

form last week when it delayed the payments to copyright holders for six months. The measure allows webcasters to broadcast diverse programming to consumers, artists will be paid the royalty fees they need to continue creating and performing the music we want to hear, and record companies will deduct the administrative fees for royalty collection.

This compromise bill benefits all parties involved. After deductions, record companies will receive 50 percent of the royalty, artists will receive 45 percent of the direct royalty payments, and the rest is distributed to non-featured musicians and vocalists. This is a vast improvement from past versions of this bill which left the recording artists out of the equation. Even though webcasters have not begun to make payments, future royalty rights are protected in H.R. 5469. Small webcasters benefit from a reduced royalty fee, which will keep many webcasters from declaring bankruptcy due to excessively high costs. This lower payment schedule will ensure that Internet radio continues to offer consumers a nearly endless number of listening choices including Latin, classical, and even native African music that may not be available over terrestrial stations. In addition, record companies can deduct the administrative costs associated with royalty collection for digital recordings so that their past and future expenses are reimbursed.

Paying copyright owners for the use of their creative work is not a new concept. In 1909, Congress passed a law to ensure that manufacturers of piano rolls had to pay for the songs they were reproducing. The license protects the composer's right to control reproductions of the work, but permits the recording of a song by a third party on "mechanical" media like a piano roll or record. This statute was later expanded to protect digital media, and thus it applies to Internet radio. The Copyright Arbitration Panel (CARP) first met in 1998 to determine royalty fees, but they were unable to come to an agreement between the interested parties. The last piece of the puzzle came in the form of the Librarian of Congress implementing rates for the statutory license on June 20, 2002, with the assumption that Internet radio companies would begin paying royalties on October 20, 2002. The private sector compromise codifies the Librarian's recommendations, and webcasters now have a defined schedule to pay artists for the use of copyrighted works.

I thank my colleagues for their support of H.R. 5469. I am very grateful to the organizations whose negotiations helped craft this important legislation. Due to this agreement, consumers will benefit from a myriad of choices for their listening pleasure.

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

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

The SPEAKER pro tempore (Mr. CANTOR). 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. 5469, 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.

The title of the bill was amended so as to read: "A bill to amend title 17,

United States Code, with respect to the statutory license for webcasting, and for other purposes."

A motion to reconsider was laid on the table.

CHILD ABDUCTION PREVENTION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5422) to prevent child abduction, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5422

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 Abduction Prevention Act".

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

"(k) SUPERVISED RELEASE TERMS FOR SEX OFFENDERS.—Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a victim who has not attained the age of 18 years, and for any offense under chapter 109A, 110, 117, or section 1591 is any term of years or life."

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "child abuse," after "sexual abuse,"; and

(B) by inserting "or perpetrated as part of a pattern or practice of assault or torture against a child or children;" after "robbery,"; and

(2) by inserting at the end the following:

"(c) For purposes of this section—

"(1) the term 'assault' has the same meaning as given that term in section 113;

"(2) the term 'child' means a person who has not attained the age of 18 years and is—

"(A) under the perpetrator's care or control; or

"(B) at least six years younger than the perpetrator;

"(3) the term 'child abuse' means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;

"(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on at least two occasions;

"(5) the term 'recklessly' with respect to causing death or serious bodily injury—

"(A) means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury; and

"(B) such recklessness can be inferred from the character, manner, and circumstances of the perpetrator's conduct;

"(6) the term 'serious bodily injury' has the meaning set forth in section 1365; and

"(7) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1)."

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking "20" and inserting "30"; and

(ii) by striking "30" the first place it appears and inserting "50";

(B) in section 2252(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40";

(C) in section 2252(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20";

(D) in section 2252A(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40"; and

(E) in section 2252A(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20".

(2) Chapter 117 of title 18, United States

Code, is amended—

(A) in section 2422(a), by striking "10" and inserting "20";

(B) in section 2422(b), by striking "15" and inserting "30"; and

(C) in section 2423(a), by striking "15" and inserting "30".

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking "20" and inserting "40".

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking "or imprisoned not less than 10" and inserting "and imprisoned not less than 15";

(ii) by striking "and both,";

(iii) by striking "15" and inserting "25"; and

(iv) by striking "30" the second place it appears and inserting "35";

(B) in section 2251A(a) and (b), by striking "20" and inserting "30";

(C) in section 2252(b)(1)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 10 years and";

(ii) by striking "or both,"; and

(iii) by striking "5" and inserting "15";

(D) in section 2252(b)(2)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";

(ii) by striking "or both,"; and

(iii) by striking "2" and inserting "10";

(E) in section 2252A(b)(1)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 10 years and";

(ii) by striking "or both,"; and

(iii) by striking "5" and inserting "15"; and

(F) in section 2252A(b)(2)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";

(ii) by striking "or both,"; and

(iii) by striking "2" and inserting "10".

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 2 years and"; and

(ii) by striking "or both,";

(B) in section 2422(b)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and"; and

(ii) by striking "or both,"; and

(C) in section 2423(a)—

(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and"; and

(ii) by striking "or both".

SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) **SENTENCING GUIDELINES.**—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—

(1) so that the base level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32 (121–151 months);

(2) so as to delete section 2A4.1(b)(4)(C); and

(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.

(b) **MINIMUM MANDATORY SENTENCE.**—Section 1201(g) of title 18, United States Code, is amended by striking “shall be subject to paragraph (2)” in paragraph (1) and all that follows through paragraph (2) and inserting “shall include imprisonment for not less than 20 years.”

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) **IN GENERAL.**—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) **TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.**—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

“(c) **ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.**—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

“(d) **ANCILLARY OFFENSES.**—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 15 years, or both.

“(e) **ATTEMPT AND CONSPIRACY.**—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

“(f) **DEFINITION.**—As used in this section, the term ‘illicit sexual conduct’ means (1) a sexual act (as defined in section 2246) with a person that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who has not attained the age of 18 years.

“(g) **DEFENSE.**—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.”

(b) **CONFORMING AMENDMENT.**—Section 2423(a) of title 18, United States Code, is amended by striking “or attempts to do so.”

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) **IN GENERAL.**—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—

“(i) an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243(a) (relating to sexual abuse of a minor), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children); or

“(ii) an offense under section 2423(a) (relating to transportation of minors) involving prostitution or sexual activity constituting a State sex offense;

“(B) the term ‘State sex offense’ means an offense under State law that consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

“(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 ‘prior sex conviction’ means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

“(D) the term ‘minor’ means an individual who has not attained the age of 17 years; and

“(E) the term ‘State’ has the meaning given that term in subsection (c)(2).”

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Subtitle A—Law Enforcement Tools To Protect Children

SEC. 201. LAW ENFORCEMENT TOOLS TO PROTECT CHILDREN.

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

(1) in subparagraph (a), by inserting after “chapter 37 (relating to espionage),” the following: “chapter 55 (relating to kidnapping),”; and

(2) in subparagraph (c)—

(A) by striking “2251 and 2252” and inserting “2251, 2251A, 2252, and 2252A”; and

(B) 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).

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) **IN GENERAL.**—(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 3296. Child abduction and sex offenses

“Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“3296. Child abduction and sex offenses.”

(b) **APPLICATION.**—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

Subtitle B—No Pretrial Release for Those Who Rape or Kidnap Children

SEC. 221. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended—

(1) by inserting “1201 (if the victim has not attained the age of 18 years), 1591 (if the victim has not attained the age of 18 years),” before “or 2332b”; and

(2) by striking “of title 18 of the United States Code” and inserting “or a felony offense under chapter 109A, 110, or 117 where a victim has not attained the age of 18 years”.

Subtitle C—No Waiting Period To Report Missing Children “Suzanne’s Law”

SEC. 241. AMENDMENT.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking “age of 18” and inserting “age of 21”.

Subtitle D—Recordkeeping to Demonstrate Minors Were Not Used in Production of Pornography

SEC. 261. RECORDKEEPING TO DEMONSTRATE MINORS WERE NOT USED IN PRODUCTION OF PORNOGRAPHY.

Not later than 1 year after enactment of this Act, the Attorney General shall submit to Congress a report detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials regulated pursuant to section 2257 of title 18, United States Code, and section 75 of title 28 of the Code of Federal Regulations. The Attorney General shall indicate the number of violations prosecuted as a result of those inspections.

TITLE III—PUBLIC OUTREACH

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) **COORDINATION WITHIN DEPARTMENT OF JUSTICE.**—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) **DUTIES.**—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

- (1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;
- (2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) **CONSULTATION WITH FEDERAL BUREAU OF INVESTIGATION.**—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) **COOPERATION.**—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) **ESTABLISHMENT OF MINIMUM STANDARDS.**—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) **LIMITATIONS.**—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(3) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) **COOPERATION.**—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) **PROGRAM REQUIRED.**—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) **ACTIVITIES.**—Activities funded by grants under the program under subsection (a) may include—

(1) the development or enhancement of electronic message boards along highways and the placement of additional signage along highways; and

(2) the development or enhancement of other means of disseminating along highways alerts and other information for the recovery of abducted children.

(c) **FEDERAL SHARE.**—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) **DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.**—The Secretary shall, to

the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) **ADMINISTRATION.**—The Secretary shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There is authorized to be appropriated for the Department of Transportation \$20,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) **PROGRAM REQUIRED.**—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) **ACTIVITIES.**—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and

(3) such other activities as the Secretary considers appropriate for supporting the AMBER Alert communications program.

(c) **FEDERAL SHARE.**—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) **DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.**—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) **ADMINISTRATION.**—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There is authorized to be appropriated for the Department of Justice \$5,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. INCREASED SUPPORT.

Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2)) is amended by striking “2002, and 2003” and inserting “and 2002 and \$20,000,000 for each of fiscal years 2003 and 2004”.

SEC. 306. SEX OFFENDER APPREHENSION PROGRAM.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

“(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;”.

TITLE IV—MISCELLANEOUS

SEC. 401. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

“(f) Under the direction of the Secretary of the Treasury, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.”.

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 include extraneous material on the bill, H.R. 5422, 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, children today are more at risk than ever to falling prey to sexual predators. Sexual exploitation of children, a prime motive for kidnapping, is on the rise. When it comes to abduction, rape and murder of children, the United States must have a zero tolerance policy. Our children are not statistics, and no level of abductions is acceptable.

H.R. 5422, the Child Abduction Prevention Act of 2002, will send a clear message that child abductors will not escape justice. This legislation strengthens penalties against kidnapping, subjects those who abduct and sexually exploit children to the possibility of lifetime supervision, aids law enforcement to effectively prevent, investigate and prosecute crimes against children, and provides families and communities with immediate and effective assistance to recover a missing child.

An abducted child is a parent's worst nightmare. We must ensure that law enforcement has every possible tool necessary to try and recover a missing child quickly and safely. Prompt public alerts of an abducted child could be the difference between life and death for that innocent victim. To accomplish this, H.R. 5422 establishes a national AMBER Alert program to expand the child abduction communications warning network throughout the United States.

For those individuals that would harm a child, we must ensure that punishment is severe and that sexual predators are not allowed to slip through

the cracks of the system to harm other children. To this end, the legislation provides a 20-year mandatory minimum sentence of imprisonment for nonfamilial abductions of a child under the age of 18, lifetime supervision for sex offenders, and mandatory life imprisonment for second-time offenders. Furthermore, H.R. 5422 removes any statute of limitations and opportunity for pretrial release for crimes of child abduction and sex offenses.

Those who abduct children are often serial offenders who have actually been convicted of similar offenses. Sex offenders and child molesters are four times more likely than any other violent criminals to recommit their crimes. This number demands attention, especially in light of the fact that a single child molester on average destroys the lives of over 100 children. In response, H.R. 5422 provides judges with the discretion to impose lifetime supervision of such offenders.

The bill also fights against an industry supporting one of the fastest growing areas of international criminal activity. The sex tourism industry obtains its victims through kidnapping and trafficking of women and children. These women and children are then forced into prostitution. The bill addresses this problem.

Passage of this legislation also increases support for the National Center for Missing and Exploited Children, the Nation's resource center for child protection. The center assists in the recovery of missing children and raises public awareness on ways to protect children from abduction, molestation, and sexual exploitation. H.R. 5422 doubles the Federal funds for the center to \$20 million by 2004 in recognition of its important role in these efforts to prevent child abductions.

Many of the provisions of H.R. 5422 previously passed the House in separate bills with tremendous bipartisan support. This legislation deserves the same support.

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. 5422. I would like to be able to support the AMBER Alert portion of this bill; but that bipartisan, non-controversial part of the bill has been buried literally behind a host of controversial soundbite-based provisions which may do more harm than good if passed. The AMBER Alert portion of the bill, which is the only justification for being here today, would provide grants and assistance to States and localities to establish a national system of communications and alerts to assist with locating and returning missing and abducted children. The system has proven itself at the State level and could help save lives and additional heartache on a national basis.

An AMBER Alert bill has already passed the Senate unanimously and could easily pass the House. America

On-Line has already implemented an AMBER Alert system over its Internet systems and the President, through the first White House council on missing, exploited and runaway children which was held last week, has directed Federal agencies to assist. If we had before us either the bill introduced by the gentleman from Texas (Mr. FROST) and the gentlewoman from Washington (Ms. DUNN), called the Amber Alert bill, or the companion Senate bill which has already passed that House a few weeks ago, I would be speaking in favor of that bill and urging its passage. Instead, we have additional death penalty provisions and more mandatory minimum penalties, as if we do not already have too many of both.

We all know the problems we have with implementing the death penalty in this country. Over 100 individuals on death row have been exonerated in the last decade. Until we pass the Innocence Protection Act to shield against more innocent individuals being sentenced to death, we should not be passing more death penalties, especially complicating a noncontroversial bill to establish a national alert system to protect children. That Innocence Protection Act has over 240 cosponsors, so we should pass that. But in the meantime, this bill includes more new death penalties.

The bill also includes mandatory minimum penalties. Mandatory minimums have been studied and been found to distort the sentencing process, discriminate against minorities, and waste the taxpayers' money. Even Chief Justice Rehnquist, who is no flaming liberal when it comes to crime issues, has decried the effects of mandatory minimum sentences on a rational sentencing process and states that mandatory minimums are frequently the result of floor amendments to demonstrate emphatically that legislators want to be "tough on crime." Just as frequently, they do not involve any careful consideration of the effect they may have on sentencing guidelines as a whole.

One of the worst examples of mandatory minimums included in the bill is the "two strikes and you're out" bill that comes before us today, which mandates a life term without eligibility for parole for offenses, including consensual sexual activity between a 19-year-old and a 15-year-old, including those that may even be engaged to be married. Such approaches will do nothing to reduce crimes against children and may even endanger them. A professor from the University of California Law School at Berkeley in his testimony at an earlier version of "two strikes" cautioned that when we punish lesser offenses such as consensual sex crimes with the same penalty reserved for the highest grade of murder, a child sex offender would have nothing further to lose, if not an incentive, to eliminate the victim who is the most important witness against him.

Furthermore, because the "two strikes" bill applies to cases brought in

Federal jurisdiction, 75 percent of those cases will involve Native Americans on reservations. This means that two offenders sentenced for the same crime in the same State with the same prior criminal record could receive such varied results as probation for one and life without parole for the other depending on whether the crime was committed on one side of the reservation line or the other. It is grossly unfair to subject one group of people to such a vastly disparate impact of law based on the fact that they live on a reservation. Amendments to exclude these types of consensual sex crimes and their Draconian impacts on Native Americans were rejected in committee. Although all parts of this bill have passed the House during the last three Congresses, it is small wonder why the Senate has not seen fit to take up this matter.

In addition to the "two strikes and you're out," there is a lifetime supervision provision, sex crimes wiretapping, sex tourism, all parts of this bill, all have passed the House and are awaiting Senate action. If the Senate has not seen fit to take any of them up because they do not have sufficient merit, now or in the last three Congresses, why would we think the Senate would see more merit in them with more new death penalties and additional mandatory minimums? And why should we jeopardize children by tying up a clearly meritorious, bipartisan, noncontroversial bill that could help them and get that into a legislative quagmire just for the purposes of having individuals have their little bills passed one more time?

Mr. Speaker, I would hope that we will put aside the politics of divisive, repetitive soundbite legislation, defeat this bill and take up a bill which would be the AMBER Alert bill that has already passed the Senate or the House version of that bill.

Mr. Speaker, I hope that we would defeat the motion to suspend the rules and defeat this legislation.

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

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

Mr. Speaker, just because the other body has not taken up a bill that has overwhelmingly passed this body is no reason why we should turn our back on trying to get it through in another method. I believe that all of the provisions of this bill are very meritorious. I intend to ask for a rollcall, and I think that most of the Members of this body will agree.

Mr. SMITH of Texas. Mr. Speaker, this legislation is good policy. It has the potential to protect and save lives, the lives of the most innocent among us. H.R. 5422 is divided into three titles: Sanctions and offenses, investigation and prosecution, and public outreach. This legislation ensures that our Nation's laws protect our children from those that would prey on them.

Title I, "Sanctions and Offenses," strengthens the penalties against kidnapping by providing for a 20-year mandatory minimum sentence of imprisonment for non-family abductions of a child under the age of 18.

The section includes Representative George GEKAS' bill, H.R. 4679, that requires lifetime supervision for sex offenders. Also included is Representative MARK GREEN's bill, H.R. 2146, that requires mandatory life imprisonment for second time offenders. Chairman JIM SENSENBRENNER's bill, H.R. 4477, strengthens the laws related to travel to foreign countries for sex with minors, and is a part of this legislation.

In addition, this title directs the U.S. Sentencing Commission to increase offense levels for crimes of kidnapping, expands the crime of sexual abuse murder, and adds child abuse that results in murder as a predicate for first degree murder.

Title II, "Effective Investigation and Prosecution," includes Representative NANCY JOHNSON's bill, H.R. 1877, which adds for new wiretap predicates that relate to sexual exploitation crimes against children.

It also provides that child abductions and felony sex offenses can be prosecuted without limitation of time and provides a rebuttable presumption that child rapists and kidnappers should not get pre-trial release.

Title III, "Public Outreach," establishes a national AMBER Alert program based on Representative JENNIFER DUNN's and Representative MARTIN FROST's bill to expand the child abduction communications warning network throughout the United States.

The AMBER program is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases.

This title also increases support for the National Center for Missing and Exploited Children by doubling its authorization to \$20 million. Further, the title authorizes COPS funding for local law enforcement agencies to establish sex offender apprehension programs within their states.

Mr. Speaker, the recent wave of high profile child abductions illustrates the tremendous need for legislation in this area. These criminals breach the security of our homes to kidnap, molest, rape, and kill our children. Immediate action is necessary. I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to remind us that, as America is considering war with Iraq, we have threats to our children's security that we have yet to carefully consider.

Child abduction is one of many threats to our children that we must address thoughtfully and comprehensively. I am disappointed with the majority's approach dealing with the very serious problem of child abduction and protecting our children.

Just last week at the White House Conference on Missing and Exploited and Run-away Children, the President said he supports the AMBER Plan legislation passed by the Senate. When discussing the AMBER Plan he also said, "the House hasn't acted yet." Sadly, our children are still in danger because of House inaction. We had the opportunity to act, but we let it go. The bipartisan legislation to create a national Amber Alert System quickly passed the Senate and it should have passed the House and been sent to the President. In-

stead what we have is a bill that has AMBER Alert provisions and as well as a host of unrelated provisions that will undoubtedly make it difficult to pass this legislation in the Senate.

I support the underlying purpose of the Child Abduction Prevention Act (H.R. 5422), but I am concerned that we are hastily putting together legislation to confront issues that need to be addressed in more comprehensive and meaningful ways. I know, for example, that H.R. 5422 includes provisions from the National AMBER Network Act. But the AMBER provisions of the Omnibus Child Protection Act are not the same as having a standalong bipartisan bill to comprehensively facilitate the implementation of State and local AMBER Alert Plans.

Around the country we have seen a rash of children being abducted. Many of these children are never found or returned alive. The stories of child abductions have become all too common. Over 2,000 children are abducted or missing everyday. Studies indicated that 74 percent of children who were kidnapped and later found murdered were killed in the first 3 hours of being taken.

We know that when a child is abducted it is important to mobilize the entire community quickly. The AMBER Alert Plan was instituted in 1996, when 9-year old Amber Hagerman was kidnapped and murdered in Arlington, Texas. Under the AMBER Plan, local radio and television stations interrupt programming to broadcast information about the abducted child.

By mobilizing thousands of people to safely recover an abducted child, we know that our children are more likely to be recovered. The AMBER Plan works. To date the AMBER Alert has been credited with recovering 31 children. Still, the vast majority of America's communities have not established an Amber Plan to protect our children. That is why it is critical that Congress moves to build on the success of the AMBER Plan. The National AMBER Alert Networks Act (H.R. 5326) aimed to build a seamless network of local AMBER Plans.

The Child Abduction Prevention Act of 2002 delays the passage of legislation that could swiftly move toward protecting our children. In addition, it does not address all the issues that are relevant to protecting our children. More comprehensive legislation would include provisions to treat children who have experienced the trauma of abduction. We must not forget that once our children are rescued they need medical attention and treatment to help them cope with the psychological effects of such a horrifying experience.

I am sorry that we have reached a point where we are in more of a rush to put legislation together than we are interested in looking at all the tools that are available to help our children. I hope that in a better climate we can look at legislation that will extensively facilitate the protection of children from violent crimes. One such bill is the Save Our Children: Stop the Violent Predators Against Our Children DNA Act of 2002. We know that DNA is a critical tool if we are going to capture violent offenders who have preyed on our children. Yet, only 22 State Sex Offender Registries collect and maintain DNA samples as a part of registration.

The DNA Act of 2002 directs the Attorney General to establish and maintain a database solely for collecting DNA information with respect to violent predators against children.

This bill also authorizes Federal, State and local agencies to submit DNA information for the database, and to compare DNA information with the DNA database.

There is nothing that devastates parents, friends, and a community more than a reported child abduction. What do we say to those families who are watching day-by-day as more stories of abductions are reported but we have yet to act?

In my own district these tragic acts of violence have hit home. Laura Ayala, a 13-year-old girl from Houston was reported missing after leaving her apartment to buy a newspaper at a nearby gas station. Only her shoes were found.

We know that 5-year-old Rilya Wilson was staying with her grandmother in January 2001 when someone showed up saying they were with the Department of Children and Families and took her away. Tragically, she is still unaccounted for. There are too many similar cases of our children being abducted and all too often harmed.

Mr. Speaker, a murder is the only major cause of childhood death that has increased in the past three decades. Something must be done to reverse this reality. I am dismayed that we are stalling progress with legislation that does not include all the tools to help protect our children and includes provisions we know will prevent it from passing.

Mr. FROST. Mr. Speaker, each year, over 58,000 children in America are abducted by predators. Although the vast majority of such children are safely returned to their parents—too many children are not. As a parent and a grandparent, I cannot imagine anything more devastating than having a child snatched away.

AMBER Alerts are one of the most effective tools available to keep our children safe. We have all seen how successful AMBER Alerts can be. To date, they have been credited with the recovery of 32 children. And thanks to the work of the National Center for Missing and Exploited Children and other organizations, there are now 66 AMBER Plans, including 24 statewide plans. Still, the vast majority of America's communities have not established an AMBER Plan to protect their children.

Last week, I met with the parents of Elizabeth Smart, good people who have had to endure every parent's worst nightmare. They were on Capitol Hill to urge the House to pass the National AMBER Alert Network Act, which I've introduced with my Republican colleague JENNIFER DUNN. Our bill mirrors the AMBER Alert legislation that has already passed the Senate. Also last week, President Bush called on the House to pass our bill so we could establish a national child abduction alert system this year.

We've been working with Chairman SENSENBRENNER, Ranking Member CONYERS and other members of the Judiciary Committee to pass a national AMBER Alert and I want to thank them for including our bill's key provisions in H.R. 5422, the Omnibus Child Abduction Prevention Act.

Our bill provides \$25 million in needed funding to create a seamless network of local AMBER Plans across America. President Bush called this funding crucial to implementing an AMBER Alert network to protect every American child.

I am very pleased that Chairman SENSENBRENNER recognized the importance of the

AMBER Alert by including our bill in this child protection package, but frankly, I would have preferred it if our bill had been brought up for a vote in the form that has already passed the Senate. That bill would go straight to the President's desk and we could immediately begin setting up a national AMBER network.

I am pleased to vote to pass this bill today, but this is a large package with some controversial provisions that may not pass the Senate this year. If the Senate does not act on this larger bill, I will implore the House Republican leadership not to play politics on this issue and request that we vote on the National AMBER Alert Network Act that has already passed that Chamber.

The AMBER Alert has proven its effectiveness and every child deserves its protections. There is no excuse for not passing a national AMBER Alert network into law this year.

Mr. ROYCE. Mr. Speaker, I rise in strong support of H.R. 5422, the Child Abduction Prevention Act. I am pleased to be an original cosponsor of the AMBER Alert legislation contained in this bill. As we witnessed this past summer, Amber Plans have worked to bring children home safely. An AMBER Alert was sent out to a number of States to search for 10-year old Nicole Timmons of Riverside, California. The alert was not only delivered throughout California but also in neighboring States, and Nicole was found in Nevada. What if Nicole's abductor went to an area that wasn't covered by the AMBER Alert System?

Currently, there is no national coordination. In fact, only 18 states have statewide plans and when an AMBER Alert is activated, all areas of the country are not covered. Instead, the alert is targeted more locally, regionally, or statewide. With the recent expansion of the AMBER Alert Program, a system is needed to ensure that neighboring states and communities will be able to honor each other's alerts when an abductor is traveling with the child to other parts of the country. This bill helps coordinate AMBER Alerts nationally. We need a coordinated nation-wide effort so that abducted children transported across state lines do not fall through the cracks. Speed is essential when trying to rescue an abducted child. Seventy-four percent of children who are murdered by their abductors are killed within 3 hours of being taken. That's why it is imperative that law enforcement and the media react quickly and get the word back to the community.

The AMBER Alert Plan does just that by sending an emergency alert to the public when a child has been abducted. Several high profile child abductions and recoveries have recently demonstrated how successful the AMBER Alert Plan can be—to date, the AMBER Alert has been credited with recovering about 30 children.

In addition, the bill would provide grants on a 50–50 matching basis to update provide training and technology to law enforcement, and for the purpose of disseminating alerts. The Senate has passed similar legislation and President George Bush has also announced his strong support for a national AMBER Alert Network. I urge Congress to pass this important bill quickly so that the AMBER Alert System will be there for all of our Nation's children.

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

□ 1500

The SPEAKER pro tempore (Mr. CANTOR). 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. 5422, 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.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4005) to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

The Clerk read as follows:

H.R. 4005

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 "District of Columbia and United States Territories Circulating Quarter Dollar Program Act".

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

"(n) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

"(1) REDESIGN IN 2009.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

"(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

"(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto

Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(3) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be selected by the Secretary after consultation with—

"(i) the chief executive of the District of Columbia or the territory being commemorated, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

"(ii) the Commission of Fine Arts.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(5) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

"(D) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection commemorating the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(6) OTHER PROVISIONS.—

"(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (1)(1), subsection (1)(7) shall apply, and this subsection shall not apply, with respect to such State.

"(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to