

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 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)	Hinchev	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 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