Another provision in the bill would permit the Department's National Telecommunications and Information Administration to pull the plug on the subdomain if it fails to adequately protect children. This gives the Department of Commerce the needed enforcement mechanism to maintain a safe Internet environment for children. As the Chair of the Children's Caucus and a mother I rise to support the passage of H.R. 3833.

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 3833, the ''Dot Kids Implementation and Efficiency Act.'' I am proud to be a cosponsor of this important legislation, which was introduced by Representatives SHIMKUS and MARKEY, and commend the efforts of this House to protect our children on the Internet.

While the Internet has afforded our children amazing opportunities for learning and discovery, it has also posed serious dangers. The Internet makes it easy for children to gain access to inappropriate materials, turning simple searches into avenues for pornographic or violent web pages. As a parent of a young daughter, my hope is that she will be able to search the Internet freely and use it as a tool to explore books, stories, and educational games without worrying about what might turn up. This bill will make this possible.

H.R. 3833 creates a safehaven for children using the Internet by creating a separate domain name for content that is appropriate for kids under 13, while filtering any subject matter that may be harmful or threatening to this audience. By directing the National Telecommunications and Information Administration (NTIA) to establish and oversee the structure and rules for the new domain name, we are ensuring that the criteria for the ''dot.kids'' domain meet the necessary standards to protect children using the Internet. Further, this bill requires that the NTIA publicize the availability of the new domain and educate parents on how filter and block inappropriate material.

In today's web-based environment, it is vitally important that we work together with parents to ensure that our kids are safe in cyberspace. Congress is taking a remarkable step forward in this endeavor by passing this legislation. I urge my colleagues to support the ''Dot Kids Implementation and Efficiency Act'' on the House floor today.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3833, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CHILD SEX CRIMES WIRETAPPING ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1877) to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1877

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 Sex Crimes Wiretapping Act of 2002''.

SEC. 2. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

(a) IN GENERAL.—Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by striking ''2251 and 2252'' and inserting ''2251, 2251A, 2252, and 2252A''; and

(2) by inserting ''section 2423(b) (relating to travel with intent to engage in a sexual act with a juvenile),'' after ''motor vehicle parts),''.

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, is amended—

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

(2) by inserting after paragraph (q) the following:

''(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or''; and

(3) by redesignating paragraph (r) as paragraph (s).

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 1877, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1877, the Child Sex Crimes Wiretapping Act of 2002, will help protect our children from the growing threat of sexual predators by assisting law enforcement officers in thwarting those predators who are intent on sexually abusing children. To do so, the bill amends title 18, United States Code, section 2516 to authorize the interception of wire, oral, or electronic communications in the investigation of: (1) the selling and buying of a child for sexual exploitation under title 18, United States Code, section 2251A; (2) child pornography under title 18, United States Code, section 2252A; (3) the coercion and enticement to engage in prostitution or other illegal sexual activity under title 18, United States Code, section 2422; and (4) the transportation of a minor or traveling to meet a minor with intent to engage in a sexual act with the minor under title 18, United States Code, section 2423.

Technology has precipitated a significant increase in sexual exploitation crimes against children. In fact, child pornography was nearly extinct until the increased use of the Internet provided a new medium where the viewers, producers and traders are virtually anonymous. The Internet provided these depraved individuals with new access to their victims. In 2000, a U.S. Customs Service representative testified before the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on Judiciary that the Customs Service had seen a dramatic rise in child exploitation investigations. During fiscal year 1999, these types of investigations increased 36 percent, and in 2000 the number rose an alarming 81 percent.

Additionally, the growth of international travel has helped sexual predators to exploit children throughout the world. According to a 2002 Congressional Research Service report, trafficking in people, especially women and children, for prostitution and forced labor is one of the fastest growing areas of international criminal activity. According to that report, under conservative estimates the scope of the problem involves more than 700,000 victims per year worldwide. We must do more to prevent children and women from being forced into prostitution, the sex tourism industry, and other sexually exploitative criminal markets.

The goal of H.R. 1877 is to provide law enforcement with the tools necessary to prevent the ultimate harm these depraved individuals plan for the innocent children they target. Wiretaps are key to stopping those crimes before the predators can physically harm children. I urge my colleagues to support the bill.

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

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

Mr. Speaker, I rise in opposition to H.R. 1877, the Child Sex Crimes Wiretapping Act. I believe the bill represents an unnecessary expansion of Federal wiretap authority, a procedure so pervasive of the rights of citizens in a free society that it can only be made available for use under circumstances specifically approved by Congress.

The current congressionally approved wiretap authority dates back to the 1968 crime bill. The primary intent of the law was to permit a limited use of electronic surveillance of organized crime syndicates, but even under those circumstances, as a tool of last resort.

Since that time the act has been amended over a dozen times to meet the demands of law enforcement officials for more power to eavesdrop on our citizens. We now have over 50 predicate crimes for which wiretap authority may be obtained. Regrettably, a number of these predicates involve relatively minor criminal activity. But now the argument goes that if we amended the wiretap authority to add one crime, we should certainly amend it to add another. As a result, the wiretaps are becoming a routine rather than an extraordinary procedure used as a last resort.

Eavesdropping on conversations from a household or a pay phone or a cell phone is a very intrusive law enforcement activity. Once a wiretap, or a bug, is in place, it captures all conversations, innocent as well as criminal. Estimates I have seen indicate that over 80 percent of the information obtained by wiretaps is innocent information, often involving family members and others who are not even targets of the investigation.

As Members will remember from the debate after September 11, some wiretaps are the so-called roving wiretaps where bugs can be placed on any phone the target uses, at his home, at his workplace, at the pay phone on the corner, at his neighbor's house or country club, and many innocent people will have their private, unrelated conversations listened in on by government employees.

At a hearing on this bill in the Subcommittee on Crime, Terrorism, and Homeland Security, an FBI witness testified about certain successful investigations in which wiretap authority would have been helpful. Given the intrusive nature and many innocent individuals and conversations it will necessarily ensnare, it is not enough justification for it to be merely helpful to law enforcement. It ought to be necessary.

Even without this expansion, the use of wiretap authority is rapidly growing. For example, in 1980, 81 Federal wiretaps were issued. In 1999, 601. That is 81 to 601 wiretaps were issued. Most of the crimes covered by this bill also involve activities that are State crimes. Indeed, over 98 percent of all criminal prosecutions are conducted at the State level. Each State can authorize wiretaps and most do. However, the total number of all State wiretaps amounts to almost the same number as the Federal wiretaps, 749 in the whole country in State wiretaps to 601 Federal wiretaps in 1999. The fact that a few States have chosen not to authorize wiretaps at all and the limited number of State wiretaps that are authorized as compared to the number of Federal wiretaps attests to the level of concern citizens have with law enforcement officials having power over their private conversations.

Mr. Speaker, as we address this bill, we see that much of the activity for which the proponents of the legislation are seeking to justify this wiretap authority is already covered by Federal wiretap authority. Moreover, most, if not all, of the activity under the sections added by H.R. 1877 for wiretap authority are covered by the general wiretap authority in the Federal law for crimes against child exploitation. And all of it is already covered by e-mail, fax and other electronic eavesdrop authority and investigatory techniques. And so, Mr. Speaker, to understand the impact of the legislation, we have to focus on those crimes not currently covered under present law which will be covered by additions under this bill.

One provision allows wiretap when probable cause exists that a person is producing sexually explicit computer-generated images of children. This very month, the Supreme Court said that computer-generated images of children that are not obscene and do not involve real children are not criminal. This bill would allow wiretaps for those situations. Wiretaps should be used only in extraordinary situations. We certainly should not be adding wiretap authority to investigate something that is not even a crime.

I attempted improvements to the bill in committee by offering amendments to limit the application to its stated objective of protecting children. One amendment which was not adopted would have limited the extension of wiretap authority to cases involving actual as opposed to virtual children in keeping with the recent Supreme Court decision. That was not adopted. Another limited the application of the act to cases involving children as opposed to adults. There is absolutely no justification in a bill purportedly designed to protect children to authorize wiretap authority for the FBI to listen in on garden-variety adult prostitution cases. Prostitution is actually legal in some places. Yet under Federal law it is a felony punishable by up to 10 years in prison to persuade, induce or entice or attempt to, or to conspire to have someone cross a State line to engage in this legal activity. If this bill becomes law, the FBI will be able to wiretap conversations to determine if there is such persuasion, enticement or inducement or attempt or conspiracy.

There are other situations involving consensual activities involving high school students that we see routinely on prom night which would provide a Federal wiretap under this bill.

With such shortcomings, Mr. Speaker, this bill should not be on the suspension calendar but should be fully debated and open to amendment. I urge my colleagues to defeat this motion to suspend the rules so that the bill may be considered under regular rules of order subject to full debate and amendment.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the author of the bill.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of this important legislation. I thank the chairman for bringing it forward.

Passage of this bill is not an effort to just be helpful to the FBI. It is a necessary tool that the FBI must have if they are to track down these predators and to reduce the threat to our children. The threat to our children is real. The need to address it is urgent.

□ 1115

In talking with Ernie Allen, president and CEO of the National Center for Missing and Exploited Children, he tells a compelling story. In visiting a classroom, he and a reporter asked the children, How many of you have been approached sexually on the Internet? Every single hand went up. And then the kids were asked, And how many of you told your parents? Not a single hand went up.

The children are terrified. They are afraid to tell their parents because this threat is so both nebulous and mysterious. They are frightened by it but think they are protected by the computer and don't need to tell their parents. In fact these criminals are very clever, weedle information from children, earn their trust, and then they are vulnerable kids also are afraid that their parents will deny them access to the computer if they acquaint their parents with the dangers that lurk there.

Our children need our protection. These conversations on the Internet that lure and entice them lead them to telephone conversations that set up meetings. Just yesterday, a 13-year-old girl in my home State, a beautiful young woman, an honor student, a cheerleader, was found murdered. She met her murderer online. He lured her from her home, sexually abused her and killed her.

This is real. It is present, and all of our children are experiencing it. In 1999, and this is old data now, one in five children reported having been sexually solicited on the Internet. That is 5 million children. Today we believe this is the most under-reported crime in the Nation.

It is just simply a terrible situation, it is urgent, and if our FBI agents are not able to track the conversation they spot beginning on the Internet when it transfers to the telephone, which it always does before meeting, then they are weakened in their ability to prevent the sexual molestation and possible murder of our children.

They just want the same tools that the predators have. That is all. They want to be able to interrupt those conversations before the meeting takes place or be there when the meeting takes place, and they want the evidence off the tape recording of the wiretap to use in court because it is tangible, and it will protect many of our children from having to testify.

Mr. Speaker, this is a long-overdue bill. I appreciate the concern of those

who are worried about extending wiretap authority; but this is a concrete, demonstrated need that the courts have to approve. I urge support of this legislation.

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

Mr. Speaker, cases of kidnapping and murder can already be predicates for a wiretap.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of this legislation that will help to protect our Nation's children. We need to give law enforcement, the FBI, the tools that they need to crack down on child sex crimes.

This particular wiretapping act will add four additional crimes for which law enforcement officials may seek wiretapping authority. These crimes include selling or buying a child for sexual exploitation, child pornography, coercing or enticing a child for prostitution, and transporting minors to engage in prostitution or traveling with the intent to engage in a sexual act with a juvenile.

Recent news reports, my colleague cited one, but you read about them every day where young children are enticed or the Internet is used in some way to traffic women and children; and it is something we need to crack down on. There are some estimates that the number of victims that are in trafficking now worldwide is over 700,000.

This exploitation of young children into sex trafficking is a tragic human rights offense. Sex tour operators such as Big Apple Oriental Tours in New York City provide a full-service travel package over the Internet, including air fare, hotel and entertainment for their customers. We must act to stop this growing industry.

Under this legislation, law enforcement will be better able to protect innocent children from the predators who would exploit them and destroy their childhood. I am also pleased to note that this legislation does not weaken the strict limitations on obtaining wiretaps; rather, the bill expands the areas for which the wiretap can be acquired, while requiring the law enforcement officials do not intercept noncriminal conversations. Our interest is in prosecuting sexual predators, not innocent citizens.

The Internet has revolutionized the ways in which people communicate, not only with their friends and family but with people and businesses around the world. Unfortunately, with great advances in technology come new dangers and new means for criminals to target their victims.

The statistics are startling. In 2001, one in five children was solicited over the Internet for sexual purposes, and we must expand the options available to law enforcement to find these sexual predators.

I must tell you that I feel very strongly about this bill. I am proud to be the lead Democrat on it. I have a 14-year-old daughter; and many times on the Internet she is approached, as is practically every young person on the Internet. It has met with tragedy in many cases.

We must act. This bill does protect the rights of people. We are only going after sexual predators. I urge a ''yes'' vote.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the chairman of the Committee on the Judiciary for yielding me time.

Mr. Speaker, it is very appropriate that the House is considering H.R. 1877, the Child Sex Crimes Wiretapping Act of 2002, before May 25, the National Missing Children's Day. This bill will provide law enforcement officials with the tools they need to prevent or punish sexual exploitation of children.

Federal law authorizes the use of wiretaps to stop some sex crimes against children, but not others. This is clearly a gap in our current law. The interception of oral communications through wiretaps significantly enhances investigations and can prevent children from being harmed.

This bill authorizes wiretaps to investigate the selling and buying of children for sexual exploitation, child pornography, coercing and enticing children into prostitution, and the transportation of minors to engage in sexual activity. These are serious crimes that require a serious response.

With 24 million children surfing the Internet, child molesters have easy access to a large number of potential victims. The American Medical Association released a study last summer that surveyed children who regularly used the Internet. The study found nearly one in five children surveyed received an unwanted sexual solicitation online just in the last year. Technology is making it more and more difficult for law enforcement officials to protect our children from pedophiles. This is why we need to authorize the use of wiretaps by law enforcement officials to fight this growing threat against our children.

Wiretaps will significantly enhance law enforcement capabilities to prevent the sexual exploitation of children. This is the goal of H.R. 1877.

Mr. Speaker, I support the bill, and urge my colleagues to do the same.

Mr. Speaker, let me reassure the few of my colleagues who might have concerns about this bill.

This bill does create new wiretap predicates. But those crimes will be treated like any other wiretap predicate. This in no way changes the strict limitations on how and when wiretaps may be used.

Congress enacted Title III of the Omnibus Crime Control and Safe Streets Act of 1968 that outlines what is and is not permissible with regard to wiretapping and electronic eavesdropping. Title III restrictions go beyond Fourth Amendment constitutional protections and include a statutory suppression rule to exclude evidence that was collected in violation of Title III. Except under limited circumstances, it is unlawful to intercept oral, wire and electronic communications. Accordingly under the Act, Federal and state law enforcement may use wiretaps and electronic surveillance under strict limitations. Congress created these procedures to allow limited law enforcement access to private communications and communication records for investigations while protecting Fourth Amendment rights. In addition to these restrictions, Congress has only provided authority to use a wiretap in investigations of specifically enumerated crimes, commonly called ''wiretap predicates.''

H.R. 1877 adds new predicates but does not affect the procedures on wiretap use.

Title 18 U.S.C. § 2516 requires that the Department of Justice authorize all applications for Federal wiretaps and the principal prosecuting attorney of any state or any political subdivision must apply for wiretaps by state law enforcement officials.

Title 18 U.S.C. § 2518 also sets strict procedures for the use of a wiretap. Section 2518(1) requires the application to be made under written oath or affirmation to a judge of competent jurisdiction. Section 2518(1)(b) requires that the application set forth ''a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued. . . .'' These facts should include, among other things, the details ''as to the particular offense that has been, is being, or is about to be committed'' and ''the identity of the person, if known, committing the offense and whose communications are to be intercepted.''

Section 2518(3) also includes requirements that the Judge believe (1) ''there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 2516 of [title 18];'' (2) there is probable cause for belief that particular communications concerning that offense will be obtained through such interception; and (3) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous.

Additionally, law enforcement is required ''to minimize the interception of communications not otherwise subject to interception [that is non-criminal conversations] under this chapter, and must terminate upon attainment of the authorized objective.'' The Department of Justice's U.S. Attorney's Manual—Title 9 of the Criminal Resource Manual provides the minimization requirements to obtain a court order.

The affidavit ''must contain a statement affirming that monitoring agents will minimize all non-pertinent interceptions in accordance with Chapter 119 of Title 18, United States Code, as well as additional standard minimization language and other language addressing any specific minimization problems (e.g., steps to be taken to avoid the interception of privileged communications, such as attorney-client communications) in the instant case. (18 U.S.C. § 2518(5) permits non-officer government personnel or individuals acting under contract with the government to monitor conversations pursuant to the interception order. These individuals must be acting under the supervision of an investigative or law enforcement officer

when monitoring communications, and the affidavit should note the fact that these individuals will be used as monitors pursuant to 18 U.S.C. § 2518(5).)''

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for both his leadership and his kindness in yielding me time. I also thank the sponsors of this legislation and the chairman and ranking member of the committee, both for the timeliness of this legislation moving, the chairman of the subcommittee; and I rise to support this legislation on one large key word, and that word is ''deterrence.''

I hope as we move the legislation through this body that the concerns of the ranking member are addressed and considered. But I believe that the deterrent factor is a must. It is key. It is an absolute.

What struck me most, Mr. Speaker, was the testimony that I heard in our hearings that child predators often gain the confidence of children on the Internet and then set up meetings by telephone. In a recent report it has been noted that 40 hours of a child's time is taken up with electronic kinds of equipment; only 17 hours are taken up with the interaction with the child's parent; and maybe 30 hours or more in school.

Clearly we have a predator's paradise, with the Internet being the enticing instrument and then the telephone nailing it down. What a tragedy.

Might I add to my colleague from Connecticut's outrage, in reading a headline, ''Man confesses to killing girl he met on the Internet.'' This did happen in Danbury, Connecticut. Investigators found the body of a missing 13-year-old girl Monday after she met a man over the Internet and told them where to look. The U.S. Attorney identified the man as a 25-year-old individual who had confessed to killing the girl, Christina Long. She was last seen Friday at a Danbury shopping center.

Relationships developed over the Internet, and then, as we might expect, and might speculate, might I say, nailed down the coffin nail by a phone call as to where to meet me. This beautiful young girl is now dead. Thousands upon thousands have access to the Internet, our very innocent children; and thousands upon thousands of predators, vicious and violent as they are, are utilizing the Internet and then the telephone.

I would offer to say that this legislation gives law enforcement an additional tool, if you will, along with other law enforcement agencies, to monitor these telephone calls, overcoming a legal barrier now facing crime fighters in tapping these phone calls, geared specifically to sexual activities with respect to a minor.

I would hope as this legislation makes it way, we will consider the issue that deals with extraneous conversation and individuals not engaged in these terrible, heinous acts. We are a Nation of laws, Mr. Speaker. It is important to recognize the rights and privileges, the civil liberties and due process of others not engaged in criminal activity; but this is a vital tool that will assist in fighting these heinous and horrific sexual crimes.

H.R. 1877 would add certain sexual crimes against children to the list of offenses for which wiretaps and other interceptions of communications can be authorized. Implementing the bill could result in more successful investigations and prosecutions in cases involving such crimes.

It is not always easy, Mr. Speaker, to have someone stand up and say ''I did it.'' Our children are under attack. They are under siege. These sexual crimes are prolific, and they are all over the Nation. What a tragedy, Mr. Speaker, to have this young girl as an example of the violence that happens over the Internet. What a tragedy to recognize that our children are before these electronic media entities, meaning whether it is the CDs or whether or not it is the boom box or whether or not it is the Internet, for more than 40 hours of their life a week without an adult attending to them or counseling with them or participating with them on the Internet. That means there is ample opportunity to entice our young girls and young boys.

Let me conclude by saying in my own district just a few weeks ago a person from Detroit, Michigan, enticed a 12-year-old to leave his home in Texas; and by the time they were found through the Internet, they were halfway back to Michigan, enticing the 12-year-old for sexual activities, terrible sexual activities as relates to a minor.

This legislation will begin the deterrence, and I hope as it makes its way through this House and makes its way through the Senate, we will be concerned as well about the issues of due process and privacy.

Mr. Speaker, as a member of the House Judiciary Subcommittee on Crime, I heard testimony during the hearings that child predators often gain confidence of children on the Internet and then set up meetings by telephone. The new authority in the legislation would give power to the FBI or other law enforcement agencies to monitor those telephone calls, overcoming a legal barrier now facing crime fighters in tapping those phone calls. This bill would have more than a deterrent affect it would also contain enforcement muscle.

Because those prosecuted and convicted under H.R. 1877 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as governmental receipts (revenues), which are deposited in the Crime Victims Fund and later spent. CBO expects that any additional receipts and direct spending would be negligible because of the small number of cases involved. CBO estimates that implementing H.R. 1877 would not result in any significant cost to the federal government. Enacting H.R. 1877 could affect direct spending and receipts; therefore, pay-as-you-go procedures would apply to the bill, but CBO estimates that any such effects would not be significant. H.R. 1877 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

H.R. 1877 would add certain sexual crimes against children to the list of offenses for which wiretaps and other interceptions of communications can be authorized. Implementing the bill could result in more successful investigations and prosecutions in cases involving such crimes. CBO expects that any increase in costs for law enforcement, court proceedings, or prison operations would not be significant because of the small number of cases likely to be affected. Any such additional costs would be subject to the availability of appropriated funds. The bill would add four crimes to a list of those that qualify for wiretaps or other electronic monitoring—child pornography, enticing children to engage in illicit sex, transporting children to engage in sex and selling or purchasing children for prostitution or other sexual exploitation.

The bill amends the Federal criminal code to authorize the interception of wire, oral, or electronic communications in the investigation of child pornography, felony coercion and enticement to engage in prostitution or other illegal sexual activity. As the Chair of the Children's Caucus and a mother I rise to support the passage of H.R. 1877.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I believe it was in the first week in which I operated as an assistant district attorney in Dauphin County in Pennsylvania when I had the duty of supervising an investigation and a court setting for a case evolving from wiretapping; and it happened to be a sex case, although not one involving children. That is when I learned for the first time in on-the-job training that no wiretap will be used in court or is usable in court if it is not predicated by a court order. So the judge has the ability to look over and has oversight on every single phase of the reaching out to the telephone wires by a wiretap.

This I think is the answer to the concern of the gentleman from Virginia when he relates that it should be more than helpful to the law enforcement agencies, but absolutely necessary in his description of when a wiretap should be used.

□ 1130

I say to him that it is the court which will decide whether it is merely helpful or necessary. It is when the court determines the necessity of the wiretap that it finally signs into the ability of the law enforcement to use that wiretap.

So with all of the advances made over the years from that first week of my incumbency as an assistant district

attorney, with the cell phones and now the vast Internet, what is attempted by this bill is to keep up with the pace of the technology. But then it still falls back on the ancient, now ancient prospect of a court-reviewed request for a wiretap. So all of the safeguards, the greatest one of all, meaning the review by the court, is still in place; and yet we are now in a position if we pass this bill to expand the authority of the law enforcement community.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise to commend my colleague, the gentleman from Virginia (Mr. SCOTT), for taking on a very difficult issue. It is very easy for all of us to stand here and talk about how we will do anything to protect our children. We are parents and we are grandparents; and of course we are concerned about predators and placing our children at risk, and we know that the Internet opens up opportunities that we never dreamed of.

However, I am taking the floor today to say to my colleague that I appreciate the very difficult work of trying to focus us on the fact that there is a Constitution and that there are hard-won gains in civil rights and civil liberties that we must always be reminded of. This is very tough work, and we do not have all of the answers. But we do have some Members of this Congress who are courageous enough to talk about what it means to live in a free society and what it means to live in a police state where one is being wiretapped, where one is under surveillance, where one is being wiretapped and one is not even aware of it because we keep expanding and expanding and expanding the ability to be wiretapped and to have our citizens under surveillance.

Let me remind all of my colleagues, even though this bill is going to pass, and it is going to pass almost with every Member of Congress supporting it, because we wish to show that we want to protect our children, let us not forget that when those people came to the shores from Britain, they came because they wanted to get out from under tyranny. They wanted to get away from the fact that they could not speak and they could not be free from being under police watch all of the time.

So I thank the gentleman from Virginia (Mr. SCOTT) for his attempts to at least keep us focused.

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

Much of what is in the bill is already covered by present law. Obviously, conspiracy, kidnapping, and murder is already covered. There are some provisions that are helpful; there are also some that I think are very loosely drawn. For example, legal adult activity is covered as a predicate for wiretap. If one is calling into an area where prostitution is legal, that may be a crime, a Federal crime here in Washington, D.C., but not in Nevada. There is activity covered by this bill which was declared legal by the Supreme Court just this month as a predicate for a Federal wiretap. Consensual activities by young high school students is a predicate to a Federal wiretap.

This bill is not narrowly drawn; and, therefore, we should not suspend the rules and pass the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, we have heard an impassioned plea about civil rights. This is about civil rights for children. It is about protecting minors who cannot protect themselves from the sexual exploitation over the Internet.

There are some in this House that do not believe that wiretaps are proper at any time. I respect that position, even though I disagree with it. But I think we ought to make it clear in the legislative history of this bill that under the law, law enforcement is authorized to use a wiretap to intercept wire or electronic communications that may provide evidence of a crime under 18 U.S.C. section 2516, and that no wiretap, regardless of the crime that is being investigated, can legally be done in this country without a court order.

So that provides the protection against unmitigated, unrestrained surveillance by wiretaps of citizens by law enforcement.

This is a good bill. It is a bill that has bipartisan support. It is a bill that plugs a loophole in our present laws, and it ought to become the law of the United States of America. The House can do so by suspending the rules in just a few minutes, and I urge my colleagues to support this motion.

Ms. KILPATRICK. Mr. Speaker, today, I voted against H.R. 1877, the Child Sex Wiretapping Act. Let me be clear in that I do support the goals of the bill which seek to provide law enforcement with the tools necessary to apprehend those who sexually exploit children. It is clear that persons who use the Internet or any other means for the sexual exploitation of children deserve to have the full force of the law brought against their activity. My concern, however, is that the measure before us sweeps too broadly and will unduly burden the legitimate rights of Americans.

There are provisions of the bill that allow wiretapping where consenting adults engage in activity that, although questionable, may in fact be legal. The protection of children is of paramount importance, but in protecting children, we should not impugn the potentially legitimate rights of many of our Nation's citizens.

We have already granted the Justice Department, the FBI and other police authorities unprecedented authority to wiretap in our efforts to combat the war on terrorism. I argue that wiretap authority already exists for child sexual exploitation. These same authorities also possess the power to intercept e-mail and other electronic communications. Furthermore, States already have the authority to wiretap for the crimes specified in the bill.

We are living in a trying time and we should take every precaution before granting any additional power to police authorities. I fear that Congress will give away many of the freedoms we cherish. As such, Mr. Speaker, I voted against this measure.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1877, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EMBASSY EMPLOYEE COMPENSATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3375) to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

The Clerk read as follows:

H.R. 3375

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 ''Embassy Employee Compensation Act''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) CLAIMANT.—The term ''claimant'' means an individual filing a claim for compensation under section 5(a)(1).

(2) COLLATERAL SOURCE.—The term ''collateral source'' means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the bombings of United States embassies in East Africa on August 7, 1998.

(3) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(4) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means an individual determined to be eligible for compensation under section 5(c).

(5) NONECONOMIC LOSSES.—The term ''noneconomic losses'' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service),