Hinchey	Minge
Collins (MI)	Hoagland	Mink
Combest	Hobson	Moakley
Condit	Hochbrueckner	Molinari
Conyers	Hoekstra	Mollohan
Cooper	Hoke	Montgomery
Coppersmith	Holden	Moorhead
Costello	Horn	Moran
Cox	Houghton	Morella
Coyne	Hoyer	Murphy
Cramer	Huffington	Murtha
Crane	Hughes	Myers
Crapo	Hunter	Neal (MA)
Cunningham	Hutchinson	Neal (NC)
Danner	Hutto	Norton (DC)
Darden	Hyde	Nussle
de la Garza	Inglis	Oberstar
de Lugo (VI)	Inhofe	Obey
Deal	Inslee	Olver
DeFazio	Istook	Ortiz
DeLauro	Jacobs	Orton
DeLay	Jefferson	Owens
Dellums	Johnson (CT)	Oxley
Derrick	Johnson (GA)	Packard
Deutsch	Johnson (SD)	Pallone
Diaz-Balart	Johnson, E. B.	Parker
Dickey	Johnson, Sam	Pastor
Dicks	Johnston	Paxon
Dingell	Kanjorski	Payne (NJ)
Dixon	Kaptur	Payne (VA)
Dooley	Kasich	Pelosi
Doolittle	Kennedy	Penny
Dornan	Kennelly	Peterson (FL)
Dreier	Kildee	Peterson (MN)
Duncan	Kim	Petri
Dunn	King	Pickett
Durbin	Kingston	Pickle
Edwards (TX)	Klecza	Pombo
Ehlers	Klein	Pomeroy
Emerson	Klink	Porter
Engel	Klug	Portman
English	Knollenberg	Poshard
Eshoo	Kolbe	Price (NC)
Evans	Kopetski	Pryce (OH)
Everett	Kreidler	Quillen
Ewing	Kyl	Quinn
Faleomavaega	LaFalce	Rahall
(AS)	Lambert	Ramstad
Farr	Lancaster	Rangel
Fawell	Lantos	Ravenel
Fazio	LaRocco	Reed
Fields (LA)	Laughlin	Regula

Reynolds	Shuster	Thornton
Richardson	Sisisky	Thurman
Ridge	Skaggs	Torkildsen
Roberts	Steen	Torres
Roemer	Skelton	Torricelli
Rogers	Slattery	Towns
Rohrabacher	Slaughter	Trafigant
Romero-Barcelo	Smith (IA)	Tucker
(PR)	Smith (MI)	Unsoeld
Ros-Lehtinen	Smith (NJ)	Upton
Rose	Smith (OR)	Valentine
Rostenkowski	Smith (TX)	Velazquez
Roth	Snowe	Vento
Roukema	Solomon	Visclosky
Rowland	Spence	Volkmer
Roybal-Allard	Spratt	Vucanovich
Royce	Stark	Walker
Rush	Stearns	Walsh
Sabo	Stenholm	Waters
Sanders	Stokes	Watt
Sangmeister	Strickland	Waxman
Santorum	Studds	Weldon
Sarpalius	Stump	Wheat
Sawyer	Stupak	Whitten
Saxton	Sundquist	Williams
Schaefer	Sweet	Wilson
Schenck	Swift	Wise
Schiff	Synar	Wolf
Schroeder	Talent	Woolsey
Schumer	Tanner	Wyden
Scott	Tauzin	Wynn
Sensenbrenner	Taylor (MS)	Yates
Serrano	Taylor (NC)	Young (AK)
Sharp	Tejeda	Young (FL)
Shaw	Thomas (CA)	Zeliff
Shays	Thomas (WY)	Zimmer
Shepherd	Thompson	

NOES—3

Edwards (CA)	Nadler	Washington
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NOT VOTING—9

Bacchus (FL)	Fish	McDade
Carr	Gallo	McNulty
Collins (IL)	Grandy	Underwood (GU)

So the amendment was agreed to. After some further time,

¶36.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HUNTER:

At the end thereof insert the following new section:

SEC. BORDER PATROL AGENTS.

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of agents of the Border Patrol by 6,000 full-time equivalent agent positions (and necessary support personnel positions) beyond the number of such positions authorized for the Border Patrol as of October 1, 1993.

It was decided in the affirmative ..... { Yeas ..... 417  
Nays ..... 12

¶36.18 [Roll No. 134]

AYES—417

Abercrombie	Bartlett	Boucher
Ackerman	Barton	Brewster
Allard	Bateman	Brooks
Andrews (ME)	Becerra	Browder
Andrews (NJ)	Beilenson	Brown (CA)
Andrews (TX)	Bentley	Brown (FL)
Applegate	Bereuter	Brown (OH)
Archer	Berman	Bryant
Armey	Bevill	Bunning
Bacchus (FL)	Bilbray	Burton
Bachus (AL)	Bilirakis	Buyer
Baesler	Bishop	Byrne
Baker (CA)	Blackwell	Callahan
Baker (LA)	Bliley	Calvert
Ballenger	Blute	Camp
Barca	Boehrlert	Canady
Barcia	Boehner	Cantwell
Barlow	Bonilla	Cardin
Barrett (NE)	Bonior	Carr
Barrett (WI)	Borski	Castle